



AGENDA

Wednesday, 19 February 2025

Ordinary Council Meeting

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

Date: Wednesday, 19 February 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 - 22 January 2025
Special Council Meeting - 10 February 2025
- 6 BUSINESS ARISING OUT OF MINUTES OF PREVIOUS MEETING**
- 7 DEPUTATIONS AND DELEGATIONS**

8 CORPORATE AND COMMUNITY SERVICES

8.1 NEGOTIATED DECISION NOTICE - KANJINI CO-OP LIMITED - MATERIAL CHANGE OF USE - OUTDOOR SPORT AND RECREATION, FUNCTION FACILITY AND TOURIST PARK - LOT 66 ON RP896904, LOT 67 ON SP328197 & LOT 68 ON SP282408 - 545 KAY ROAD & 483 EMERALD FALLS ROAD, MAREEBA - MCU/22/0002

Date Prepared: 4 December 2024

Author: Coordinator Planning Services

Attachments:

1. [Decision Notice dated 17 October 2024](#) ↓
2. [Applicant's Request for Negotiated Decision Notice \(Change Representation\) dated 26 November 2024](#) ↓

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	Kanjini Co-Op Limited	ADDRESS	545 Kay Road & 483 Emerald Falls Road, Mareeba
DATE REQUEST FOR NDN LODGED	26 November 2024	RPD	Lot 66 on RP896904, Lot 67 on SP328197 & Lot 68 on SP282408
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use – Outdoor Sport and Recreation, Function Facility and Tourist Park		
FILE NO	MCU/22/0002	AREA	Lot 66 – 294.9 ha Lot 67 – 842.49 ha Lot 68 – 1683.32 ha
LODGED BY	Freshwater Planning Pty Ltd	OWNER	Kanjini Co-Op Limited
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Rural zone		
LEVEL OF ASSESSMENT	Impact Assessment		
SUBMISSIONS	Thirty-nine (39)		

EXECUTIVE SUMMARY

Council approved a development application described in the above application details at its meeting held on 16 October 2024, subject to conditions.

The application was impact assessable and 39 properly made submissions were received in response to public notification of the application. 12 of the submissions are in support of the development, with the remaining largely comprising of similar letters expressing concerns about potential noise nuisance and traffic impacts for Kay Road.

Freshwater Planning Pty Ltd on behalf of the applicant has subsequently made written representations about the development’s annual cumulative maximum capacity and various other conditions of approval.

It is recommended that the application be approved in part and a Negotiated Adopted Infrastructure Charges Notice be issued.

OFFICER’S RECOMMENDATION

It is recommended that:

1. In relation to the written representations made by Freshwater Planning Pty Ltd regarding conditions of the following development approval:

APPLICATION		PREMISES	
APPLICANT	Kanjini Co-Op Limited	ADDRESS	545 Kay Road & 483 Emerald Falls Road, Mareeba
DATE REQUEST FOR NDN LODGED	26 November 2024	RPD	Lot 66 on RP896904, Lot 67 on SP328197 & Lot 68 on SP282408
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use – Outdoor Sport and Recreation, Function Facility and Tourist Park		

and in accordance with the Planning Act 2016, the following

- (a) Condition 4.5.1 of Council’s Decision Notice issued on 17 October 2024 be amended as follows:

*4.5.1 The cumulative maximum capacity of the event sites and function facility must not exceed ~~3,500~~ **8,000** persons per annum.*

- (b) Condition 4.5.3 of Council’s Decision Notice issued on 17 October 2024 be amended as follows:

*4.5.3 The cumulative maximum capacity of Event Site 2 must not exceed ~~500~~ **3,000** persons per annum.*

- (c) Condition 4.5.4 of Council’s Decision Notice issued on 17 October 2024 be amended as follows:

*4.5.4 No single event at Event Site 2 is to host more than ~~300~~ **1,500** persons.*

- (d) Condition 4.7.1 of Council’s Decision Notice issued on 17 October 2024 be amended as follows:

4.7.1 Event Site 2 and Function Facility

Amplified music or use of loudspeakers at Event Site 2 or the Function Facility between midnight and 7:00am shall not cause audible noise at the Kay Road property boundary of Lot 68 on SP282408.

- (e) Condition 4.7.2 of Council's Decision Notice issued on 17 October 2024 be amended as follows:

4.7.2 No event at Event Site 2 shall have more than three consecutive nights of amplified music.

- (f) Condition 4.7.3 of Council's Decision Notice issued on 17 October 2024 be amended as follows:

4.7.3 Noise Management Plan

A one-off noise management plan for the event sites and function facility must be developed by the applicant in conjunction with an acoustic engineer to identify potential impacts and measures to reduce those effects.

To assist in demonstrating that all reasonable and practicable measures have been taken to minimise environmental harm from occurring, the following actions must be included in a noise management plan:

- (i) *A site plan including the location of the events, neighbouring land-use details;*

- (ii) *For all events with over 500 attendees, the distribution of a notification letter/email to surrounding potentially (within a two (2) kilometre radius of the event sites and function facility) noise-affected premises used for residential or business purposes which includes:*

- *a small version of the site plan*
- *a description of the planned event*
- *the time the event starts and finishes*
- *the times for any sound testing to take place*
- *a description of the proposed measures that will be implemented to minimise noise from the event*
- *any changes that have been made to further minimise noise following previous events*
- *the name and phone number of a site contact person for any complaints lodged before, during and/or after the event.*
- *This letter/email must be distributed to all potentially affected parties at least one (1) month prior to the event. Please be aware that letter-box drops have the potential to not reach all intended recipients, partly due to delivery staff being unwilling to deliver this information to letterboxes marked with 'no junk mail' stickers. The preferred*

method for delivery is in an addressed envelope marked 'to the resident' or 'to the occupier'.

- *A copy of the letter/email must be sent to Council.*
- (iii) *For all events/functions ~~(including those under 500 attendees)~~ **with more than 200 attendees**, an events calendar is to be maintained on the applicant's website.*
- (iv) *Undertake acoustic monitoring during the event to ensure that all reasonable and practicable measures are taken to minimise the overall sound level and low frequency noise at noise-affected premises.*
- (v) *Maintain a complaints register which must include:*
- *contact details of all complainants;*
 - *the time and date the complaint is received;*
 - *a description of the complaint;*
 - *a description of the activities occurring which gave rise to the complaint;*
 - *any action taken as a result of the complaint.*
- (vi) *Following each event, the applicant must notify Council of all complaints and the actions taken as a result of the complaint.*
- (vii) *The noise management plan must be submitted to Council and be approved by Council's delegated officer prior to the commencement of the use.*
- (viii) *The approved use must comply with the approved noise management plan at all times.*
- (g) Condition 4.7.4 of Council's Decision Notice issued on 17 October 2024 be amended as follows:

4.7.4 Investigation of Noise Nuisance Complaints

In the event that a substantiated ~~(in the opinion of Council's delegated officer)~~ noise nuisance complaint is received by Council regarding the approved use, the complaint will need to be assessed by an independent acoustic consultant at the cost of the applicant.

The complaint shall be assessed against the conditions of approval and the Environmental Protection (Noise) Policy 2019 Acoustic Quality Objectives at the next comparable event/function.

Any additional noise mitigation measures recommended by the independent acoustic consultant are to be implemented by the applicant within three (3) months of Council directing the applicant to do so.

If the assessment finds the complaint to be unreasonable or unsubstantiated and Council receives another or subsequent complaint/s from the same Complainant, one of their family members or anyone else staying on or associated with the same property, any such subsequent complaint must be accompanied by an Acoustic Report prepared by an independent acoustic consultant at the cost of the complainant.

- (h) Condition 5.2 of Council's Decision Notice issued on 17 October 2024 be amended as follows:

5.2 Road Safety Assessment/s

Road Safety Assessment/s must be undertaken by a suitably qualified RPEQ that identifies safety risks for vehicles using:

- *Kay Road (between the Kennedy Highway and the subject site); and*
- *Cobra Road and Emerald Falls Road to the subject site.*

The road safety assessment/s must be consider (but not be limited to) the following:

- (i) *Road geometry (horizontal & vertical).*
- (ii) *Carriageway width (pavement, seal and shoulders) – ability for opposing traffic to safely pass each other.*
- (iii) *Vehicle sightlines.*
- (iv) *Intersection treatments.*
- (v) *Causeway crossing including the sharp bends/approaches either side.*
- (vi) *Other roadside hazards.*

The road safety assessment/s must provide recommendations on practical treatments to reduce the risk of any hazards created by traffic generated by the uses approved under development approval MCU/22/0002 to acceptable levels (e.g. localised pavement widening, signage, linemarking, road edge delineation etc.). The road safety assessment/s must be submitted to Council for review and agreed works must be undertaken by the applicant at no cost to Council, prior to the commencement of the use.

The value (as agreed by Council's delegated officer) of the agreed works undertaken by the applicant shall be credited against the adopted infrastructure charge payable for this development.

The abovementioned works must be approved by Council as part of a subsequent application for operational works.

- (i) Condition 5.3 of Council's Decision Notice issued on 17 October 2024 be amended as follows:

5.3 *Road Pavement Condition Assessment (for all events with over ~~500~~ **1,500** attendees, unless otherwise instructed by Council at least one (1) week prior to an event)*

*A Road Pavement Condition Assessment is to be submitted to Council pre and post events with greater than ~~500~~ **1,500** attendees. The pre-event assessment must be undertaken within a month on the lead up to the event and submitted to Council. The pre-event assessment should detail the location of any existing deficiencies of the road pavement & surface and site photos of the road, especially at areas where turning movements occur including bends in the road. The post event assessment must be submitted to Council within a month following the event.*

In review of the pre and post event condition assessments, should it be evident to Council that damage has occurred as a result of the additional event traffic, all rectification works identified shall be undertaken at the applicant's expense.

- (j) Condition 5.4 of Council's Decision Notice issued on 17 October 2024 be amended as follows:

5.4 *Event Traffic Management Plan (for all events with over ~~100~~ **250** attendees)*

*~~An~~ **A one-off** Event Traffic Management Plan (ETMP) prepared by a suitably qualified RPEQ be submitted for Council approval. The ETMP must give consideration to the management of road safety risks along Emerald Falls Road and Kay Road as a result of increased traffic volumes and provide details of proposed measures to be implemented to manage these risks.*

*The agreed measures must be implemented for each event with greater than ~~100~~ **250** attendees, at no cost to Council.*

- (k) Condition 5.7 of Council's Decision Notice issued on 17 October 2024 be amended as follows:

5.7 *Non-Reticulated Water Supply*

*~~The development~~ **Each event** must be provided with a potable water supply ~~at each function location~~ that can satisfy the standards for drinking water set by the Australian Drinking Water Guidelines 2004 (National Health and Medical Research Council and the National Resource Management Ministerial Council).*

All non-potable sources of water must be sign posted "non-potable water supply" or similar in order to deter consumption.

- (l) Condition 5.9 of Council’s Decision Notice issued on 17 October 2024 be amended as follows:

5.9 Lighting

Lighting associated with evening and nighttime functions must be set up to minimise light spillage and not cause nuisance to any neighbouring property. Where permanent outdoor lighting is proposed, the developer shall locate, design and install lighting in order to prevent 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 eight (8) lux when measured at any point 1.5m outside the property boundary of the subject site, **except within 50m of any registration and/or entry stations, where up to fifty (50) Lux shall be permitted.** 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.*

- 2. A Negotiated Decision Notice be issued to the applicant/referral agencies and submitters advising of Council’s decision.
- 3. That a Negotiated Adopted Infrastructure Charges Notice be issued for the following infrastructure charge/s:

Development Type	Rate	Measure	Charge	Credit Detail	Balance
	per 10 vpd	vpd			
Tourist Park (Camp sites)	\$5,452.00	4.2	\$2,289.80	Nil	\$2,289.80
Tourist Park (Tourist cabins)	\$5,452.00	5.6	\$3,053.10		\$3,053.10
Tourist Park (RV/Caravan sites)	\$5,452.00	7	\$3,816.40		\$3,816.40
Function Facility/Event sites	\$5,452.00	9.14	\$4,983.10		\$4,983.10
TOTAL CURRENT AMOUNT OF CHARGE					\$14,142.40

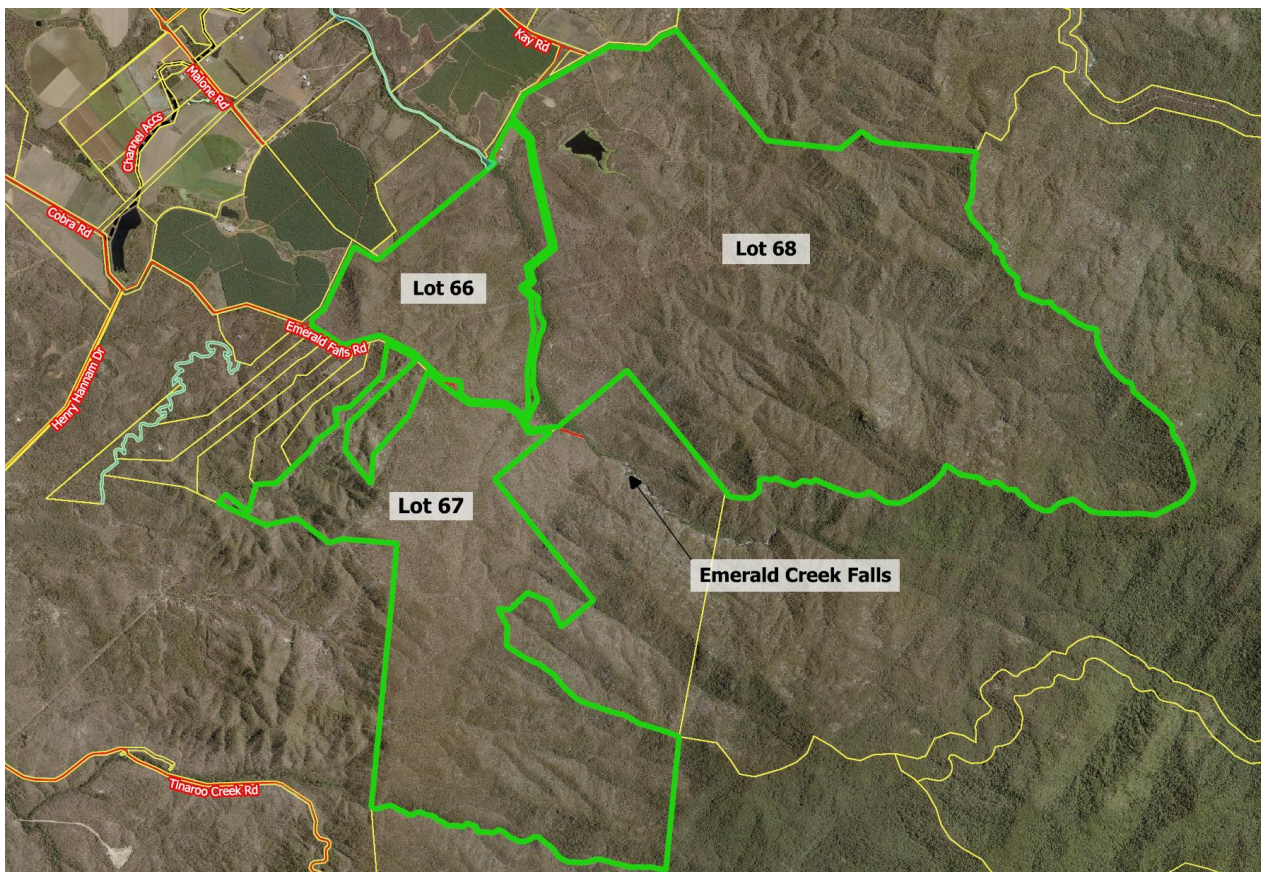
THE SITE

The subject site is situated at the end of both Kay Road (545 Kay Road) and Emerald Falls Road (483 Emerald End Road) and comprises of the following lots:

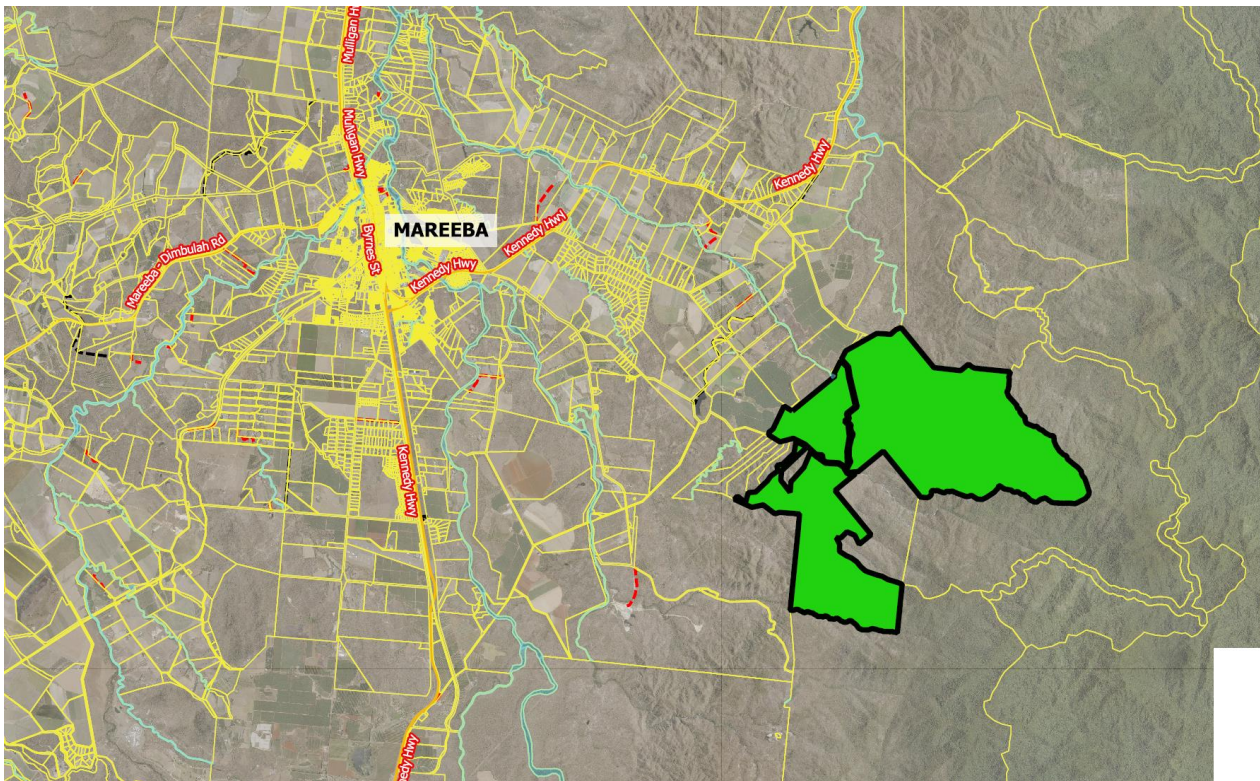
- Lot 66 on RP896904 – area of 294.9 hectares, in excess of 2 kilometres frontage to Emerald Falls Road and unnamed road reserves;

- Lot 67 on SP328197 – area of 842.49 hectares, approximately 1.7 kilometres frontage to Emerald Falls Road;
- Lot 68 on RP896905 – area of 1683.3251 hectares, approximately 330 metres frontage to Emerald Falls Road, 900 metres of frontage to Adler Hill Road and approximately 1.3 km of frontage to mostly unformed section of Kay Road.

The site has a combined area of 2,820.7151 hectares and is zoned Rural under the Mareeba Shire Council Planning Scheme 2016. Kay Road, Adler Hill Road and Emerald Falls Road are all constructed to a formed gravel standard leading up to the site.



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



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The site contains an undulating topography leading up to significant mountain ranges at the rear (Dinden National Park). Topographical maps of the site identify two significant landscape features, these being Mt Turtle and an outcrop known as Ogs Brow with elevations of 936 metres and 892 metres respectively. The site is traversed by Emerald Creek, Brindle Creek and multiple undernamed waterways.

Lot 66 is improved by a farm dwelling and multiple outbuildings. Lot 67 is unimproved. Lot 68 is improved by a dwelling house, multiple outbuildings and large dam. A high voltage transmission line and associated easement traverses all three (3) lots.

The majority of the subject site remains covered by remnant vegetation.

BACKGROUND AND CONTEXT

Council at its Ordinary Meeting on 16 October 2024 approved an application made by Freshwater Planning Pty Ltd on behalf of Kanjini Co-Op Limited for the issue of a development permit for Material Change of Use – Outdoor Sport and Recreation, Function Facility and Tourist Park over land described as Lot 66 on RP896904, Lot 67 on SP328197 and Lot 68 on SP282408, situated at 545 Kay Road and 483 Emerald Falls Road, Mareeba.

The approval was granted subject to conditions and the Decision Notice was issued on 17 October 2024 and is included as **Attachment 1**.

Freshwater Planning Pty Ltd on behalf of the applicant, has written to Council making Change Representations (**Attachment 2**) and requesting the issue of a Negotiated Decision Notice.

APPLICANT'S REPRESENTATIONS**Condition 4.5.1**

4.5.1 *The cumulative maximum capacity of the event sites and function facility must not exceed 3,500 persons per annum.*

Representation by Applicant

It is considered that the Council imposed restrictions on numbers from the originally requested 12,000 attendees to the Council Approved 3,500 is unreasonable, unfair and extremely and excessively restrictive. It allows only for either two larger events or one large event and five functions in a whole year, making the whole development uneconomical, especially when considering the very onerous and expensive State Government's and Council's Conditions and requirements being imposed.

It is clearly economically unfeasible for the proponents to build a half to one million dollar Function Facility with a capacity for 300 people with the restrictive numbered capacity ensures that the Facility can only be utilised/permitted most likely once or twice in a whole year.

The proponent voluntarily suggested a maximum number of people per annum as well as a maximum number of people per event to minimise the impact on the property's unique environmental assets and on neighbours and roads. Kanjini Co-Op Limited believe this has never been done before and further believe that at a minimum 8,000 persons per annum (instead of the 12,000 in our original application) is what is required as a minimum for economic viability.

Kanjini Co-Op Limited has provided the following very brief generalised understanding of what various numbers of persons/attendees per year would mean in practice over the site, demonstrating how little the requested 10,000 attendees yearly over a nearly 3,000 hectare property amount to.

3,500 people per annum:

2,000 – Kuranda Roots Festival

No other events at all

1,500 – Functions

This results in 5 – 8 Functions of 200 – 300 people (or small Events)

Summary – one (1) Event per year and one (1) Function every two (2) months

3,500 people per annum:

2,000 – Kuranda Roots Festival

1,500 – Second Event (medium sized)

Summary – two (2) events per year and no Functions at all with No Event allowed at Event Site 2 (Event Site 2 and Function Facility no able to be utilised in that calendar year).

8,000 people per annum (restriction removed from Event Site 2):

2,000 – Kuranda Roots Festival

3,000 – two (2) other Events (medium sized with 1,500 attendees)

3,000 – ten (10) to fourteen (14) Functions of 220 – 300 people (or small Events)

Summary – three (3) Events per year and one (1) Function every four (4) to five (5) weeks (Function Facility effectively utilised once a month the Event Site 2 utilised a maximum of twice yearly).

10,000 people per annum (restriction removed from Event Site 2):

2,000 – Kuranda Roots Festival

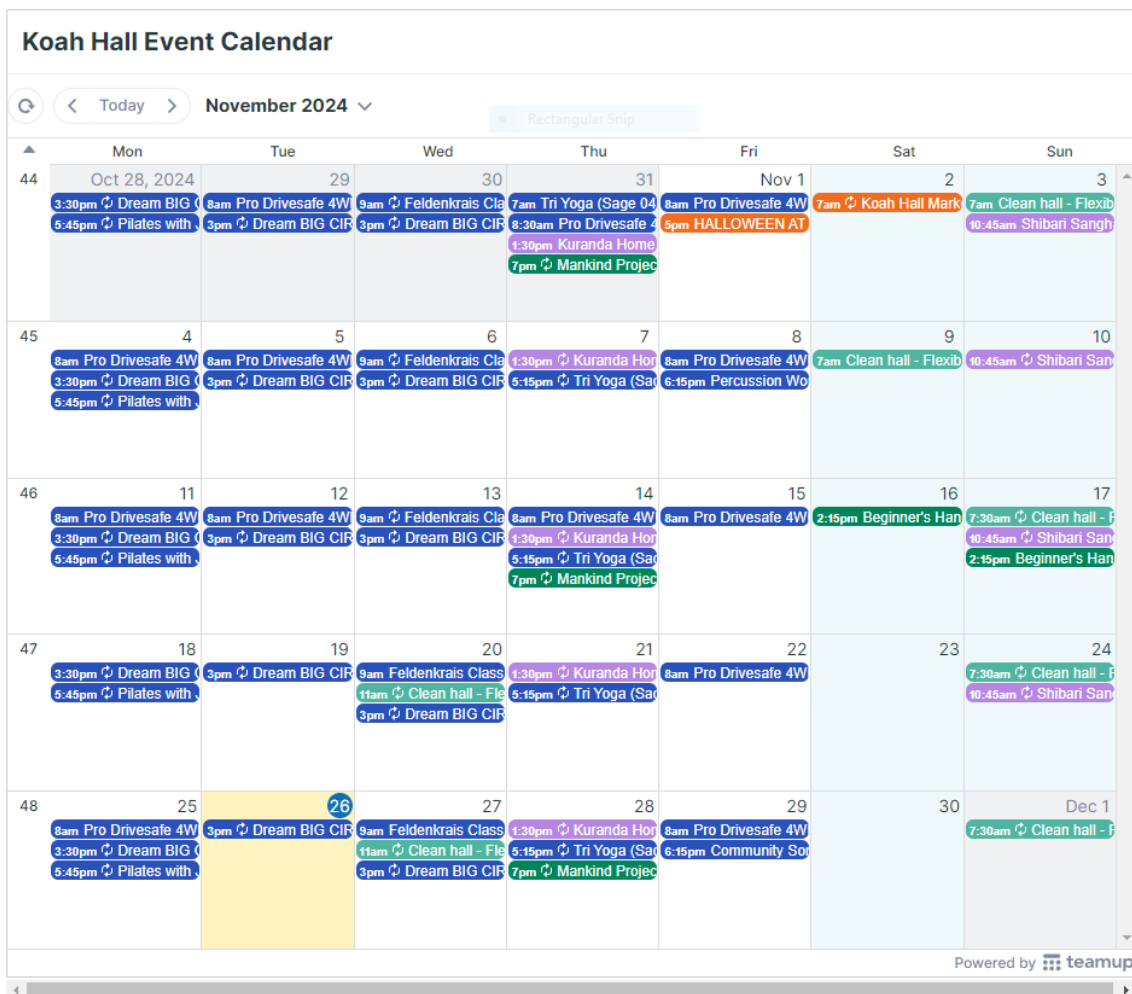
4,500 – three (3) other Events (medium sized with 1,500 attendees)

3,500 – twelve (12) to eighteen (18) Functions of 200 – 300 people (or small Events)

Summary – four (4) Events per year (a maximum of twice yearly for Event Site 2) and one (1) Function every three (3) to four (4) weeks.

Further to this, Freshwater Planning Pty Ltd understands that the rough economics for the proposed Development after running costs with an estimated Development Cost for Events and Functions alone of \$500,000 to \$750,000 will require approximately 15-30 years or more to recoup investment (depending on interest rates) for the minimum requested attendees of up to 8,000 persons per annum. The requested 10,000 attendees per annum will help to ensure a more viable operation. As it currently stands, at 3,500 attendees per annum, this Approval has been estimated to require well over 50 years to recoup the Development Approvals development costs. This restriction of 3,500 persons per annum is clearly not viable nor does the current restrictions allow for the economic viability of the construction of the Function Facility to be possibly utilised at a maximum of twice yearly, if at all.

In contrast to the above, please see attached the Koah Hall Event Calander for the five weeks of November.



It is further noted that Council Officers had no issue with the 12,000 persons per annum voluntarily given as a maximum by the proponent (see original Agenda Item 8.1 from Ordinary Meeting 17-07-2024).

Kanjini Co-Op Limited would like to know if there is any similar restriction on the Speewah Function Centre Development Application as to how often neighbours can be exposed to noise or how many persons per annum can be hosted, considering that neighbours there are significantly and substantially closer than to either of our Event and Function Sites. If not, why does Council see the need to restrict us even further than we already voluntarily did when it does not see the need in Speewah?

4.5.1 The cumulative maximum capacity of the event sites and function facility must not exceed ~~3,500~~ 10,000 (or at least 8,000) persons per annum.

Response

The development application as submitted and publicly notified sought approval for a cumulative maximum capacity of 12,000 persons per annum.

The development approval as issued on 17 October 2024 placed a cap of 3,500 persons per annum on the development.

The response provided by the applicant details what a 3,500 persons cap means in terms of yearly site events and the implications the applicant believes this cap will have on the development's viability.

The applicant suggests that a minimum of 8,000 persons per annum is required to ensure the development is viable. A cap of 8,000 persons would equate to the following annum site events:

- One (1) 2,000 person Kuranda Roots Festival;
- Two (2) 1,500 person events (fire sticks, circus training); and
- Ten (10) to fourteen (14) functions of 220 – 300 people.

The applicant believes that 8,000 persons per annum would allow three (3) events per year and one (1) function every four (4) to five (5) weeks. The function facility would be used an average of once a month the Event Site 2 used a maximum of twice yearly.

Based on the outlined scale and frequency of functions/events, it is recommended that Condition 4.5.1 be amended as follows:

4.5.1 The cumulative maximum capacity of the event sites and function facility must not exceed ~~3,500~~ 8,000 persons per annum.

Condition 4.5.3

4.5.3 The cumulative maximum capacity of Event Site 2 must not exceed 500 persons per annum.

Representation by Applicant

It is considered that the Council imposed restrictions on numbers for Event Site 2 is unreasonable, unfair and extremely and excessively restrictive. This restriction would, for example, rule out Circus

Training and a National Firesticks Alliance Events as they could have up to 1,500 persons each and would utilise Event Site 2.

4.5.3 *The cumulative maximum capacity of Event Site 2 must not exceed ~~500~~ 3,000 persons per annum.*

Response

Further to the discussion and recommendation for Condition 4.5.1 above, Condition 4.5.3 should be amended to be consistent with the proposed amended cumulative maximum capacity.

Amending Condition 4.5.3 to 3,000 persons at Event Site 2 will allow for the two (2) 1,500 person events (fire sticks, circus training). Both of these events require larger areas of open space and cannot be accommodated at Event Site 1.

It is recommended that Condition 4.5.3 be amended as follows:

4.5.3 *The cumulative maximum capacity of Event Site 2 must not exceed ~~500~~ 3,000 persons per annum.*

Condition 4.5.4

4.5.4 *No single event at Event Site 2 is to host more than 300 persons.*

Representation by Applicant

The proponents consider that the current restriction of the Condition is unreasonable, unfair and extremely and excessively restrictive. This restriction would, for example, rule out Circus Training and a Firesticks Alliance Events as they could have up to 1,500 persons each and would utilise Event Site 2.

4.5.4 *No single event at Event Site 2 is to host more than ~~300~~ 1,500 persons.*

Response

Further to the discussion and recommendation for Conditions 4.5.1 and 4.5.3 above, Condition 4.5.4 should be amended to be consistent with the proposed amended cumulative maximum capacity.

Amending Condition 4.5.4 to 1,500 persons will allow for the two (2) 1,500 person events (fire sticks, circus training). Both of these events require larger areas of open space and cannot be accommodated at Event Site 1.

It is recommended that Condition 4.5.4 be amended as follows:

4.5.4 *No single event at Event Site 2 is to host more than ~~300~~ 1,500 persons.*

Condition 4.7.1

4.7.1 *Event Site 2 and Function Facility*

No amplified music or use of loudspeakers is to occur at Event Site 2 or the Function Facility between the hours of 12 midnight and 7:00am the following day.

Representation by Applicant

Current wording of this Condition is unreasonably and unfairly restrictive as it would not permit use of loudspeakers at low sound levels, despite sound definitely not being heard 1.2km away (closest neighbour) through vegetated ridges and natural and physical features. Since this is about noise at the nearest sensitive receptor, the suggested amendment will adequately protect neighbours.

4.7.1 Event Site 2 and Function Facility

No amplified music or use of loudspeakers is to occur at Event Site 2 or the Function Facility between the hours of ~~12 midnight~~ 2:00 am and 7:00am ~~the following day~~.

OR:

4.7.1 Event Site 2 and Function Facility

Amplified music or use of loudspeakers at Event Site 2 or the Function Facility between midnight and 7:00am shall not cause audible noise at an affected building.

Response

The applicant's second option above, subject to minor amendment, will maintain the intent of Condition 4.7.1

The words "an affected building" should be amended to "the Kay Road property boundary of Lot 68 on SP282408".

It is recommended that Condition 4.7.1 be amended as follows:

4.7.1 Event Site 2 and Function Facility

Amplified music or use of loudspeakers at Event Site 2 or the Function Facility between midnight and 7:00am shall not cause audible noise at the Kay Road property boundary of Lot 68 on SP282408.

Condition 4.7.2

4.7.2 No single event is to exceed three (3) days in length.

Representation by Applicant

The current wording of this Condition is extremely restrictive, unfair and unreasonable. It would exclude for example training or teaching events like circus training and Firesticks, and other longer events like retreats, all of which would not be noisy (except for a night or two when the public or more people are invited for a celebratory finish). Without this change the condition would not allow several planned events and thus be unreasonable and unfair.

The suggested change is considered to achieve the intended effect of this condition, namely, to not expose neighbours on Kay Road to more than three (3) consecutive nights of noise.

4.7.2 ~~No single event is to exceed three (3) days in length~~ No event at Event Site 2 shall have more than three consecutive nights of amplified music.

Response

An amendment to Condition 4.7.2 will be necessary in order for the development to host planned events such as firesticks and circus training. Both of these events would exceed the three (3) day cap under Condition 4.7.2.

The applicant's proposal for a cap of three (3) consecutive nights of amplified music is a reasonable alternative.

It is recommended that Condition 4.7.2 be amended as follows:

- 4.7.2 **No event at Event Site 2 shall have more than three consecutive nights of amplified music.**

Condition 4.7.3**4.7.3 Noise Management Plan**

A one-off noise management plan for the event sites and function facility must be developed by the applicant in conjunction with an acoustic engineer to identify potential impacts and measures to reduce those effects.

To assist in demonstrating that all reasonable and practicable measures have been taken to minimise environmental harm from occurring, the following actions must be included in a noise management plan:

- (i) A site plan including the location of the events, neighbouring land-use details;*
- (ii) For all events with over 500 attendees, the distribution of a notification letter/email to surrounding potentially (within a two (2) kilometre radius of the event sites and function facility) noise-affected premises used for residential or business purposes which includes:*
 - a small version of the site plan*
 - a description of the planned event*
 - the time the event starts and finishes*
 - the times for any sound testing to take place*
 - a description of the proposed measures that will be implemented to minimise noise from the event*
 - any changes that have been made to further minimise noise following previous events*
 - the name and phone number of a site contact person for any complaints lodged before, during and/or after the event.*
 - This letter/email must be distributed to all potentially affected parties at least one (1) month prior to the event. Please be aware that letter-box drops have the potential to not reach all intended recipients, partly due to delivery staff being*

unwilling to deliver this information to letterboxes marked with 'no junk mail' stickers. The preferred method for delivery is in an addressed envelope marked 'to the resident' or 'to the occupier'.

- *A copy of the letter/email must be sent to Council.*
- (iii) *For all events/functions (including those under 500 attendees), an events calendar is to be maintained on the applicant's website.*
- (iv) *Undertake acoustic monitoring during the event to ensure that all reasonable and practicable measures are taken to minimise the overall sound level and low frequency noise at noise-affected premises.*
- (v) *Maintain a complaints register which must include:*
 - *contact details of all complainants;*
 - *the time and date the complaint is received;*
 - *a description of the complaint;*
 - *a description of the activities occurring which gave rise to the complaint;*
 - *any action taken as a result of the complaint.*
- (vi) *Following each event, the applicant must notify Council of all complaints and the actions taken as a result of the complaint.*
- (vii) *The noise management plan must be submitted to Council and be approved by Council's delegated officer prior to the commencement of the use.*
- (viii) *The approved use must comply with the approved noise management plan at all times.*

Representation by Applicant

The provision for one (1) month is considered not reasonable as it would not allow for an event which for whatever reason has to find a new venue at short notice nor does this allow the factoring of weather, natural hazards (bushfire) or any other unforeseen circumstances. It is considered that seven (7) days' notice is more than appropriate and an acceptable time for notice.

Whilst the proponent understands what Council is trying to achieve with this Condition, the requirement for the constant updating of the Event Calendar on the Website for any Event of a single person or group is considered onerous and not necessary. This Condition requires updating the website for a possible cooking class, yoga or Pilates class, small visiting group, etc. It is considered more appropriate to nominate a minimum attendee's number to ensure that the Condition is achievable. The proponents do not wish to be punished for failing to maintain an Events Calendar for a small event/function. They consider that a 200 people or more Event is considered a reasonable number for the updating of the Website.

To Condition an expensive Noise Management Plan is unfair and excessive, especially with current restrictions on persons per annum and restriction in Events, particularly at Event Site 2. It is considered appropriate and acceptable to Condition this if the attendee numbers are increase to the

requested 10,000 (minimum of 8,000) persons per annum is permitted. It is also understood that Council, contributed to the required Noise Management Plan for the Speewah Function Centre Development Application, where noise is obviously a much larger consideration. Will Council be willing, similar to Speewah, to equally contribute to this Report?

4.7.3 Noise Management Plan

A one-off noise management plan for the event sites and function facility must be developed by the applicant in conjunction with an acoustic engineer to identify potential impacts and measures to reduce those effects.

To assist in demonstrating that all reasonable and practicable measures have been taken to minimise environmental harm from occurring, the following actions must be included in a noise management plan:

- (i) A site plan including the location of the events, neighbouring land-use details;*
- (ii) For all events with over 500 attendees, the distribution of a notification letter/email to surrounding potentially (within a two (2) kilometre radius of the event sites and function facility) noise-affected premises used for residential or business purposes which includes:*
 - a small version of the site plan*
 - a description of the planned event*
 - the time the event starts and finishes*
 - the times for any sound testing to take place*
 - a description of the proposed measures that will be implemented to minimise noise from the event*
 - any changes that have been made to further minimise noise following previous events*
 - the name and phone number of a site contact person for any complaints lodged before, during and/or after the event.*
 - This letter/email must be distributed to all potentially affected parties at least ~~one (1) month~~ seven (7) days or as prior to the event. Please be aware that letter-box drops have the potential to not reach all intended recipients, partly due to delivery staff being unwilling to deliver this information to letterboxes marked with 'no junk mail' stickers. The preferred method for delivery is in an addressed envelope marked 'to the resident' or 'to the occupier'.*
 - A copy of the letter/email must be sent to Council.*
- (iii) For all events/functions ~~(including those under 500 attendees)~~ with more than 200 attendees, an events calendar is to be maintained on the applicant's website.*

- (iv) *Undertake acoustic monitoring during the event to ensure that all reasonable and practicable measures are taken to minimise the overall sound level and low frequency noise at noise-affected premises.*
- (v) *Maintain a complaints register which must include:*
- *contact details of all complainants;*
 - *the time and date the complaint is received;*
 - *a description of the complaint;*
 - *a description of the activities occurring which gave rise to the complaint;*
 - *any action taken as a result of the complaint.*
- (vi) *Following each event, the applicant must notify Council of all complaints and the actions taken as a result of the complaint.*
- (vii) *The noise management plan must be submitted to Council and be approved by Council's delegated officer prior to the commencement of the use.*
- (viii) *The approved use must comply with the approved noise management plan at all times.*

Response

A 500 attendee event is a significant event size and the requirement for one (1) month notice should be maintained. The applicant's desire for flexibility should unforeseen/unavoidable circumstances arise is understandable and Council's delegated officers can work with the applicant should this occur on an infrequent basis.

The minor change to 4.7.3(iii) to implement a 200 attendee lower limit is supported.

It is recommended that Condition 4.7.3 be amended as follows:

4.7.3 Noise Management Plan

A one-off noise management plan for the event sites and function facility must be developed by the applicant in conjunction with an acoustic engineer to identify potential impacts and measures to reduce those effects.

To assist in demonstrating that all reasonable and practicable measures have been taken to minimise environmental harm from occurring, the following actions must be included in a noise management plan:

- (i) *A site plan including the location of the events, neighbouring land-use details;*
- (ii) *For all events with over 500 attendees, the distribution of a notification letter/email to surrounding potentially (within a two (2) kilometre radius of the event sites and function facility) noise-affected premises used for residential or business purposes which includes:*

- *a small version of the site plan*
 - *a description of the planned event*
 - *the time the event starts and finishes*
 - *the times for any sound testing to take place*
 - *a description of the proposed measures that will be implemented to minimise noise from the event*
 - *any changes that have been made to further minimise noise following previous events*
 - *the name and phone number of a site contact person for any complaints lodged before, during and/or after the event.*
 - *This letter/email must be distributed to all potentially affected parties at least one (1) month prior to the event. Please be aware that letter-box drops have the potential to not reach all intended recipients, partly due to delivery staff being unwilling to deliver this information to letterboxes marked with 'no junk mail' stickers. The preferred method for delivery is in an addressed envelope marked 'to the resident' or 'to the occupier'.*
 - *A copy of the letter/email must be sent to Council.*
- (iii) *For all events/functions (~~including those under 500 attendees~~) **with more than 200 attendees**, an events calendar is to be maintained on the applicant's website.*
- (iv) *Undertake acoustic monitoring during the event to ensure that all reasonable and practicable measures are taken to minimise the overall sound level and low frequency noise at noise-affected premises.*
- (v) *Maintain a complaints register which must include:*
- *contact details of all complainants;*
 - *the time and date the complaint is received;*
 - *a description of the complaint;*
 - *a description of the activities occurring which gave rise to the complaint;*
 - *any action taken as a result of the complaint.*
- (vi) *Following each event, the applicant must notify Council of all complaints and the actions taken as a result of the complaint.*
- (vii) *The noise management plan must be submitted to Council and be approved by Council's delegated officer prior to the commencement of the use.*

(viii) *The approved use must comply with the approved noise management plan at all times.*

Condition 4.7.4

4.7.4 Investigation of Noise Nuisance Complaints

In the event that a substantiated (in the opinion of Council's delegated officer) noise nuisance complaint is received by Council regarding the approved use, the complaint will need to be assessed by an independent acoustic consultant at the cost of the applicant.

The complaint shall be assessed against the conditions of approval and the Environmental Protection (Noise) Policy 2019 Acoustic Quality Objectives at the next comparable event/function.

Any additional noise mitigation measures recommended by the independent acoustic consultant are to be implemented by the applicant within three (3) months of Council directing the applicant to do so.

Representation by Applicant

The proponents have concerns with the current wording of this Conditions and consider it unfair as it could potentially result in a significant cost to the property without any fault of the proponent. It is noted that considering that these assessments are likely to cost thousands of dollars and thus could make all future events nonviable, this cannot be left to the discretion of any delegated Council Officer who might or might not be influenced or leaned on by the complainant or their friends, without any recourse by the proponent. This Condition has further concerns by the proponents as it is not time restrictive and would allow for complaints during an event or after any event.

In the alternative the proponent asks for the following addition to 4.7.4:

4.7.4 Investigation of Noise Nuisance Complaints

In the event that a substantiated ~~(in the opinion of Council's delegated officer)~~ noise nuisance complaint is received by Council regarding the approved use, the complaint will need to be assessed by an independent acoustic consultant at the cost of the applicant.

The complaint shall be assessed against the conditions of approval and the Environmental Protection (Noise) Policy 2019 Acoustic Quality Objectives at the next comparable event/function.

Any additional noise mitigation measures recommended by the independent acoustic consultant are to be implemented by the applicant within three (3) months of Council directing the applicant to do so.

If the assessment finds the complaint to be unreasonable or unsubstantiated and Council receives another or subsequent complaint/s from the same Complainant, one of their family members or anyone else staying on or associated with the same property, any such subsequent complaint must be accompanied by an Acoustic Report prepared by an independent acoustic consultant at the cost of the complainant.

Response

The applicant's proposed amendments to Condition 4.7.4 are relatively minor and will not adversely impact on the original intent.

The amendments will result in Council being informed of noise complaints prior to any investigation commencing. The addition of the final paragraph will provide the applicant with a degree of certainty that the condition cannot be misused by any party seeking to act unreasonably.

It is recommended that Condition 4.7.4 be amended as follows:

4.7.4 Investigation of Noise Nuisance Complaints

In the event that a substantiated (~~in the opinion of Council's delegated officer~~) noise nuisance complaint is received by Council regarding the approved use, the complaint will need to be assessed by an independent acoustic consultant at the cost of the applicant.

The complaint shall be assessed against the conditions of approval and the Environmental Protection (Noise) Policy 2019 Acoustic Quality Objectives at the next comparable event/function.

Any additional noise mitigation measures recommended by the independent acoustic consultant are to be implemented by the applicant within three (3) months of Council directing the applicant to do so.

If the assessment finds the complaint to be unreasonable or unsubstantiated and Council receives another or subsequent complaint/s from the same Complainant, one of their family members or anyone else staying on or associated with the same property, any such subsequent complaint must be accompanied by an Acoustic Report prepared by an independent acoustic consultant at the cost of the complainant.

Condition 5.2

5.2 Road Safety Assessment/s

Road Safety Assessment/s must be undertaken by a suitably qualified RPEQ that identifies safety risks for vehicles using:

- *Kay Road (between the Kennedy Highway and the subject site); and*
- *Cobra Road and Emerald Falls Road to the subject site.*

The road safety assessment/s must be consider (but not be limited to) the following:

- (i) Road geometry (horizontal & vertical).*
- (ii) Carriageway width (pavement, seal and shoulders) – ability for opposing traffic to safely pass each other.*
- (iii) Vehicle sightlines.*

- (iv) *Intersection treatments.*
- (v) *Causeway crossing including the sharp bends/approaches either side.*
- (vi) *Other roadside hazards.*

The road safety assessment/s must provide recommendations on practical treatments to reduce the risk of any hazards to acceptable levels (e.g. localised pavement widening, signage, linemarking, road edge delineation etc.). The road safety assessment/s must be submitted to Council for review and agreed works must be undertaken by the applicant at no cost to Council, prior to the commencement of the use.

The value (as agreed by Council's delegated officer) of the agreed works undertaken by the applicant shall be credited against the adopted infrastructure charge payable for this development.

The abovementioned works must be approved by Council as part of a subsequent application for operational works.

Representation by Applicant

Without the additional wording, this Condition is unreasonable and unfair. The proponent should not be made responsible for any safety issues not related to the additional traffic caused by Events. Safety issues for example caused by Rural Farm traffic or semi-trailers cannot be the responsibility of the proponent if he does not use any semi-trailers.

This Condition is considered unreasonable, irrelevant and unfair. The Traffic Impact Assessment (TIA), which was provided at the request of Council through their Information Request, has already identified the safety risks along both Kay and Emerald Falls Roads. To our knowledge our provided TIA has not been questioned or challenged or required any Amendments or further explanation by Council or any of the submitters. Nor has any of the Submitters who are concerned about the Traffic/Road Network provided any substantiated evidence or differing Traffic Impact Assessment.

It is requested that Council delete the above Condition (5.2) due to the reason provided. If Council or the Submitters disagree with the provided TIA then they can undertake their own independent TIA. Failing the deletion of the Condition, at the minimal, it is requested that the wording be amended to ensure that the proponents are only required to assess any impact on the roads pertaining to any Event traffic only and not the concerns of the Submitters and others (for example the impact of B-Doubles/Semi-trailers on Kay Road).

5.2 Road Safety Assessment/s

Road Safety Assessment/s must be undertaken by a suitably qualified RPEQ that identifies safety risks for vehicles using:

- *Kay Road (between the Kennedy Highway and the subject site); and*
- *Cobra Road and Emerald Falls Road to the subject site.*

The road safety assessment/s must be consider (but not be limited to) the following:

- (i) *Road geometry (horizontal & vertical).*

- (ii) *Carriageway width (pavement, seal and shoulders) – ability for opposing traffic to safely pass each other.*
- (iii) *Vehicle sightlines.*
- (iv) *Intersection treatments.*
- (v) *Causeway crossing including the sharp bends/approaches either side.*
- (vi) *Other roadside hazards.*

The road safety assessment/s must provide recommendations on practical treatments to reduce the risk of any hazards created by traffic pertaining to event or functions to acceptable levels (e.g. localised pavement widening, signage, linemarking, road edge delineation etc.). The road safety assessment/s must be submitted to Council for review and agreed works must be undertaken by the applicant at no cost to Council, prior to the commencement of the use.

The value (as agreed by Council's delegated officer) of the agreed works undertaken by the applicant shall be credited against the adopted infrastructure charge payable for this development.

The abovementioned works must be approved by Council as part of a subsequent application for operational works.

Response

The applicant seeks an amendment to Condition 5.2 to ensure that they are only responsible for road improvements triggered by the traffic associated with their development.

Council officers have no objection to amending Condition 5.2 to make it clear that the applicant's responsibility relates to the traffic generated by the uses approved under development approval MCU/22/0002.

It is recommended that Condition 5.2 be amended as follows:

5.2 Road Safety Assessment/s

Road Safety Assessment/s must be undertaken by a suitably qualified RPEQ that identifies safety risks for vehicles using:

- *Kay Road (between the Kennedy Highway and the subject site); and*
- *Cobra Road and Emerald Falls Road to the subject site.*

The road safety assessment/s must be consider (but not be limited to) the following:

- (i) *Road geometry (horizontal & vertical).*
- (ii) *Carriageway width (pavement, seal and shoulders) – ability for opposing traffic to safely pass each other.*
- (iii) *Vehicle sightlines.*

- (iv) *Intersection treatments.*
- (v) *Causeway crossing including the sharp bends/approaches either side.*
- (vi) *Other roadside hazards.*

*The road safety assessment/s must provide recommendations on practical treatments to reduce the risk of any hazards **created by traffic generated by the uses approved under development approval MCU/22/0002** to acceptable levels (e.g. localised pavement widening, signage, linemarking, road edge delineation etc.). The road safety assessment/s must be submitted to Council for review and agreed works must be undertaken by the applicant at no cost to Council, prior to the commencement of the use.*

The value (as agreed by Council's delegated officer) of the agreed works undertaken by the applicant shall be credited against the adopted infrastructure charge payable for this development.

The abovementioned works must be approved by Council as part of a subsequent application for operational works.

Condition 5.3

5.3 Road Pavement Condition Assessment (for all events with over 500 attendees)

A Road Pavement Condition Assessment is to be submitted to Council pre and post events with greater than 500 attendees. The pre-event assessment must be undertaken within a month on the lead up to the event and submitted to Council. The pre-event assessment should detail the location of any existing deficiencies of the road pavement & surface and site photos of the road, especially at areas where turning movements occur including bends in the road. The post event assessment must be submitted to Council within a month following the event.

In review of the pre and post event condition assessments, should it be evident to Council that damage has occurred as a result of the additional event traffic, all rectification works identified shall be undertaken at the applicant's expense.

Representation by Applicant

This Condition is unreasonable, irrelevant and unfair. The wording would make a single road user responsible for damage which might have been caused by non-associated traffic during that time. This would also be an additional, yet irrelevant requirement for such events, adding to costs, when event economics are already very marginal.

The TIA clearly states that the entire yearly traffic for all events and functions with 10,000 people causes less pavement impact than a single 14T truck once every ten days on either Kay or Emerald Falls Roads, making this an unreasonable, irrelevant and unfair condition. No evidence has been produced to the contrary.

Additionally, four (4) Kuranda Roots Festivals have been held with no noticeable effect on the Road Pavement.

Response

This condition provides Council with a level of comfort that any event caused damage can be identified and if need be, remedied by the developer.

The primary concern relates to the potential impact of the larger events and for this reason, an amendment of the condition to increase the trigger to 1,500 attendees would be recommended. This would apply to events such as circus training, firesticks and the roots festival.

It is recommended that Condition 5.3 be amended as follows:

5.3 Road Pavement Condition Assessment (for all events with over ~~500~~ 1,500 attendees, unless otherwise instructed by Council at least one (1) week prior to an event)

A Road Pavement Condition Assessment is to be submitted to Council pre and post events with greater than ~~500~~ 1,500 attendees. The pre-event assessment must be undertaken within a month on the lead up to the event and submitted to Council. The pre-event assessment should detail the location of any existing deficiencies of the road pavement & surface and site photos of the road, especially at areas where turning movements occur including bends in the road. The post event assessment must be submitted to Council within a month following the event.

In review of the pre and post event condition assessments, should it be evident to Council that damage has occurred as a result of the additional event traffic, all rectification works identified shall be undertaken at the applicant's expense.

Condition 5.4

5.4 Event Traffic Management Plan (for all events with over 100 attendees)

An Event Traffic Management Plan (ETMP) prepared by a suitably qualified RPEQ be submitted for Council approval. The ETMP must give consideration to the management of road safety risks along Emerald Falls Road and Kay Road as a result of increased traffic volumes and provide details of proposed measures to be implemented to manage these risks.

The agreed measures must be implemented for each event with greater than 100 attendees, at no cost to Council.

Representation by Applicant

The proponents consider this Condition is unreasonable and unfair in its entirety considering the current restrictions of yearly attendee numbers.

The proponent is willing to accept this condition if and only if all of the requested changes to p4.5 and 5.4 above are accepted by council and condition 5.2 is removed.

The current wording of this Condition could be understood to require such ETMPs to be created for each individual event which would be unfair and unreasonably onerous.

Additionally, 250 attendees is considered to be a more reasonable figure to be used here that could have any effect on the local traffic.

5.4 Event Traffic Management Plan (for all events with over ~~100~~ 250 attendees)

~~A~~ **A one-off** Event Traffic Management Plan (ETMP) prepared by a suitably qualified RPEQ be submitted for Council approval. The ETMP must give consideration to the management of road safety risks along Emerald Falls Road and Kay Road as a result of increased traffic volumes and provide details of proposed measures to be implemented to manage these risks.

The agreed measures must be implemented for each event with greater than ~~100~~ **250** attendees, at no cost to Council.

Response

A 250 person trigger is proposed by the applicant for this condition. There is no significant objection to this trigger level.

In relation to "A one-off" event traffic management plan, this was always the intent of the current condition. A single management plan that can be applied for all events on site.

It is recommended that Condition 5.4 be amended as follows:

5.4 Event Traffic Management Plan (for all events with over ~~100~~ **250 attendees)**

~~A~~ **A one-off** Event Traffic Management Plan (ETMP) prepared by a suitably qualified RPEQ be submitted for Council approval. The ETMP must give consideration to the management of road safety risks along Emerald Falls Road and Kay Road as a result of increased traffic volumes and provide details of proposed measures to be implemented to manage these risks.

The agreed measures must be implemented for each event with greater than ~~100~~ **250** attendees, at no cost to Council.

Condition 5.7

5.7 Non-Reticulated Water Supply

The development must be provided with a potable water supply at each function location that can satisfy the standards for drinking water set by the Australian Drinking Water Guidelines 2004 (National Health and Medical Research Council and the National Resource Management Ministerial Council).

All non-potable sources of water must be sign posted "non-potable water supply" or similar in order to deter consumption.

Representation by Applicant

The proponent intends to acquire a portable water treatment unit which can be used for every function no matter the location, which will achieve the objective of this Condition. Having permanent infrastructure for restricted events and numbers is not considered reasonable.

~~The development~~ **Each Event** must be provided with a potable water supply ~~at each function location~~ that can satisfy the standards for drinking water set by the Australian Drinking Water Guidelines 2004 (National Health and Medical Research Council and the National Resource Management Ministerial Council).

All non-potable sources of water must be sign posted "non-potable water supply" or similar in order to deter consumption.

Response

There is no objection to the applicant's proposed amendment to Condition 5.7 as the intent of the condition will be maintained.

It is recommended that Condition 5.7 be amended as follows:

5.7 Non-Reticulated Water Supply

*~~The development~~ **Each event** must be provided with a potable water supply ~~at each function location~~ that can satisfy the standards for drinking water set by the Australian Drinking Water Guidelines 2004 (National Health and Medical Research Council and the National Resource Management Ministerial Council).*

All non-potable sources of water must be sign posted "non-potable water supply" or similar in order to deter consumption.

Condition 5.9

5.9 Lighting

Lighting associated with evening and nighttime functions must be set up to minimise light spillage and not cause nuisance to any neighbouring property. Where permanent outdoor lighting is proposed, the developer shall locate, design and install lighting in order to prevent 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 eight (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.

Representation by Applicant

Without the exception, this Condition is unreasonable because it would create unsafe situations for registration and/or entry stations. This amendment also ensures appropriate lighting for safety and casual surveillance concerns. This amendment is considered acceptable and appropriate given the large separation distances to any neighbouring building. The proposed request is not envisaged to affect any neighbours or adjoining sensitive receptor.

5.9 Lighting

Lighting associated with evening and nighttime functions must be set up to minimise light spillage and not cause nuisance to any neighbouring property. Where permanent outdoor lighting is proposed, the developer shall locate, design and install lighting in order to prevent 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 eight (8) lux when measured at any point 1.5m outside the property boundary of the subject site, except within 50m of any registration and/or entry stations, where up to fifty (50) Lux shall be permitted. 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.

Response

The applicant has proposed an amendment to allow for safer lighting to occur within 50 metres of registration and/or entry stations. These stations are sited well away from sensitive land uses allowing for safer lighting, whilst maintaining amenity.

It is recommended that Condition 5.9 be amended as follows:

5.9 Lighting

Lighting associated with evening and nighttime functions must be set up to minimise light spillage and not cause nuisance to any neighbouring property. Where permanent outdoor lighting is proposed, the developer shall locate, design and install lighting in order to prevent 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 eight (8) lux when measured at any point 1.5m outside the property boundary of the subject site, except within 50m of any registration and/or entry stations, where up to fifty (50) Lux shall be permitted. 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.

Adopted Infrastructure Charges Notice

Development Type	Rate	Measure	Charge	Credit Detail	Balance
	per 10 vpd	vpd			
Stage 1	\$5,452.00	8.58	\$4,677.80	Nil	\$4,677.80
Stage 2	\$5,452.00	8.71	\$4,748.70		\$4,748.70
Stage 3	\$5,452.00	3.5	\$1,908.20		\$1,908.20
TOTAL CURRENT AMOUNT OF CHARGE					\$11,334.70

Response

The proposed change to the annual cumulative maximum capacity will follow through to the infrastructure charge payable for the development.

Based on 8,000 persons per annum, the revised infrastructure charge is as follows:

- 0.7 vpd for each camp site (6 sites or 4.2 vpd)
- 0.7 vpd for each tourist cabin (8 cabins or 5.6 vpd)
- 0.7 vpd for each RV/Caravan site (10 sites equals 7 vpd)
- 0.417 vpd for each guest of the Function Facility/Event Sites (8,000 per year or 21.92 guests per day, or 9.14 vpd)

The assumed total for the development is 25.94 vpd.

The 2024/2025 Schedule of Fees and Charges establishes a transport infrastructure charge of \$5,452.00 for each 10 vpd.

The applicable charge for this development is $2.594 \times \$5,452.00$ or **\$14,142.40**.



65 Rankin Street
PO Box 154 MAREEBA QLD 4880

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F: 07 4092 3323

W: www.msc.qld.gov.au
E: info@msc.qld.gov.au

17 October 2024

Planning Officer: Brian Millard
Direct Phone: 074086 4649
Our Reference: MCU/22/0002
Your Reference: F21/37

Kanjini Co-Op Limited
C/- Freshwater Planning
17 Barronview Drive
FRESHWATER QLD 4870

Dear Applicants,

Decision Notice *Planning Act 2016*

I refer to your application and advise that on 16 October 2024, Council decided to approve the application in full subject to conditions.

Details of the decision are as follows:

APPLICATION DETAILS

Application No:	MCU/22/0002
Street Address:	545 Kay Road and 483 Emerald Falls Road, Mareeba Lot 66 on RP896904
Real Property Description:	Lot 67 on SP328197 Lot 68 on SP282408
Planning Scheme:	Mareeba Shire Council Planning Scheme 2016

DECISION DETAILS

Type of Decision:	Approval
Type of Approval:	Development Permit for Material Change of Use – Outdoor Sport and Recreation, Function Facility and Tourist Park
Date of Decision:	16 October 2024

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

DECISION NOTICE

MCU/22/0002
Page 2**CURRENCY PERIOD OF APPROVAL**

The currency period for this development approval is six (6) years starting the day that this development approval takes effect. (Refer to Section 85 "Lapsing of approval at end of currency period" of the *Planning Act 2016*.)

INFRASTRUCTURE

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

ASSESSMENT MANAGER CONDITIONS

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. This Development Permit authorises the following development:

- Six (6) additional camp sites;
- Ten (10) RV/caravan sites;
- Eight (8) tourist cabins;
- Two (2) event sites; and
- Function facility (300 person capacity).

2. 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.

3. Timing of Effect

- 3.1 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.
- 3.2 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.

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4. General

- 4.1 The applicant is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
- 4.2 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.
- 4.3 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.
- 4.4 Waste Management
- 4.4.1 On site refuse storage area/s must be provided and be screened from view from adjoining properties and road reserve by 1 metre wide landscaped screening buffer or 1.8m high solid fence or building.
- 4.4.2 Where bulk bins are used and are to be serviced on site, prior to the issue of a development permit for building works, Council's delegated officer must be satisfied 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 only.
- 4.5 Event Sites/Function Facility Capacity
- 4.5.1 The cumulative maximum capacity of the event sites and function facility must not exceed 3,500 persons per annum.
- 4.5.2 No single event at Event Site 1 is to host more than 2,000 persons.
- 4.5.3 The cumulative maximum capacity of Event Site 2 must not exceed 500 persons per annum.
- 4.5.4 No single event at Event Site 2 is to host more than 300 persons.
- 4.6 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.

4.7 Noise Management

4.7.1 Event Site 2 and Function Facility

No amplified music or use of loudspeakers is to occur at Event Site 2 or the Function Facility between the hours of 12 midnight and 7:00am the following day.

4.7.2 No single event is to exceed three (3) days in length.

4.7.3 Noise Management Plan

A one-off noise management plan for the event sites and function facility must be developed by the applicant in conjunction with an acoustic engineer to identify potential impacts and measures to reduce those effects.

To assist in demonstrating that all reasonable and practicable measures have been taken to minimise environmental harm from occurring, the following actions must be included in a noise management plan:

- (i) A site plan including the location of the events, neighbouring land-use details;
- (ii) For all events with over 500 attendees, the distribution of a notification letter/email to surrounding potentially (within a two (2) kilometre radius of the event sites and function facility) noise-affected premises used for residential or business purposes which includes:
 - a small version of the site plan
 - a description of the planned event
 - the time the event starts and finishes
 - the times for any sound testing to take place
 - a description of the proposed measures that will be implemented to minimise noise from the event
 - any changes that have been made to further minimise noise following previous events
 - the name and phone number of a site contact person for any complaints lodged before, during and/or after the event.
 - This letter/email must be distributed to all potentially affected parties at least one (1) month prior to the event. Please be aware that letter-box drops have the

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potential to not reach all intended recipients, partly due to delivery staff being unwilling to deliver this information to letterboxes marked with 'no junk mail' stickers. The preferred method for delivery is in an addressed envelope marked 'to the resident' or 'to the occupier'.

- A copy of the letter/email must be sent to Council.
- (iii) For all events/functions (including those under 500 attendees), an events calendar is to be maintained on the applicant's website.
- (iv) Undertake acoustic monitoring during the event to ensure that all reasonable and practicable measures are taken to minimise the overall sound level and low frequency noise at noise-affected premises.
- (v) Maintain a complaints register which must include:
- contact details of all complainants;
 - the time and date the complaint is received;
 - a description of the complaint;
 - a description of the activities occurring which gave rise to the complaint;
 - any action taken as a result of the complaint.
- (vi) Following each event, the applicant must notify Council of all complaints and the actions taken as a result of the complaint.
- (vii) The noise management plan must be submitted to Council and be approved by Council's delegated officer prior to the commencement of the use.
- (viii) The approved use must comply with the approved noise management plan at all times.

4.7.4 Investigation of Noise Nuisance Complaints

In the event that a substantiated (in the opinion of Council's delegated officer) noise nuisance complaint is received by Council regarding the approved use, the complaint will need to be assessed by an independent acoustic consultant at the cost of the applicant.

The complaint shall be assessed against the conditions of approval and the Environmental Protection (Noise) Policy 2019 Acoustic Quality Objectives at the next comparable event/function.

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Any additional noise mitigation measures recommended by the independent acoustic consultant are to be implemented by the applicant within three (3) months of Council directing the applicant to do so.

4.8 Camp Site Capacity

The capacity of each camp site must not exceed 30 persons.

4.9 Maintain Records of Attendee Numbers

The applicant must maintain an up-to-date record of the number of attendees for all on site events and functions.

This record must be provided to Council’s delegated officer upon request.

4.10 Bushfire Management

A Bushfire Management Plan for the site, incorporating evacuation procedures for attendees/guests, must be prepared to the satisfaction of Council's delegated officer. The approved use must comply with the requirements of the Bushfire Management Plan at all times.

4.11 A site manager/s must be present on-site at all times to ensure compliance with these conditions of approval.

5. Infrastructure Services and Standards

5.1 Access Crossover

All access crossovers used for this development must be upgraded/constructed/maintained (from the edge of the relevant Council road to the property boundary) in accordance with FNQROC Development Manual standards, to the satisfaction of Council's delegated officer.

5.2 Road Safety Assessment/s

Road Safety Assessment/s must be undertaken by a suitably qualified RPEQ that identifies safety risks for vehicles using:

- Kay Road (between the Kennedy Highway and the subject site); and
- Cobra Road and Emerald Falls Road to the subject site.

The road safety assessment/s must be consider (but not be limited to) the following:

- (i) Road geometry (horizontal & vertical).
- (ii) Carriageway width (pavement, seal and shoulders) – ability for opposing traffic to safely pass each other.
- (iii) Vehicle sightlines.

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-
- (iv) Intersection treatments.
 - (v) Causeway crossing including the sharp bends/approaches either side.
 - (vi) Other roadside hazards.

The road safety assessment/s must provide recommendations on practical treatments to reduce the risk of any hazards to acceptable levels (e.g. localised pavement widening, signage, linemarking, road edge delineation etc.). The road safety assessment/s must be submitted to Council for review and agreed works must be undertaken by the applicant at no cost to Council, prior to the commencement of the use.

The value (as agreed by Council's delegated officer) of the agreed works undertaken by the applicant shall be credited against the adopted infrastructure charge payable for this development.

The abovementioned works must be approved by Council as part of a subsequent application for operational works.

5.3 Road Pavement Condition Assessment (for all events with over 500 attendees)

A Road Pavement Condition Assessment is to be submitted to Council pre and post events with greater than 500 attendees. The pre-event assessment must be undertaken within a month on the lead up to the event and submitted to Council. The pre-event assessment should detail the location of any existing deficiencies of the road pavement & surface and site photos of the road, especially at areas where turning movements occur including bends in the road. The post event assessment must be submitted to Council within a month following the event.

In review of the pre and post event condition assessments, should it be evident to Council that damage has occurred as a result of the additional event traffic, all rectification works identified shall be undertaken at the applicant's expense.

5.4 Event Traffic Management Plan (for all events with over 100 attendees)

An Event Traffic Management Plan (ETMP) prepared by a suitably qualified RPEQ be submitted for Council approval. The ETMP must give consideration to the management of road safety risks along Emerald Falls Road and Kay Road as a result of increased traffic volumes and provide details of proposed measures to be implemented to manage these risks.

The agreed measures must be implemented for each event with greater than 100 attendees, at no cost to Council.

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5.5 Stormwater Drainage/Water Quality

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

5.5.2 All stormwater drainage must be discharged to an approved legal point of discharge.

5.6 Car Parking/Internal Driveways

5.6.1 The applicant/developer must ensure that the development is provided with sufficient on-site car parking. No parking of vehicles associated with the development is permitted to occur outside the property boundary or within road reserve.

5.6.2 All car parking spaces, and trafficable areas must be surface treated with gravel or maintained with an intact grass cover so as to minimise erosion and must be appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer.

5.6.3 All parking spaces and trafficable areas must be maintained in good order and safe repair for the life of the development, to the satisfaction of Council's delegated officer.

A sign must be erected in proximity to the access driveway indicating the availability of on-site parking.

5.7 Non-Reticulated Water Supply

The development must be provided with a potable water supply at each function location that can satisfy the standards for drinking water set by the Australian Drinking Water Guidelines 2004 (National Health and Medical Research Council and the National Resource Management Ministerial Council).

All non-potable sources of water must be sign posted "non-potable water supply" or similar in order to deter consumption.

5.8 On-Site Wastewater Management

Should permanent ablutions facilities be constructed onsite, all on site wastewater disposal associated with these facilities must be in compliance with the latest version of On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of the Council's delegated officer.

Any on-site wastewater treatment system with a total daily peak design capacity of at least 21 equivalent persons (EP) is an Environmentally Relevant Activity (ERA 63 - Sewerage Treatment) and an Environmental Authority is required.

Note: Portable toilets are authorised for use on-site for all functions, however no black or grey water is to be disposed of on-site, unless through an approved on-site wastewater disposal system.

5.9 Lighting

Lighting associated with evening and nighttime functions must be set up to minimise light spillage and not cause nuisance to any neighbouring property. Where permanent outdoor lighting is proposed, the developer shall locate, design and install lighting in order to prevent 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 eight (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.

REFERRAL AGENCIES

The referral agencies applicable to this application are:

- Schedule 10, Part 3, Division 4, Table 3, Item 1 - Material change of use that is assessable development under a local categorising instrument
- Schedule 10, part 9, Division 4, Subdivision 1, Table 1, Item 1 - Aspect of development stated in schedule 20 (Purpose 2)
- Schedule 10, Part 4, Division 3, Table 1, Item 1 - Premises contaminated because of unexploded ordnance
- Schedule 10, Part 9, Division 2, Table 2 – Material change of use of premises near a substation site or subject to an easement (Powerlink Easement)

A copy of any referral agency conditions are attached.

APPROVED PLANS

The following plans are Approved plans for the development:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
-	Site Plan and Proposal Details	-	-

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ADVISORY NOTES

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

(D) ASSESSMENT MANAGER'S ADVICE

- (a) An Adopted Infrastructure Charges Notice has been issued with respect to the approved development. The Adopted Infrastructure Charges Notice details the type of infrastructure charge/s, the amount of the charge/s and when the charge/s are payable.
- (b) The Adopted Infrastructure Charges Notice does not include all charges or payments that are payable with respect to the approved development. A number of other charges or payments may be payable as conditions of approval. The applicable fee is set out in Council's Fees & Charges Schedule for each respective financial year.
- (c) 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.
- (d) Compliance with applicable codes/policies

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

The erection and use of the building must comply with the Building Act and all other relevant Acts, Regulations and Laws, and these approval conditions.
- (f) Environmental Protection and Biodiversity Conservation Act 1999

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

In carrying out the activity the applicant must take all reasonable and practicable measures to ensure that no harm is done to Aboriginal cultural heritage (the "cultural heritage duty of care"). The applicant will comply with the cultural heritage duty of care if the applicant acts in accordance with gazetted cultural heritage duty of care guidelines. An assessment of the proposed activity against the duty of care guidelines will determine whether or to what extent Aboriginal cultural

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heritage may be harmed by the activity. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from www.dsdsatsip.qld.gov.au.

(h) Motor Home Park/Caravan Park/Camping Ground

The applicant is advised that an application to Council for approval to operate under Council *Local Law No 1 (Administration) 2018* is required prior to the commencement of the motor home park/caravan park/camping ground.

(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.

(g) Powerlink Advice – 24 November 2023

1. *The development must be carried out generally in accordance with the reviewed plans detailed in Table 1.*
2. *The statutory clearances set out in the Electrical Safety Regulation 2013 must be maintained during construction and operation. No encroachment within the statutory clearances is permitted.*
3. *Compliance with the terms and conditions of the easement dealing no. shown in the heading of this letter.*
4. *Compliance with the generic requirements in respect to proposed works in the vicinity of Powerlink Queensland infrastructure as detailed in the enclosed Annexure "A".*

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(h) Queensland Parks and Wildlife Service & Partnerships Advice

The proposed development includes a new Camp Site (No.17) to be located close to the boundary of Dinden West Forest Reserve (Emerald Creek) Lot 1 on AP19244. QPWS&P are the owners of this parcel. The proposed camp site will be on the eastern side of the only firebreak between Emerald Creek and Davies Creek road.

Given the fire history and potential for wildfire in this locale, consideration should be given to fire management of all Kanjini Co-op Ltd assets; whereby Kanjini Co-op Ltd should include QPWS&P (as the adjacent landowner) in those considerations for fire management proposals on their estate.

PROPERTY NOTES

Not Applicable.

FURTHER DEVELOPMENT PERMITS REQUIRED

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

SUBMISSIONS

There were thirty-nine (39) properly made submissions about the application. In accordance with the *Planning Act 2016*, the name, residential or business address, and electronic address of the principal submitter for each properly made submission is provided below:

Name of Principal submitter	Address
1. Frank Burton	frkburton@gmail.com
2. Mareeba Mountain Goats Inc	Mareebamountangoats@gmail.com
3. Walter Bonvecchio	Bonwal2000@yahoo.it
4. Djabugay Tribal Aboriginal Corporation	PO Box 495, Kuranda QLD 4881
5. Melinda Norris	tinytropicalhome@gmail.com
6. Rebecca Scott	createmorefuntimes@gmail.com
7. Lynette Alba	8 Elsie Close, Mareeba QLD 4880
8. Scott & Patti Hill	scotnpat@bigpond.com
9. Owen Allen	owen@phoenixfunctions.com.au
10. Victor Steffensen	steffensenvictor@gmail.com
11. Bruce Zell	brucezell@gmail.com
12. Morgyn Quinn, William Johnston, Prahlada Cave and the Kuranda Roots team	rudekatrecords@gmail.com
13. J Ney	251 Kay Road, Mareeba QLD 4880
14. Hazel Bensted	487 Kay Road, Mareeba QLD 4880

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15. Sarah Bensted	487 Kay Road, Mareeba QLD 4880
16. Jonathon Bensted	487 Kay Road, Mareeba QLD 4880
17. Courtney Stephenson	487 Kay Road, Mareeba QLD 4880
18. Phil & Alana Bensted	487 Kay Road, Mareeba QLD 4880
19. Dave Srhoj	60 Kay Road, Mareeba QLD 4880
20. Max Srhoj	60 Kay Road, Mareeba QLD 4880
21. Wayne Srhoj	100 East Sabin Road, Mareeba QLD 4880
22. Denise Srhoj	60 Kay Road, Mareeba QLD 4880
23. Megan Srhoj	100 East Sabin Road, Mareeba QLD 4880
24. Bean Sanders	322 Kay Road, Mareeba QLD 4880
25. Mami Oyama	322 Kay Road, Mareeba QLD 4880
26. Luke Antequera	224 Kay Road, Mareeba QLD 4880
27. Narella Antequera	224 Kay Road, Mareeba QLD 4880
28. Des & Joanne Butler	208 Kay Road, Mareeba QLD 4880
29. Jacob Cooper	322 Kay Road, Mareeba QLD 4880
30. Emmett Kerlin	452 Kay Road, Mareeba QLD 4880
31. David Fittock	93 Kay Road, Mareeba QLD 4880
32. Kim Burns	219 Kay Road, Mareeba QLD 4880
33. Alen Cranswick	143 Kay Road, Mareeba QLD 4880
34. John McDowall	63 Rollison Drive, Mareeba QLD 4880
35. Tara Peckham	59 Kay Road, Mareeba QLD 4880
36. Marnie Peckham	59 Kay Road, Mareeba QLD 4880
37. Karen Peckham	59 Kay Road, Mareeba QLD 4880
38. Adam & Diana Spena	128 Kay Road, Mareeba QLD 4880
39. Janice & Brian Herbohn	3823 Kennedy Highway, Mareeba QLD 4880

RIGHTS OF APPEAL

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

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

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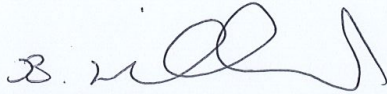
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OTHER DETAILS

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

Yours faithfully



BRIAN MILLARD
COORDINATOR PLANNING SERVICES

Enc: Approved Plans/Documents
 Referral Agency Response
 Appeal Rights
 Adopted Infrastructure Charge Notice

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Approved Plans/Documents



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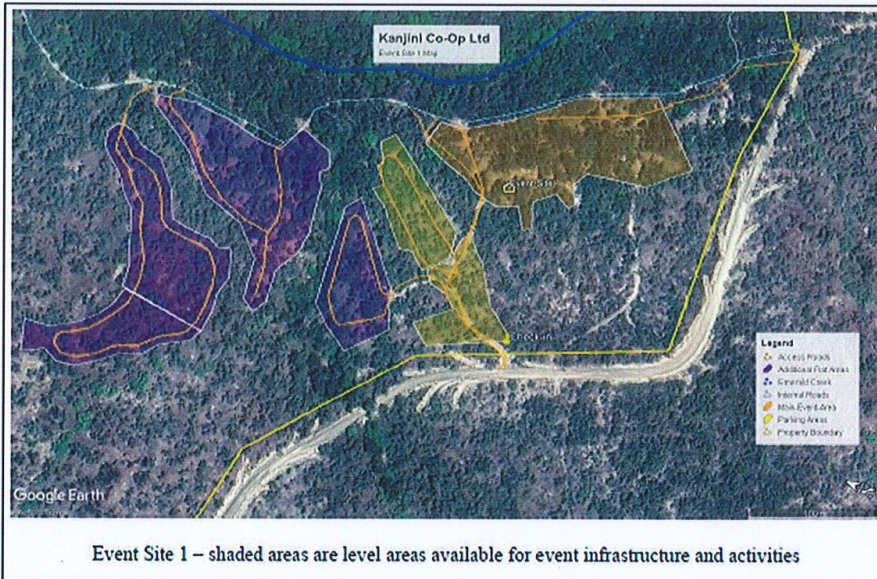
Proposed Event Site 1

The proposed Event Site 1 is at 438 Emerald Falls Road. There is some existing infrastructure, namely two ~70sqm covered decks, five toilets, five showers and two hand basins. While it always will be the event organiser's responsibility to ensure the supply of sufficient facilities for their event, Kanjini might add more facilities in the future.

The Kuranda Roots Festival used this site in 2021, 2022 and 2023 with great success. Kuranda Aboriginal elders were very happy to see this over 20 year old event to happen on country and without alcohol.



Indigenous dances at Kuranda Roots festival



Event Site 1 – shaded areas are level areas available for event infrastructure and activities

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B. [Signature]

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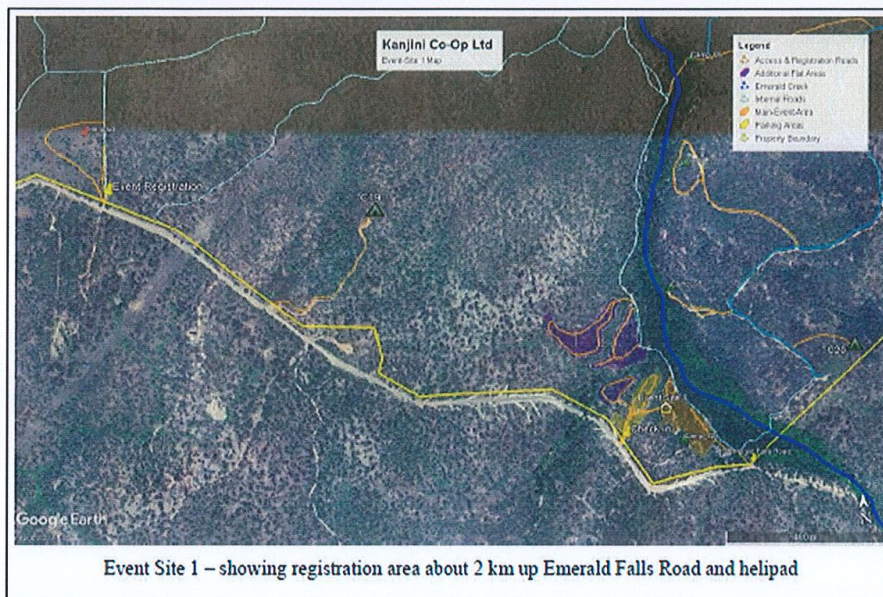
The orange shaded main event area in above "Event-Site 1 Map" map provides about 1.2Ha, shaded by large trees.

The yellow shaded area provides about 0.8Ha for parking.

The purple and blue shaded areas would make about 3Ha of additional level areas available for parking, or other event infrastructure or activities.

Kanjini Co-Op intends to limit any event to about 1,500 - 2,000 guests to minimise any environmental impact and ensure a relaxed family atmosphere.

There is a helipad for emergencies and a separate registration area on our land about two kilometers up Emerald Falls Road (see below map). This registration area features an over 500m long loop road to avoid any cars lining up along Emerald Falls Road during registration.



This festival layout has worked very well over the last three years and none of the neighbours within 3km of this site had any issues with the minimal noise and traffic impacts.

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B. Hill

Mareeba Shire Council

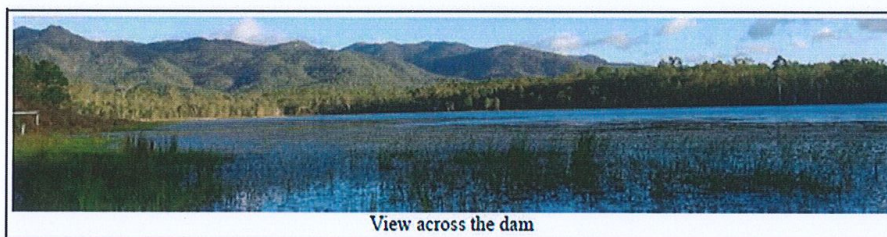
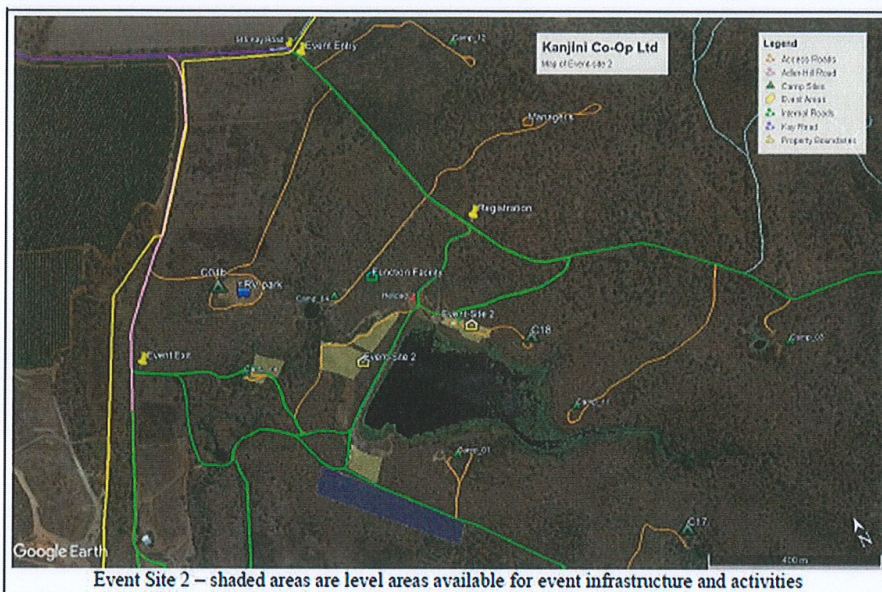
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Proposed Event Site 2

The proposed Event Site 2 is next to our 25 acre lake.
There is some existing infrastructure, namely three toilets, a hand basin, and an about 100 square meter tarp.
While it always will be the event organiser's responsibility to ensure the supply of sufficient facilities for their event, we might add more facilities in the future.

The five smaller yellow shaded areas in below map are level areas available for event purposes. They add up to about 2Ha in size.
The larger blue shaded area in the bottom of the below map can provide another 2Ha of level area for event purposes.

Four camp sites and the proposed function facility are within a short walk from this event site and could also be hired by the event organisers.



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B. Mill

Proposed Tourist-Cabins

The proposed Tourist Cabin site is utilising an about 2.5Ha area on a ridge within walking distance of Emerald Creek. The site was chosen because it is naturally already almost totally clear of trees. The site is serviced by an existing 2WD gravel road.

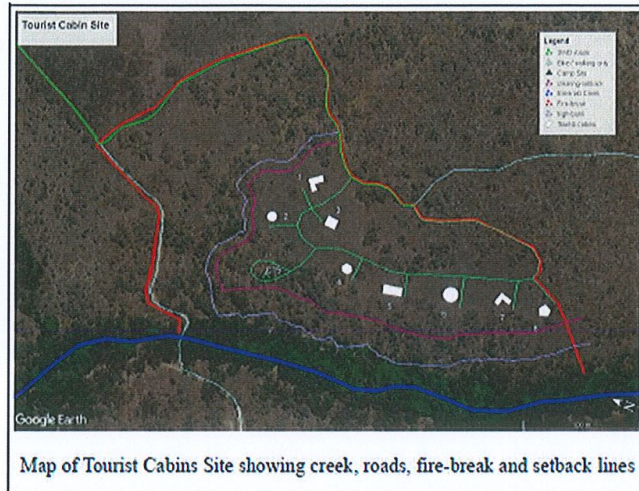
We envision to build eight tourist cabins here and the vision is for each one to be built using unusual designs and materials.

For example there could be a round cabin or a curved one, an octagon or a hexagram, a free-form or spiral or a tower.

Materials used could be rock, mud, straw, air-crete or hemp-crete, some could have green roofs or one could be a hobbit cabin.

If we secure approval without too onerous conditions, we intend to invite architects and designers to come up with innovative and interesting designs.

We are hoping to attract southerners and overseas visitors to Mareeba Shire to experience spending a few days or weeks in such a totally different house, to get a feel for more sustainable living.



Map of Tourist Cabins Site showing creek, roads, fire-break and setback lines



Tourist Cabin Site – Chosen because there is a large natural clearing already

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S. HOLLAND

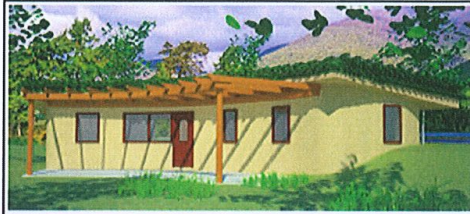
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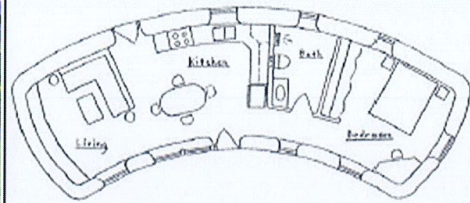
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Here a few concept drawings on what these tourist cabins may look like:



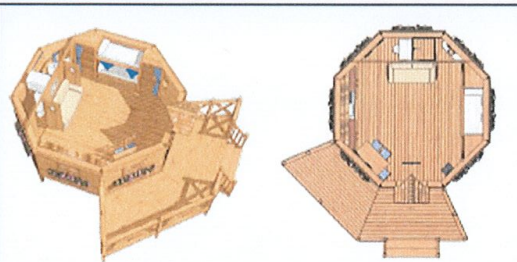
Arc-shaped cabin with green roof - Elevation



Arc-shaped cabin with green roof - Floorplan



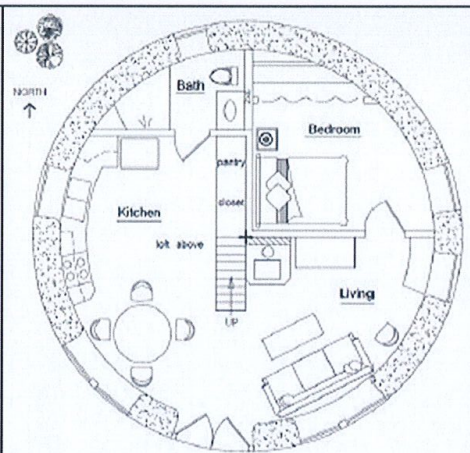
Hexagonal Wood Cabin - Elevation



Hexagonal Wood Cabin - Floorplan



Round Cabin - Elevation



Round Cabin - Floorplan

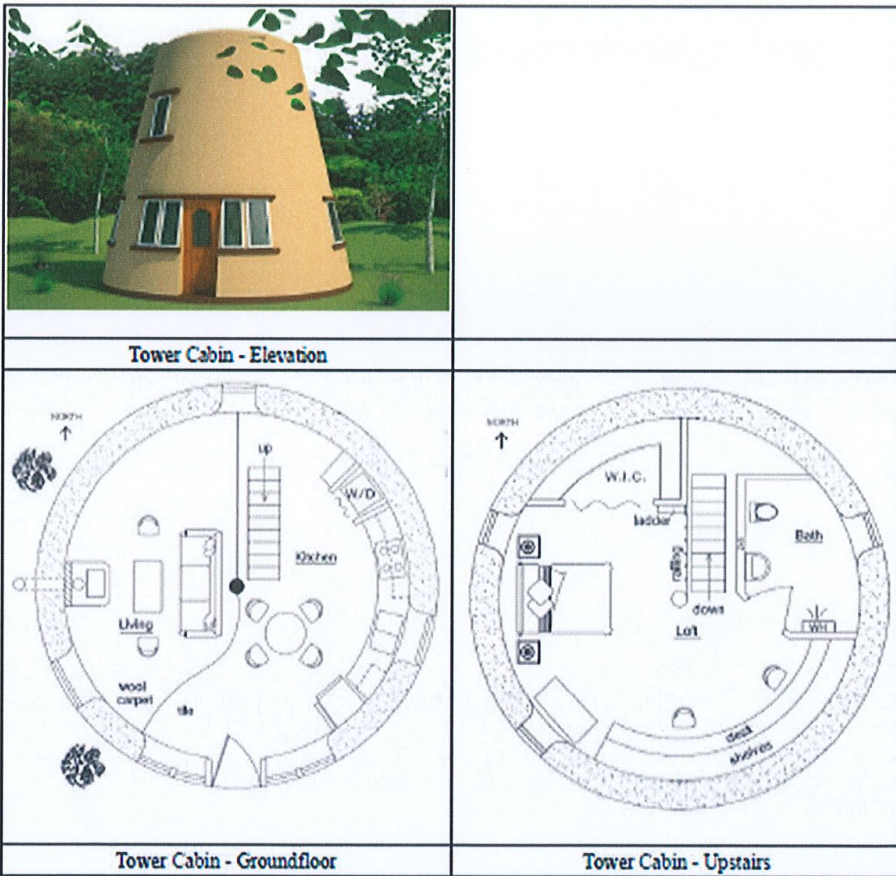
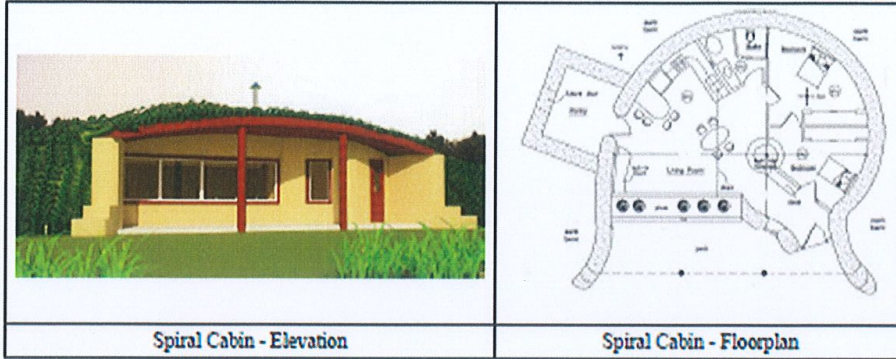
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S. Hill

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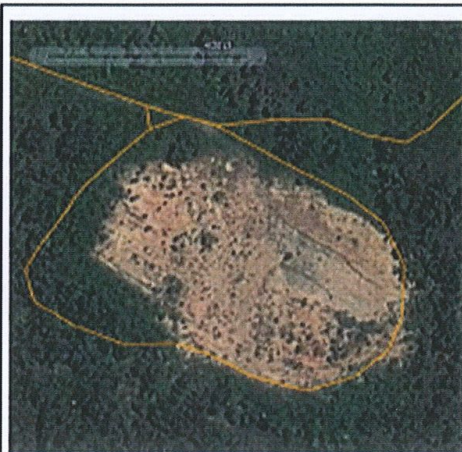
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Proposed RV Site

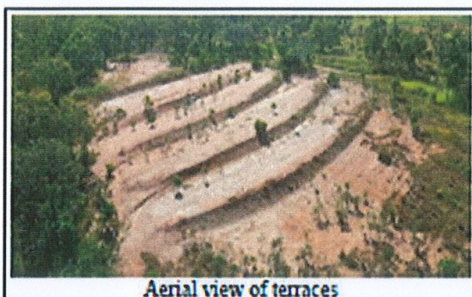
We were told that the proposed RV site was used as a council quarry for road base a long time ago and then again by previous owners or lessees.

When we purchased the property, this area was badly eroded and with hardly any vegetation.

About four years ago we decided to arrest the erosion by shaping the area into five east-facing terraces, offering panoramic views of the mountains, including Kahlpahlim Rock, Bunda Badjigal (Turtle Rock), Mount Tiptree and Mount Haig.



Google-earth view of the area when we bought the property (orange lines are existing roads)



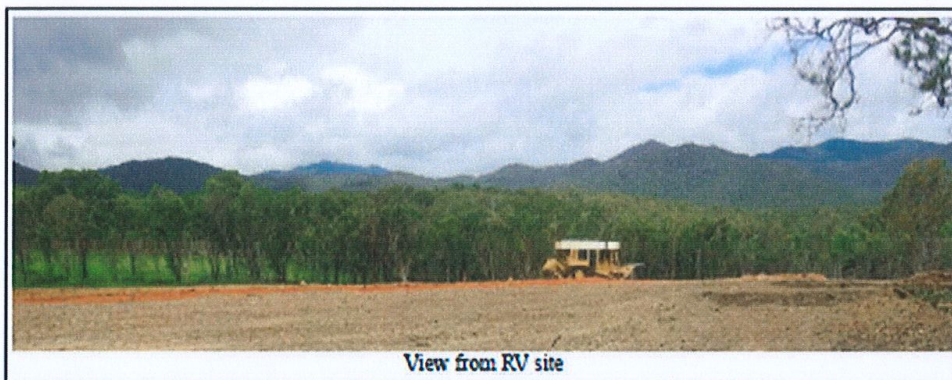
Aerial view of terraces

The lower four terraces are each about ten to twelve meters wide and about sixty meters long, while the top one is triangle shaped and about 800 square meters.

We envision only two to three RV sites on each terrace, with RVs parked in the middle of a terrace, allowing for other RVs to pass behind and still giving plenty of outdoor space on the eastern side of the RV to enjoy the views. Stage 1 of the proposed development will see 5 RV sites used, Stage 2 the other five.

RV's are totally self contained and do not require the provision of any services.

We believe that the location, the views and the numerous activities available on our property will make this a valuable tourist asset for the Mareeba area.



View from RV site

17/10/2024
B. [Signature]

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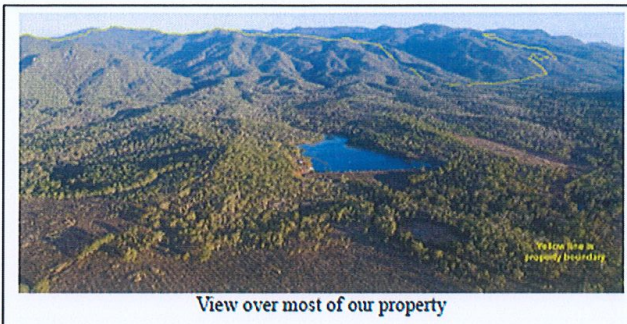
Proposed Events & Functions

The development application includes two event sites and one function facility.

EVENTS:

The proposed Event Site 1 is located at 438 Emerald Falls Road.

The proposed Event Site 2 and Function Facility are located close to each other near our 25 acre (10Ha) lake with access from 545 Kay road.



View over most of our property

Both event sites are at least 1.2km from the nearest neighbouring residence and 2.5km away from each other.

Stage 1 of the development allows for a total of up to 2,000 guests per year to attend various Events and Functions.

Stage 2 of the development allows for up to 3,500 guests per year

Stage 3 of the development allows for up to 6,000 guests per year and the construction of the function facility

Stage 4 of the development allows for up to 12,000 guests per year



View of part of event site 1

These are very modest numbers. For example in stage 1 we can only have one medium sized event like Kuranda Roots and maybe half a dozen smaller functions or other events during a whole year, while stage 4 will allow us to have say four to five medium sized and a dozen smaller functions or other events during the year.

The proposed development is very small scale considering the vast size of this property and the reason for this development application is not to make large amounts of money, but to share this amazing property with the wider community.

The availability of level areas and practicalities of both event sites is likely to limit the number of people attending any single event to no more than ~1,000-2,000 persons.

The establishment of the event sites does not require any clearing. They already have some facilities and Kanjini Co-Op Ltd might add more facilities to the event sites in the future.

17/10/2024
B. Will

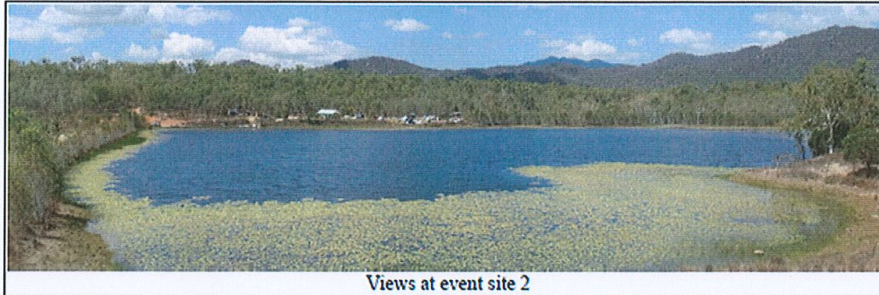
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However it will always be the event organiser's responsibility to ensure the supply of sufficient services and facilities for their event (security, medic, traffic control, catering, insurance, stages, marquees, toilets, showers, power etc)



Views at event site 2

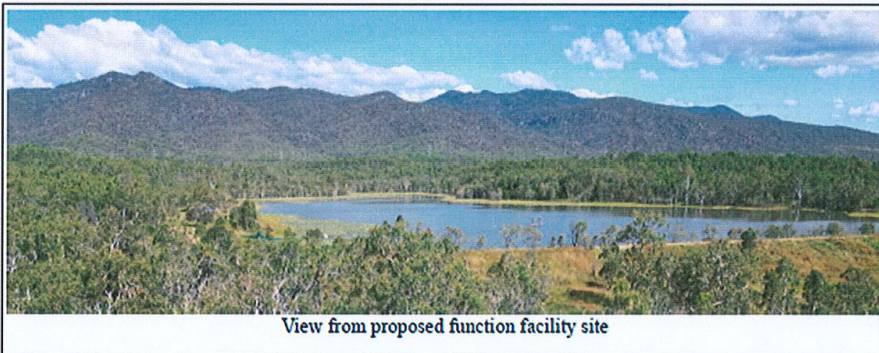
Kanjini Co-Op Ltd has already hosted the Kuranda Roots Festival in 2021, 2022 and 2023 with about 700-1,200 persons at the proposed event site 1. These three-day festivals were very successful and without any major incidents and all attendees really enjoyed the beautiful location.

FUNCTIONS:

The proposed function facility will be limited to about 300-400 sqm in size and as such will not be able to accommodate more than 200-300 people (see attached concept drawings).

It is overlooking and within walking distance of our 25 acre lake and will offer a stunning backdrop to any marriage or other function.

It is located close to our main entry to ensure easy 2WD access and there is plenty of already cleared parking areas close-by.



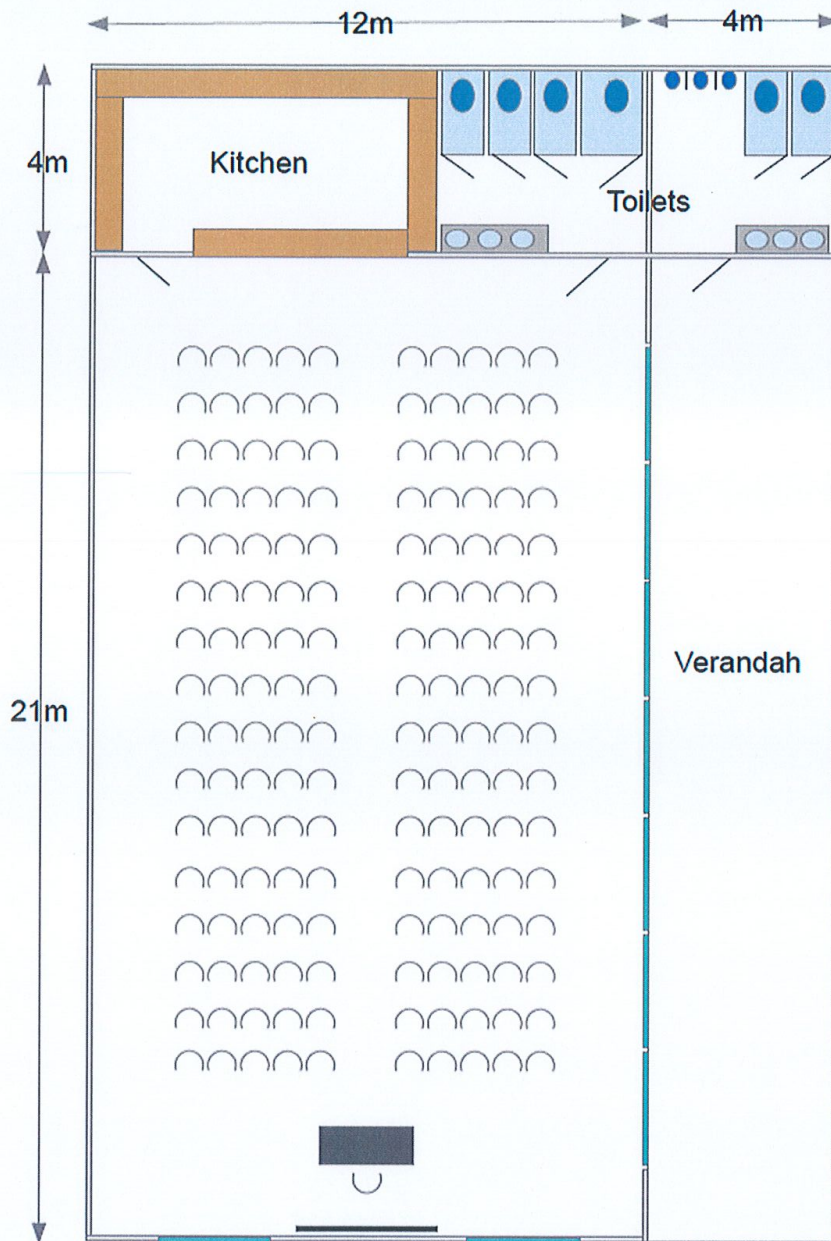
View from proposed function facility site

The unique scenic location of these events and function sites have the potential to attract boutique events and functions to Mareeba Shire. For example, we already had an inquiry from a major firm to fly their Sydney staff in for their Christmas function because of the unique scenery

17/10/2024
B. Hill

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Proposed Function Facility - Layout

17/10/2024
B. N. Q.

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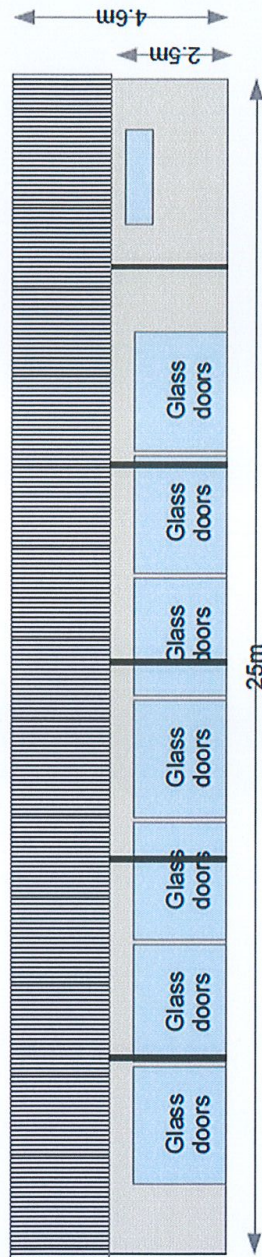
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Proposed Function Facility

South-East Elevation



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S. [Signature]

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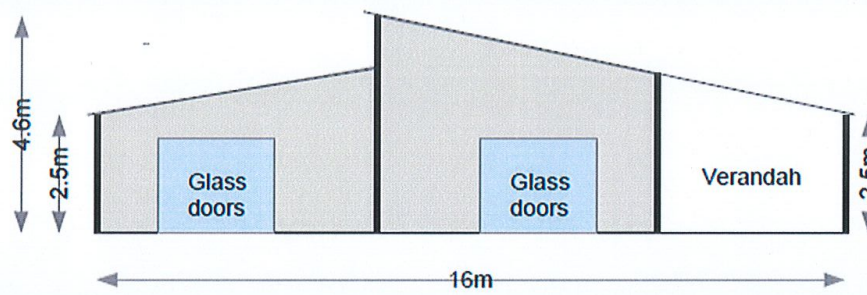
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Proposed Function Facility

South-West Elevation



17/10/2024
S. [Signature]

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Referral Agency Response

RA22-N



Our reference: 2303-33822 SRA
Council reference: MCU/22/0002
Applicant reference: F21/374

16 September 2024

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

Attention: Carl Ewin

Dear Sir/Madam

Changed referral agency response—with conditions

(Given under section 28 of the Development Assessment Rules)

On 2 September 2024 the State Assessment and Referral Agency (SARA) received your complete representations regarding notice of a change to the development application described below. SARA has assessed the changes and now provides this changed referral agency response which replaces the response dated 1 February 2024.

Applicant details

Applicant name: Kanjini Co-Op Limited
Applicant contact details: C/- Freshwater Planning Pty Ltd
17 Barron View Drive
Freshwater QLD 4870
freshwaterplanning@outlook.com

Location details

Street address: 483 Emerald Falls Road, Mareeba; 545 Kay Road, Mareeba;
Emerald Falls Road, Mareeba
Real property description: Lot 66 on RP896904, Lot 67 on SP328197 and Lot 68 on SP282408
Local government area: Mareeba Shire Council

Application details

Development permit: Material Change of Use for Outdoor Sport and Recreation, Function Facility and Tourist Park

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

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Referral triggers

The development application was referred to the department under the following provisions of the Planning Regulation 2017:

- Schedule 10, Part 3, Division 4, Table 3, Item 1 (Planning Regulation 2017) - Material change of use that involves clearing native vegetation
- Schedule 10, Part 4, Division 3, Table 1, Item 1 (Planning Regulation 2017) - Premises contaminated because of unexploded ordnance

Conditions

Under section 56(1)(b)(i) of the *Planning Act 2016* (the Act), the conditions set out in Attachment 1 must be attached to any development approval.

Reasons for decision to impose conditions

SARA must provide reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

Advice to the assessment manager

Under section 56(3) of the Act, SARA offers advice about the application to the assessment manager—see Attachment 3.

Approved plans and specifications

SARA requires that the plans and specifications set out below and enclosed must be attached to any development approval.

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

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

Yours sincerely



Brett Nancarrow
Manager (Planning)

cc Kanjini Co-Op Limited C/- Freshwater Planning Pty Ltd, freshwaterplanning@outlook.com

enc Attachment 1—Changed conditions to be imposed
Attachment 2—Changed reasons for decision to impose conditions
Attachment 3—Changed advice to the assessment manager
Approved plans and specifications

State Assessment and Referral Agency

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Attachment 1—Changed conditions to be imposed

No.	Conditions	Condition timing
Material change of use		
Schedule 10, Part 3, Division 4, Table 3 – Clearing native vegetation — The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Resources to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:		
1.	Clearing of vegetation must: <ul style="list-style-type: none"> (a) only occur within Area A (Parts A1 – A9) as shown on the attached: <ul style="list-style-type: none"> (i) Vegetation Management Plan, prepared by Queensland Government, reference VMP 2303-33622 SRA, Sheets 1 & 2, version 4 2; and (ii) Attachment to Vegetation Management Plan VMP 2303-33622 SRA Derived Reference Points for GPS; (b) not exceed 0.8 0.18 hectares. 	At all times.
2.	Built infrastructure, other than fences, roads, underground services, must not be established, constructed or located within Area C (Parts C1 – C2) as shown on the attached: <ul style="list-style-type: none"> (a) Vegetation Management Plan, prepared by Queensland Government, reference VMP 2303-33622 SRA, Sheets 1 & 2, version 4 2; and (b) Attachment to Vegetation Management Plan VMP 2303-33622 SRA Derived Reference Points for GPS, Pages 1 - 3. 	At all times.
Schedule 10, Part 4, Division 3, Table 1 – Unexploded ordnance — The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Housing, Local Government, Planning and Public Works 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:		
3.	Provide written confirmation to the Department of Housing, Local Government, Planning and Public Works via email to CairnsSARA@dasilgp.qld.gov.au by an approved contractor on the Australian Government, Department of Defence, Unexploded Ordnance (UXO) Panel that all proposed use areas upon the site each proposed stage of development including any associated vehicular and pedestrian access tracks specific to this application has been assessed, remediated and cleared of unexploded ordnances. Specifically, these proposed use areas as shown on the plan entitled 'Kanjini Co Op Ltd – Development Application Map' that was provided as part of the response to SARA's information request must include but are not limited to: <ul style="list-style-type: none"> ▲ Event site 2; ▲ Tourist cabins (total of 8); ▲ Function facility and associated car parking area; ▲ Bush camp sites 1, 3-5, 10-12, 14-18; ▲ RV park; ▲ Manager's residence; and 	Prior to the commencement of <u>building works or operational works for each stage of development; or</u> <u>Where no building works or operational works are required prior to the commencement of the use.</u>

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	<p>▲ All vehicular and pedestrian access tracks associated with the abovementioned use areas.</p> <p><u>The proposed stages of development are confined to the area shown on the plan entitled 'Kanjini Co-Op Ltd - Development Application Map' that was provided as part of the request to make representations to SARA's referral agency response and are specifically shown on the following UXO treatment plans (as amended in red by SARA):</u></p> <ul style="list-style-type: none"> • <u>Stage 2 – Event site 2 & camp 18</u> • <u>Stage 3 – Tourist cabins</u> • <u>Stage 4 – Camps 15 & 16</u> • <u>Stage 5 – Camp 17</u> • <u>Stage 7 – Camp 20</u> • <u>Stage 8 – RV site</u> • <u>Stage 9 – Function site</u> • <u>Stage 10 – Possible alternative camp site (C-A1)</u> • <u>Stage 11 – Possible alternative camp site (C-A2)</u> 	
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Attachment 2—Changed reasons for decision to impose conditions**The reasons for the SARA's decision are:**

- Ensures that the proposed development areas upon the site identified as having substantial unexploded ordnance (UXO) potential is investigated and, where necessary, remediated so as to not place another part of the environment, or human health, at risk as a consequence of development.
- The impacts on connectivity or loss of biodiversity and the impact on ecosystem function is considered minimal as the scale of exemption clearing will be small and the extent of adjoining remnant vegetation is large.
- Appropriate fire and safety buffers from existing remnant vegetation have been addressed to maintain the safety of persons and property that will be associated with the proposed development and future buildings and/or infrastructure being constructed upon the proposed lots.
- The proposed development has reasonably avoided clearing where possible and reasonably minimised the adverse impacts of clearing where it cannot be reasonably avoided.
- SARA has carried out an assessment of the development application against State code 13: Unexploded ordnance and State code 16: Native vegetation clearing, and has found that with conditions, the proposed development complies with relevant performance outcomes.

Material used in the assessment of the application:

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

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Attachment 3—Changed advice to assessment manager

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.

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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.

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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.

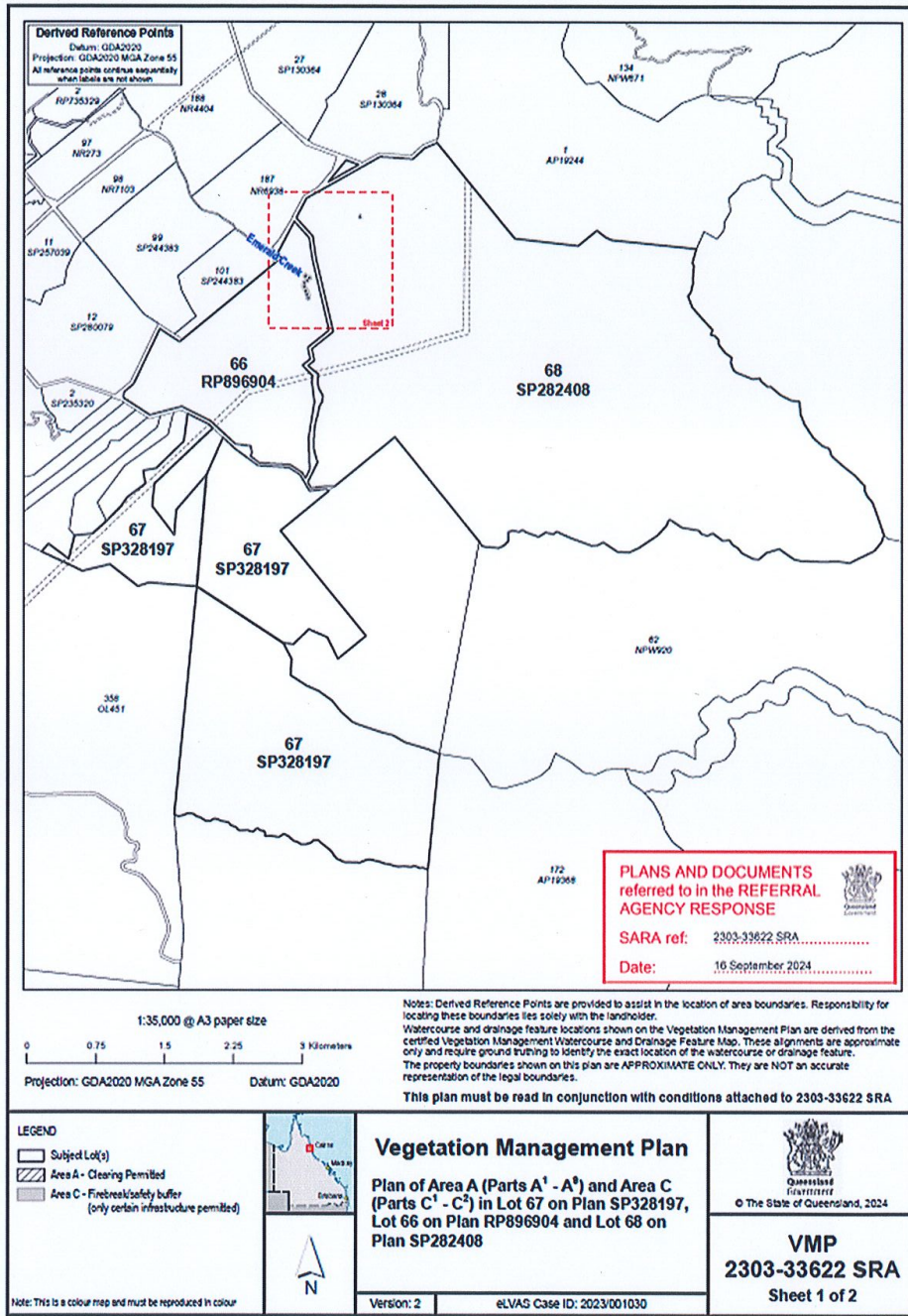
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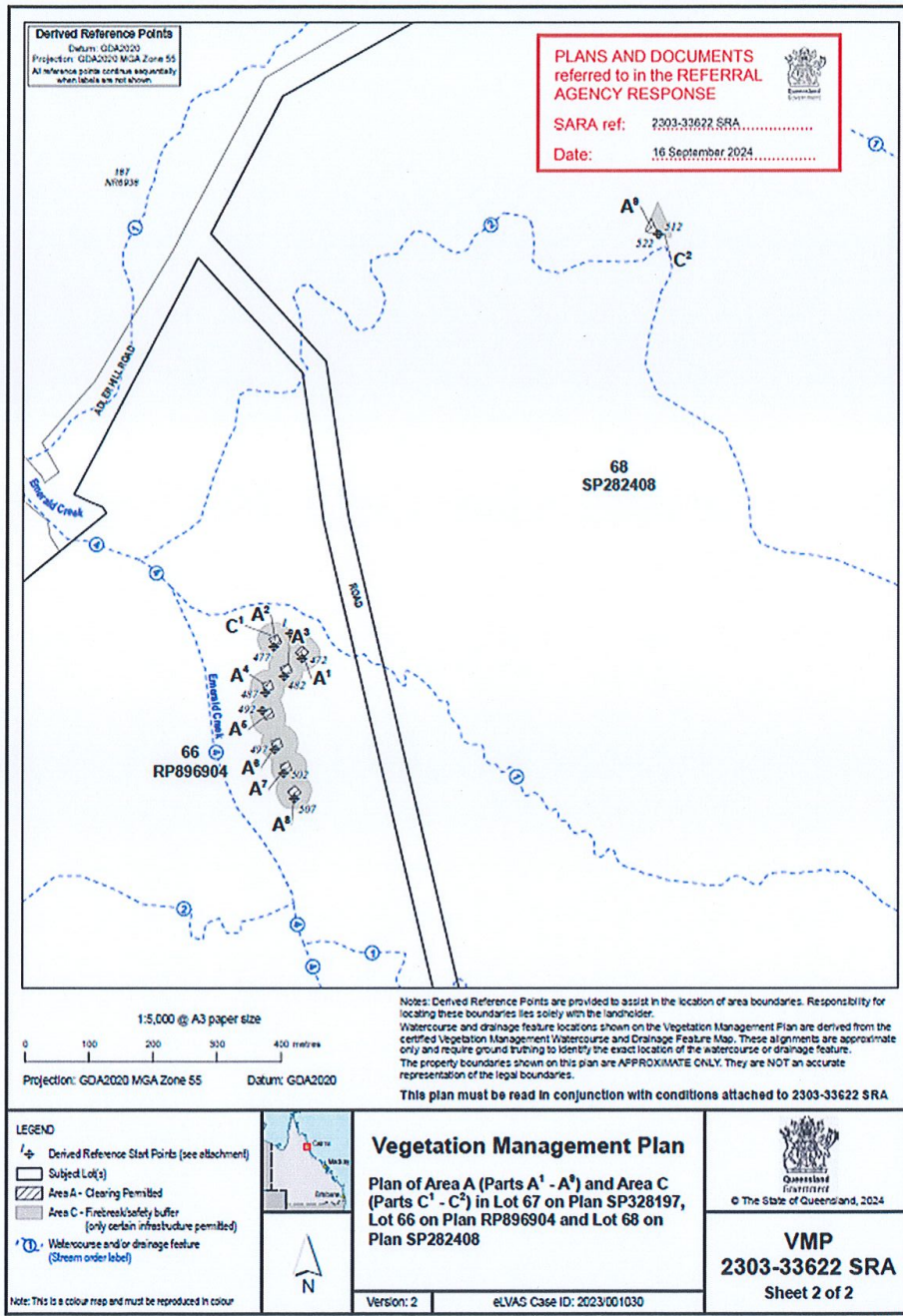


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**Attachment: 2303-33622 SRA
Derived Reference Points
Datum: GDA2020, Projection: MGA Zone 55**

**PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE**



SARA ref: 2303-33622 SRA
Date: 16 September 2024

Notes: Derived Reference Points are provided to assist in the location of area boundaries.
Responsibility for locating these boundaries lies solely with the landholder and delegated contractor(s).
Coordinates start at a point indicated on the accompanying plan and continue sequentially when labels are not shown.

Part ID	Unique ID	Easting	Northing	Part ID	Unique ID	Easting	Northing	Part ID	Unique ID	Easting	Northing
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C1	3	344246	8116300	C1	63	344261	8116304	C1	123	344251	8116239
C1	4	344246	8116388	C1	64	344260	8116302	C1	124	344252	8116238
C1	5	344246	8116387	C1	65	344259	8116301	C1	125	344252	8116238
C1	6	344246	8116387	C1	66	344258	8116319	C1	126	344252	8116237
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**Attachment: 2303-33622 SRA
Derived Reference Points
Datum: GDA2020, Projection: MGA Zone 55**

**PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE**

SARA ref: 2303-33622 SRA.....
Date: 16 September 2024.....



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**Attachment: 2303-33622 SRA
Derived Reference Points
Datum: GDA2020, Projection: MGA Zone 55**

PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

SARA ref: 2303-33622 SRA.....

Date: 16 September 2024.....



Notes: Derived Reference Points are provided to assist in the location of area boundaries. Responsibility for locating these boundaries lies solely with the landholder and delegated contractor(s). Coordinates start at a point indicated on the accompanying plan and continue sequentially when labels are not shown.

Part ID	Unique ID	Easting	Northing
C1	361	344210	8116336
C1	362	344210	8116342
C1	363	344210	8116344
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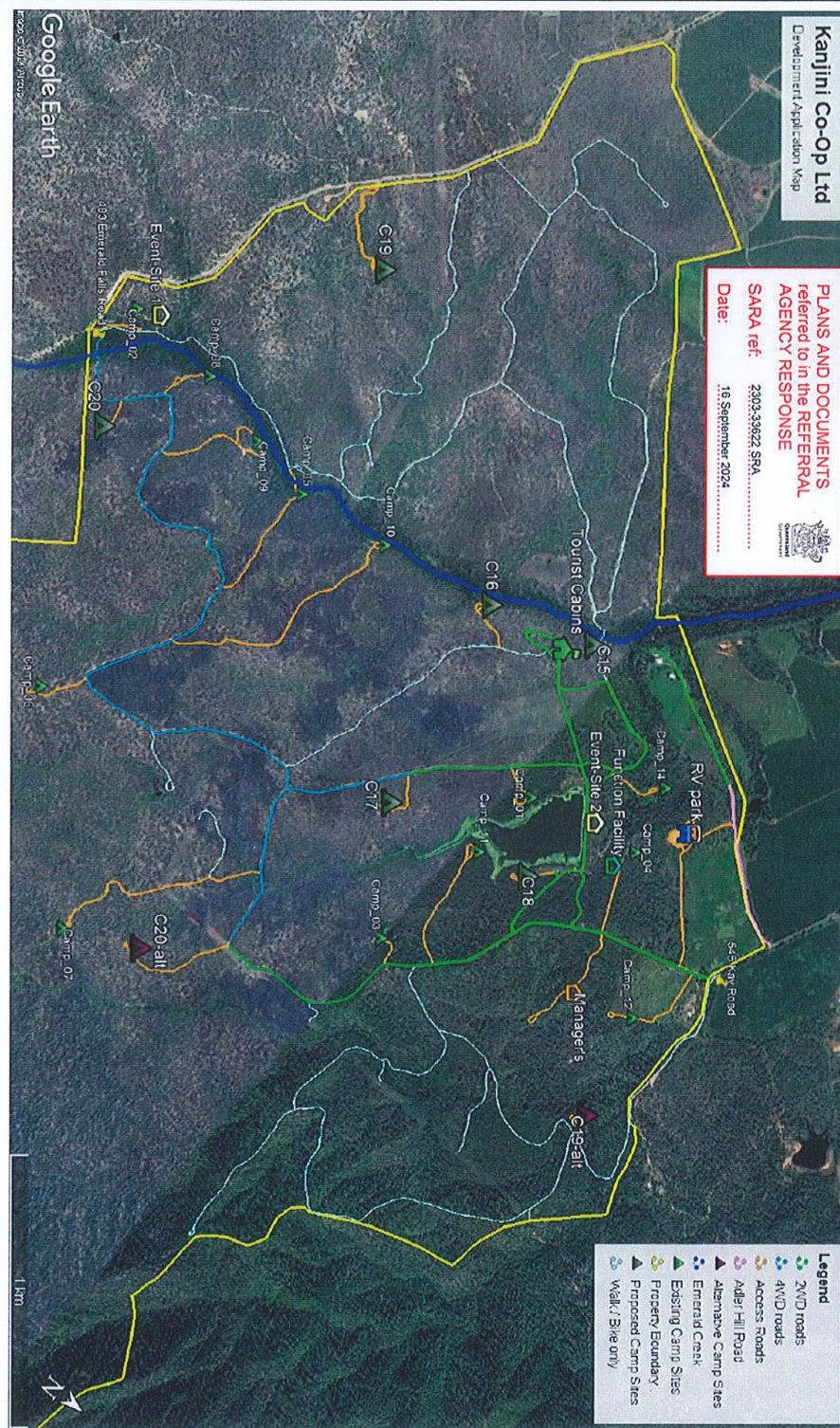
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A6	499	344226	8116230
A6	500	344232	8116217
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A7	503	344226	8116189
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A7	505	344247	8116181
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C2	517	344837	8117018
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C2	520	344837	8117006
C2	521	344817	8117013
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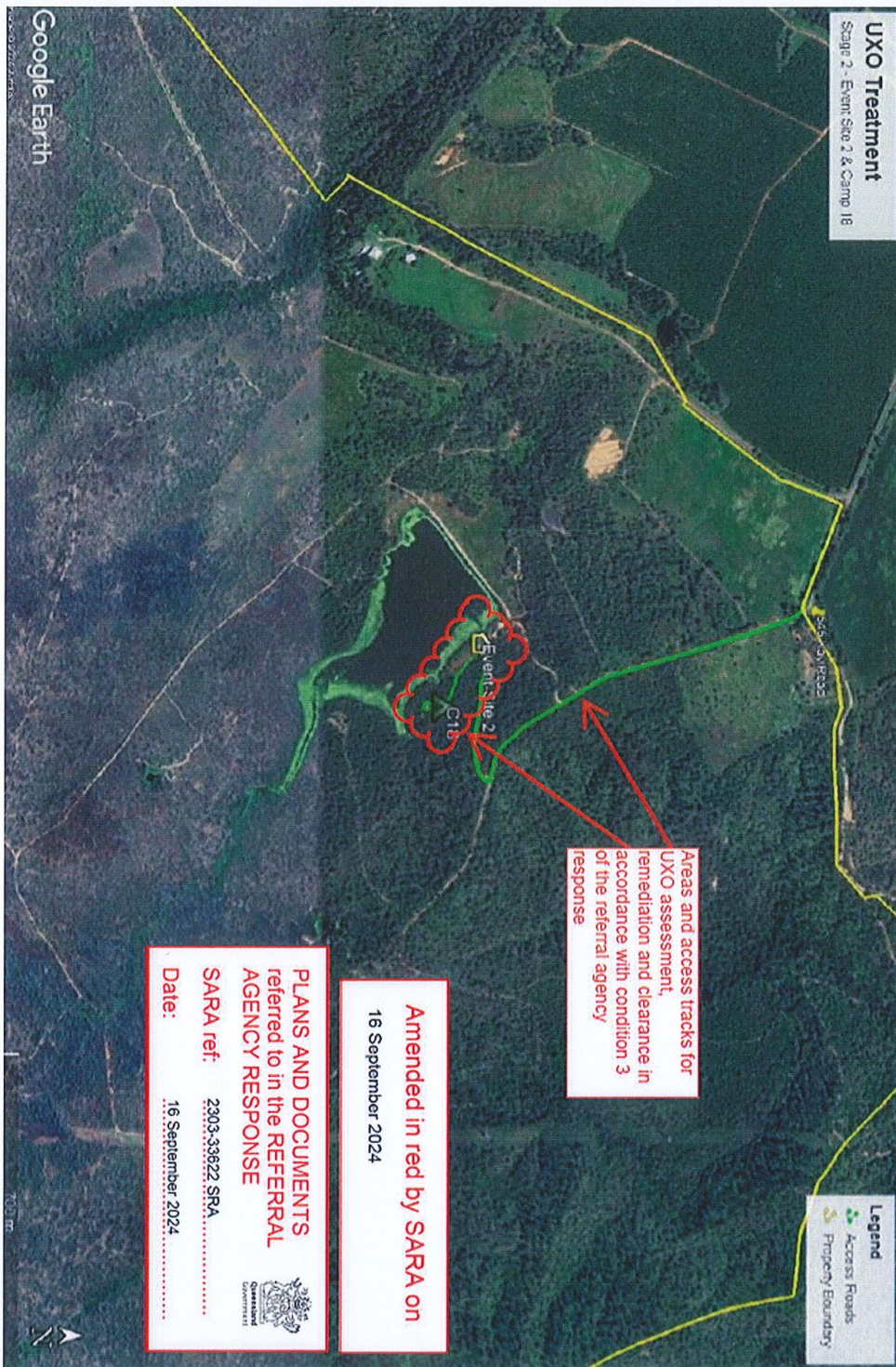


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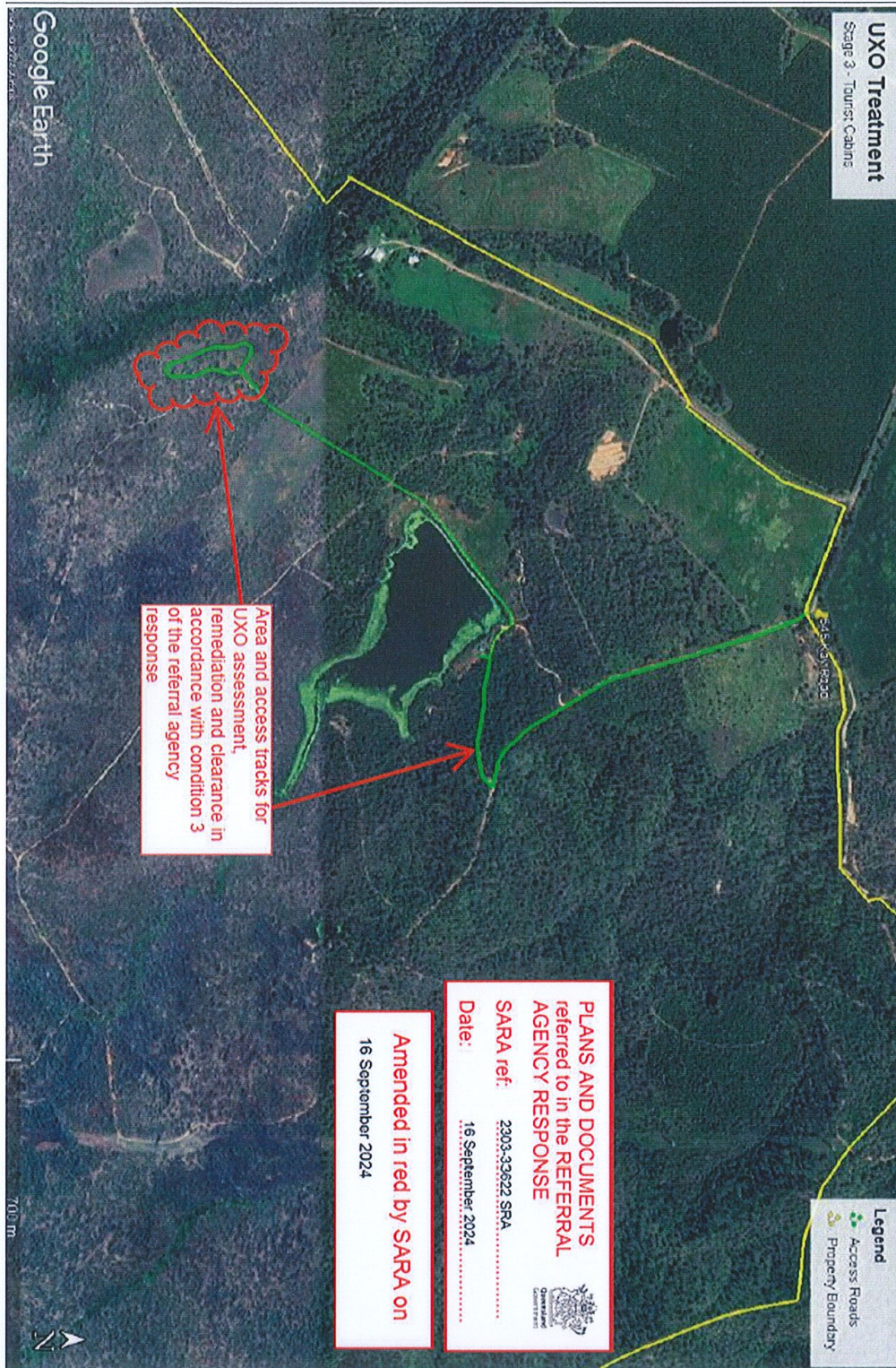


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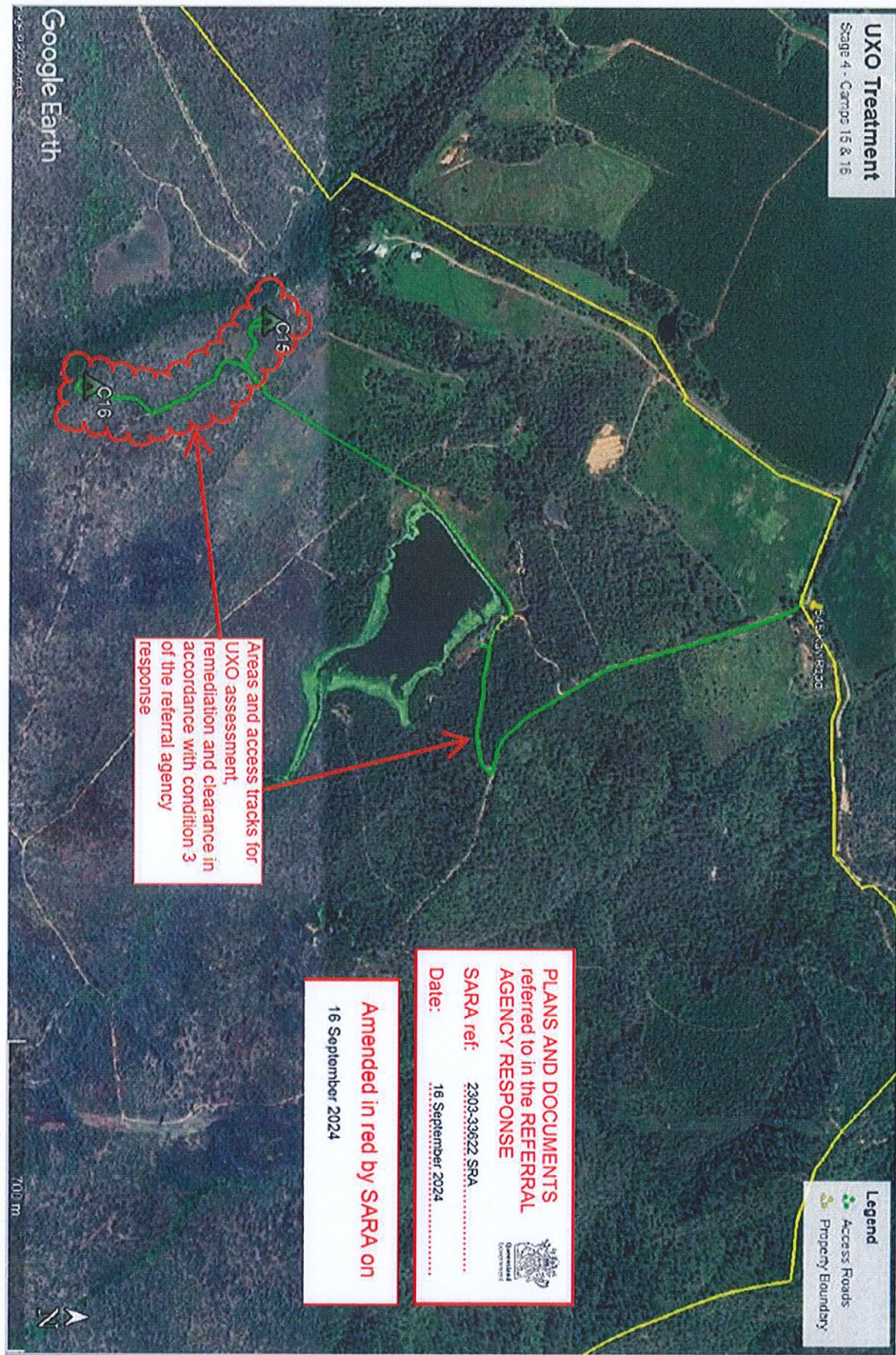


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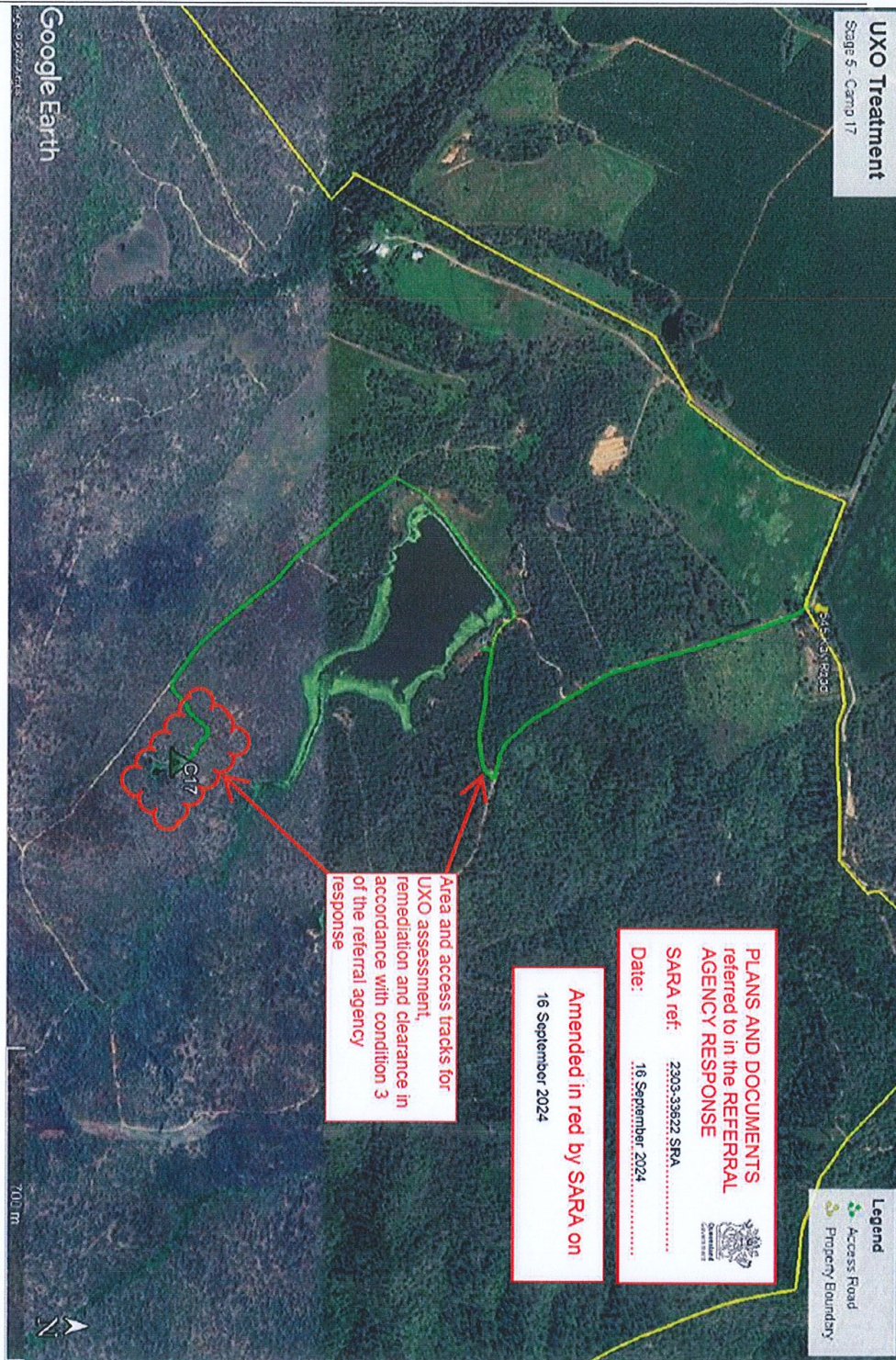


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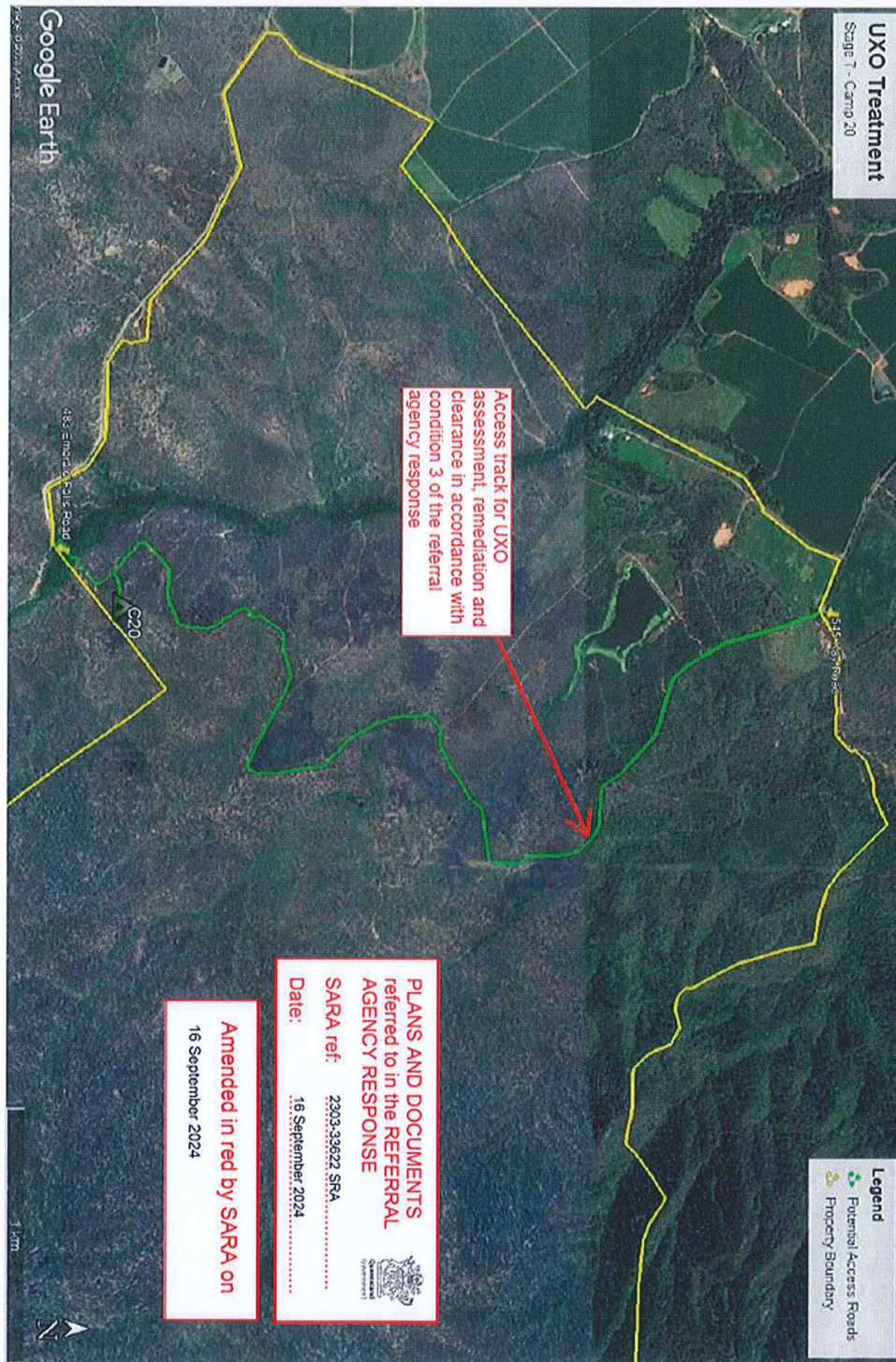


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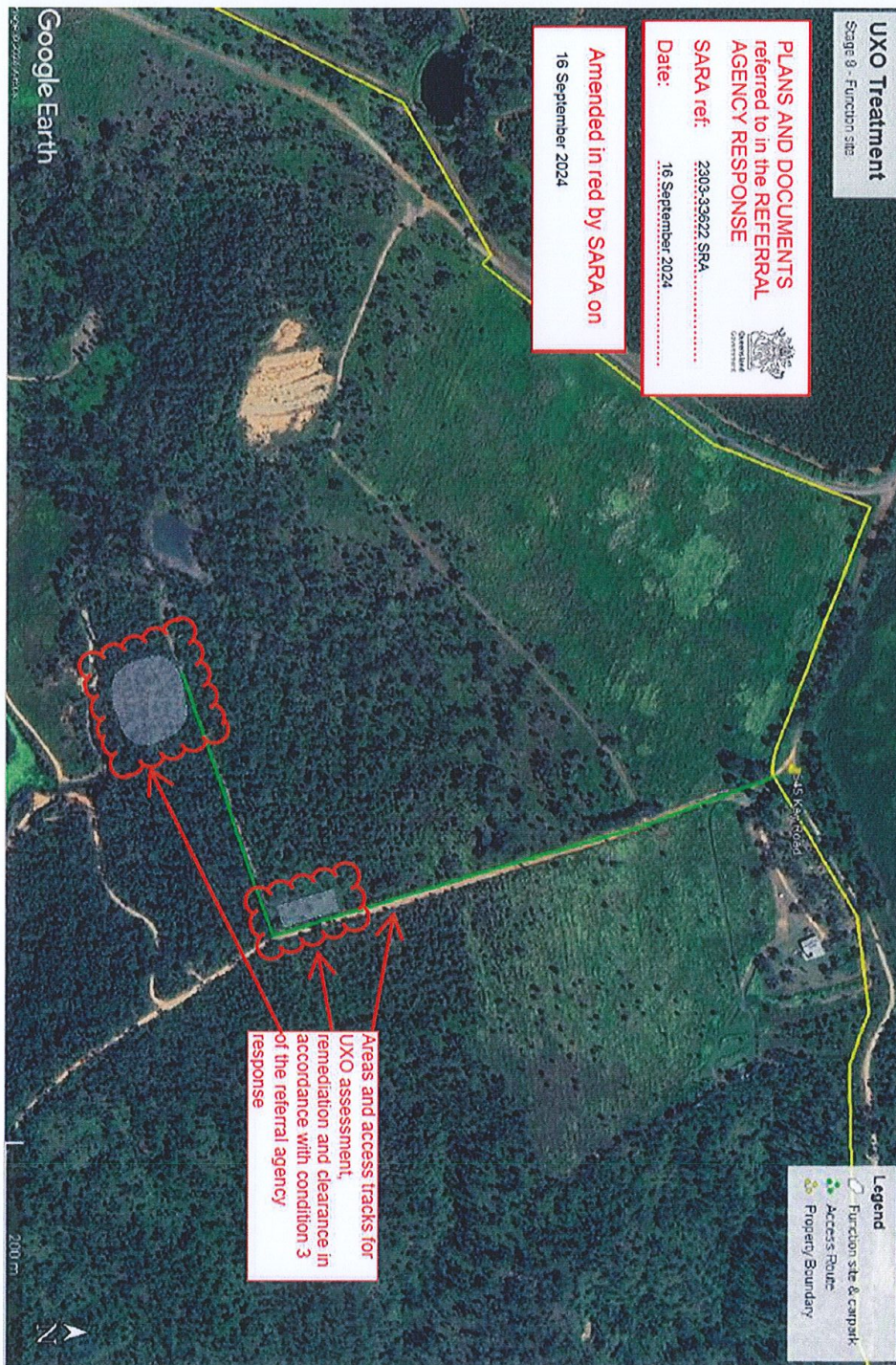


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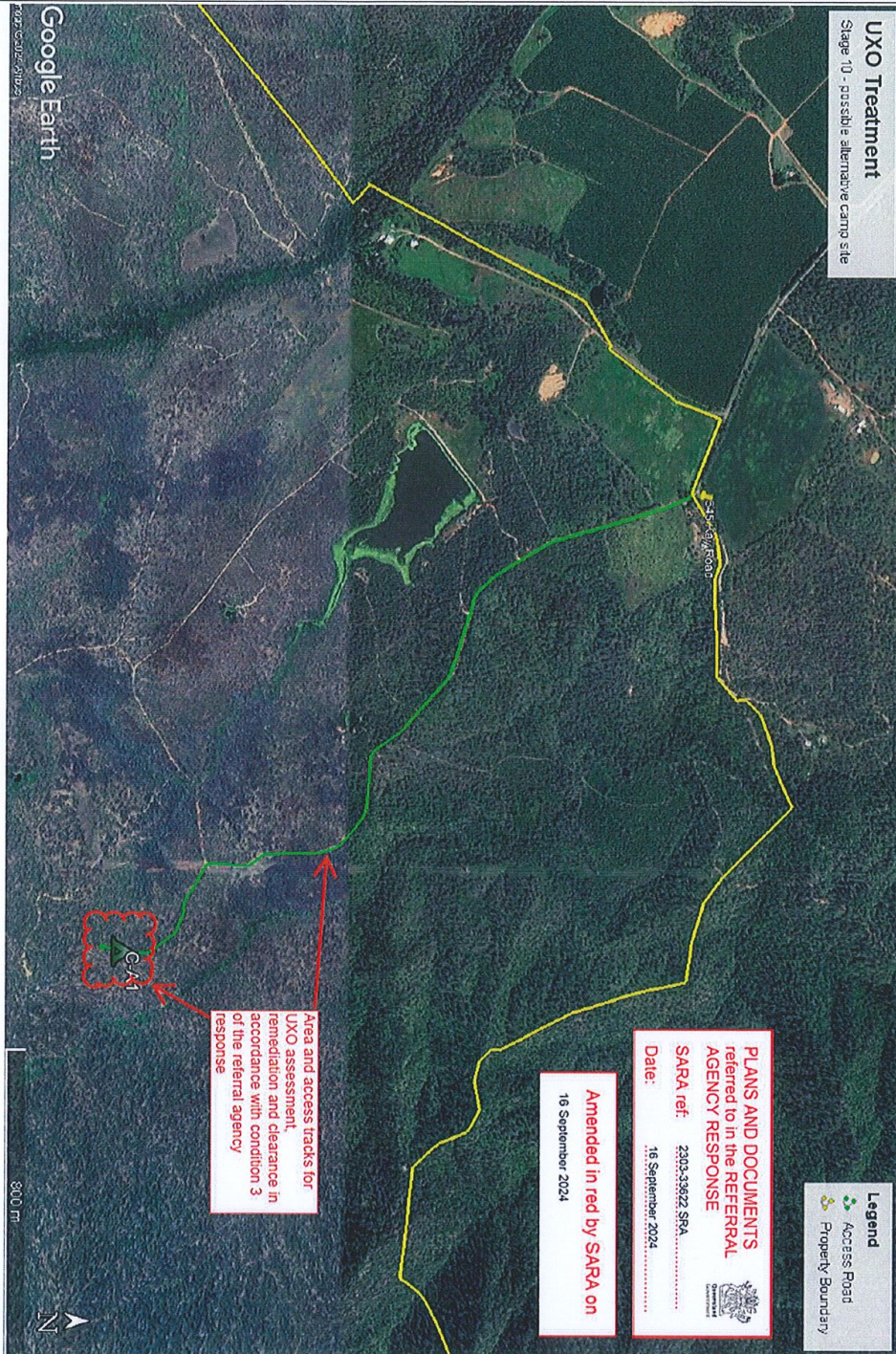


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24 November 2023



Our Ref: DA5493
(MSLink105458, 3418653 & 3751471)

Mareeba Shire Council
PO Box 154
MAREEBA QLD 4880

Attention: Carl Ewin
Email: CarlE@msc.qld.gov.au & info@msc.qld.gov.au
Application: MCU/22/0002

Kanjini Co-Op Limited
C/- Freshwater Planning Pty Ltd
17 Barronview Drive
FRESHWATER QLD 4870

Attention: Matthew Andrejic
Email: FreshwaterPlanning@outlook.com

Dear Sir/Madam,

Referral Agency Response (Advice)

(Given under section 9.2 of the Development Assessment Rules)

Transmission Infrastructure Impacted	
Transmission Corridor	Springmount Tee Woree (275kV) Transmission Line Corridor
Easement ID	Easement A on RP906509 (Dealing No. 702021125) Easement B on RP906509 (Dealing No. 702021125) Easement C on RP906509 (Dealing No. 702021125)
Location Details	
Street address	545 Kay Road & 483 Emerald Falls Road Mareeba
Real property description	Lot 66 on RP896904, Lot 67 SP328197 and Lot 68 on SP282408
Local government area	Mareeba Shire Council
Application Details	
Proposed development:	Material Change of use – Outdoor Sport and Recreation, function facility and Tourist Park
Approval sought	Development permit

We refer to the above referenced development application which has been referred to Powerlink Queensland in accordance with Section 54 of the *Planning Act 2016*.

In accordance with its jurisdiction under Schedule 10 Part 9 Division 2 of the *Planning Regulation 2017*, Powerlink Queensland is a Referral Agency (Advice) for the above development application.

Specifically, the application has been triggered for assessment by Powerlink Queensland because:

1. For material change of use – all or part of the premises are subject to a transmission entity easement which is part of the transmission supply network (Table 2 1b)

33 Harold Street, Virginia
PO Box 1193, Virginia, Queensland 4014, Australia
Telephone: (07) 3860 2111 Facsimile: (07) 3860 2100
www.powerlink.com.au

Powerlink Queensland is the registered business name of the Queensland Electricity Transmission Corporation Limited
ABN 82 078 849 233

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PLANS AND REPORTS ASSESSED

The following plans and reports have been reviewed by Powerlink Queensland and form the basis of our assessment. Any variation to these plans and reports may require amendment of our advice.

Table 1: Plans and Reports upon which the assessment is based

Drawing / Report Title	Prepared by	Dated	Reference No.	Version / Issue
Kanjini Cooperative Development Application Map – as part of the town planning report	Kanjini Cooperative	2/3/2022		

Powerlink Queensland, acting as a Referral Agency (Advice) under the Planning Regulation 2017 provides its response to the application as attached (Attachment 1).

Please treat this response as a properly made submission for the purposes of Powerlink being an eligible advice agency in accordance with the *Planning Act 2016*.

For further information please contact our Property Services Team via email property@powerlink.com.au who will be pleased to assist.

Yours sincerely



for Narelle Titman
MANAGER PROPERTY

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ATTACHMENT 1 – REFERRAL AGENCY (ADVICE) RESPONSE

Powerlink Queensland supports this application subject to the inclusion of the following conditions in the Assessment Manager's Decision Notice.

No.	Condition	Timing	Reason
1	The development must be carried out generally in accordance with the reviewed plans detailed in Table 1.	At all times.	To ensure that the development is carried out generally in accordance with the plans of development submitted with the application.
2	The statutory clearances set out in the <i>Electrical Safety Regulation 2013</i> must be maintained during construction and operation. No encroachment within the statutory clearances is permitted.	At all times.	To ensure that the purpose of the <i>Electrical Safety Act 2002</i> is achieved and electrical safety requirements are met.
3	Compliance with the terms and conditions of the easement dealing no. shown in the heading of this letter.	At all times.	To ensure that the existing rights contained in the registered easement dealings are maintained.
4	Compliance with the generic requirements in respect to proposed works in the vicinity of Powerlink Queensland infrastructure as detailed in the enclosed Annexure "A".	At all times.	To ensure that the purpose of the <i>Electrical Safety Act 2002</i> is achieved and electrical safety requirements are met. To ensure the integrity of the easement is maintained.

Advice to Council and the Applicant

- Should any doubt exist in maintaining the prescribed clearance to electrical infrastructure the applicant is obliged under the *Electrical Safety Act 2002* to seek advice from Powerlink.
- This response does not constitute an approval to commence operational works within the easement. Prior written approval is required from Powerlink Queensland before any work is undertaken within the easement area. All works on easement (including but not limited to earthworks, drainage and detention basins; road construction; underground and overhead service installation) require detailed submissions, assessments and consent (or otherwise) by Powerlink. Further, Powerlink may require that such drawings be provided in electronic format (3D DXF or equivalent of final design RL's AHD and MGA GDA94 in applicable zone)
- In order for Powerlink to maintain and operate a safe and reliable supply of electricity, we require unrestricted 24-hour access to our corridors and infrastructure.

We will require practical access (typically by 4WD vehicle – but to standard no less than existing) to the Powerlink structures.

If it is envisaged that there will be any interference or alteration to our current access arrangements prior, during or after the completion of your works, we require that the applicant contacts our Easement Maintenance Service Provider (Ergon Energy – Peter Gorrie – ph 0417 199 931)
- Compliance with the *Electrical Safety Act 2002* including any Code of Practice under the Act and the *Electrical Safety Regulation 2013* including any safety exclusion zones defined in the Regulation.

In respect of this application, the exclusion zone for untrained persons and for operating plant operated by untrained persons is six (6) metres from the 275,000-volt wires and exposed electrical parts.

If works have the potential to come within the prescribed clearance to the conductors and electrical infrastructure, then the applicant must seek advice from Powerlink by completing the attached Application for Safety Advice – Form and submitting to property@powerlink.com.au

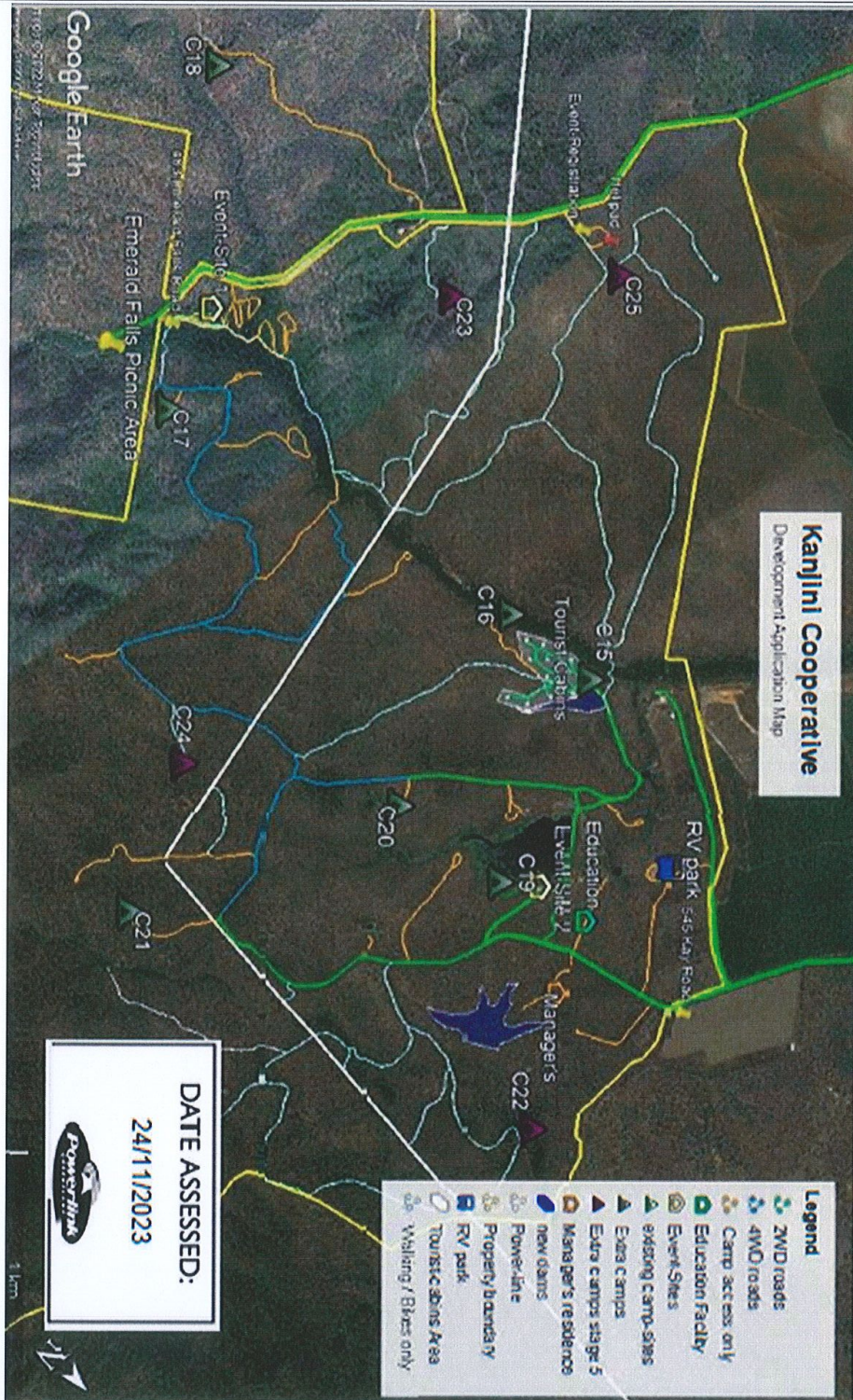
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ANNEXURE A – GENERIC REQUIREMENTS

The conditions contained in this Annexure have been compiled to assist persons (the applicant) intending to undertake work within the vicinity of high-voltage electrical installations and infrastructure owned or operated by Powerlink. The conditions are supplementary to the provisions of the Electrical Safety Act 2002, Electrical Safety Regulation 2013 and the Terms and Conditions of Registered Easements and other forms of Occupational Agreements hereinafter collectively referred to as the "Easement". Where any inconsistency exists between this Annexure and the Easement, the Easement shall take precedence.

1. POWERLINK INFRASTRUCTURE

You may not do any act or thing which jeopardises the foundations, ground anchorages, supports, towers or poles, including (without limitation) inundate or place, excavate or remove any soil, sand or gravel within a distance of twenty (20) metres surrounding the base of any tower, pole, foundation, ground anchorage or support.

2. STRUCTURES

No structures should be placed within twenty (20) metres of any part of a tower or structure foundation or within 5m of the conductor shadow area. Any structures on the easement require prior written consent from Powerlink.

3. EXCLUSION ZONES

Exclusion zones for operating plant are defined in Schedule 2 of the Electrical Safety Regulation 2013 for Untrained Persons. All Powerlink infrastructure should be regarded as "electrically live" and therefore potentially dangerous at all times.

In particular your attention is drawn to Schedule 2 of the Electrical Safety Regulation 2013 which defines exclusion zones for untrained persons in charge of operating plant or equipment in the vicinity of electrical facilities. If any doubt exists in meeting the prescribed clearance distances from the conductors, the applicant is obliged under this Act to seek advice from Powerlink.

4. ACCESS AND EGRESS

Powerlink shall at all times retain the right to unobstructed access to and egress from its infrastructure. Typically, access shall be by 4WD vehicle.

5. APPROVALS (ADDITIONAL)

Powerlink's consent to the proposal does not relieve the applicant from obtaining statutory, landowner or shire/local authority approvals.

6. MACHINERY

All mechanical equipment proposed for use within the easement must not infringe the exclusion zones prescribed in Schedule 2 of the Electrical Safety Regulation 2013. All operators of machinery, plant or equipment within the easement must be made aware of the presence of live high-voltage overhead wires. It is recommended that all persons entering the Easement be advised of the presence of the conductors as part of on site workplace safety inductions. The use of warning signs is also recommended.

ANNEXURE A – GENERIC REQUIREMENTS

- 7. EASEMENTS**

All terms and conditions of the easement are to be observed. Note that the easement takes precedence over all subsequent registered easement documents. Copies of the easement together with the plan of the Easement can be purchased from the Department of Environment & Resource Management.
- 8. EXPENDITURE AND COST RECOVERY**

Should Powerlink incur costs as a result of the applicant's proposal, all costs shall be recovered from the applicant.

Where Powerlink expects such costs to be in excess of \$10 000.00, advanced payments may be requested.
- 9. EXPLOSIVES**

Blasting within the vicinity (500 metres) of Powerlink infrastructure must comply with AS 2187. Proposed blasting within 100 metres of Powerlink infrastructure must be referred to Powerlink for a detailed assessment.
- 10. BURNING OFF OR THE LIGHTING OF FIRES**

We strongly recommend that fires not be lit or permitted to burn within the transmission line corridor and in the vicinity of any electrical infrastructure placed on the land. Due to safety risks Powerlink's written approval should be sought.
- 11. GROUND LEVEL VARIATIONS**

Overhead Conductors
Changes in ground level must not reduce statutory ground to conductor clearance distances as prescribed by the Electrical Safety Act 2002 and the Electrical Safety Regulation 2013.

Underground Cables
Any change to the ground level above installed underground cable is not permitted without express written agreement of Powerlink.
- 12. VEGETATION**

Vegetation planted within an easement must not exceed 3.5 metres in height when fully matured. Powerlink reserves the right to remove vegetation to ensure the safe operation of the transmission line and, where necessary, to maintain access to infrastructure.
- 13. INDEMNITY**

Any use of the Easement by the applicant in a way which is not permitted under the easement and which is not strictly in accordance with Powerlink's prior written approval is an unauthorised use. Powerlink is not liable for personal injury or death or for property loss or damage resulting from unauthorised use. If other parties make damage claims against Powerlink as a result of unauthorised use then Powerlink reserves the right to recover those damages from the applicant.

ANNEXURE A – GENERIC REQUIREMENTS**14. INTERFERENCE**

The applicant's attention is drawn to s.230 of the Electricity Act 1994 (the "Act"), which provides that a person must not wilfully, and unlawfully interfere with an electricity entity's works. "Works" are defined in s.12 (1) of the Act. The maximum penalty for breach of s.230 of the Act is a fine equal to 40 penalty units or up to 6 months imprisonment.

15. REMEDIAL ACTION

Should remedial action be necessary by Powerlink as a result of the proposal, the applicant will be liable for all costs incurred.

16. OWNERS USE OF LAND

The owner may use the easement land for any lawful purpose consistent with the terms of the registered easement; the conditions contained herein, the Electrical Safety Act 2002 and the Electrical Safety Regulation 2013.

17. ELECTRIC AND MAGNETIC FIELDS

Electric and Magnetic Fields (EMF) occur everywhere electricity is used (e.g. in homes and offices) as well as where electricity is transported (electricity networks).

Powerlink recognises that there is community interest about Electric and Magnetic Fields. We rely on expert advice on this matter from recognised health authorities in Australia and around the world. In Australia, the Federal Government agency charged with responsibility for regulation of EMFs is the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). ARPANSA's *Fact Sheet – Magnetic and Electric Fields from Power Lines*, concludes:

"On balance, the scientific evidence does not indicate that exposure to 50Hz EMF's found around the home, the office or near powerlines is a hazard to human health."

Whilst there is no scientifically proven causal link between EMF and human health, Powerlink nevertheless follows an approach of "prudent avoidance" in the design and siting of new powerlines. This includes seeking to locate new powerline easements away from houses, schools and other buildings, where it is practical to do so and the added cost is modest.

The level of EMF decreases rapidly with distance from the source. EMF readings at the edge of a typical Powerlink easement are generally similar to those encountered by people in their daily activities at home or at work. And in the case of most Powerlink lines, at about 100 metres from the line, the EMF level is so small that it cannot be measured.

Powerlink is a member of the ENA's EMF Committee that monitors and compiles up-to-date information about EMF on behalf of all electricity network businesses in Australia. This includes subscribing to an international monitoring service that keeps the industry informed about any new developments regarding EMF such as new research studies, literature and research reviews, publications, and conferences.

We encourage community members with an interest in EMF to visit ARPANSA's website: www.arpansa.gov.au Information on EMF is also available on the ENA's website: www.ena.asn.au

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Application for Safety Advice – Form

Important: The *Electrical Safety Regulation 2013* and Powerlink Queensland's *Electrical Safety Rules* require a person intending to undertake an activity that has the potential to come within the *Untrained Exclusion Zone* for live electrical equipment to consult with and seek electrical safety advice from the *Electricity Entity* for the equipment.

Important: This Application for Safety Advice is limited to the time, scope, equipment, procedure and location advised by the Applicant and will become invalid if there any changes to these details.

Part A - To be completed by Applicant (at least 28 days before commencement of work)

A.1 – Applicant Details	
Name:	
Email Address:	
Contact Number:	
Application Date:	
A.2 – Site Supervisor Details	
Name:	
Email Address:	
Contact Number:	
A.3 – Company Details	
Name:	
Address:	
A.4 – Work Details	
Project Name: (if applicable)	
Project Number: (if applicable)	
Work Location:	
Start Date:	
End Date:	

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Part A - To be completed by Applicant (continued)

A.5 – Work Summary (including activities to be undertaken, type of plant, etc.)

A.6 – Site Drawing Reference

Drawing No.	Drawing Title / Description

A.7 – Controls (nominated by Applicant / Site Supervisor)

Control No.	Details of Controls
1	
2	
3	
4	
5	

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Part A - To be completed by Applicant (continued)

A.8 – Electrical Clearances

Are works within the 6m of any live electrical parts, equipment or conductors?	<input type="checkbox"/> Yes <input type="checkbox"/> No – Proceed to Section A.10
--	---

A.9 – Nominated Safety Observers

Note: If answered 'No' in Section A.8, leave this section blank and proceed to Section A.10

Name	Company	Expiry Date

Evidence of Safety Observer Training Provided:	<input type="checkbox"/> Yes <input type="checkbox"/> No
--	---

Note: A suitably qualified Safety Observer is required for any work within the untrained exclusion zone. Evidence must be provided to ensure all nominated Safety Observers have completed the minimum training requirements to perform this role.

A.10 – Applicant Acknowledgement

By signing this application, the Applicant acknowledges that they will not allow the commencement of work for which safety advice is being sought until the following requirements have been met:

- Safety advice is given by a Powerlink Queensland Regional Contact Representative (RCR)
- Safety advice has been formally accepted by the nominated site supervisor
- A risk assessment has been completed by the Applicant / Site Supervisor to identify likelihood and consequences of breaching the *untrained exclusion zone*
- Adequate controls have been implemented to mitigate the risk of breaching the *untrained exclusion zone* as low as reasonably practicable.

Applicant Signature:		Date:	
----------------------	--	-------	--

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Part B - To be completed by Powerlink Queensland Regional Contact Representative

B.1 – Details of Nearest Live Parts

Substation / Structure / Span:	
Feeder(s):	
Substation Plant:	
Nominal Voltage: (Phase-to-phase)	Select all that apply: <input type="checkbox"/> > 1,000V and ≤ 33 kV <input type="checkbox"/> 132 kV <input type="checkbox"/> 66 kV <input type="checkbox"/> 275 kV <input type="checkbox"/> 110 kV <input type="checkbox"/> 330 kV
Type of Live Part:	Select all that apply: <input type="checkbox"/> Bare Conductor <input type="checkbox"/> Insulated Conductor (i.e. Underground Cable) <input type="checkbox"/> Earth Conductor <input type="checkbox"/> Other (Specify below)
Any other live parts other than Powerlink's?	<input type="checkbox"/> Yes – Inform applicant to seek advice from asset owner <input type="checkbox"/> No
Other Details:	

B.2 – Applicable Exclusion Zones

Works are within the <i>untrained exclusion zones</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No – Proceed to Section B.4
---	--

B.3 – Applicant's Nominated Safety Observers Training Confirmed

<input type="checkbox"/> Yes – Attach evidence and record in Objective	<input type="checkbox"/> No – Request evidence from Applicant
--	---

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Part B - To be completed by Powerlink Queensland Regional Contact Representative

B.4 – Approach Distances & Exclusion Zones

Nominal Voltage (Phase-to-phase)	People (mm)	Operating Plant with Safety Observer (mm)	Operating Vehicle with Safety Observer (mm)	Operating Plant without Safety Observer (mm)	Operating Vehicle without Safety Observer (mm)

B.5 – Safety Advice

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Part B - To be completed by Powerlink Queensland Regional Contact Representative

B.6 – Other Control Measures		
Establishment of permanent disconnection point for duration of works	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Auto-reclose disabled for duration of works (i.e. proximity permit)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Additional Comments:		

B.7 – Regional Contact Representative			
Name:			
Email Address:			
Contact Number:			
Signature:		Date:	

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Part C - To be completed by Site Supervisor

C.1 – Understanding of Electrical Safety Principles

I have read and understood the:

- *Electrical Safety Code of Practice 2020*
- *Electrical Safety Regulation 2013*

Yes
 No

Note: If answered 'Yes' to Section B.2, the following must be completed. Otherwise, proceed to Section C.2.

I have read and understood:

- *Powerlink Queensland's Electrical Safety Rules*

Yes
 No

C.2 – Receiver of Safety Advice Declaration

To the best of my knowledge, I confirm that all details provided within this document are true and correct. I understand and agree to comply with the electrical safety advice provided by Powerlink Queensland's Regional Contact Representative(s).

I agree to comply with any additional requirements as outlined in the Electrical Safety Act 2002, Electrical Safety Regulation 2013 and Powerlink Queensland's Electrical Safety Rules.

The aforementioned safety advice and any other electrical safety requirements will be included in a site safety management plan and site induction procedures. These requirements will be clearly communicated to all personnel involved in the work activities outlined in this document.

I understand that work shall cease and this safety advice will become void under the following circumstances:

- Change to the scope, timing, location or equipment used for the work activities
- Failure to implement adequate control measures in accordance with the electrical safety advice
- As directed by a Powerlink Queensland Regional Contact Representative

I understand that the electrical safety advice provided by Powerlink Queensland's Regional Contact Representative related only to electrical safety requirements. I acknowledge that it is my responsibility to identify and manage any other health and safety risks associated with the work activities.

C.3 – Site Supervisor

Name:			
Signature:		Date:	

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Mareeba Shire Council

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Appeal Rights

PLANNING ACT 2016 & THE PLANNING REGULATION 2017

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

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

(Refer to Schedule 1 of the Planning Act 2016)

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

Note –

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt. It is declared that an appeal against an infrastructure charges notice must not be about-
 - (a) the adopted charge itself; or

-
- (b) for a decision about an offset or refund-
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

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

231 Other appeals

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

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

232 Rules of the P&E Court

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

Mareeba Shire Council

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65 Rankin Street
 PO Box 154 MAREEBA QLD 4880

P: 07 4086 4
 F: 07 4092 3323

W: www.msc.qld.gov.au
 E: info@msc.qld.gov.au

Council Ref: MCU/22/0002
 Your Ref: F21/37

17 October 2024

Kanjini Co-Op Limited
 C/- Freshwater Planning
 17 Barrow View Drive
 FRESHWATER QLD 4870

Dear Applicants,

Adopted Infrastructure Charges Notice

Planning Act 2016

I wish to advise that the attached Infrastructure Charges Notice for the above approved development has been issued by Council.

APPLICATION DETAILS

Application No:	MCU/22/0002
Street Address:	545 Kay Road and 483 Emerald Falls Road, Mareeba
Real Property Description:	Lot 66 on RP896904, Lot 67 on SP328197, Lot 68 on SP282408
Planning Scheme:	Mareeba Shire Council Planning Scheme 2016

DECISION DETAILS

Type of Decision:	Approval
Type of Approval:	Development Permit for Material Change of Use – Outdoor Sport and Recreation, Function Facility and Tourist Park
Date of Decision:	16 October 2024

Rights of Appeal

Attached is an extract from the *Planning Act 2016* which details your appeal rights regarding the issue of this Notice.

Should you require any further information, please contact Council’s **Coordinator Planning Services, Brian Millard**, on the above telephone number.

Yours faithfully

BRIAN MILLARD
COORDINATOR PLANNING SERVICES

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

Document Set ID: 4424265
 Version: 1, Version Date: 17/10/2024

PO Box 154
Mareeba QLD 4880

65 Rankin Street
Mareeba QLD 4880

Adopted Infrastructure Charges Notice

To: Kanjini Co-Op Ltd
Date of Issue: 16 October 2024
Application Number: MCU/22/0002
Type of Approval: Development Permit for Material Change of Use – Outdoor Sport and Recreation, Function Facility and Tourist Park

This infrastructure charges notice is levied by Mareeba Shire Council.

The charge levied under this infrastructure charges notice has been worked out by applying the Adopted Infrastructure Charges Resolution (No. 1) 2024 which took effect on 1 July 2024. The charge was calculated as follows:

Development Type	Rate	Measure	Charge	Credit Detail	Balance
	per 10 vpd	vpd			
Stage 1	\$5,452.00	\$4,677.80	\$4,677.80	Nil	\$4,677.80
Stage 2	\$5,452.00	\$4,748.70	\$4,748.70		\$4,748.70
Stage 3	\$5,452.00	\$1,908.20	\$1,908.20		\$1,908.20
TOTAL CURRENT AMOUNT OF CHARGE					\$11,334.70

Enquiries regarding this infrastructure charges notice can be made by contacting Council’s Senior Planner on (07) 4086 4656.

Land to which the levied charge applies	Site Address	545 Kay Road and 483 Emerald Falls Road, Mareeba
	Real Property Description	Lot 66 on RP896904, Lot 67 on SP328197, Lot 68 on SP282408

Current amount of the levied charge	Total adopted infrastructure charge	\$11,334.70
--	--	--------------------

Automatic increase provision	The amount of the levied charge will be escalated from the date of the notice to the payment date in accordance with the Adopted Infrastructure Charges Resolution (No. 1) 2024 which took effect on 1 July 2024.
-------------------------------------	---

Payment date pursuant to section 122 of the Planning Act 2016	The levied charge here applies for material change of use. As such the levied charge becomes payable when the change happens.
--	---

Offset/refund	Not applicable
---------------	----------------

Information Notice

In accordance with section 121 of the *Planning Act 2016*, the following is the information notice about the Council’s decision to give this infrastructure charges notice.

A development approval has been given in relation to the land the subject of this infrastructure charges notice, for which an adopted charge applies for providing the trunk infrastructure for the development. Council is entitled to levy a charge and has decided to do so here as there will be additional demand placed upon the trunk infrastructure that will be generated by the development.

Planning Act 2016

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states-
 - (a) matters that may be appealed to-
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person-
 - (i) who may appeal a matter (the **appellant**); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.
 - (2) An appellant may start an appeal within the appeal period.
 - (3) The **appeal period** is-
 - (a) for an appeal by a building advisory agency-10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal-at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
 - (d) for an appeal against an infrastructure charges notice-20 business days after the infrastructure charges notice is given to the person; or
 - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given-30 business days after the applicant gives the deemed approval notice to the assessment manager; or
 - (f) for any other appeal-20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.
- Note- See the P&E Court Act for the court’s power to extend the appeal period.
- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
 - (5) If an appeal is only about a referral agency’s response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
 - (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about-
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund-
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government’s charges resolution

Brian Millard

From: Freshwater Planning <FreshwaterPlanning@outlook.com>
Sent: Tuesday, 26 November 2024 11:19 PM
To: Dee Petersen; Brian Millard
Cc: Carl Ewin; Svargo Freitag
Subject: RE: MCU/22/0002 - Decision Notice Word Doc - Kanjini Co-Op Limited
Attachments: MCU220002 - Decision Notice - FP Representations.docx

Good Evening Brian,

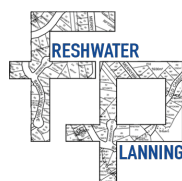
Please see attached the Representations for a Negotiated Decision Notice for the abovementioned Development Application.

As per discussed within our previous Meeting with Svargo, it is requested that a Workshop with the Mayor and Councillors in relation to the Development Approval and provided Negotiations.

Please do not hesitate to contact me to discuss should you have any questions, concerns or require anything additional.

Thanks and Regards,

Matt



Matthew Andrejic
Director
Freshwater Planning Pty Ltd
M: 0402 729 004
E: freshwaterplanning@outlook.com
A: 17 Barron View Drive, Freshwater, Q4870

From: Dee Petersen <DeeP@msc.qld.gov.au>
Sent: Wednesday, 23 October 2024 11:40 AM
To: Freshwater Planning <FreshwaterPlanning@outlook.com>
Cc: Brian Millard <BrianM@msc.qld.gov.au>
Subject: MCU/22/0002 - Decision Notice Word Doc - Kanjini Co-Op Limited

Dee Petersen
Planning Technical Support Officer



Phone: 1300 308 461 | **Direct:** 07 4086 4649 | **Fax:** 07 4092 3323
Email: deep@msc.qld.gov.au | **Website:** www.msc.qld.gov.au
65 Rankin St, Mareeba | PO Box 154, Mareeba, Queensland, Australia, 4880

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

17 October 2024

Planning Officer: Brian Millard
 Direct Phone: 074086 4649
 Our Reference: MCU/22/0002
 Your Reference: F21/37

Kanjini Co-Op Limited
 C/- Freshwater Planning
 17 Barronview Drive
 FRESHWATER QLD 4870

Dear Applicants,

Decision Notice

Planning Act 2016

I refer to your application and advise that on 16 October 2024, Council decided to approve the application in full subject to conditions.

Details of the decision are as follows:

APPLICATION DETAILS

Application No:	MCU/22/0002
Street Address:	545 Kay Road and 483 Emerald Falls Road, Mareeba Lot 66 on RP896904
Real Property Description:	Lot 67 on SP328197 Lot 68 on SP282408
Planning Scheme:	Mareeba Shire Council Planning Scheme 2016

DECISION DETAILS

Type of Decision:	Approval
Type of Approval:	Development Permit for Material Change of Use – Outdoor Sport and Recreation, Function Facility and Tourist Park
Date of Decision:	16 October 2024

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

CURRENCY PERIOD OF APPROVAL

The currency period for this development approval is six (6) years starting the day that this development approval takes effect. (Refer to Section 85 “Lapsing of approval at end of currency period” of the *Planning Act 2016*.)

INFRASTRUCTURE

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

ASSESSMENT MANAGER CONDITIONS

(C) ASSESSMENT MANAGER’S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. This Development Permit authorises the following development:
 - Six (6) additional camp sites;
 - Ten (10) RV/caravan sites;
 - Eight (8) tourist cabins;
 - Two (2) event sites; and
 - Function facility (300 person capacity).
2. 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.
3. Timing of Effect
 - 3.1 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.
 - 3.2 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.

4. General

- 4.1 The applicant is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
- 4.2 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.
- 4.3 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.
- 4.4 Waste Management
 - 4.4.1 On site refuse storage area/s must be provided and be screened from view from adjoining properties and road reserve by 1 metre wide landscaped screening buffer or 1.8m high solid fence or building.
 - 4.4.2 Where bulk bins are used and are to be serviced on site, prior to the issue of a development permit for building works, Council's delegated officer must be satisfied 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 only.
- 4.5 Event Sites/Function Facility Capacity
 - 4.5.1 The cumulative maximum capacity of the event sites and function facility must not exceed ~~3,500~~ 10,000 (or at least 8,000) persons per annum.

It is considered that the Council imposed restrictions on numbers from the originally requested 12,000 attendees to the Council Approved 3,500 is unreasonable, unfair and extremely and excessively restrictive. It allows only for either two larger events or one large event and five functions in a whole year, making the whole development uneconomical, especially when considering the very onerous and expensive State Government's and Council's Conditions and requirements being imposed.

It is clearly economically unfeasible for the proponents to build a half to one million dollar Function Facility with a capacity for 300 people with the restrictive numbered capacity ensures that the Facility can only be utilised/permitted most likely once or twice in a whole year.

The proponent voluntarily suggested a maximum number of people per annum as well as a maximum number of people per event to minimise the impact on the property's unique environmental assets and on neighbours and roads. Kanjini Co-Op Limited believe this has never been done before and further believe that at a minimum 8,000 persons per annum (instead of the 12,000 in our original application) is what is required as a minimum for economic viability.

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Kanjini Co-Op Limited has provided the following very brief generalised understanding of what various numbers of persons/attendees per year would mean in practice over the site, demonstrating how little the requested 10,000 attendees yearly over a nearly 3,000 hectare property amount to.

3,500 people per annum:

2,000 – Kuranda Roots Festival

No other events at all

1,500 – Functions

This results in 5 – 8 Functions of 200 – 300 people (or small Events)

Summary – one (1) Event per year and one (1) Function every two (2) months

3,500 people per annum:

2,000 – Kuranda Roots Festival

1,500 – Second Event (medium sized)

Summary – two (2) events per year and no Functions at all with No Event allowed at Event Site 2

(Event Site 2 and Function Facility no able to be utilised in that calendar year).

8,000 people per annum (restriction removed from Event Site 2):

2,000 – Kuranda Roots Festival

3,000 – two (2) other Events (medium sized with 1,500 attendees)

3,000 – ten (10) to fourteen (14) Functions of 220 – 300 people (or small Events)

Summary – three (3) Events per year and one (1) Function every four (4) to five (5) weeks

(Function Facility effectively utilised once a month the Event Site 2 utilised a maximum of twice yearly).

10,000 people per annum (restriction removed from Event Site 2):

2,000 – Kuranda Roots Festival

4,500 – three (3) other Events (medium sized with 1,500 attendees)

3,500 – twelve (12) to eighteen (18) Functions of 200 – 300 people (or small Events)

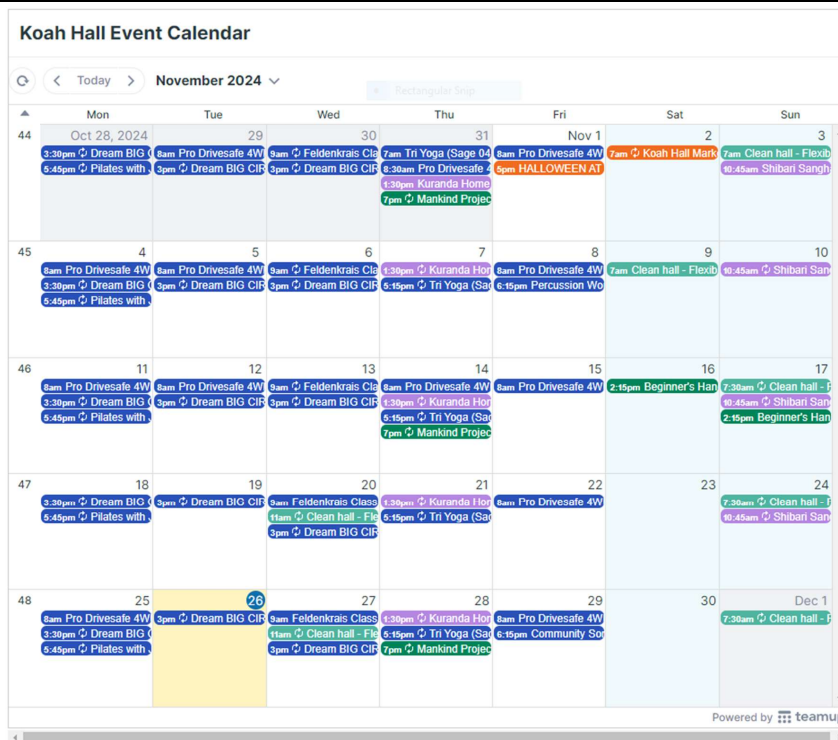
Summary – four (4) Events per year (a maximum of twice yearly for Event Site 2) and one (1)

Function every three (3) to four (4) weeks.

Further to this, Freshwater Planning Pty Ltd understands that the rough economics for the proposed Development after running costs with an estimated Development Cost for Events and Functions alone of \$500,000 to \$750,000 will require approximately 15-30 years or more to recoup investment (depending on interest rates) for the minimum requested attendees of up to 8,000 persons per annum. The requested 10,000 attendees per annum will help to ensure a more viable operation. As it currently stands, at 3,500 attendees per annum, this Approval has been estimated to require well over 50 years to recoup the Development Approvals development costs. This restriction of 3,500 persons per annum is clearly not viable nor does the current restrictions allow for the economic viability of the construction of the Function Facility to be possibly utilised at a maximum of twice yearly, if at all.

In contrast to the above, please see attached the Koah Hall Event Calander for the five weeks of November.

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It is further noted that Council Officers had no issue with the 12,000 persons per annum voluntarily given as a maximum by the proponent (see original Agenda Item 8.1 from Ordinary Meeting 17-07-2024).

Kanjini Co-Op Limited would like to know if there is any similar restriction on the Speewah Function Centre Development Application as to how often neighbours can be exposed to noise or how many persons per annum can be hosted, considering that neighbours there are significantly and substantially closer than to either of our Event and Function Sites. If not, why does Council see the need to restrict us even further than we already voluntarily did when it does not see the need in Speewah?

4.5.2 No single event at Event Site 1 is to host more than 2,000 persons.

4.5.3 The cumulative maximum capacity of Event Site 2 must not exceed ~~500~~ **3,000** persons per annum.

It is considered that the Council imposed restrictions on numbers for Event Site 2 is unreasonable, unfair and extremely and excessively restrictive. This restriction would, for example, rule out Circus Training and a National Firesticks Alliance Events as they could have up to 1,500 persons each and would utilise Event Site 2.

4.5.4 No single event at Event Site 2 is to host more than ~~300~~ 1,500 persons.

The proponents consider that the current restriction of the Condition is unreasonable, unfair and extremely and excessively restrictive. This restriction would, for example, rule out Circus Training and a Firesticks Alliance Events as they could have up to 1,500 persons each and would utilise Event Site 2.

4.6 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.

4.7 Noise Management

4.7.1 Event Site 2 and Function Facility

No amplified music or use of loudspeakers is to occur at Event Site 2 or the Function Facility between the hours of ~~12 midnight~~ 2:00 am and 7:00am ~~the following day~~.

OR:

4.7.1 Event Site 2 and Function Facility

Amplified music or use of loudspeakers at Event Site 2 or the Function Facility between midnight and 7:00am shall not cause audible noise at an affected building.

Current wording of this Condition is unreasonably and unfairly restrictive as it would not permit use of loudspeakers at low sound levels, despite sound definitely not being heard 1.2km away (closest neighbour) through vegetated ridges and natural and physical features. Since this is about noise at the nearest sensitive receptor, the suggested amendment will adequately protect neighbours.

4.7.2 ~~No single event is to exceed three (3) days in length~~ No event at Event Site 2 shall have more than three consecutive nights of amplified music.

The current wording of this Condition is extremely restrictive, unfair and unreasonable. It would exclude for example training or teaching events like circus training and Firesticks, and other longer events like retreats, all of which would not be noisy (except for a night or two when the public or more people are invited for a celebratory finish). Without this change the condition would not allow several planned events and thus be unreasonable and unfair.

The suggested change is considered to achieve the intended effect of this condition, namely, to not expose neighbours on Kay Road to more than three (3) consecutive nights of noise.

4.7.3 Noise Management Plan

A one-off noise management plan for the event sites and function facility must be developed by the applicant in conjunction with an acoustic engineer to identify potential impacts and measures to reduce those effects.

To assist in demonstrating that all reasonable and practicable measures have been taken to minimise environmental harm from occurring, the following actions must be included in a noise management plan:

- (i) A site plan including the location of the events, neighbouring land-use details;
- (ii) For all events with over 500 attendees, the distribution of a notification letter/email to surrounding potentially (within a two (2) kilometre radius of the event sites and function facility) noise-affected premises used for residential or business purposes which includes:
 - a small version of the site plan
 - a description of the planned event
 - the time the event starts and finishes
 - the times for any sound testing to take place
 - a description of the proposed measures that will be implemented to minimise noise from the event
 - any changes that have been made to further minimise noise following previous events
 - the name and phone number of a site contact person for any complaints lodged before, during and/or after the event.
 - This letter/email must be distributed to all potentially affected parties at least ~~one (1) month~~ seven (7) days or as prior to the event. Please be aware that letter-box drops have the potential to not reach all intended recipients, partly due to delivery staff being unwilling to deliver this information to letterboxes marked with 'no junk mail' stickers. The preferred method for delivery is in an addressed envelope marked 'to the resident' or 'to the occupier'.
 - A copy of the letter/email must be sent to Council.

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The provision for one (1) month is considered not reasonable as it would not allow for an event which for whatever reason has to find a new venue at short notice nor does this allow the factoring of weather, natural hazards (bushfire) or any other unforeseen circumstances. It is considered that seven (7) days' notice is more than appropriate and an acceptable time for notice.

- (iii) For all events/functions ~~(including those under 500 attendees)~~ with more than 200 attendees, an events calendar is to be maintained on the applicant's website.

Whilst the proponent understands what Council is trying to achieve with this Condition, the requirement for the constant updating of the Event Calendar on the Website for any Event of a single person or group is considered onerous and not necessary. This Condition requires updating the website for a possible cooking class, yoga or Pilates class, small visiting group, etc. It is considered more appropriate to nominate a minimum attendee's number to ensure that the Condition is achievable. The proponents do not wish to be punished for failing to maintain an Events Calendar for a small event/function. They consider that a 200 people or more Event is considered a reasonable number for the updating of the Website.

- (iv) Undertake acoustic monitoring during the event to ensure that all reasonable and practicable measures are taken to minimise the overall sound level and low frequency noise at noise-affected premises.
- (v) Maintain a complaints register which must include:
- contact details of all complainants;
 - the time and date the complaint is received;
 - a description of the complaint;
 - a description of the activities occurring which gave rise to the complaint;
 - any action taken as a result of the complaint.
- (vi) Following each event, the applicant must notify Council of all complaints and the actions taken as a result of the complaint.
- (vii) The noise management plan must be submitted to Council and be approved by Council's delegated officer prior to the commencement of the use.
- (viii) The approved use must comply with the approved noise management plan at all times.

To Condition an expensive Noise Management Plan is unfair and excessive, especially with current restrictions on persons per annum and restriction in Events, particularly at Event Site 2. It is considered appropriate and acceptable to Condition this if the attendee numbers are increase to the requested 10,000 (minimum of 8,000) persons per annum is permitted. It is also

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understood that Council, contributed to the required Noise Management Plan for the Speewah Function Centre Development Application, where noise is obviously a much larger consideration. Will Council be willing, similar to Speewah, to equally contribute to this Report?

4.7.4 Investigation of Noise Nuisance Complaints

In the event that a substantiated ~~(in the opinion of Council's delegated officer)~~ noise nuisance complaint is received by Council regarding the approved use, the complaint will need to be assessed by an independent acoustic consultant at the cost of the applicant.

The complaint shall be assessed against the conditions of approval and the Environmental Protection (Noise) Policy 2019 Acoustic Quality Objectives at the next comparable event/function.

Any additional noise mitigation measures recommended by the independent acoustic consultant are to be implemented by the applicant within three (3) months of Council directing the applicant to do so.

The proponents have concerns with the current wording of this Conditions and consider it unfair as it could potentially result in a significant cost to the property without any fault of the proponent. It is noted that considering that these assessments are likely to cost thousands of dollars and thus could make all future events nonviable, this cannot be left to the discretion of any delegated Council Officer who might or might not be influenced or leaned on by the complainant or their friends, without any recourse by the proponent. This Condition has further concerns by the proponents as it is not time restrictive and would allow for complaints during an event or after any event.

In the alternative the proponent asks for the following addition to 4.7.4:

If the assessment finds the complaint to be unreasonable or unsubstantiated and Council receives another or subsequent complaint/s from the same Complainant, one of their family members or anyone else staying on or associated with the same property, any such subsequent complaint must be accompanied by an Acoustic Report prepared by an independent acoustic consultant at the cost of the complainant.

4.8 Camp Site Capacity

The capacity of each camp site must not exceed 30 persons.

4.9 Maintain Records of Attendee Numbers

The applicant must maintain an up-to-date record of the number of attendees for all on site events and functions.

This record must be provided to Council's delegated officer upon request.

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4.10 Bushfire Management

A Bushfire Management Plan for the site, incorporating evacuation procedures for attendees/guests, must be prepared to the satisfaction of Council's delegated officer. The approved use must comply with the requirements of the Bushfire Management Plan at all times.

- 4.11 A site manager/s must be present on-site at all times to ensure compliance with these conditions of approval.

5. Infrastructure Services and Standards

5.1 Access Crossover

All access crossovers used for this development must be upgraded/constructed/maintained (from the edge of the relevant Council road to the property boundary) in accordance with FNQROC Development Manual standards, to the satisfaction of Council's delegated officer.

5.2 Road Safety Assessment/s

Road Safety Assessment/s must be undertaken by a suitably qualified RPEQ that identifies safety risks for vehicles using:

- Kay Road (between the Kennedy Highway and the subject site); and
- Cobra Road and Emerald Falls Road to the subject site.

The road safety assessment/s must be consider (but not be limited to) the following:

- (i) Road geometry (horizontal & vertical).
- (ii) Carriageway width (pavement, seal and shoulders) – ability for opposing traffic to safely pass each other.
- (iii) Vehicle sightlines.
- (iv) Intersection treatments.
- (v) Causeway crossing including the sharp bends/approaches either side.
- (vi) Other roadside hazards.

The road safety assessment/s must provide recommendations on practical treatments to reduce the risk of any hazards created by traffic pertaining to event or functions to acceptable levels (e.g. localised pavement widening, signage, linemarking, road edge delineation etc.). The road safety assessment/s must be submitted to Council for review and agreed works must be undertaken by the applicant at no cost to Council, prior to the commencement of the use.

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Without the additional wording, this Condition is unreasonable and unfair. The proponent should not be made responsible for any safety issues not related to the additional traffic caused by Events. Safety issues for example caused by Rural Farm traffic or semi-trailers cannot be the responsibility of the proponent if he does not use any semi-trailers.

The value (as agreed by Council's delegated officer) of the agreed works undertaken by the applicant shall be credited against the adopted infrastructure charge payable for this development.

The abovementioned works must be approved by Council as part of a subsequent application for operational works.

This Condition is considered unreasonable, irrelevant and unfair. The Traffic Impact Assessment (TIA), which was provided at the request of Council through their Information Request, has already identified the safety risks along both Kay and Emerald Falls Roads. To our knowledge our provided TIA has not been questioned or challenged or required any Amendments or further explanation by Council or any of the submitters. Nor has any of the Submitters who are concerned about the Traffic/Road Network provided any substantiated evidence or differing Traffic Impact Assessment.

It is requested that Council delete the above Condition (5.2) due to the reason provided. If Council or the Submitters disagree with the provided TIA then they can undertake their own independent TIA. Failing the deletion of the Condition, at the minimal, it is requested that the wording be amended to ensure that the proponents are only required to assess any impact on the roads pertaining to any Event traffic only and not the concerns of the Submitters and others (for example the impact of B-Doubles/Semi-trailers on Kay Road).

~~5.3 Road Pavement Condition Assessment (for all events with over 500 attendees)~~

~~A Road Pavement Condition Assessment is to be submitted to Council pre and post events with greater than 500 attendees. The pre event assessment must be undertaken within a month on the lead up to the event and submitted to Council. The pre event assessment should detail the location of any existing deficiencies of the road pavement & surface and site photos of the road, especially at areas where turning movements occur including bends in the road. The post event assessment must be submitted to Council within a month following the event.~~

~~In review of the pre and post event condition assessments, should it be evident to Council that damage has occurred as a result of the additional event traffic, all rectification works identified shall be undertaken at the applicant's expense.~~

This Condition is unreasonable, irrelevant and unfair. The wording would make a single road user responsible for damage which might have been caused by non-associated traffic during that time. This would also be an additional, yet irrelevant requirement for such events, adding to costs, when event economics are already very marginal.

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The TIA clearly states that the entire yearly traffic for all events and functions with 10,000 people causes less pavement impact than a single 14T truck once every ten days on either Kay or Emerald Falls Roads, making this an unreasonable, irrelevant and unfair condition. No evidence has been produced to the contrary.

Additionally, four (4) Kuranda Roots Festivals have been held with no noticeable effect on the Road Pavement.

5.4 Event Traffic Management Plan (for all events with over ~~100~~ 250 attendees)

~~An~~ A one-off Event Traffic Management Plan (ETMP) prepared by a suitably qualified RPEQ be submitted for Council approval. The ETMP must give consideration to the management of road safety risks along Emerald Falls Road and Kay Road as a result of increased traffic volumes and provide details of proposed measures to be implemented to manage these risks.

The agreed measures must be implemented for each event with greater than ~~100~~ 250 attendees, at no cost to Council.

The proponents consider this Condition is unreasonable and unfair in its entirety considering the current restrictions of yearly attendee numbers.

The proponent is willing to accept this condition if and only if all of the requested changes to p4.5 and 5.4 above are accepted by council and condition 5.2 is removed.

The current wording of this Condition could be understood to require such ETMPs to be created for each individual event which would be unfair and unreasonably onerous.

Additionally, 250 attendees is considered to be a more reasonable figure to be used here that could have any effect on the local traffic.

5.5 Stormwater Drainage/Water Quality

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

5.5.2 All stormwater drainage must be discharged to an approved legal point of discharge.

5.6 Car Parking/Internal Driveways

5.6.1 The applicant/developer must ensure that the development is provided with sufficient on-site car parking. No parking of vehicles associated with the development is permitted to occur outside the property boundary or within road reserve.

5.6.2 All car parking spaces, and trafficable areas must be surface treated with gravel or maintained with an intact grass cover so as to minimise erosion and must be appropriately drained prior to the

commencement of the use, to the satisfaction of Council's delegated officer.

5.6.3 All parking spaces and trafficable areas must be maintained in good order and safe repair for the life of the development, to the satisfaction of Council's delegated officer.

A sign must be erected in proximity to the access driveway indicating the availability of on-site parking.

5.7 Non-Reticulated Water Supply

~~The development~~ Each Event must be provided with a potable water supply ~~at each function location~~ that can satisfy the standards for drinking water set by the Australian Drinking Water Guidelines 2004 (National Health and Medical Research Council and the National Resource Management Ministerial Council).

All non-potable sources of water must be sign posted "non-potable water supply" or similar in order to deter consumption.

The proponent intends to acquire a portable water treatment unit which can be used for every function no matter the location, which will achieve the objective of this Condition. Having permanent infrastructure for restricted events and numbers is not considered reasonable.

5.8 On-Site Wastewater Management

Should permanent ablutions facilities be constructed onsite, all on site wastewater disposal associated with these facilities must be in compliance with the latest version of On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of the Council's delegated officer.

Any on-site wastewater treatment system with a total daily peak design capacity of at least 21 equivalent persons (EP) is an Environmentally Relevant Activity (ERA 63 - Sewerage Treatment) and an Environmental Authority is required.

Note: Portable toilets are authorised for use on-site for all functions, however no black or grey water is to be disposed of on-site, unless through an approved on-site wastewater disposal system.

5.9 Lighting

Lighting associated with evening and nighttime functions must be set up to minimise light spillage and not cause nuisance to any neighbouring property. Where permanent outdoor lighting is proposed, the developer shall locate, design and install lighting in order to prevent 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 eight (8) lux when measured at any point 1.5m outside the property boundary of the subject site, except within 50m of any registration and/or entry stations, where up to fifty (50) Lux shall be permitted. 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.

Without the exception, this Condition is unreasonable because it would create unsafe situations for registration and/or entry stations. This amendment also ensures appropriate lighting for safety and casual surveillance concerns. This amendment is considered acceptable and appropriate given the large separation distances to any neighbouring building. The proposed request is not envisaged to affect any neighbours or adjoining sensitive receptor.

REFERRAL AGENCIES

The referral agencies applicable to this application are:

- Schedule 10, Part 3, Division 4, Table 3, Item 1 - Material change of use that is assessable development under a local categorising instrument
- Schedule 10, part 9, Division 4, Subdivision 1, Table 1, Item 1 - Aspect of development stated in schedule 20 (Purpose 2)
- Schedule 10, Part 4, Division 3, Table 1, Item 1 - Premises contaminated because of unexploded ordnance
- Schedule 10, Part 9, Division 2, Table 2 – Material change of use of premises near a substation site or subject to an easement (Powerlink Easement)

A copy of any referral agency conditions are attached.

APPROVED PLANS

The following plans are Approved plans for the development:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
-	Site Plan and Proposal Details	-	-

ADVISORY NOTES

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

(D) ASSESSMENT MANAGER'S ADVICE

- (a) An Adopted Infrastructure Charges Notice has been issued with respect to the approved development. The Adopted Infrastructure Charges Notice details the type of infrastructure charge/s, the amount of the charge/s and when the charge/s are payable.
- (b) The Adopted Infrastructure Charges Notice does not include all charges or payments that are payable with respect to the approved development. A number of other charges or payments may be payable as conditions of approval. The applicable fee is set out in Council's Fees & Charges Schedule for each respective financial year.
- (c) 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.
- (d) Compliance with applicable codes/policies
- The development must be carried out to ensure compliance with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they have not been varied by a condition of this approval.
- (e) Compliance with Acts and Regulations
- The erection and use of the building must comply with the Building Act and all other relevant Acts, Regulations and Laws, and these approval conditions.
- (f) Environmental Protection and Biodiversity Conservation Act 1999
- The applicant is advised that referral may be required under the *Environmental Protection and Biodiversity Conservation Act 1999* if the proposed activities are likely to have a significant impact on a matter of national environmental significance. Further information on these matters can be obtained from www.dcceew.gov.au.
- (g) Cultural Heritage
- In carrying out the activity the applicant must take all reasonable and practicable measures to ensure that no harm is done to Aboriginal cultural heritage (the "cultural heritage duty of care"). The applicant will comply with the cultural heritage duty of care if the applicant acts in accordance with gazetted cultural heritage duty of care guidelines. An assessment of the proposed activity against the duty of care guidelines will determine whether or to what extent Aboriginal cultural heritage may be harmed by the activity. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from www.dsdsatsip.qld.gov.au.
- (h) Motor Home Park/Caravan Park/Camping Ground

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The applicant is advised that an application to Council for approval to operate under Council *Local Law No 1 (Administration) 2018* is required prior to the commencement of the motor home park/caravan park/camping ground.

(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.

(g) Powerlink Advice – 24 November 2023

1. *The development must be carried out generally in accordance with the reviewed plans detailed in Table 1.*
2. *The statutory clearances set out in the Electrical Safety Regulation 2013 must be maintained during construction and operation. No encroachment within the statutory clearances is permitted.*
3. *Compliance with the terms and conditions of the easement dealing no. shown in the heading of this letter.*
4. *Compliance with the generic requirements in respect to proposed works in the vicinity of Powerlink Queensland infrastructure as detailed in the enclosed Annexure "A".*

(h) Queensland Parks and Wildlife Service & Partnerships Advice

The proposed development includes a new Camp Site (No.17) to be located close to the boundary of Dinden West Forest Reserve (Emerald Creek) Lot 1 on AP19244.

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QPWS&P are the owners of this parcel. The proposed camp site will be on the eastern side of the only firebreak between Emerald Creek and Davies Creek road.

Given the fire history and potential for wildfire in this locale, consideration should be given to fire management of all Kanjini Co-op Ltd assets; whereby Kanjini Co-op Ltd should include QPWS&P (as the adjacent landowner) in those considerations for fire management proposals on their estate.

PROPERTY NOTES

Not Applicable.

FURTHER DEVELOPMENT PERMITS REQUIRED

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

SUBMISSIONS

There were thirty-nine (39) properly made submissions about the application. In accordance with the *Planning Act 2016*, the name, residential or business address, and electronic address of the principal submitter for each properly made submission is provided below:

Name of Principal submitter	Address
1. Frank Burton	frkburton@gmail.com
2. Mareeba Mountain Goats Inc	Mareebamountaingoats@gmail.com
3. Walter Bonvecchio	Bonwal2000@yahoo.it
4. Djabugay Tribal Aboriginal Corporation	PO Box 495, Kuranda QLD 4881
5. Melinda Norris	tinytropicalhome@gmail.com
6. Rebecca Scott	createmorefuntimes@gmail.com
7. Lynette Alba	8 Elsie Close, Mareeba QLD 4880
8. Scott & Patti Hill	scotnpat@bigpond.com
9. Owen Allen	owen@phoenixfunctions.com.au
10. Victor Steffensen	steffensenvictor@gmail.com
11. Bruce Zell	brucezell@gmail.com
12. Morgyn Quinn, William Johnston, Prahlada Cave and the Kuranda Roots team	rudekatrecords@gmail.com
13. J Ney	251 Kay Road, Mareeba QLD 4880
14. Hazel Bensted	487 Kay Road, Mareeba QLD 4880
15. Sarah Bensted	487 Kay Road, Mareeba QLD 4880
16. Jonathon Bensted	487 Kay Road, Mareeba QLD 4880
17. Courtney Stephenson	487 Kay Road, Mareeba QLD 4880

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18. Phil & Alana Bensted	487 Kay Road, Mareeba QLD 4880
19. Dave Srhoj	60 Kay Road, Mareeba QLD 4880
20. Max Srhoj	60 Kay Road, Mareeba QLD 4880
21. Wayne Srhoj	100 East Sabin Road, Mareeba QLD 4880
22. Denise Srhoj	60 Kay Road, Mareeba QLD 4880
23. Megan Srhoj	100 East Sabin Road, Mareeba QLD 4880
24. Bean Sanders	322 Kay Road, Mareeba QLD 4880
25. Mami Oyama	322 Kay Road, Mareeba QLD 4880
26. Luke Antequera	224 Kay Road, Mareeba QLD 4880
27. Narella Antequera	224 Kay Road, Mareeba QLD 4880
28. Des & Joanne Butler	208 Kay Road, Mareeba QLD 4880
29. Jacob Cooper	322 Kay Road, Mareeba QLD 4880
30. Emmett Kerlin	452 Kay Road, Mareeba QLD 4880
31. David Fittock	93 Kay Road, Mareeba QLD 4880
32. Kim Burns	219 Kay Road, Mareeba QLD 4880
33. Alen Cranswick	143 Kay Road, Mareeba QLD 4880
34. John McDowall	63 Rollison Drive, Mareeba QLD 4880
35. Tara Peckham	59 Kay Road, Mareeba QLD 4880
36. Marnie Peckham	59 Kay Road, Mareeba QLD 4880
37. Karen Peckham	59 Kay Road, Mareeba QLD 4880
38. Adam & Diana Spena	128 Kay Road, Mareeba QLD 4880
39. Janice & Brian Herbohn	3823 Kennedy Highway, Mareeba QLD 4880

RIGHTS OF APPEAL

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

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

OTHER DETAILS

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

Yours faithfully

BRIAN MILLARD
COORDINATOR PLANNING SERVICES

Enc: Approved Plans/Documents
 Referral Agency Response
 Appeal Rights
 Adopted Infrastructure Charge Notice

Mareeba Shire Council

8.2 T SKINNER - MATERIAL CHANGE OF USE - ANIMAL KEEPING (DOG TRAINING & BOARDING FACILITY & ANCILLARY USES) - LOT 224 ON SP297023 - 17 EFFLEY STREET, MAREEBA - MCU/24/0022

Date Prepared: 10 February 2025
Author: Senior Planner
Attachments: 1. [Proposal Plans](#) ↓
 2. [Noise Impact Assessment](#) ↓
 3. [Submissions](#) ↓

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	T Skinner	ADDRESS	17 Effley Street, Mareeba
DATE LODGED	22 November 2024	RPD	Lot 224 on SP297023
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use – Animal Keeping (Dog Training & Boarding Facility & Ancillary Uses)		
FILE NO	MCU/24/0022	AREA	2,178m ²
LODGED BY	Neil Beck Town Planner	OWNER	T Skinner & S Lynch
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Industry		
LEVEL OF ASSESSMENT	Impact		
SUBMISSIONS	16 submissions (1 negative, 15 positive)		

EXECUTIVE SUMMARY

Council is in receipt of an impact assessable development application described in the above application details. During the mandatory public notification process 16 submissions were received, 15 in support of the development and 1 in objection from an adjoining landowner.

The application and supporting material have been assessed against the Mareeba Shire Council Planning Scheme 2016 and does not conflict with any relevant aspect of the Planning Scheme.

The proposed development will be strategically situated within the Mareeba Industrial Park away from any sensitive land uses and where background noise levels are higher and industrial in nature. Appropriate acoustic treatments have been included based on recommendations within the submitted Noise Impact Assessment which will help minimise the likelihood and impacts of nuisance noise from dogs barking and howling. As the industrial park continues to develop, background noise levels will only increase which will further minimise the likelihood of the development generating nuisance noise.

It is recommended that the application be approved in full, subject to conditions.

The applicants have also requested a review of the initial \$7,306.00 application fee paid, on the basis that the application was not typical of an Animal Keeping (kennel) application in that it is in the Industrial area and as such does not have the impact as it would in a rural or residential area. Due to the nature and scale of development proposed it is recommended that a partial refund of

\$4,196.00 be granted, reducing the fee paid to \$3,110.00. This amount is consistent with the medium impact assessment fee and reflects the level of assessment and officer time taken.

OFFICER’S RECOMMENDATION

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	T Skinner	ADDRESS	17 Effley Street, Mareeba
DATE LODGED	22 November 2024	RPD	Lot 224 on SP297023
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use – Animal Keeping (Dog Training & Boarding Facility & Ancillary Uses)		

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

A partial application fee refund of **\$4,196.00** be applied to the application and refunded to the applicants.

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 – Animal Keeping (Dog Training & Boarding Facility & Ancillary Uses)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
1	Proposed Site Plan	Francis Kerr Design	6 November 2024
2	Proposed Floor Plan	Francis Kerr Design	6 November 2024
3	Proposed Elevations	Francis Kerr Design	6 November 2024
4	Proposed Elevations	Francis Kerr Design	6 November 2024

(C) ASSESSMENT MANAGER’S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. Development must be carried out generally in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:
 - found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
 - to ensure compliance with the following conditions of approval.
2. Timing of Effect
 - 2.1 All conditions of this development permit must be complied with to the satisfaction of Council's delegated officer **prior to the commencement of the use** except where specified otherwise in these conditions of approval.
 - 2.2 Prior to the commencement of use, the applicant must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.
3. General
 - 3.1 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
 - 3.2 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to 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 Hours of Operation
 - 3.4.1 The dog boarding component is permitted to operate 24 hours per day, 7 days per week. Dogs boarded at the facility must not be allowed outside the building for exercise between the hours of 8.00pm and 7.00am.
 - 3.4.2 The dog daycare component must not operate outside the hours of 7.00am to 6.00pm Monday to Friday, 8.00am to 4.00pm Saturday, and 9.00am – 1.00pm Sunday.
 - 3.4.2 The dog training and classes component must not operate outside the hours of 7.00am - 8.00pm Monday to Friday; 8.00am – 5.00pm Saturday, and 9.00am – 3.00pm Sunday.
 - 3.5 Boarding/training/daycare Capacity

A maximum total of 40 dogs can be accommodated on-site at any time spread across the boarding, training and daycare components of the approved use. Records of dogs boarded, trained or minded on-site must be kept demonstrating compliance with this condition and must be made available to Council officers upon request.

3.6 Waste Management

- 3.6.1 On site refuse storage areas must be provided and be screened from view from adjoining properties and road reserve by one (1) metre wide landscaped screening buffer, 1.8m high solid fence or building.
- 3.6.2 Dog faeces must be collected and disposed of through an approved disposal method, as approved by Council's delegated officer. Dog Faeces must not be disposed of into Council's sewer system.
- 3.6.3 Dog Faeces and urine must be disposed of regularly and effectively, so as to not cause any detectable odour nuisance to any adjoining allotment or sensitive receptor, at all times.

3.7 Acoustic Fencing/Insulation

3.7.1 Prior to building works commencing, the applicant/developer is to submit a fencing plan to Council for review and approval that must include the following:

- 1.8 metre high, neutral colour, sound reflective acoustic fencing installed along the entire eastern boundary and extend along both the northern and southern boundaries to a point 10 metres past the front (western) face of the outdoor exercise yards.
- 1.8 metre high, neutral colour solid screen non-acoustic fencing along the remainder of the northern and southern property boundaries to a point in line with the front building façade (including fence returns between the side boundaries and the building). Front/side boundary fencing forward of the building is optional and may be chain mesh or similar.
- Solid screen non-acoustic fencing (constructed to a height that effectively screens dogs from each other) must be installed between the outdoor exercise yards. The front face of the exercise yards may be chain mesh or similar.

All fencing included on the approved fencing plan must be built prior to the commencement of the use, to the satisfaction of Council's delegated officer.

3.7.2 The design of the acoustic fencing mentioned in 3.7.1 must be endorsed by a suitably qualified acoustic engineer to achieve the desired levels of noise reduction outlined in the *Noise Impact Assessment prepared by XNoise Version 1.1 dated 7 November 2024*. Design plans for the fencing must also be submitted to Council for review prior to any building works commencing.

All acoustic and non-acoustic fencing must be maintained in accordance with the approved design/location and in good order and safe repair for the life of the development, to the satisfaction of Council's delegated officer.

3.7.3 The exterior walls and roof of the facility must be constructed to be acoustically insulated in accordance with the recommendations and design included in Appendix D of the *Noise Impact Assessment prepared by XNoise Version 1.1 dated 7 November 2024*, to the satisfaction of Council's

delegated officer. Any alternative acoustic insulation design must be endorsed by a suitably qualified acoustic engineer and submitted to Council for review prior to construction commencing.

3.8 Emissions

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

3.9 Operational Noise Management Plan

The applicant/developer/operator is required to submit for approval by Council's delegated officer an Operational Noise Management Plan (ONMP) containing best practice procedures that are to be implemented for minimising noise emissions from the premises. The ONMP must include provisions for dealing with noise complaints, including the maintenance of a complaint register, as well as dealings with dogs that are known to bark or howl excessively.

The approved ONMP must be complied with at all times. The operator must actively manage noise from dogs accommodated at the facility such that the occurrence of excessive noise is prevented.

All records required to be maintained under the ONMP must be made available to Council upon request.

3.10 Acoustic Controls Generally

3.10.1 All external windows, doors and roller doors of the building must remain closed at all times when not in use.

3.10.2 No more than 10 dogs are to be accommodated at any one time across the 5 outdoor exercise yards. Each exercise yard must house only 1 dog, or multiple dogs if from the same household. All dogs within the exercise yards must be exercised under an appropriate level of supervision to ensure the effective control of barking/howling.

3.10.3 Dog training and classes carried out during evening hours (6.00pm – 8.00pm) should limit the use of outdoor areas where possible to minimise noise nuisance during this more noise sensitive time period. Dog numbers for training/classes is not capped but must not result in any exceedance to the facilities 40 dog total capacity, at all times.

3.10.4 When outside the confines of the building, dogs engaged in classes/training must be under the direct supervision and control of either a staff member or the dog owner, at all times (does not include dogs in outdoor exercise yards).

4. Infrastructure Services and Standards

4.1 Access

An industrial access crossover must be constructed (from the Effley Street kerbing to the property boundary) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

4.2 Car Parking/Internal Driveways

The applicant/developer must ensure the development is provided with a minimum of 8 on-site car parking spaces, inclusive of 1 disabled parking space which are available solely for the parking of vehicles associated with the use of the premises.

All car parking spaces and internal driveways must be concrete or asphalt sealed, line-marked and appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer.

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

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

A sign must be erected in proximity to the access driveways indicating the availability of on-site parking.

4.3 Stormwater Management

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

4.3.2 Prior to building works commencing the applicant must submit a Stormwater Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual to the satisfaction of Council's delegated officer.

4.3.3 The Stormwater Management Plan and Report must include provisions to intercept and control stormwater flows along driveways.

4.3.4 The applicant/developer must construct the stormwater drainage infrastructure in accordance with the approved Stormwater Management Plan and Report.

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

4.4 Landscaping

4.4.1 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 1.5-metre-wide landscape strip along the entire front boundary of the site excluding the access driveway. The landscape strip must include shrubs, plants and trees that will grow to form an attractive visual buffer of no less than 3 metres in height at maturity and should include at least 25% larger more advanced plant stock.

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

4.4.3 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.

4.5 Water Supply

4.5.1 Where the existing reticulated water supply does not currently service the site or is not at an adequate capacity, the developer is required to extend or upgrade the reticulated water supply infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).

4.5.2 A water service connection must be provided to the subject lot in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

4.6 Sewerage Connection

4.6.1 Where sewerage connections are not available to the site, or where existing connections are not satisfactory for the proposed development, the developer is required to extend or upgrade the reticulated sewerage infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).

4.6.2 The developer must connect the proposed development to Council's reticulated sewerage system in accordance with FNQROC Development Manual Standards (as amended) to the satisfaction of Council's delegated officer.

(D) ASSESSMENT MANAGER'S ADVICE

(a) Water Meters/Water Service Connection

Prior to the water service connection works commencing and the installation of the meters by Council, an application for a Plumbing Compliance Permit is required to be submitted with detailed hydraulic drawings. The cost of the required water connection and meter (capping of any existing meter may be required) will be determined based upon the approved hydraulic drawings at the time of lodgement of a Water Quotation Request.

(b) Property Connection to existing sewer main (house connection branch installation)

Prior to the property connection to the existing sewer main commencing, a request for a Property Connection Quotation must be lodged with Council. The cost of the required property connection will be determined based upon the assessment of the Property Connection Quotation Request.

(c) A Trade Waste Permit will be required prior to the commencement of use.

(d) Compliance with applicable codes/policies

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

(e) Compliance with Acts and Regulations

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

(f) Environmental Protection and Biodiversity Conservation Act 1999

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

(g) Cultural Heritage

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

(h) Electric Ants

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

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

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

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

(E) RELEVANT PERIOD

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

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

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

- Development Permit for Building Work

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

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

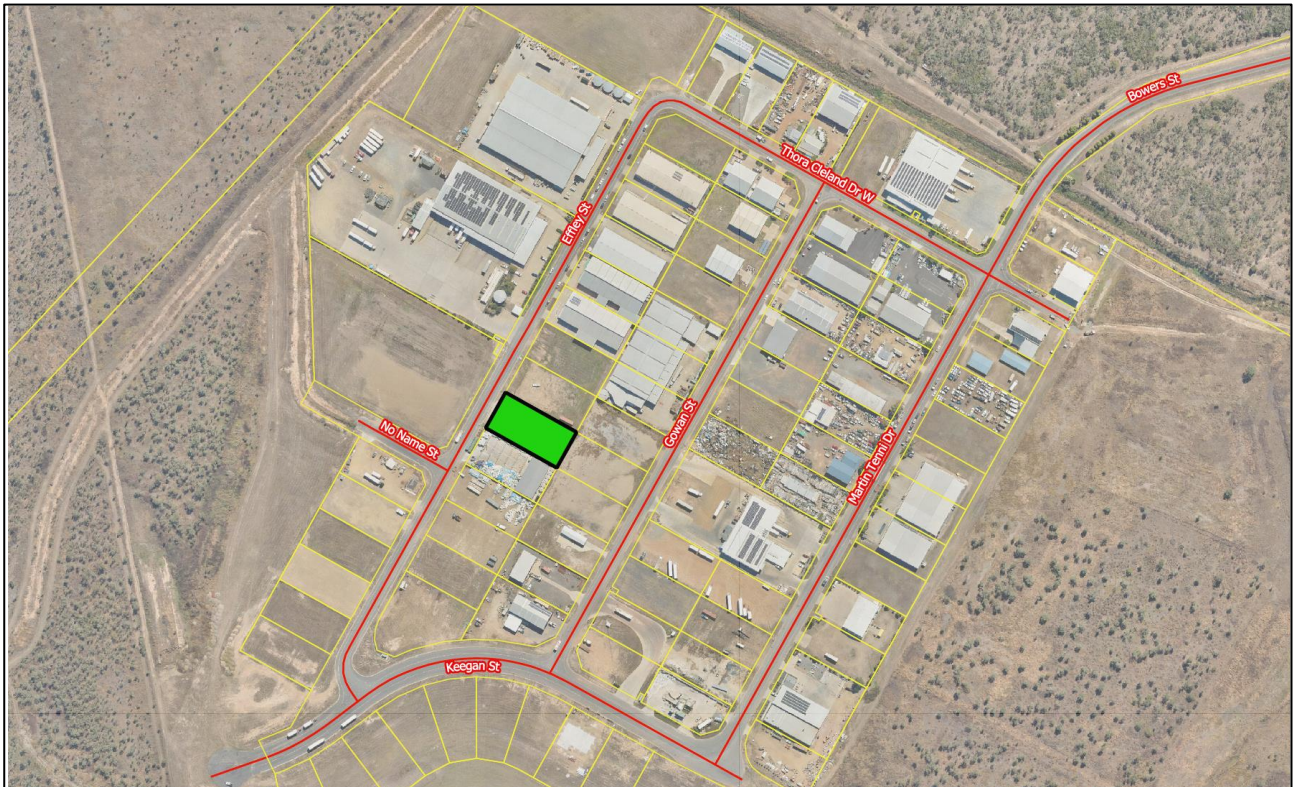
THE SITE

The site is situated within the Mareeba Industrial Park (MIP) at 17 Effley Street, Mareeba, and is described as Lot 224 on SP297023. The site has a total area of 2,178m² and is zoned Industry under the Mareeba Shire Council Planning Scheme 2016. The site contains 33 metres of frontage to Effley Street which is a wide industrial street having a width of 12 metres kerb to kerb and is asphalt sealed. The site is connected to all urban services.

All surrounding land is zoned Industry. The adjoining allotment to the north and land to the west remains vacant, while the adjoining lot to the south contains a recycling facility. Land adjoining to the east is an approved timber storage yard which currently contains stacked piles of cut no improvements and is unmanned with the exception of when timber logs are being loaded/unloaded from the site.

**Map Disclaimer:**

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



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BACKGROUND AND CONTEXT

Nil

PREVIOUS APPLICATIONS & APPROVALS

Nil

DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Material Change of Use – Animal Keeping (Dog Training & Boarding Facility & Ancillary Uses) in accordance with the plans shown in **Attachment 1**.

The application includes the following details about the proposed development:

“The development proposal seeks to establish a dog training facility that also provides for dog boarding which will comprise of overnight stays in addition to a number of other services such as such as dog day care, specialised training for reactive and aggressive dogs, specialised training for assistance dogs, and sale of dog food and associated products.

The proposal involves the construction of a building in the northern portion of the site addressing Effley Street. The building is 20mx25m in size, single storey and is serviced by eight (8) onsite car parking spaces inclusive of a PWD space.

The principal purpose of the development is to provide for a purpose built dog training and dog boarding facility while offering other services associated with dog ownership and dog care for

a broad customer base and residents of Mareeba and surrounding townships. The Facility will also provide a service for interstate customers who can travel to Mareeba and participate in specialised assistance dog training and boarding.

The facility will allow people to come to the premises and train their dog with one on one sessions with experienced trainers as well as other group training sessions involving multiple dogs. These training sessions will be undertaken within the two training rooms identified on the plan of development in addition to outdoor areas. Training will also be undertaken in the large open central area of the building when not being used for day care services.

The internal training rooms will be attenuated to prevent noise from either the internal boarding facility or noise external to the land interrupting the training sessions.

The entire building, inclusive of the boarding component will be air-conditioned and mechanically ventilated. External openings to the building will remain closed when not in operation to assist with climate control. Being air-conditioned and mechanically ventilated will also enhance the acoustic properties of the building.

The proposal also includes a small shop in which dog associated equipment, food and merchandise would be available to purchase. The Applicant has also advised that it is the intention to prepare and provide dog food for purchase by the customers either in person or online. The commercial kitchen will be equipped to prepare raw dog food and dehydrated products which will be stored on site. The associated sale of goods and the preparation of dog food products is considered ancillary and subordinate to the principal use of the site for Animal Keeping.

Key aspects of the development include:-

- *A single storey building containing 2 training rooms, a large open central area, kitchen, office, laundry unisex staff amenities and associated storage;*
- *Services offered at the facility will include one on one and group training classes. Training classes will commence from 6.00pm and can consist of either 1 dog up to 8 dogs;*
- *A dog day care service having a capacity of 20 dogs. The large central area of the building will be used for this purpose in addition to training classes. Dogs engaged in the day care service must leave the premises by 6.00pm;*
- *Fifteen (15) separate dog kennels / enclosures. These facilities will be air-conditioned;*
- *Eight (8) onsite car parking spaces and a landscaped setback between the car parking spaces and Effley Street;*
- *Approximately 2 – 3 staff will be employed at the premises;*
- *Hours of operation are proposed from 7.00am to 8.00pm Monday to Friday; 8.00am – 4.00pm Saturday & 9.00am – 1.00pm on Sunday. These hours may vary depending upon the demand for the services however these are the anticipated trading hours;*
- *Five (5) open dog enclosures to be located at the rear of the property. The dog enclosures will be used for the rotation of dogs to provide adequate access to outdoor and open spaces areas. The number of dogs to be contained within the rear enclosures at any one time will not exceed 10 dogs. The dogs will not remain in these enclosures overnight.*

The Applicant has advised that the overall theoretical capacity of the facility will be 40 dogs. However, it is most unlikely that the facility would be at this capacity at this would involve the day care service being fully occupied, all kennels being occupied and training classes being in operation at the same time.

A Noise Impact Assessment was undertaken to investigate the potential noise impact of the proposal on nearby properties. For the purpose of the modelling, the acoustic engineer has had regard to the theoretical capacity of 40 dogs on the premises at the one time.

The purpose of identifying a capacity of 40 dogs was to provide the upper limit of the facility and to provide a sense of scale to the development and to also provide parameters to the acoustic modelling of the facility to understand potential impacts.

A majority of the customers visiting the site will be by appointment only and therefore the arrival and departures of customers along with necessary staff levels will be scheduled. As a consequence, the provision of eight (8) on site car parking spaces is considered sufficient to accommodate parking demand.”

REGIONAL PLAN DESIGNATION

The subject site is included within the Urban Footprint land use category in the Far North Queensland Regional Plan 2009-2031. Mareeba is identified as a Major Regional Activity Centre in the Regional Plan. The site does not contain any mapped areas of ecological significance.

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	Land Use Categories ▪ Major Industry Area
Zone:	Industry zone (Heavy Industry Precinct)
Local Plan (Mareeba):	Industrial Park
Overlays:	Airport environs 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
Animal keeping	Premises used for boarding, breeding or training of animals. The use may include ancillary temporary or permanent holding facilities on the same site and ancillary repair and servicing of machinery.	Aviaries, catteries, kennels, stables, wildlife refuge	Aquaculture, cattle studs, domestic pets, feedlots, grazing of livestock, non-feedlot dairying, piggeries, poultry meat and egg production, animal husbandry

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****3.3.1 Strategic outcomes**

(6) *Industry areas support the industrial development in the shire and are protected from encroachment by incompatible or sensitive uses. The Mareeba major industry area is the predominant supply of industrial land which will cater for high impact industry and major industrial developments into the future. Smaller industry areas are strategically located across the shire to service local needs.*

3.3.12 Element—Industry areas**3.3.12.1 Specific outcomes**

- (1) *The Mareeba major industry area will develop as a regional industrial hub, servicing Mareeba Shire and beyond. The role of Mareeba as an industrial and service node is strengthened by the allocation of suitable and adequately serviced land for all types of industry, from low impact to high impact and special industries including industries that generate trade waste e.g. fruit and vegetable processing, small scale meat processing, saw mills and chemical manufacturers.*
- (6) *The location of industry activities avoids or is appropriately separated from sensitive land uses to protect the health, wellbeing, amenity and safety of the community from the impacts of air, noise and odour emissions, and hazardous materials.*
- (7) *Sensitive urban land uses such as residential development or community facilities do not encroach upon or establish within industry areas.*

Comment

The application provides the following response to Strategic outcome (6) and Specific outcomes (1), (6) and (7):

“The proposed development of providing a Dog Training / Boarding Facility within the identified Industry Area for the purpose of the Strategic Framework does not conflict with the Settlement Pattern & Built Environment Theme or any of the strategic outcomes being sort.

The following comments are made with respect to Element 3.3.12 – Industry Areas of the Settlement Pattern & Built Environment Theme. While the land use of Animal Keeping is more aligned with the rural activities and areas, the establishment of an Animal Keeping facility within the industrial precinct does not conflict with the identified specific outcomes having regard to the following:-

- a) The proposed use is aligned with industrial uses in the sense that that types of facilities (Animal Keeping) are difficult to locate and establish in rural or rural residential localities due to fears raised over the potential impact on the residential amenity and the ability for residents to enjoy peace and quite.*
- b) For the reasons identified in (a) above, it is extremely difficult to locate a suitable allotment which is of a suitable size, sufficiently distanced from any residential property or noise sensitive land use and of a suitable price range in order to establish such a facility. Locating a facility in an area which is already used for land uses which can and do impact on adjoining land is considered a logical outcome with respect to the co-location of similar and/or compatible uses.*
- c) The proposed development does not alienate this land from being able to be used for other industrial or like uses in the future.”*

Council officers agree with the consulting planners’ statements. The proposed development complies.

3.4 Natural resources and environment

3.4.1 Strategic outcomes

- (5) The air and acoustic environment of Mareeba Shire is managed to ensure its maintenance or improvement. Development maintains or enhances the health and well-being of the community and the natural 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.*
- (2) Mareeba’s major industry area accommodates uses with the potential to impact on air and acoustic qualities.*
- (4) Sensitive land uses are appropriately separated from areas containing or designated for activities that generate noise and air emissions.*

Comment

The proposed development will be strategically situated within the Mareeba Industrial Park away from any sensitive land uses and where background noise levels are higher and industrial in nature. Appropriate acoustic treatments have been included based on recommendations within the submitted Noise Impact Assessment which will help minimise the likelihood and impacts of nuisance noise from dogs barking and howling. As the industrial park continues to develop, background noise levels will only increase which will further minimise the likelihood of this particular development generating nuisance noise.

The proposed development has been conditioned to comply with Specific outcomes (1), (2) and (4).

Relevant Developments Codes

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

- 6.2.5 Industry zone code
- 7.2.2 Mareeba local plan code
- 8.2.2 Airport environs overlay code
- 9.3.5 Industrial activities code
- 9.3.6 Rural 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 of the relevant codes has found that the application satisfies the relevant acceptable outcomes (or higher order performance outcomes where no acceptable outcome is provided, or where an acceptable outcome cannot be met), provided reasonable and relevant conditions are attached to any approval.

Relevant Codes	Comments
Industry 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 (noise) – refer to Planning Discussion section of report for commentary.
Mareeba local plan 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.
Industrial activities 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.
Rural activities 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.
Landscaping 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.
Parking and access 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.
Works, services and infrastructure 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.

Planning Scheme Policies/Infrastructure Charges Plan

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

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

Planning Scheme Policy 6 - Landscaping and Preferred Plant Species

A condition will be attached to any approval requiring landscaping and plant species selection be carried out in accordance with Planning Scheme Policy 6.

REFERRAL AGENCY

This application did not trigger referral to a Referral Agency.

Advice

This application did not trigger referral to an Advice Agency.

Internal Consultation

Environmental Health – Noise quality and acoustic buffering

PUBLIC NOTIFICATION

The development proposal was placed on public notification from 5 December 2024 to 9 January 2025. The applicant submitted the notice of compliance on 11 January 2025 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

16 submissions were received. 15 submissions were in support on the proposed development, while 1 submission was in objection.

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

Grounds for objection /support	Comment
<p>Taylor Skinner, the owner and operator of the proposed dog training, boarding and minding business proposed to be operated on-site provide a beneficial experience superior to other similar businesses in the tablelands area.</p>	<p>Noted. The application is recommended for approval.</p>
<p><i>“while Taylor has been making plans to built this facility, we have not been training under the best conditions. Our training locations are out in the open and exposed to the elements. Depending on the weather at the time we are training in dust or mud, training is cancelled when it's raining and classes have to start earlier in winter so that we don't run out of daylight, which makes it difficult to get there after work. The benefits of an indoor, purpose-built facility are significant. Our dogs will not have to learn to drop in the dirt or mud or get covered in burrs or ticks, we won't have to train in the rain, heat or cold. Our dogs will be able to be trained off-leash as they will be contained within a fenced yard or inside the facility.”</i></p>	<p>Noted. The application is recommended for approval.</p>
<p><i>“In addition to the improved training facility, which I am very supportive of, is the inclusion of a boarding facility. This is something the community would also get great benefit from. There are very limited boarding facilities in the local area. Of those available, some are not at a standard I would find acceptable for my dog and those that are acceptable are regularly booked out. There is a definite need for more capacity within the Shire and for facilities of a high standard. I would have every confidence boarding my dog with Alpha Lykos.”</i></p>	<p>Noted. The application is recommended for approval.</p>

<p><i>“the location of this facility in the Mareeba Industrial Estate is perfect. The other businesses operating from the estate make much more noise and traffic than the training facility is ever likely to and the proximity to town is convenient without imposing on any residential areas.”</i></p>	<p>Noted. Council officers agree with the submitters statement. The application is recommended for approval.</p>
<p>“My business, EnviroPlas Recycling, operates a plastic recycling and remanufacturing plant. The nature of our operations requires continuous machinery use, which involves significant noise from shredding equipment and a 500Kva generator running 24 hours a day, seven days a week. Additionally, the adjacent timber yard frequently generates dust during its loading and unloading activities. These two adjoining industries are at a minimum, High Impact Industry and or Special Industry and at a minimum the dog training centre should be located at least 500m away.</p> <p>Additionally, the supporting sound study was recorded on the opposite boundary to my boundary, at least 30 meters away (see photo page 18). From the sound recordings you can clearly see when we start operations, mostly at 4am and finish at 6pm. Critical Levels 70 dB: This is roughly the sound level of a vacuum cleaner or traffic noise. It's within the safe range for dogs and unlikely to cause immediate harm, but continuous exposure could lead to stress, particularly if the noise is high-pitched.</p> <p>Given the noise and dust levels typical of our operations and neighbouring businesses, I am concerned that these conditions would not be conducive to the welfare of animals in a dog training and boarding facility. Furthermore, I feel this proposed facility could create friction with my existing industrial businesses, potentially disrupting our operations.</p>	<p>The timber yard situated to the east of this proposed development does in fact include unsealed gravel surfacing over its trafficable areas. However, a condition of the timber storage yard approval is that all trafficable areas must be maintained with a dust free surface treatment so as to minimise dust impacts on surrounding properties. If enough dust is generated to cause nuisance, then that operation is non-compliant with their conditions of approval. This submitter concern is not reasonable grounds for Council to refuse this development application. Similar concerns would be raised by dust sensitive industrial development like paint shops or panel beaters.</p> <p>The submitter claims that sound recordings used in the Noise Impact Assessment were carried out on the opposite side of the property to the submitters boundary and if they were closer, then background noise levels would have been greater. If this is the case, then higher background noise levels would have only helped demonstrate that the proposed development was not likely to cause nuisance as noise nuisance is determined based on exceedances of background noise.</p> <p>The applicant has been operating casual dog training classes from the subject site and is aware of the noise levels generated by surrounding businesses and has provided a statement to Council that high background noise levels and industrial noise will not impact on the operation of the proposed dog training, boarding and minding business. The majority of operations will occur within the confines of the acoustically insulated building, which will not only act to contain animal noise, but will help minimise noise impacts from surrounding uses.</p> <p>The submitters business was established as ‘accepted development subject to requirements’ and is considered a lawfully established land use and is not subject to any noise restrictions. The Mareeba Industrial Park is the preferred location for heavy industry. Council officers do not consider this established business to be at risk from the proposed dog boarding, training and minding business.</p> <p>Although the Rural zone is considered an accepted location for animal keeping uses, it is difficult to find locations that are appropriately separated from sensitive land uses due to the amount of historic land fragmentation that has occurring in the Rural zone. Council officers believe the Mareeba Industrial Park to be an acceptable alternate location for such a land use.</p>
<p><i>“This local dog training enhances more cohesive control of animal behaviour in our community. It offers socialisation of animals and support to our community members.</i></p> <p><i>A local support facility for animal holiday stays will be a great bonus for our community as well.”</i></p>	<p>Noted. The application is recommended for approval.</p>

<p><i>“Having access to a purpose-built, controlled facility would be an invaluable resource. Such a facility would provide the perfect environment for training assistance dogs, ensuring they are fully prepared for their essential roles. It would also offer a safe and enriching space for my dog to board when needed, giving me peace of mind that their care and training remain consistent and high-quality.</i></p> <p><i>The benefits of this proposed facility extend far beyond individual clients like me. Establishing a central hub would allow Alpha Lykos to train and support more assistance dogs and their handlers, increasing access to life-changing support dogs for individuals with disabilities across Australia. Additionally, it would create a sense of community among clients, providing a space to connect, share experiences, and grow together.</i></p> <p><i>Currently, Alpha Lykos must travel to clients like me, which is both costly and time consuming. A dedicated facility would not only reduce expenses but also enhance efficiency, making their program more accessible to clients who might otherwise face financial barriers in training their assistance dogs.</i></p> <p><i>I strongly encourage the Council to approve this development application. This facility has the potential to transform the lives of individuals with disabilities and their assistance dogs, both in Mareeba and throughout Australia.”</i></p>	<p>Noted. The application is recommended for approval.</p>
--	--

Submitters

Name of Principal submitter	Address
1. Carlie Roll	carlieroll@hotmail.com
2. Mark Freeman	PO Box 777, Kuranda QLD 4881
3. Julie Birdsall	364 Bilwon Road, Bibohra QLD 4880
4. Shaun Gardiner	shaun.gardiner@gmail.com
5. Marc Jackson – Enviropas Recycling Pty Ltd	PO Box 497, Smithfield QLD 4879
6. Inez Goodman	8 Bundanoon Court, Mareeba QLD 4880
7. Kathleen Freeman	10 Morong Street, Kuranda QLD 4881
8. Felicity Pollard President of Friends of the Animals Inc. and Employee at Mareeba Animal Refuge	pollardf24@gmail.com
9. Faith Blanch	100 Walsh Street, Mareeba QLD 4880
10. Serena Lynch	111 Rowntree Road, Petersville SA 5571
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13. Abigail Hansen	30 Thirty Hereward Hwy, Blacktown NSW 2148
14. Scott Johnson	111 Rowntree Road, Petersville SA 5571
15. Joy Wundersitz	92 Cross Road, Myrtle Bank SA 5064
16. Bonnie Stanley	193 White Hut Road, Stanley Flat SA 5453

PLANNING DISCUSSIONIndustry 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**

The application included a comprehensive Noise Impact Assessment (NIA) which is included as **Attachment 3**. The NIA concluded the following (note that R1 – R6 refers to “receptors” being specific locations on adjoining land):

“During the day, the facility operates with the highest number of dogs, up to 40, spread across indoor kennels, training rooms, and outdoor yards. Noise modelling shows that, under these conditions, the average noise levels (Leq,15mins dBA) at all surrounding receptors (R1 to R6) comply with local noise criteria. However, peak noise levels (Lmax,T dBA) exceed the noise limit by a small margin at receptor R3, but remain within limits at other locations. These results indicate that the facility’s design and operations can effectively manage daytime noise levels, with minor exceedances that could be addressed by limiting the number of dogs outdoors at any given time if necessary.

In the evening, activities are scaled down, but noise levels remain comparable due to continued training sessions and the presence of up to 40 dogs indoors. The noise model shows minor exceedances of peak noise levels at receptors R2, R3, and R4 during evening hours, with the highest exceedance of 6 dB(A) at R3. These exceedances suggest that, additional measures such as reducing the number of outdoor activities in the evening may be beneficial for further noise control. This approach would help ensure compliance with criteria and minimise disturbance to neighbouring properties.

At night, only the boarded dogs remain on-site, and all are kept indoors to avoid unnecessary noise transmission. Noise modelling demonstrates that both the peak (Lmax,T dBA) and average (Leq,15mins dBA) levels are well below the noise limits at all receptors during this period. This outcome highlights that indoor containment at night is effective in controlling noise impacts, providing a noise environment that complies with all relevant criteria and minimising the potential for disruption.

It is noted that a minor exceedance of the noise criteria occurs during daylight hours (7am to 6pm) at location R3. This location is to the east of the site on the unmanned timber storage yard. Considering this site remains unmanned and is used for timber storage only, this exceedance is not of concern. If it does ever contain an alternate land use, it is likely to include an enclosed building which will provide additional noise buffering.

During evening hours (6pm to 10pm), minor exceedances are experienced at locations R2, R3, and R4 with the highest exceedance being 6 decibels at R3. Locations R3 and R4 are located in the unmanned timber storage yard to the east of the site. Location R2 is located on the vacant lot to the north. Evening activities on-site will cease at 8pm, with all training and outdoor use of the site ceasing by this time. Additionally, most businesses shut between 5 and 6pm before evening hours commence. Conditions have been included help ensure the facility is operated in such a way as to minimise the occurrence of dog barking and howling which will also help minimise impacts at location R2. When this location is eventually developed, the inclusion of built form will also further minimise noise.

During nighttime hours (10pm to 7am), only boarded dogs remain on-site which are contained to the acoustically insulated building. Noise levels during this period are well below nuisance thresholds.

The NIA included the following in relation to noise control and conclusions:

“8 Noise Control

8.1 Building Construction Material

Although not explicitly stated in the plans, it is expected that the building will be constructed using walls and roofing with a rolled orb steel exterior, an insulated inner cavity, and a 10mm plasterboard interior lining. This construction was modelled (Appendix D) to demonstrate the noise reduction provided by the building envelope. To maintain the modelled level of sound reduction, the building will include mechanical ventilation to remove likelihood to have windows and doors open for cross ventilation. A roller door on the southern façade is part of the structure, and if it were to be left open could increase noise leakage from barking dogs. However, due to the floorplan layout, it is unlikely that this would cause the barking noise levels to exceed the noise criteria. If barking becomes disruptive, it is advisable to keep the roller door closed, especially during busy periods.

Outdoor yards consist of x5 enclosures constructed of rolled orb metal sheeting which provide some acoustic reflection away from the outlying areas. The northern and southern boundaries also lined in a 1.8m high acoustic reflective rolled orb metal sheeting fence, furthermore, providing some noise reduction from barking dogs.

If alternative materials are used for the construction, it is important to note that the materials modelled represent a baseline for effective noise reduction. For optimal results, it is recommended to assess the acoustic properties of any alternative materials to ensure they meet the desired sound reduction performance.

Overall, the facility’s design, operations, and recommended mitigation measures should ensure minimal impact on surrounding areas, making it suitable for the proposed location.

9 Conclusion

This noise impact assessment has thoroughly reviewed the proposed development’s compliance with relevant noise regulations and the planning scheme requirements set by Mareeba Shire Council and the Planning and Environment Court. The findings indicate that,

with the implementation of certain measures, the development can effectively mitigate potential noise impacts on nearby sensitive land uses.

Key findings and recommendations include:

- *The 1.8-metre-high acoustic reflective fencing provides additional noise reduction.*
- *The building's construction and materials effectively prevent noise from barking dogs from bleeding into neighbouring areas.*
- *The facility's concealed structure and scheduling of most noisy operations during the day, with some in the evening, help limit noise to those specific periods, reducing the potential impact of noise, if any, during those times.*
- *Outdoor Yards, if used during Day and Night periods only should not cause an impact to the surrounding neighbouring area.*

By adopting these measures, the development shows its commitment to minimising noise impacts and preserving the surrounding amenity of the Heavy Industry C zone. The proposed solutions balance the operational needs of the dog boarding and training facility with the noise amenity of the local community.

This noise impact assessment report has found the development is well-positioned to comply with all relevant regulations and planning scheme requirements."

All recommendations including the NIA (listed above) have been incorporated into conditions of approval. The development can be appropriately conditioned to ensure amenity impacts associated with dog noise are minimised.

Hours of operation

The subject site is situated within the Mareeba Industrial Park (MIP) where it is acceptable for industry to operate 24/7 if required. The proposed development will include the boarding of animals over a 24-hour period, however dogs will be contained to the confines of the acoustic insulated building between the hours of 8pm and 7am. The proposed hours of operation are not likely to impact on amenity, particularly considering the acoustic measured conditioned as part of the approval.

Traffic

The subject site is situated within the Mareeba Industrial Park which is subject to considerable traffic ranging from heavy industrial vehicles down to light private and commercial vehicles. If/when the northern bypass is built, a connection is proposed to access the industrial park which will help reduce vehicles movements on Barret and Bowers Streets which is currently the only access in and out of the industrial park.

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

Advertising devices

The application does not include any specific details about advertising devices. Regardless, the site lies within the Mareeba Industrial Park and it would be acceptable to include fascia, rooftop, window and freestanding signage, consistent with other signage within the industrial park.

Visual amenity

The proposed development will be consistent in scale and appearance as other developments within the Mareeba Industrial Park. The development will not impact on amenity visually.

Privacy

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

Lighting

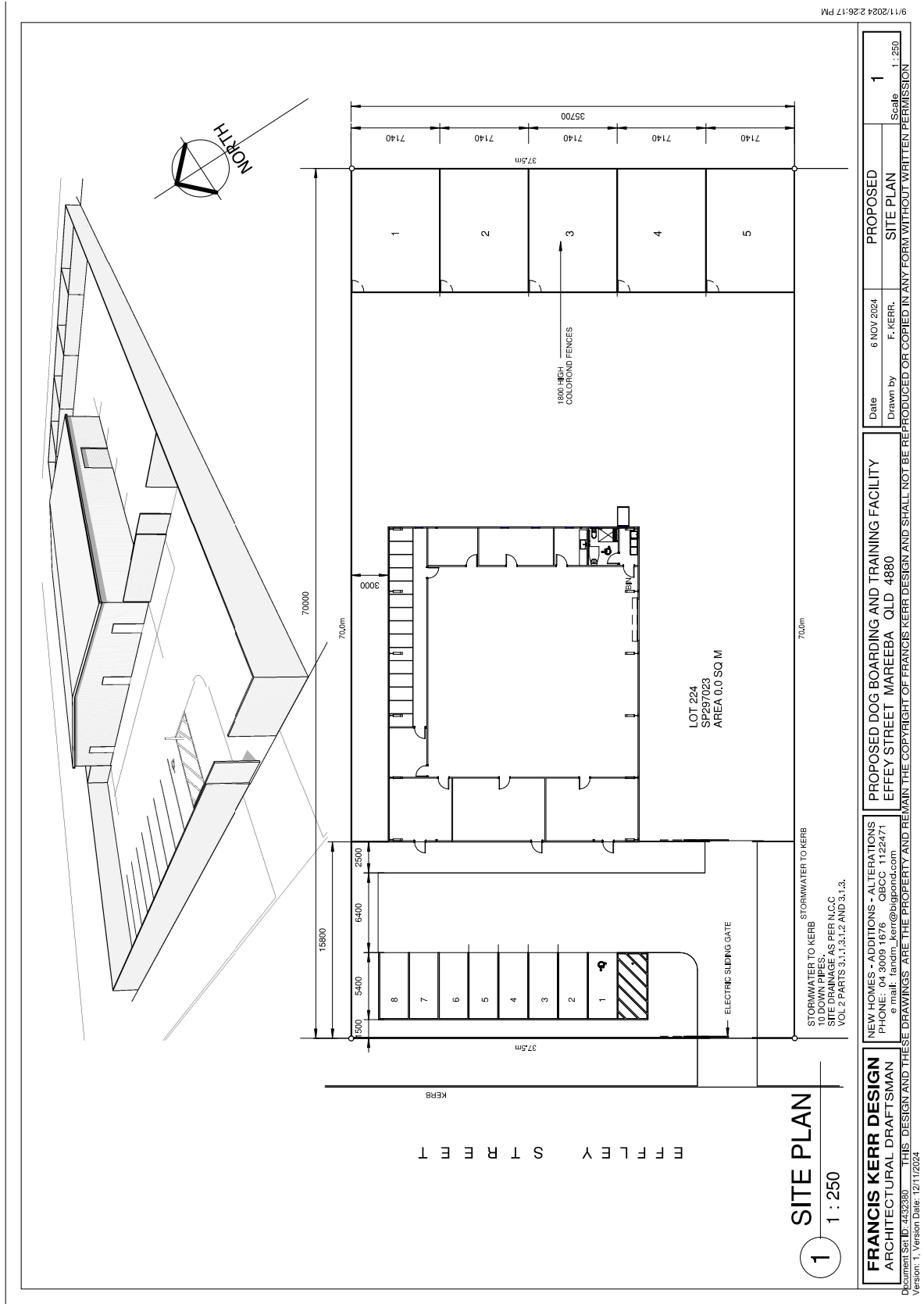
The subject site is situated within the Mareeba Industrial Park and is not adjoined by any sensitive land uses. Any external lighting installed is not likely to impact on amenity.

Odour & Emissions

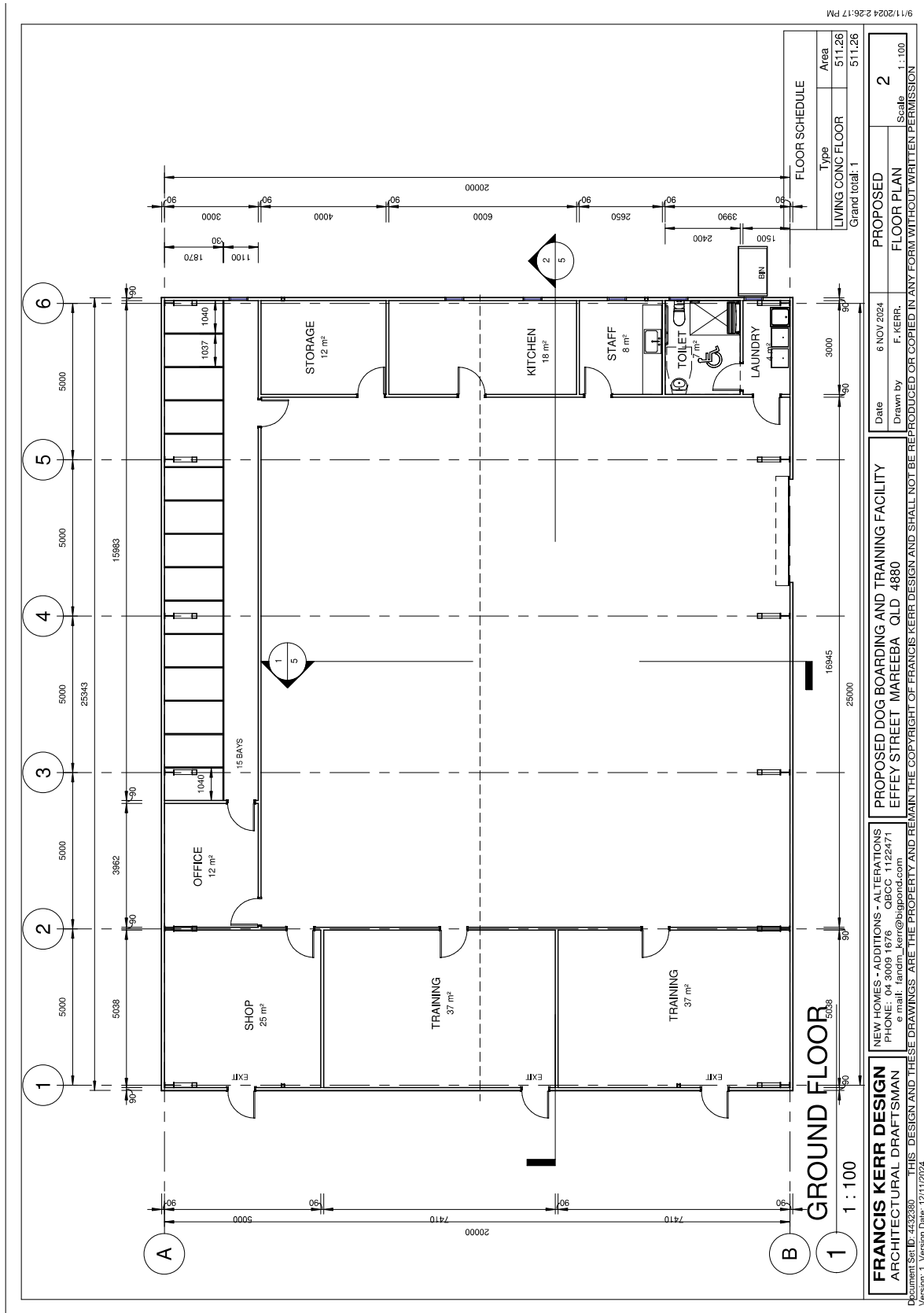
The proposed development has been appropriately conditioned to ensure odour impacts from animal waste is managed so as to not cause an odour nuisance. No other emission impacts are envisaged.

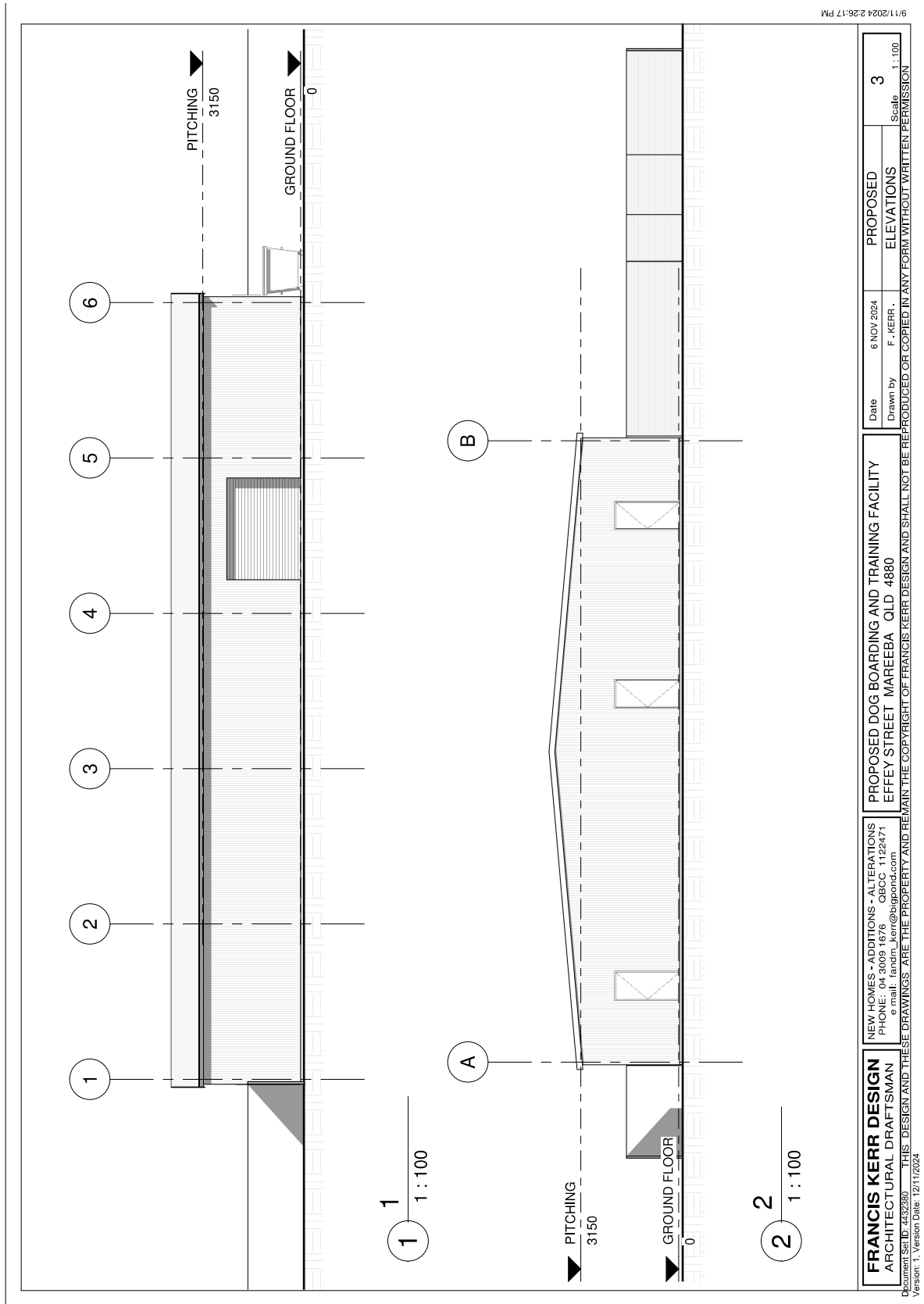
Conclusion

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



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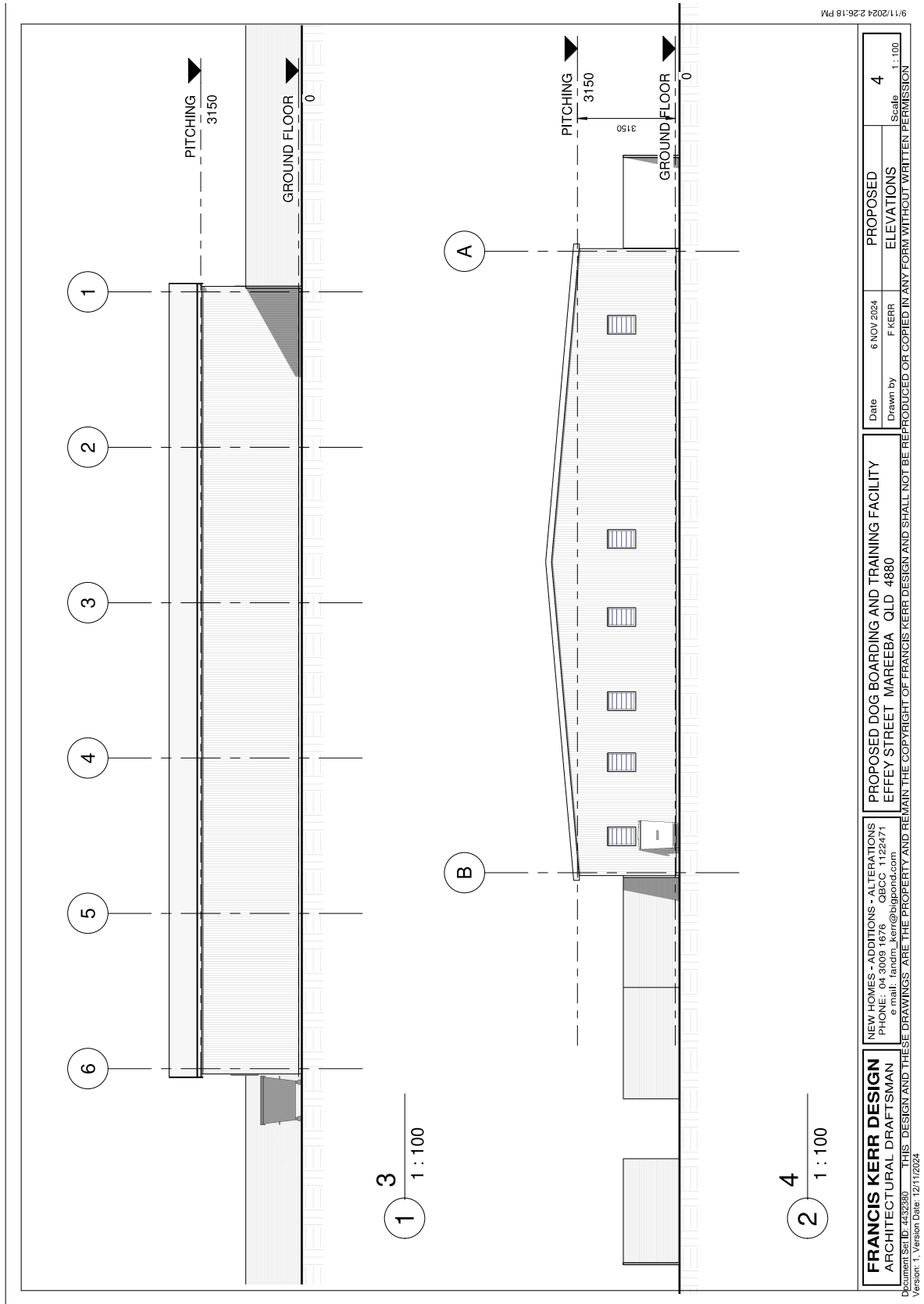
Date	6 NOV 2024	PROPOSED	3
Drawn by	F. KERR.	ELEVATIONS	Scale 1:100

NEW HOMES - ADDITIONS - ALTERATIONS
 PHONE: 04 3009 1676 QBCC 1122471
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PROPOSED DOG BOARDING AND TRAINING FACILITY
 EFFY STREET MAREEBA QLD 4880

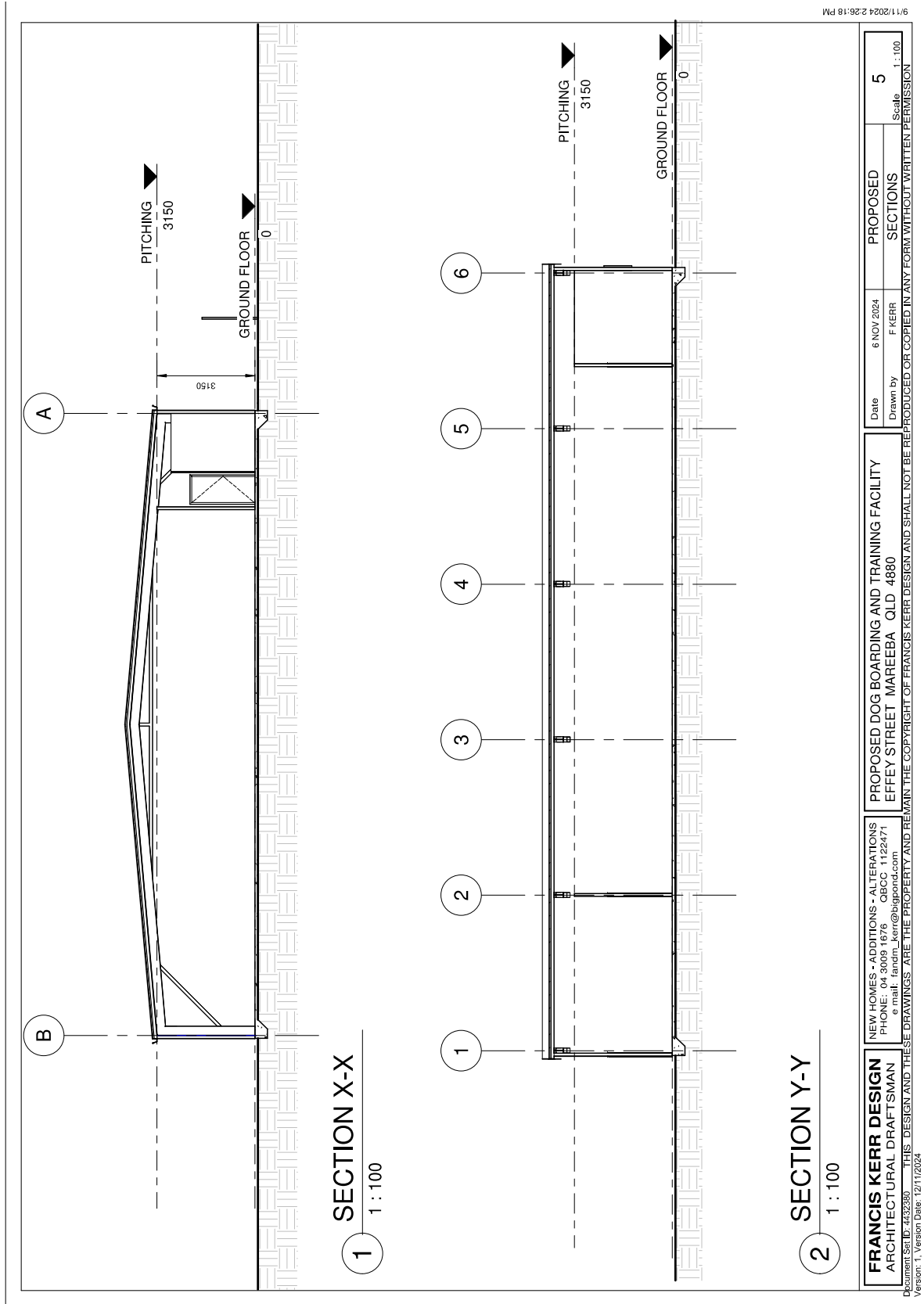
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Noise Impact Assessment House Lykos Dog Boarding and Training Facility

17 Effley St, Mareeba, QLD, 4880

Version 1.1 • 07 November 2024



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Version: 1, Version Date: 12/11/2024

Noise Impact Assessment – House Lykos Dog Boarding and Training Facility 07 November 2024
 17 Effley St, Mareeba, QLD, 4880 V1.1

Noise Impact Assessment

Dog Boarding and Training Facility

17 Effley St, Mareeba, QLD, 4880

Prepared for	
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Property Name	House Lykos
Phone	0477 006 782
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Prepared by	
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Noise Impact Assessment – House Lykos Dog Boarding and Training Facility 07 November 2024
 17 Effley St, Mareeba, QLD, 4880 V1.1

Document Control

Project Details	
Number	226
Project Name	Noise Impact Assessment – House Lykos Dog Boarding and Training Facility
Location Address	17 Effley St, Mareeba, QLD, 4880

Revision History

Date	Version	Description	Name	Signature
29/10/24	1	Noise Impact Assessment Report	Mark O'Brien	
07/11/24	1.1	Noise Impact Assessment Report	Mark O'Brien	

DISCLAIMER

This document is being provided by Xnoise to a specific client and is based on the objectives, scope, conditions, and limitations agreed upon. The content of this report only includes information that we consider relevant and essential to describe the matter at hand. It is important to note that this report is solely intended for its intended purpose and may not be reproduced, reviewed or presented in any way without our prior consent.

The intellectual property of this report remains the sole property of Xnoise. The client is authorised to share the report in its entirety with third parties only upon payment of the agreed-upon proposal fee.

Please be advised that our recommendations in this report are intended solely to address acoustic issues. We do not claim expertise in other areas of building construction, such as structural, fire, or thermal aspects. Therefore, it is important that you consider the possibility that our recommendations may not address all aspects of the building's construction.

We strongly encourage you to consult with Xnoise before using alternative materials or equipment. If you choose to use preferred materials or equipment providers, it is essential to adhere to the acoustic data outlined in this report to ensure that you meet the required standards, performance, and desired outcomes.



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Noise Impact Assessment – House Lykos Dog Boarding and Training Facility
17 Effley St, Mareeba, QLD, 4880

07 November 2024
V1.1

NOISE IMPACT ASSESSMENT

The purpose of this acoustic report is to provide information for the development application and to address issues related to a Noise Impact Assessment. This report satisfies the requirements for a written assessment concerning the acoustic characteristics of the premises and its surrounding environment, intended for submission with the Development Application.

Background information including the names and qualifications or experience of the individuals preparing the assessment, the following details are provided:

Noise Impact Assessment conducted and prepared by:

Mark O'Brien

Acoustic Consultant, Xnoise

Qualifications

- Bachelor of Health Science (Honours) (Occupational Safety and Health) Edith Cowan University 2015
- Diploma of Audiometry – OTEN (2019)
- Monitor and Evaluate Noise Certificate – Acoustar (2023)
- Acoustics Program – UNSW Sydney (Current)

Experience

- Acoustic/ Noise Impact Assessment for Development Applications
- Live Entertainment monitoring and assessment
- Acoustic Reports for Liquor License/ Licensed Venue under Guideline 51
- Workplace Noise Assessments under WHS Act and Legislation
- Environment Noise Impact Assessments for industrial plant/ infrastructure noise
- Industrial Noise Control assessments, installations and compliance reporting
- Room and Building Acoustics for recording, sound production, live and entertainment
- Architecture Acoustic Design and Modelling for education, government, residential

This report by Xnoise prepared for the client: Taylor Skinner. Based on the agreed aim, scope, conditions, and limitations. It presents only the information that Xnoise, in its professional opinion, deems relevant and necessary to meet the acoustic requirements set.



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Noise Impact Assessment – House Lykos Dog Boarding and Training Facility 07 November 2024
 17 Effley St, Mareeba, QLD, 4880 V1.1

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1 Introduction

1.1 Purpose and Scope

This noise impact assessment for the Development Application for a Dog Boarding and Training Facility to be located at 17 Effley St, Mareeba, QLD, 4880 (Lot 224SP297023).

The development application as yet to be processed, a noise impact assessment may be required as part of the assessment, therefore this report fulfills the acoustic component of the assessment. This Noise Impact Assessment report aims to address, targeting the Part 6 of the Mareeba Shire Council Planning Scheme 2016 v2023, specifically Performance Outcomes (PO7 (a) noise and PO8 (a) noise).

This assessment involves evaluating the potential noise impacts of the proposed development, including noise generated by animal keeping (dogs). It is essential to consider both the operational of the Dog Boarding and Training Facility to ensure compliance with local noise regulations and to mitigate any potential noise disturbances to the surrounding area.

This report includes noise measurements/ logging, noise modelling, and recommendations to ameliorate any existing environment impacts from noise. Mitigation strategies, such as optimising the built structure with acoustic improvements further exemplifies this developments approach towards reducing any noise impacts to the amenity of the area.

The goal of this noise impact assessment is to ensure that the development does not result in unacceptable noise levels that could affect nearby properties from the operation of the Dog Boarding and Training Facility at 17 Effley St, Mareeba, QLD, 4880.



1.2 Objectives

The key objectives of this noise impact assessment report are:

- **Project Outline and Site Description:** Details of the development project, its usage and the surrounding environment character description. Included are the proposed hours of operation for each use and nearby sensitive receptors. Presented is the premises location, the surrounding environment, current environment noise levels and potential noise sources that could affect the area's amenity. Supporting plans and diagrams included.
- **Guideline and Standards:** Outline of the relevant noise standards for the development and assessment. Methodology of measurements and analysis performed to demonstrate the existing background and activity noise levels at the premises and surrounding areas to assess the potential noise impact.
- **Details of Instruments:** Details and methodology used for noise and weather measurements.
- **Results:** Noise measurement data, including an explanation of the results and the applicable noise limits. Meteorological data included in results to demonstrate noise measurement compliance with relevant conditions suitable.
- **Site Map with Noise Sources:** Detailed aerial view topological display of the site layout with areas and location of noise sources, including measurement locations and potential noise receivers.
- **Noise Modelling:** Predictive noise model of each noise source demonstrating the noise propagation and affect from the site to the neighbouring noise sensitive receivers. Included are the averaging (L_{Aeq}) and impulsivity (L_{Amax}) of the noise sources that could be propagated and attenuated from distance, and site features.
- **Noise Criteria:** Noise levels of development assessed against noise criteria and checked for compliance. This includes noise predictions, comparison against noise criteria, discussion of proposed noise mitigation measures and controls, with likelihood of noise reduction including feasibility of those measures and controls.

In accordance with the further advice request, this noise impact assessment conducted in accordance with; *AS1055.1-3 – Acoustics – Description and Measurement of Environmental Noise* and the relevant legislative provisions contained within; Environmental Protection Act 1994 and; Environmental Protection (Noise) Policy 2019, Schedule 1 provides guidance on acoustic quality objectives (AQO) ensures environmental harm (including nuisance noise) and associated subordinate regulations and policies.

The Mareeba Shire Council Planning Scheme 2016 2023, was consulted to protect the amenity of sensitive adjoining uses by mitigating noise amenity impacts from development to be adequately addressed, including:

- Performance Outcomes (PO7 (a) noise and PO8 (a) noise).



1.3 Details

Neil Beck proposes the development of a Dog Boarding and Training Facility at 17 Effley St, Mareeba, QLD, 4880 (Lot 224SP297023).

The current site layout consists of an open-plan, rolled-orb sheet metal, insulated shed with a car park at the front and outdoor yards at the rear of the property. The proposal includes the shed to be a state-of-the-art dog boarding and training facility, catering to dog training, daycare, and dog boarding facilities.

The facility will cater to a range of services, including boarding, obedience training, behavioural modification, and specialised training for dogs. Programs will be available for all dog breeds and ages, with personalised care and training approaches tailored to meet each dog's needs. Sessions will vary from basic obedience classes and one-on-one behavioural consultations to more advanced or specialised training programs, depending on the dog's skill level and the owner's goals.

Operating hours are designed to allow flexibility for dog owners and ensure the comfort and wellbeing of all dogs on-site. The proposed operating hours are as follows:

Daycare and Training Facility

- Monday to Friday: 7:00 am to 5:30 pm
- Saturday: 8:00 am to 4:00 pm
- Sunday: 9:00 am to 1:00 pm

Boarding

- Monday to Sunday: 24 hours

While these hours represent the maximum operating times, the facility will run on a structured schedule to minimise disruption to the neighbouring community.

Noise levels should be carefully managed, taking into account the type of training, the number of dogs, and the specific activities being conducted. A noise assessment has been conducted based on worst-case scenarios, including barking and active training sessions. To further mitigate any potential noise disturbances, the facility will include soundproofing measures in the built design and dedicated areas for the training and boarding needs.

This development aims to create a professional, well-managed dog boarding and training facility that enhances the local community while prioritising the wellbeing of the animals in its care with minimal noise disturbance to local amenity of the area.



1.4 Dog Boarding and Training Facility Design

The development will utilise the facility design and location, constructed of, insulated rolled-orb sheet metal roofing and siding on a concrete slab foundation. Shed includes x15 Boarding bays, Shop, x2 Training rooms, Office, Storage, Kitchen, Staff, Toilet, Laundry, and x5 Outdoor Yards (Rear). The shed will be mechanically ventilated with all openings in the closed position during operation. The property will have a rolled orb metal acoustic screen surrounding the property on the northern and southern boundaries, including each individual outdoor yard, all controlling the dog noise.



Figure 1 Dog Boarding and Training Facility Design Plan with aerial overlay



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1.5 Locale

The property, located at 17 Effley St, Mareeba, QLD, 4880 (Lot 224SP297023), is bordered by vacant land and other businesses within the Heavy Industry C Zone. With a total land area of 2,178 square meters, this dog training facility is designed to provide a safe and structured environment for canine training activities, along with convenient on-site access and parking to ensure the safe ingress and egress of clients and their dogs.

The facility's primary goal is to deliver high-quality dog training services while fostering a positive relationship with the surrounding community. The training center is situated amongst the zone used for heavy industrial purposes. The property's southern boundary shares a common line with a recycling facility property, the only property identified as an occupied noise-sensitive receiver, was found to be producing an amount of noise that is contributing to background noise.

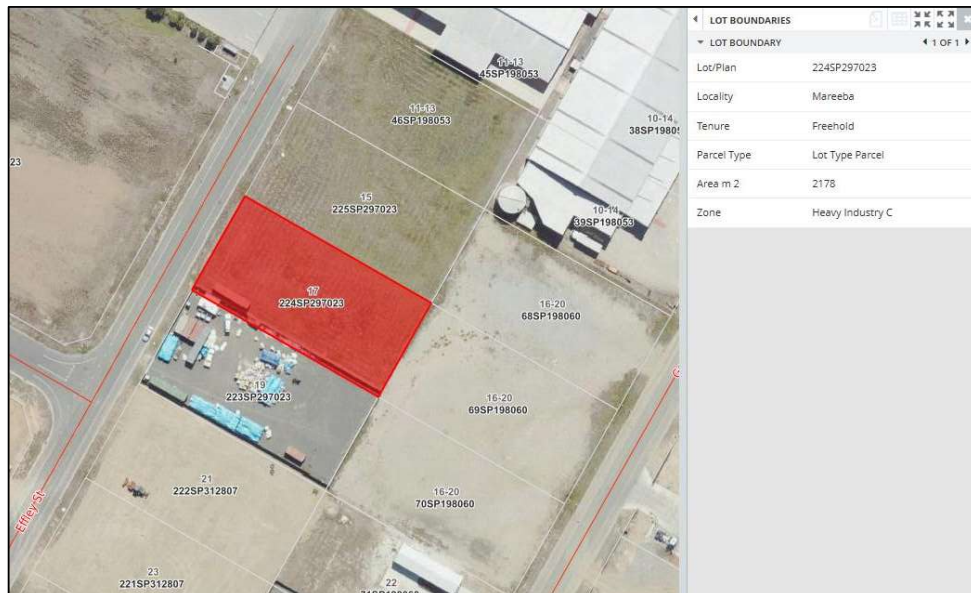


Figure 2 Aerial view of property with neighbouring properties and surrounding area



1.6 Zoning

Situated within the Heavy Industry C Zone, as displayed in Figure 3 of the Mareeba Shire Council Planning Scheme 2016 v2023, Dog boarding and training facility is strategically located in the Mareeba Industrial Park and is surrounded by industrial properties.

This positioning underscores the necessity of conducting a noise impact assessment to determine whether noise from the facility could affect the neighbouring amenity of the area.

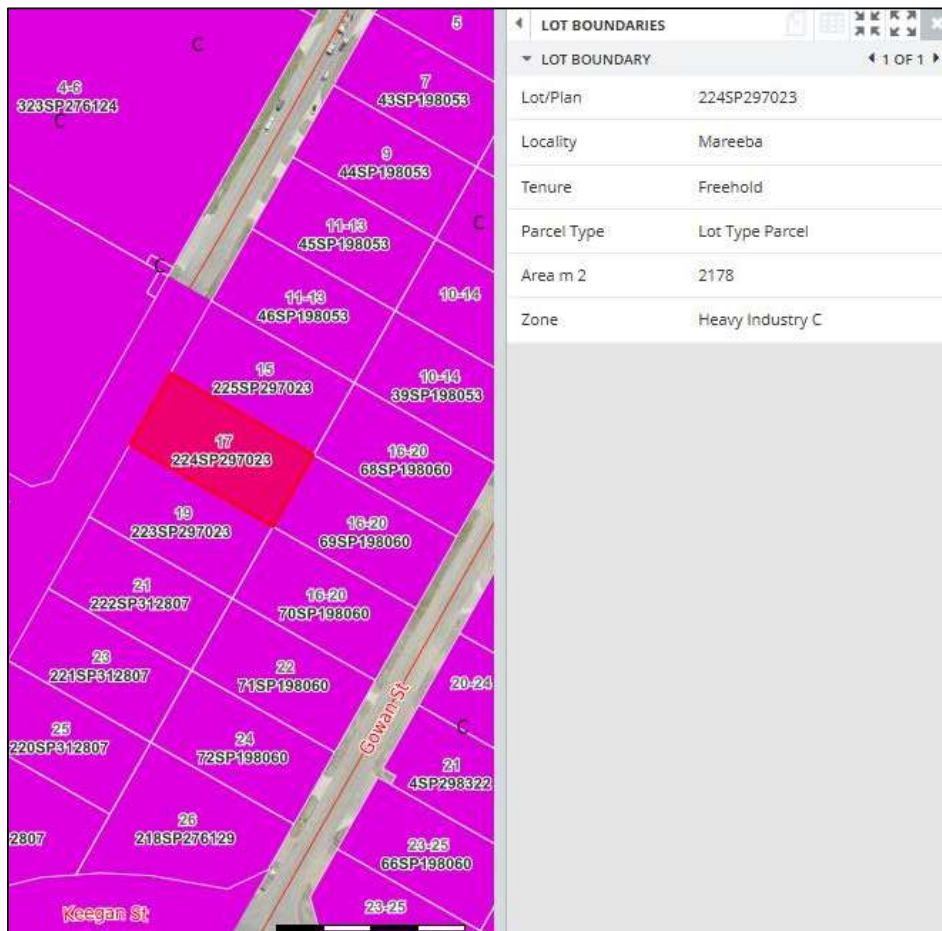


Figure 3 Site Locale and Zone (Mareeba Shire Council Planning Scheme 2016 v2023)



1.7 Potentially Affected and Background Noise

The identification of potentially noise affected premises was determined through an assessment of the surrounding area within a 200-meter radius of the property, as shown in Figure 4. The nearest affected premises were identified as the locations closest to and surrounding the facility, also confirmed during site visit. Potentially affected premises, such as the neighbouring businesses including vacant blocks were included as potential noise affected receivers.

Given the nature of the area, the background noise measurements were conducted at the undeveloped that is representative of the potentially noise affected at the rear of the property of 13 Effley Street, Mareeba. The background noise measurement location was situated where it would be least influenced by the neighbouring activities. However, due to the neighbouring recycling plant business sharing the southern common boundary, presents an already noise affected environment.



Figure 4 Site Locale and neighbourhood (Google Earth) 200 m radius



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1.8 Noise Sensitive Receiver Locations

The property is fronted by Effley Street and shares boundaries with neighbouring properties to the north, south, and east. With no nearby residential properties, dominant properties are to be considered as heavy industrial and should not have any residential usage now and into the foreseeable future. Current and potential future developments have been considered in this noise assessment and are listed in Table 1.

Table 1 Noise Sensitive Receiver Locations

Label	Address	Description	Orientation
R1	15 Effley St	Vacant property	N
R2	20 Gowan St	Vacant property	NE
R3	18 Gowan St	Vacant property	E
R4	16 Gowan St	Vacant property	E
R5	19 Effley St	Recycling facility property	S
R6	8 Effley St	Vacant property	W

Monitoring of the background noise was located at the rear of the development property, nearest the northern boundary. This location was chosen to represent the background noise level of the development and the neighbouring noise sensitive receiver locations. The background monitoring location is listed in Table 2 and displayed on the map in Figure 5.

Table 2 Background Monitoring Location

Label	Address	Description	Orientation
ML1	17 Effley St	Development property	W



Noise Impact Assessment – House Lykos Dog Boarding and Training Facility
17 Effley St, Mareeba, QLD, 4880

07 November 2024
V1.1



Figure 5 Site with neighbouring sensitive noise receivers



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2 Guidelines and Standards

Relevant noise standards for the development and methodology used are outlined for this assessment. Methodology of how measurements and analysis was performed will demonstrate the existing background and activity noise levels at the premises and surrounding areas to assess the potential noise impact to the neighbouring amenity.

This noise impact assessment was conducted in accordance with; *AS1055.1-3 – Acoustics – Description and Measurement of Environmental Noise* and the relevant legislative provisions contained within; Environmental Protection (Noise) Policy 2019, Schedule 1 provides guidance on acoustic quality objectives (AQO) to ensure environmental harm (including nuisance) and associated subordinate regulations and policies.

The Mareeba Shire Council Planning Scheme 2016 2023, was consulted to protect the amenity of sensitive adjoining uses by mitigating noise amenity impacts from development to be adequately addressed, including:

- Performance Outcomes (PO7 (a) noise and PO8 (a) noise).

Additional criteria were consulted from the Planning and Environment Court for a Dog boarding kennel application that was reviewed due to its significant noise concern, with criteria provided for the noise assessment of that development taken from Section B. Part 5 of Document No. 181 of 2018 (Appendix A):

- Average maximum noise level ($L_{max,T}$) of dogs must not exceed at an affected building:
 - Day (7am to 6pm): Ambient Background noise level $L_{90,T} + 10$ dBA
 - Evening (6pm to 10pm): Ambient Background noise level $L_{90,T} + 5$ dBA
 - Night (10pm to 7am): Ambient Background noise level $L_{90,T} + 5$ dB
- Average noise level ($L_{eq,15mins}$) from the facility must not exceed:
 - Day (7am to 6pm): Ambient Background noise level $L_{90,T} + 5$ dBA
 - Evening (6pm to 10pm): Ambient Background noise level $L_{90,T} + 3$ dBA
 - Night (10pm to 7am): Ambient Background noise level $L_{90,T} + 0$ dB for residential receptors outside the industrial estate.

For the purpose of this condition, an affected building means a building at which noise can be heard and/or at a place or premises including in or on the place or premises.

Due to neighbouring noise sensitive receivers not having been developed, it's assumed the nearest affected buildings to be at a setback of 10 m from the street frontage. For receptors (receivers) outside the industrial estate, may be present on the outlying freehold land, however not currently, could potentially be developed in the future. The nearest freehold property is a Rural Zone of Lot 352NR2554 with nearest boundary of 290 m South is presumably at a distance to not be affected from the average noise level ($L_{Aeq,15 mins}$), therefore only the Average maximum noise level ($L_{max,T}$) of dogs should be considered if that property is noise affected.



2.1 Environmental Protection (Noise) 2019

General noise requirements for commercial projects are outlined in the Environmental Protection Act 1994 (Qld) with the Environment Protection (Noise) Policy 2019 (EP Noise) establishing the acoustic quality objectives (AQO) to protect and enhance stated environmental values.

Environmental values protected under the EP Noise are designed to protect human health and well-being, the biodiversity of ecosystems, the quality of the acoustic environment for individuals' sleep, study and learning, recreational activities such as relaxation and conversation, and the overall amenity of the acoustic environment.

Table 3 Environmental Protection (Noise) Policy 2019 Acoustic Quality Objectives (AQO)

Occupancy Type	Acoustic Quality Objective		
	L _{Aeq,adj,1hr}	L _{A10,adj,1hr}	L _{A01,adj,1hr}
Residence (for outdoors) Daytime & Evening	50	55	65
Residence (for indoors) Daytime & Evening	35	40	45
Residence (for indoors), Night-time	30	35	40

EP Noise also states that noise must be dealt reasonably in a way to ensure the noise doesn't have any adverse effect, or potential adverse effect, on an environmental value under the policy and that background creep in an area or place is minimised or prevented.

If AQO in an area or place are not being achieved or maintained, the noise experienced in the area or place must be dealt with in a way that progressively improves the acoustic environment.



2.2 Mareeba Shire Regulations

The Mareeba Shire Council Planning Scheme 2016 2023, was consulted to protect the amenity of sensitive adjoining uses by mitigating noise amenity impacts from development to be adequately addressed, including:

- Performance Outcomes (PO7 (a) noise and PO8 (a) noise) Industry zone code

2.2.1 Mareeba Shire Planning Scheme

Table 4 Extract from Table 6.2.5.3-Industry zone code – For accepted development subject to requirements and assessable developments (part)

Performance outcomes	Acceptable outcomes
Amenity	
PO7 Development must not detract from the amenity of the local area, having regard to: (a) noise	AO7 No acceptable outcome is provided.
PO8 Development must take into account and seek to ameliorate any existing negative environmental impacts, having regard to: (a) noise	AO8 No acceptable outcome is provided.



3 Results - Background Noise Levels

3.1 Methodology

To find the existing noise environment, unattended background noise monitoring was performed between 12:00 am 20/09/2024 to 12:00 am 27/09/2024, with location of the monitoring location (ML1) at rearward of 17 Effley St, Mareeba, as seen in Figure 6. This location is representative of the background noise at the neighbouring noise sensitive receivers also displayed on the map above in Figure 5.



Figure 6 Background Noise and Weather Monitoring

Background noise monitoring conducted in accordance with AS1055.1-3 – Acoustics – Description and Measurement of Environmental Noise - Part 1: General Procedures.

Noise monitoring location free of reflective surfaces within 3.5 metres from the microphone, on soft ground in the free-field.

Background noise monitoring recorded using A-weighting frequency response; FAST time response; and 15-minute intervals.

Svantek Type 1 SV971A Sound Level Meter (SLM) (serial number 121189) with Type 1 Microphone and approved windscreens (Australian Standard 1259 "Acoustics - Sound Level Meters" (1990)). Calibration before and after measurement period with Svantek calibrator SV36B (serial number 124002). No significant drift occurred over the measurement periods.



3.2 Background Noise Results

Table 5 Background noise levels at noise logging location for each date (week)

Date	Period	L _{AMax} (dB)	L _{A01} (dB)	L _{A10} (dB)	L _{A90} (dB)	L _{Aeq} (dB)
20-21/09/24	Day (7:00 am - 6:00 pm)	70.9	67.2	65.2	60.0	68.0
	Evening (6:00 pm - 10:00 pm)	55.3	53.3	51.8	48.4	50.5
	Night (10:00 pm - 12:00 am)	53.1	52.3	51.2	47.7	50.0
	Night (12:00 am - 7:00 am)	60.4	58.8	57.6	53.5	66.5
21-22/09/24	Day (7:00 am - 6:00 pm)	69.7	67.1	65.8	63.4	68.8
	Evening (6:00 pm - 10:00 pm)	56.3	53.5	52.0	49.0	50.8
	Night (10:00 pm - 12:00 am)	55.4	52.7	50.7	47.6	49.7
	Night (12:00 am - 7:00 am)	61.0	59.7	58.8	55.6	66.1
22-23/09/24	Day (7:00 am - 6:00 pm)	54.7	47.6	42.7	37.8	41.4
	Evening (6:00 pm - 10:00 pm)	53.7	50.6	48.6	43.5	50.9
	Night (10:00 pm - 12:00 am)	52.2	47.2	44.7	41.2	43.4
	Night (12:00 am - 7:00 am)	55.5	50.2	47.9	45.3	47.3
23-24/09/24	Day (7:00 am - 6:00 pm)	71.2	68.9	67.6	65.0	68.3
	Evening (6:00 pm - 10:00 pm)	60.6	58.5	55.7	47.7	63.4
	Night (10:00 pm - 12:00 am)	48.8	46.2	44.8	41.3	43.5
	Night (12:00 am - 7:00 am)	55.0	48.4	45.4	42.1	44.6
24-25/09/24	Day (7:00 am - 6:00 pm)	68.1	58.7	52.2	43.6	56.3
	Evening (6:00 pm - 10:00 pm)	54.7	49.7	46.8	42.1	45.5
	Night (10:00 pm - 12:00 am)	50.8	46.1	44.1	41.0	42.9
	Night (12:00 am - 7:00 am)	53.1	48.5	45.2	41.1	44.3
25-26/09/24	Day (7:00 am - 6:00 pm)	69.4	62.8	56.2	48.0	61.6
	Evening (6:00 pm - 10:00 pm)	57.1	52.8	50.5	44.4	49.1
	Night (10:00 pm - 12:00 am)	50.2	44.9	43.0	39.7	42.0
	Night (12:00 am - 7:00 am)	58.5	56.9	55.9	52.7	66.8
26-27/09/24	Day (7:00 am - 6:00 pm)	69.0	61.4	51.7	43.2	52.4
	Evening (6:00 pm - 10:00 pm)	55.5	52.4	49.4	42.7	48.6
	Night (10:00 pm - 12:00 am)	47.6	44.1	41.7	38.8	40.5
	Night (12:00 am - 7:00 am)	54.1	48.1	45.2	39.6	47.2



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Table 6 Background noise levels at noise logging location for a week

Date Range	Times	L _{Amax} (dB)	L _{A01} (dB)	L _{A10} (dB)	L _{A90} (dB)	L _{Aeq} (dB)
20/09/24 - 27/09/24	Day (7:00 am - 6:00 pm)	68	62	57	52	60
	Evening (6:00 pm - 10:00 pm)	56	53	51	45	51
	Night (10:00 pm - 7:00 am)	51	48	46	42	45

The Rating Background Level (RBL) is described in the EP Noise as an ‘overall single figure background level representing each assessment period (day/evening/night) and is used for overall background noise level assessment purposes.

Rated Background Levels (RBL) were calculated for each time period, presented in Table 7.

Table 7 Rated Background Level (RBL)

Period	Times	RBL L _{A90} (dB)
Day	7:00 am - 6:00 pm	43
Evening	6:00 pm - 10:00 pm	43
Night	10:00 pm – 7:00 am	41

Excluding the noise impact from the nearby plant, the noise limits criteria are determined based on the Rated Background Levels (RBL), as outlined in Table 8.

Table 8 Noise limits

Period	Background Noise Level L ₉₀ ^{15mins} dBA	Average Maximum Noise Level Limit L _{max,T} dBA	Average Noise Level Limit L _{eq,15mins} dBA
Day (7:00 am to 6:00 pm)	43	53	48
Evening (6:00 pm to 10:00 pm)	43	48	46
Night (10:00 pm to 7:00 am)	41	46	41



4 Noise Model with Noise Sources

A Dog Boarding and Training Facility is proposed at 17 Effley St, Mareeba, QLD, 4880 (Lot 224SP297023).

The facility will feature:

- An open-plan, insulated rolled-orb sheet metal shed
- Roller door opening for access
- Concrete slab flooring
- Rolled-orb metal fencing outdoor yards

The dog boarding and training facility will serve multiple purposes:

- Dog Boarding: Providing temporary accommodation for dogs
- Dog Training: Offering various training programs for dogs
- Dog Daycare: Temporary day accommodation for dogs

4.1 Noise Sources

Potential noise sources to be considered in the modelling include:

- Barking dogs (various sizes) in different areas and groups.
 - Barking dogs (group) in Training room (x2)
 - Barking dogs (single) in Kennels (x15)
 - Barking dogs (single) in Outdoor Yards (x5)

The maximum noise level ($L_{max,T}$ dBA) was based on the sound power level of a single dog bark at any time, and modelled for each period to find if the noise criteria exceed the nearest noise sensitive receivers. The average noise level ($L_{eq,15mins}$ dBA) was based on the sound power level of half the total amount of dogs barking simultaneously, and modelled for each period to find if the noise criteria exceed the nearest noise sensitive receivers.

Table 9 Sound Power levels from Dog noise

Dog Noise Sound Power Levels		
Dog Size	Sound Power Level ($L_{w,max}$) dBA	Sound Power Level ($L_{w,eq}$) dBA
Large	110	101
Medium	106	97
Small	102	93



4.2 Noise Sources and Time Periods

The facility will operate a daycare from 7:00 am to 5:30 pm, using two training rooms and some of the 15 kennels, including for boarding dogs. Noise modelling is based on a worst-case scenario of 40 dogs during the day. Evening training classes will run until 8:00 pm, with a maximum of 40 dogs, including boarded ones. At night, only x15 boarded dogs will remain, however the noise levels were modelled from x20 dogs inside and x5 dogs outside, during the day, evening, and night time periods. Noise levels are based on weekday operations, with shorter weekend hours not considered in the worst-case scenario, which reflects maximum and average potential noise at any time.

There will be 5 - 10 dogs rotating outside at any given time during the Day and Evening. No dogs were modelled outside for the Night period, as it would not be ideal to allow dogs outside during this period.

Noise modelling has been based on the abovementioned periods and number of dogs with noise sources represented in the following Figure 7.

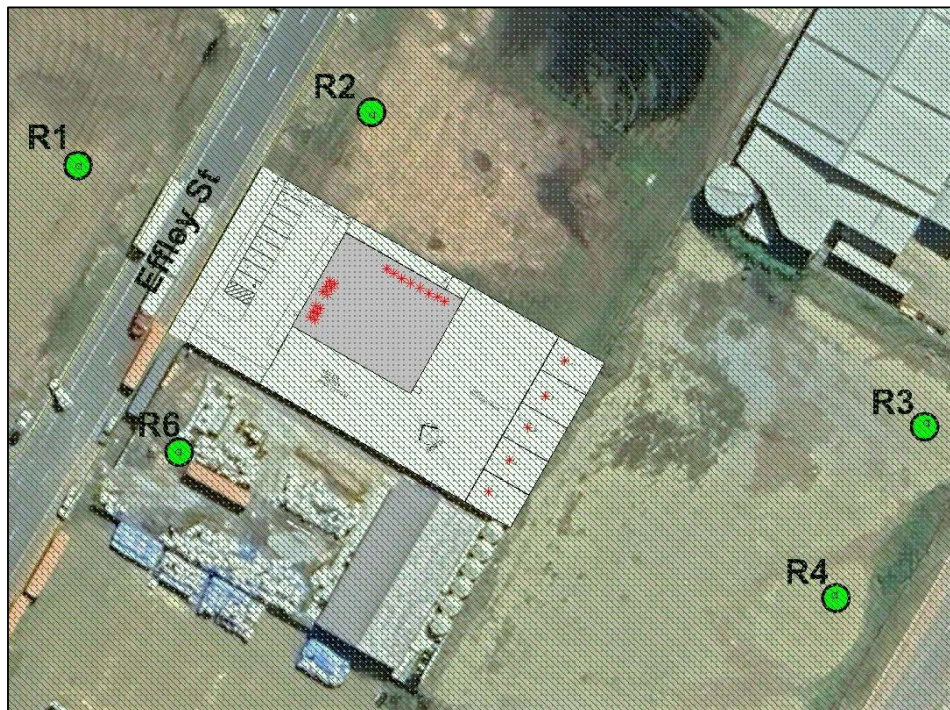


Figure 7 Site map with noise sources



5 Noise Modelling

Noise modelling software: Predictor (Version 2024), used to predict noise emission from the development. The model incorporates a three-dimensional digital terrain map, ground cover, screening from buildings and atmospheric information and noise source data to forecast noise emission levels to noise sensitive receivers. Noise modelling based on ISO 9613-2:2024 Acoustics - Attenuation of sound during propagation outdoors. Part 2: General method of calculation.

The noise model is based on the following parameters:

- Atmospheric conditions
 - Temperature 30°C;
 - Humidity 70%;
 - Conditions favourable to noise propagation.
- Ground absorption; such as,
 - Hard surfaces (roads and car park areas) modelled as fully reflective with a ground absorption coefficient of 0;
 - Compacted surface and field modelled as 70% absorptive with a ground absorption coefficient of 0.7.
- Buildings
 - Neighbouring building footprints digitised.
 - Building modelled with height of 3.15 m with facades as reflective.
- Fencing
 - Boundary fencing as reflective
 - Southern fencing at 1.8m height

Assessment was made at the most noise affected point within the surrounding properties of R1 to R6 at 1.5 metres above ground level.

Potential noise sources to be considered in the modelling include:

- Barking dogs (various sizes) in different areas and groups.
 - Barking dogs (x2 groups) in Training rooms (x12 Total)
 - Barking dogs (single) in Kennels (x8 Total)
 - Barking dogs (single) in Outdoor Yards (x5)

The maximum noise level ($L_{max,T}$ dBA) was based on the sound power level of a single dog bark at any time, and average noise level ($L_{eq,15mins}$ dBA) was based on the sound power level of x20 dogs inside and x5 dogs outside, and modelled for each period (Day, Evening, Night) to find if the noise criteria exceed the nearest noise sensitive receivers.

All noise level data available in following tables 10 to 15 with noise mapping graphically displayed in Appendix C.



6 Forecast Noise Levels

6.1.1 Day period

Forecast noise emission levels during the day period (7:00 am – 6:00 pm).

Table 10 (Variable) Source and noise level compliance with criteria

Receptor	Source	Sound Power Level, L_w dB	Noise Level at Sensitive Receiver $L_{max,T}$ dBA	Noise Limit $L_{max,T}$ dBA	Criteria Compliance
R1	Large Dogs barking (x20) inside, (x5) outside	110	48.7	53	Yes
R2			52.4		Yes
R3			54.0		Exceeds by 1 dB(A)
R4			50.7		Yes
R5			47.3		Yes
R6			46.4		Yes

Table 11 (Continuous) Source and noise level compliance with criteria

Receptor	Source	Sound Power Level, L_w dB	Noise Level at Sensitive Receiver $L_{eq,15mins}$ dBA	Noise Limit $L_{eq,15mins}$ dBA	Criteria Compliance
R1	Large Dogs barking (x20) inside, (x5) outside	101	39.3	48	Yes
R2			43.8		Yes
R3			46.1		Yes
R4			42.9		Yes
R5			38.6		Yes
R6			37.0		Yes



6.1.2 Evening period

Forecast noise emission levels during the evening period (6:00 pm – 10:00 pm).

Table 12 (Variable) Source and noise level compliance with criteria

Receptor	Source	Sound Power Level, L_w dB	Noise Level at Sensitive Receiver $L_{max,T}$ dBA	Noise Limit $L_{max,T}$ dBA	Criteria Compliance
R1	Large Dogs barking (x20) inside, (x5) outside	110	48.1	48	Yes
R2			52.0		Exceeds by 4 dB(A)
R3			53.6		Exceeds by 6 dB(A)
R4			50.3		Exceeds by 2 dB(A)
R5			47.3		Yes
R6			46.0		Yes

Table 13 (Continuous) Source and noise level compliance with criteria

Receptor	Source	Sound Power Level, L_w dB	Noise Level at Sensitive Receiver $L_{eq,15mins}$ dBA	Noise Limit $L_{eq,15mins}$ dBA	Criteria Compliance
R1	Large Dogs barking (x20) inside, (x5) outside	101	38.9	46	Yes
R2			43.4		Yes
R3			45.7		Yes
R4			42.5		Yes
R5			38.2		Yes
R6			37.0		Yes



6.1.3 Night period

Forecast noise emission levels during the evening period (10:00 pm – 7:00 am).

Table 14 (Variable) Source and noise level compliance with criteria

Receptor	Source	Sound Power Level, L_w dB	Noise Level at Sensitive Receiver $L_{max,T}$ dBA	Noise Limit $L_{max,T}$ dBA	Criteria Compliance
R1	Large Dogs barking (x20) inside	110	20.3	46	Yes
R2			8.3		Yes
R3			8.5		Yes
R4			7.7		Yes
R5			18.6		Yes
R6			17.7		Yes

Table 15 (Continuous) Source and noise level compliance with criteria

Receptor	Source	Sound Power Level, L_w dB	Noise Level at Sensitive Receiver $L_{eq,15mins}$ dBA	Noise Limit $L_{eq,15mins}$ dBA	Criteria Compliance
R1	Large Dogs barking (x20) inside	101	17.8	41	Yes
R2			6.8		Yes
R3			7.0		Yes
R4			6.3		Yes
R5			16.1		Yes
R6			16.8		Yes



7 Noise Criteria Assessment

During the day, the facility operates with the highest number of dogs, up to 40, spread across indoor kennels, training rooms, and outdoor yards. Noise modelling shows that, under these conditions, the average noise levels ($L_{eq,15mins}$ dBA) at all surrounding receptors (R1 to R6) comply with local noise criteria. However, peak noise levels ($L_{max,T}$ dBA) exceed the noise limit by a small margin at receptor R3, but remain within limits at other locations. These results indicate that the facility's design and operations can effectively manage daytime noise levels, with minor exceedances that could be addressed by limiting the number of dogs outdoors at any given time if necessary.

In the evening, activities are scaled down, but noise levels remain comparable due to continued training sessions and the presence of up to 40 dogs indoors. The noise model shows minor exceedances of peak noise levels at receptors R2, R3, and R4 during evening hours, with the highest exceedance of 6 dB(A) at R3. These exceedances suggest that, additional measures such as reducing the number of outdoor activities in the evening may be beneficial for further noise control. This approach would help ensure compliance with criteria and minimise disturbance to neighbouring properties.

At night, only the boarded dogs remain on-site, and all are kept indoors to avoid unnecessary noise transmission. Noise modelling demonstrates that both the peak ($L_{max,T}$ dBA) and average ($L_{eq,15mins}$ dBA) levels are well below the noise limits at all receptors during this period. This outcome highlights that indoor containment at night is effective in controlling noise impacts, providing a noise environment that complies with all relevant criteria and minimising the potential for disruption.



8 Noise Control

8.1 Building Construction Material

Although not explicitly stated in the plans, it is expected that the building will be constructed using walls and roofing with a rolled orb steel exterior, an insulated inner cavity, and a 10mm plasterboard interior lining. This construction was modeled (Appendix D) to demonstrate the noise reduction provided by the building envelope. To maintain the modeled level of sound reduction, the building will include mechanical ventilation to remove likelihood to have windows and doors open for cross ventilation.

A roller door on the southern façade is part of the structure, and if it were to be left open could increase noise leakage from barking dogs. However, due to the floorplan layout, it is unlikely that this would cause the barking noise levels to exceed the noise criteria. If barking becomes disruptive, it is advisable to keep the roller door closed, especially during busy periods.

Outdoor yards consist of x5 enclosures constructed of rolled orb metal sheeting which provide some acoustic reflection away from the outlying areas. The northern and southern boundaries also lined in a 1.8m high acoustic reflective rolled orb metal sheeting fence, furthermore providing some noise reduction from barking dogs.

If alternative materials are used for the construction, it is important to note that the materials modeled represent a baseline for effective noise reduction. For optimal results, it is recommended to assess the acoustic properties of any alternative materials to ensure they meet the desired sound reduction performance.

Overall, the facility's design, operations, and recommended mitigation measures should ensure minimal impact on surrounding areas, making it suitable for the proposed location.



9 Conclusion

This noise impact assessment has thoroughly reviewed the proposed development's compliance with relevant noise regulations and the planning scheme requirements set by Mareeba Shire Council and the Planning and Environment Court. The findings indicate that, with the implementation of certain measures, the development can effectively mitigate potential noise impacts on nearby sensitive land uses.

Key findings and recommendations include:

- The 1.8-metre-high acoustic reflective fencing provides additional noise reduction.
- The building's construction and materials effectively prevent noise from barking dogs from bleeding into neighbouring areas.
- The facility's concealed structure and scheduling of most noisy operations during the day, with some in the evening, help limit noise to those specific periods, reducing the potential impact of noise, if any, during those times.
- Outdoor Yards, if used during Day and Night periods only should not cause an impact to the surrounding neighbouring area.

By adopting these measures, the development shows its commitment to minimising noise impacts and preserving the surrounding amenity of the Heavy Industry C zone. The proposed solutions balance the operational needs of the dog boarding and training facility with the noise amenity of the local community.

This noise impact assessment report has found the development is well-positioned to comply with all relevant regulations and planning scheme requirements.



10 Appendices

10.1 Appendix A: Document No. 181 of 2018 AGREEMENT REACHED AT WITHOUT PREJUDICE MEETING on 22 February 2019 SECTION B. Part 5.

<p>Acoustic Report / Noise Emissions</p> <p>5. Average maximum noise level (L_{max,T}) of dogs must not exceed at an affected building:</p> <ul style="list-style-type: none"> • Day (7am to 6pm): Ambient Background noise level L_{90,T} + 10 dBA • Evening (6pm to 10pm): Ambient Background noise level L_{90,T} + 5 dBA • Night (10pm to 7am): Ambient Background noise level L_{90,T} + 5 dBA <p>Average noise level (L_{Aeq,15mins}) from the facility must not exceed:</p> <ul style="list-style-type: none"> • Day (7am to 6pm): Ambient Background noise level L_{90,T} + 5 dBA • Evening (6pm to 10pm): Ambient Background noise level L_{90,T} + 3 dBA • Night (10pm to 7am): Ambient Background noise level L_{90,T} + 0 dBA for residential receptors outside the industrial estate. <p>For the purpose of this condition, an affected building means a building at which noise can be heard and/or at a place or premises including in or on the place or premises.</p>

Figure 8 Section B. Part 5. Acoustic Report / Noise Emissions criteria



10.2 Appendix B: Background Noise Monitoring

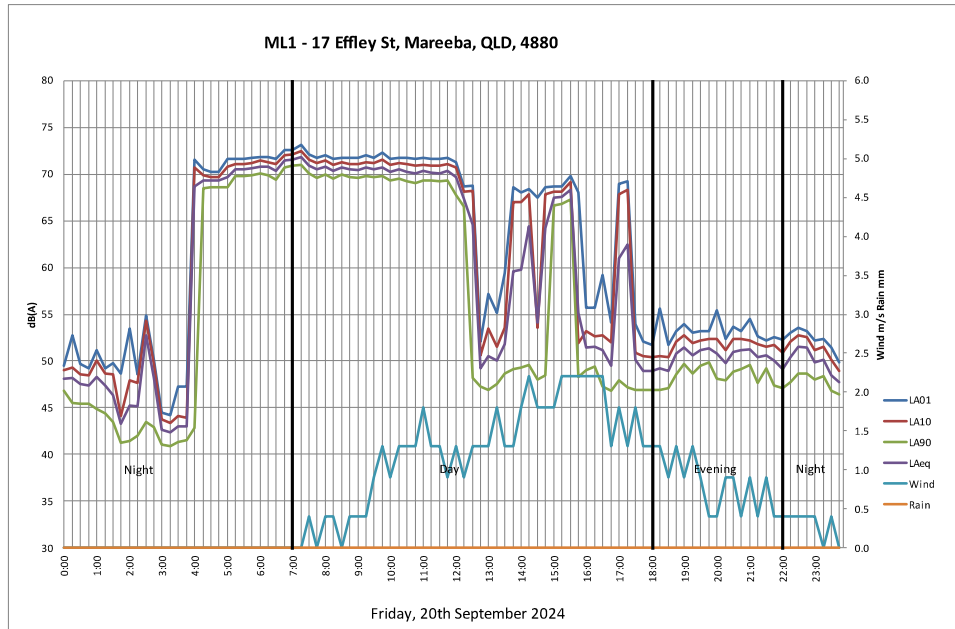


Figure 9 Background noise monitoring levels



4 170 Mayers St, Manunda, QLD, 4870, Australia
 m +61 423 717 876 | e mark@xnoise.com.au | ABN 91 501 823 751

Noise Impact Assessment – House Lykos Dog Boarding and Training Facility
 17 Effley St, Mareeba, QLD, 4880

07 November 2024
 V1.1

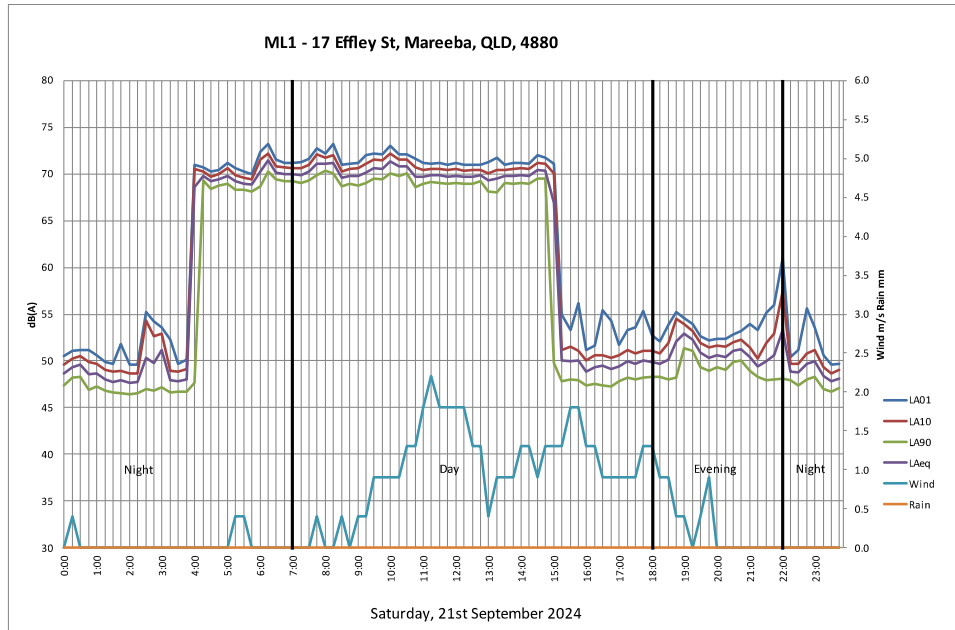


Figure 10 Background noise monitoring levels



4 170 Mayers St, Manunda, QLD, 4870, Australia
 m +61 423 717 876 | e mark@xnoise.com.au | ABN 91 501 823 751

Noise Impact Assessment – House Lykos Dog Boarding and Training Facility
 17 Effley St, Mareeba, QLD, 4880

07 November 2024
 V1.1

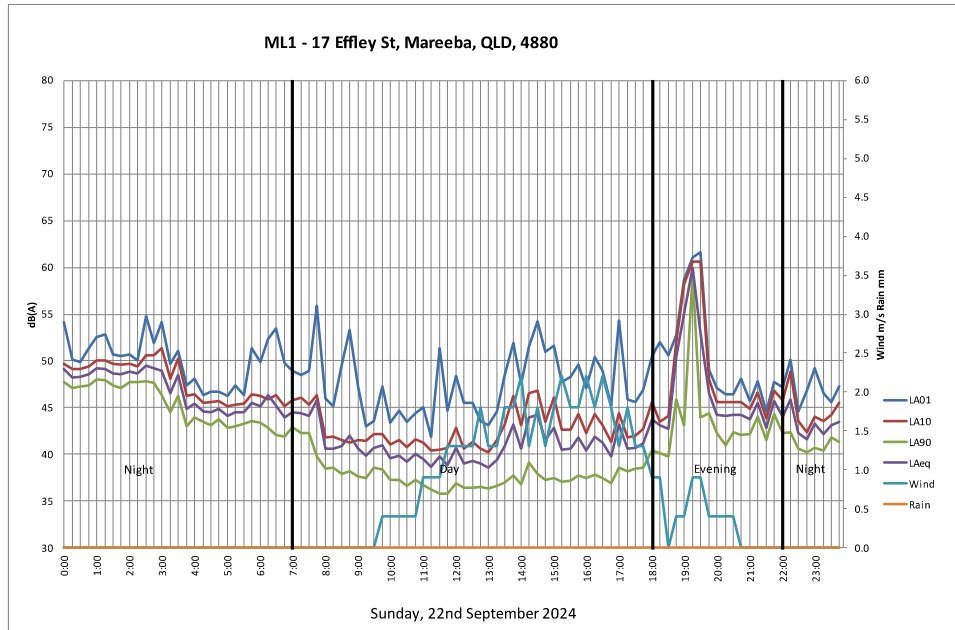


Figure 11 Background noise monitoring levels



4 170 Mayers St, Manunda, QLD, 4870, Australia
 m +61 423 717 876 | e mark@xnoise.com.au | ABN 91 501 823 751

Noise Impact Assessment – House Lykos Dog Boarding and Training Facility
 17 Effley St, Mareeba, QLD, 4880

07 November 2024
 V1.1

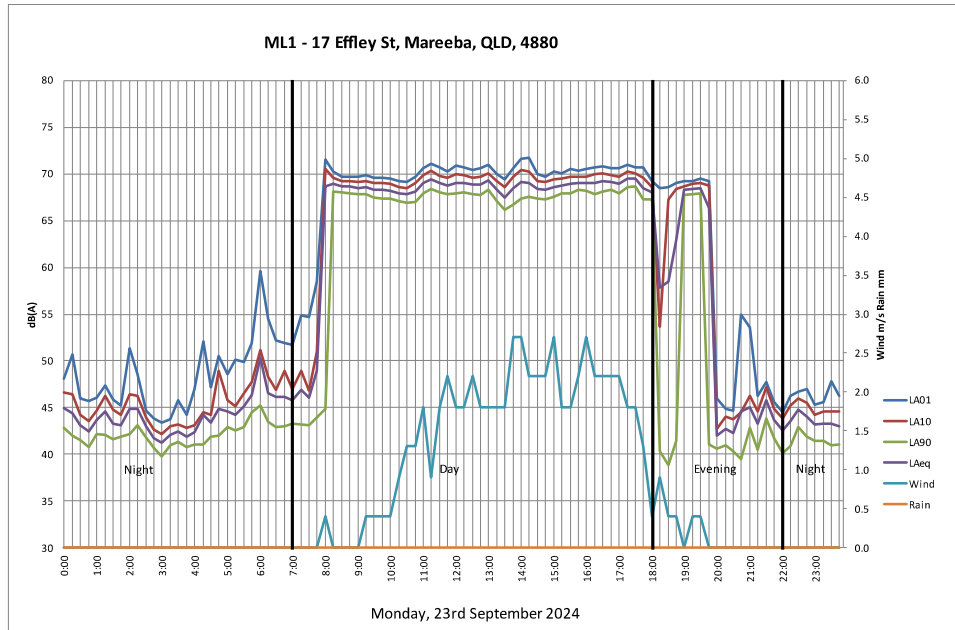


Figure 12 Background noise monitoring levels



4 170 Mayers St, Manunda, QLD, 4870, Australia
 m +61 423 717 876 | e mark@xnoise.com.au | ABN 91 501 823 751

Noise Impact Assessment – House Lykos Dog Boarding and Training Facility
 17 Effley St, Mareeba, QLD, 4880

07 November 2024
 V1.1

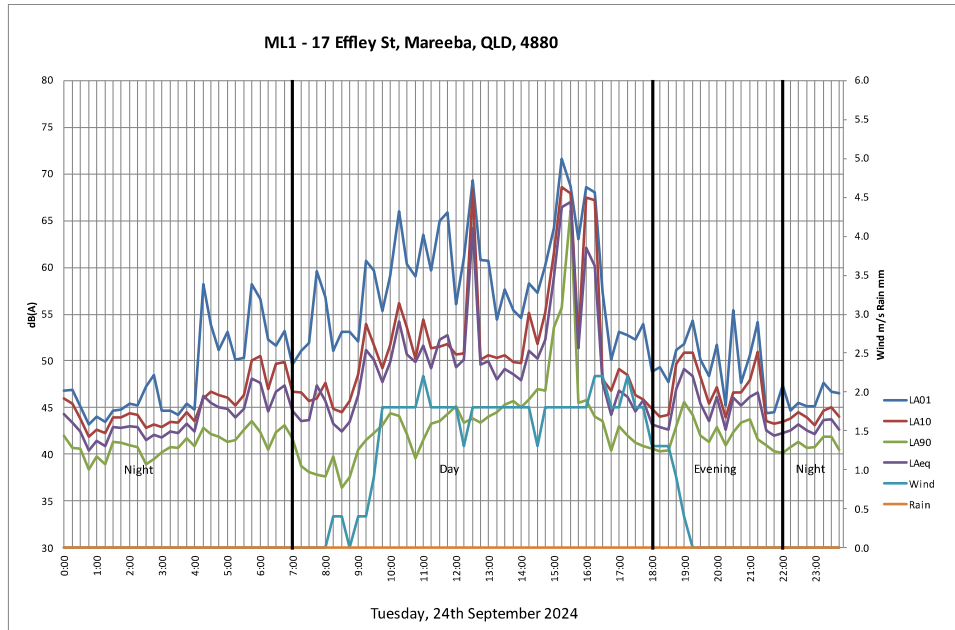


Figure 13 Background noise monitoring levels



4 170 Mayers St, Manunda, QLD, 4870, Australia
 m +61 423 717 876 | e mark@xnoise.com.au | ABN 91 501 823 751

Noise Impact Assessment – House Lykos Dog Boarding and Training Facility
 17 Effley St, Mareeba, QLD, 4880

07 November 2024
 V1.1

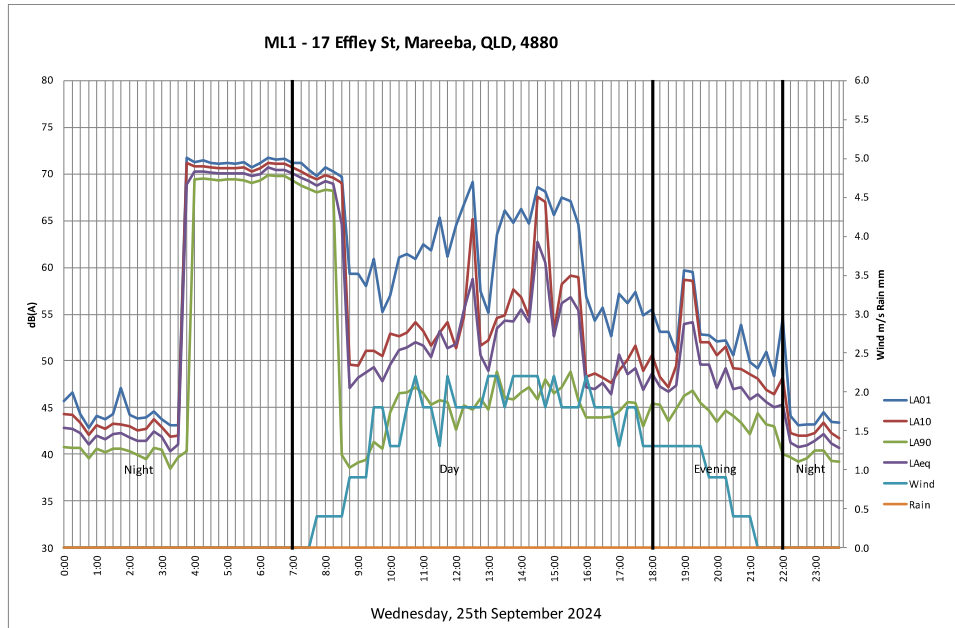


Figure 14 Background noise monitoring levels



4 170 Mayers St, Manunda, QLD, 4870, Australia
 m +61 423 717 876 | e mark@xnoise.com.au | ABN 91 501 823 751

Noise Impact Assessment – House Lykos Dog Boarding and Training Facility
 17 Effley St, Mareeba, QLD, 4880

07 November 2024
 V1.1

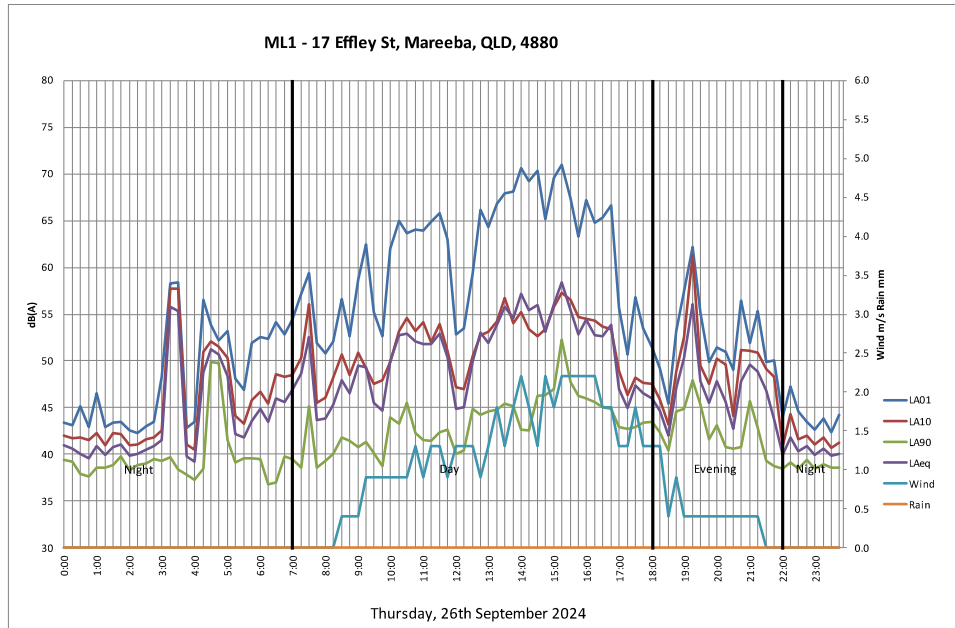


Figure 15 Background noise monitoring levels



4 170 Mayers St, Manunda, QLD, 4870, Australia
 m +61 423 717 876 | e mark@xnoise.com.au | ABN 91 501 823 751

10.3 Appendix C: Noise mapping

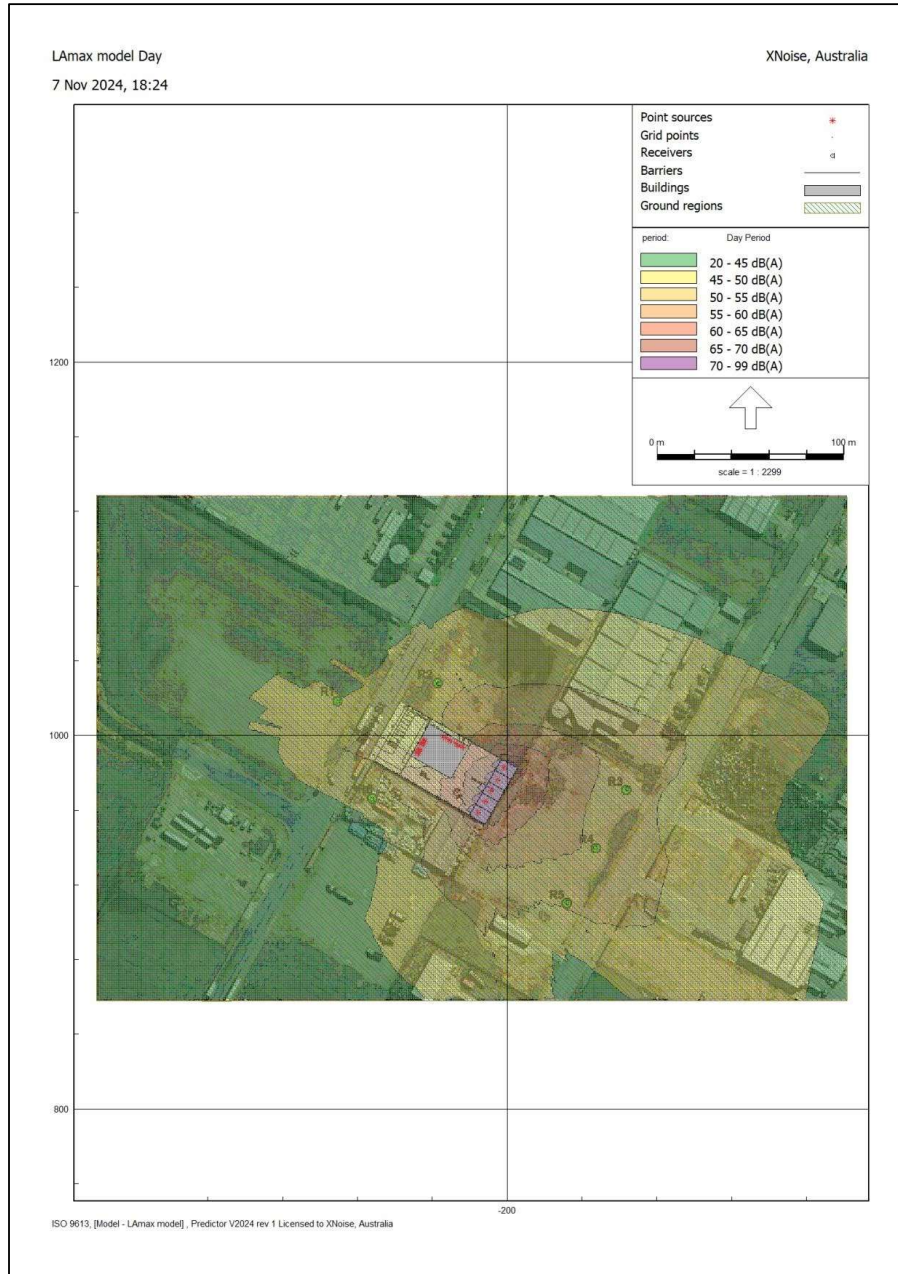


Figure 16 Noise levels $L_{max,T}$ (Day)



4 170 Mayers St, Manunda, QLD, 4870, Australia
 m +61 423 717 876 | e mark@xnoise.com.au | ABN 91 501 823 751

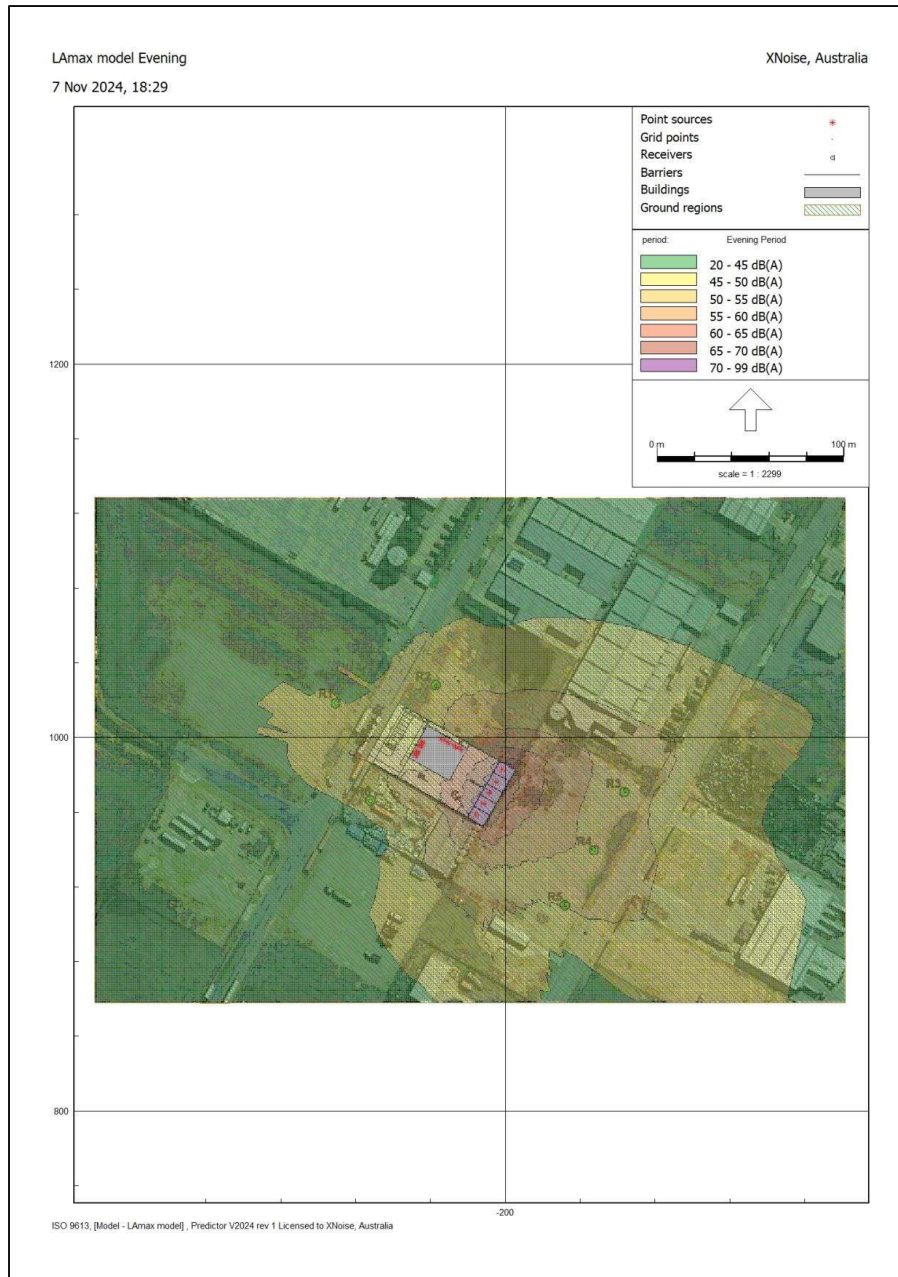


Figure 17 Noise levels $L_{max,T}$ (Evening)



4 170 Mayers St, Manunda, QLD, 4870, Australia
 m +61 423 717 876 | e mark@xnoise.com.au | ABN 91 501 823 751

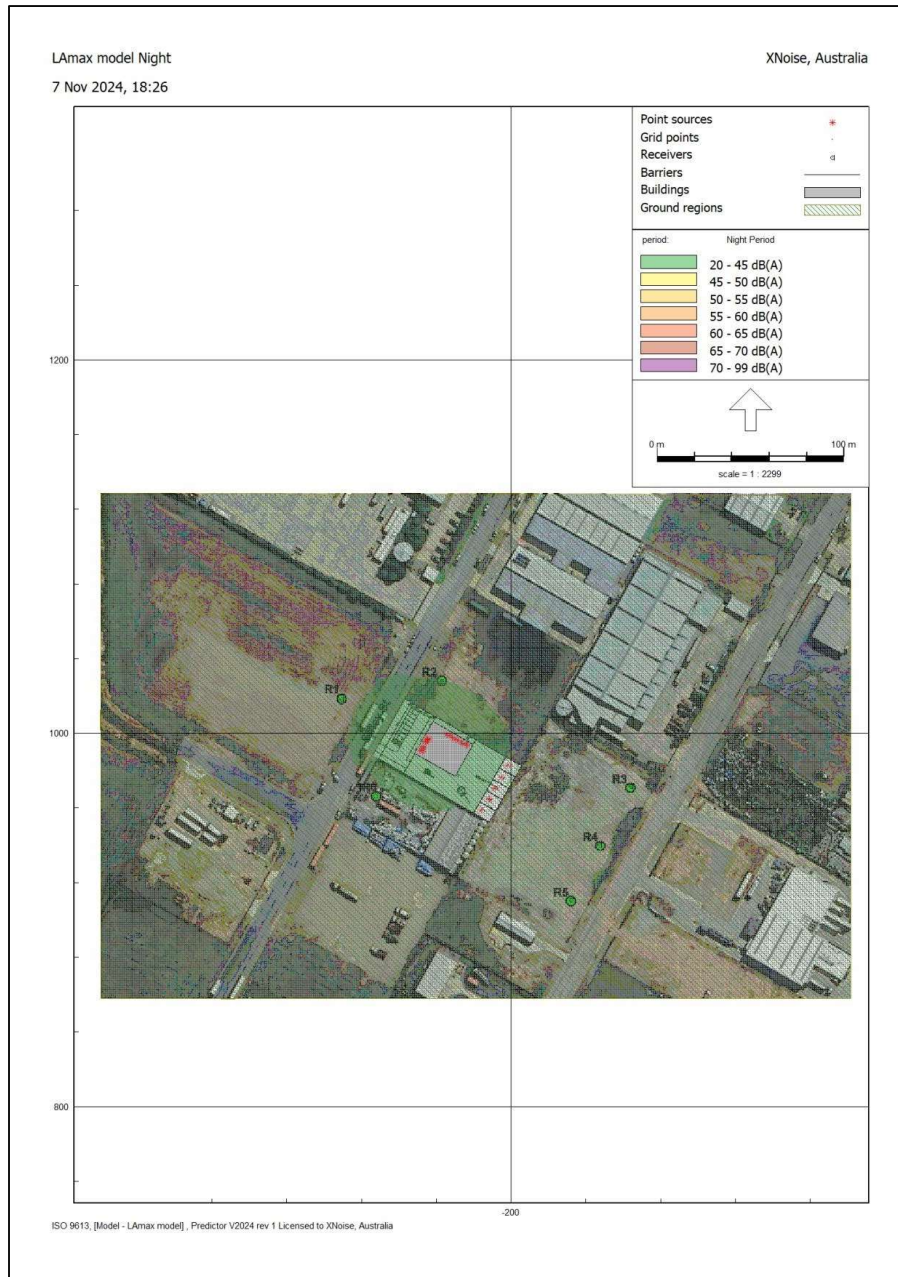


Figure 18 Noise levels $L_{max,T}$ (Night)



4 170 Mayers St, Manunda, QLD, 4870, Australia
 m +61 423 717 876 | e mark@xnoise.com.au | ABN 91 501 823 751

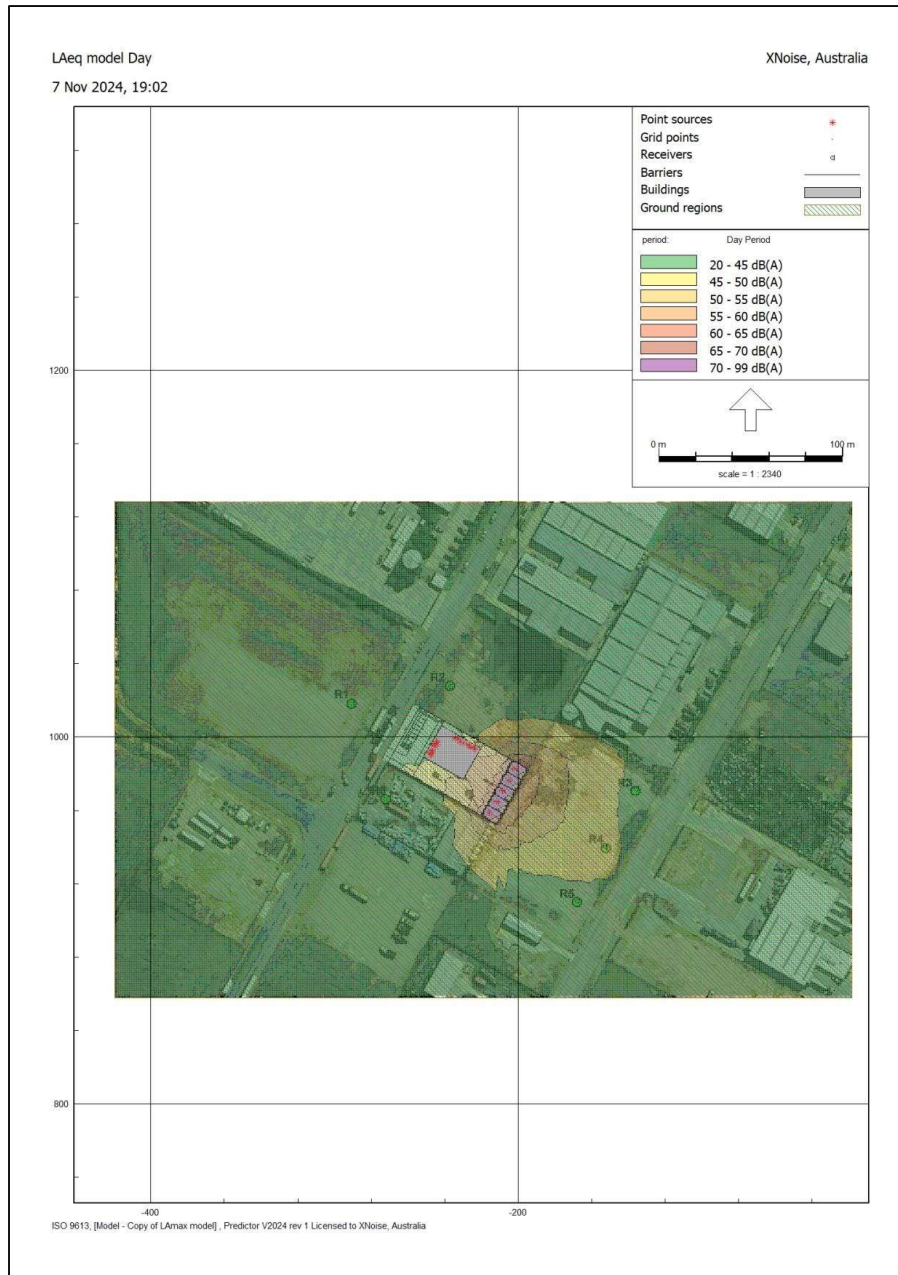


Figure 19 Noise levels $L_{eq,15mins}$ (Day)



4 170 Mayers St, Manunda, QLD, 4870, Australia
 m +61 423 717 876 | e mark@xnoise.com.au | ABN 91 501 823 751

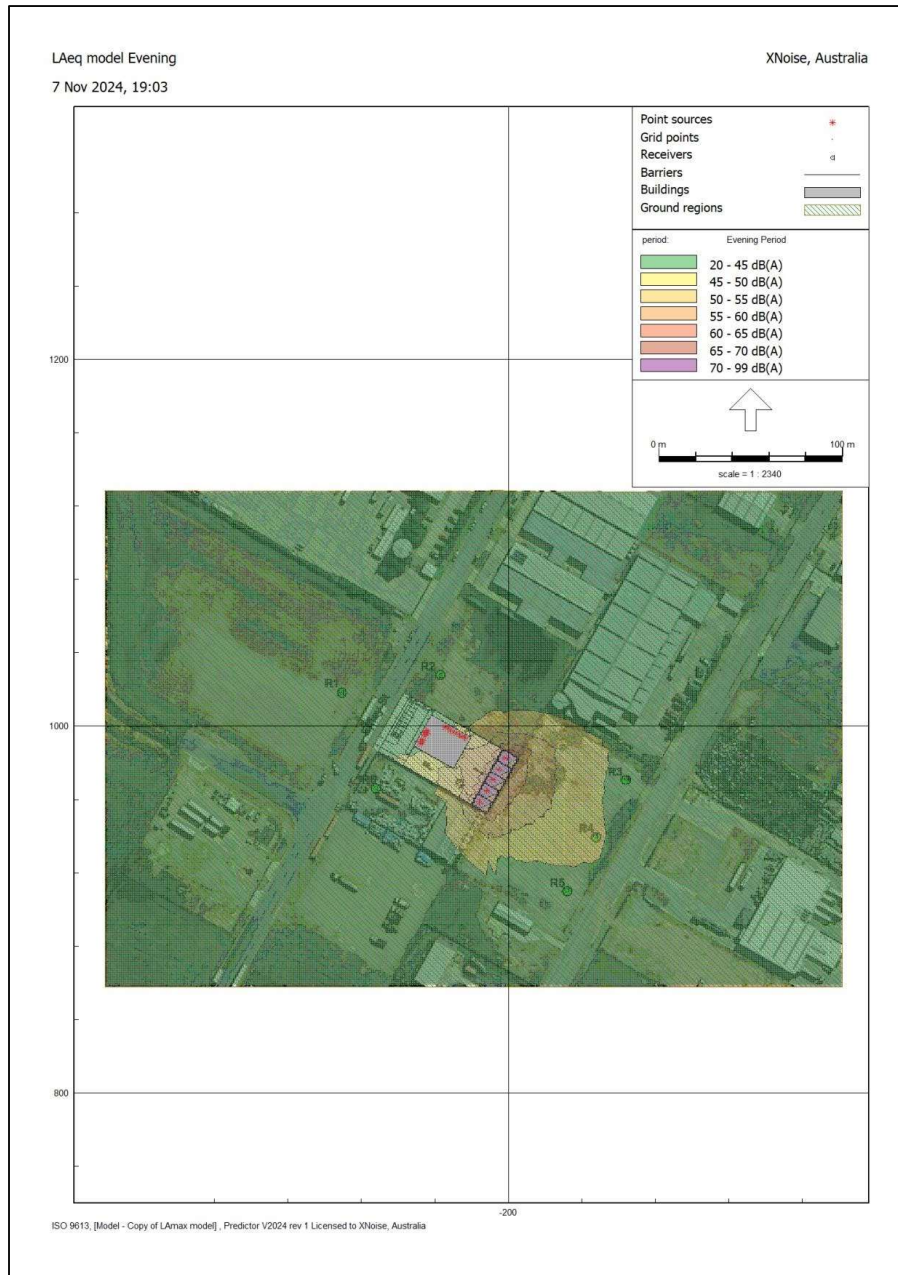


Figure 20 Noise levels $L_{eq,15mins}$ (Evening)



4 170 Mayers St, Manunda, QLD, 4870, Australia
 m +61 423 717 876 | e mark@xnoise.com.au | ABN 91 501 823 751

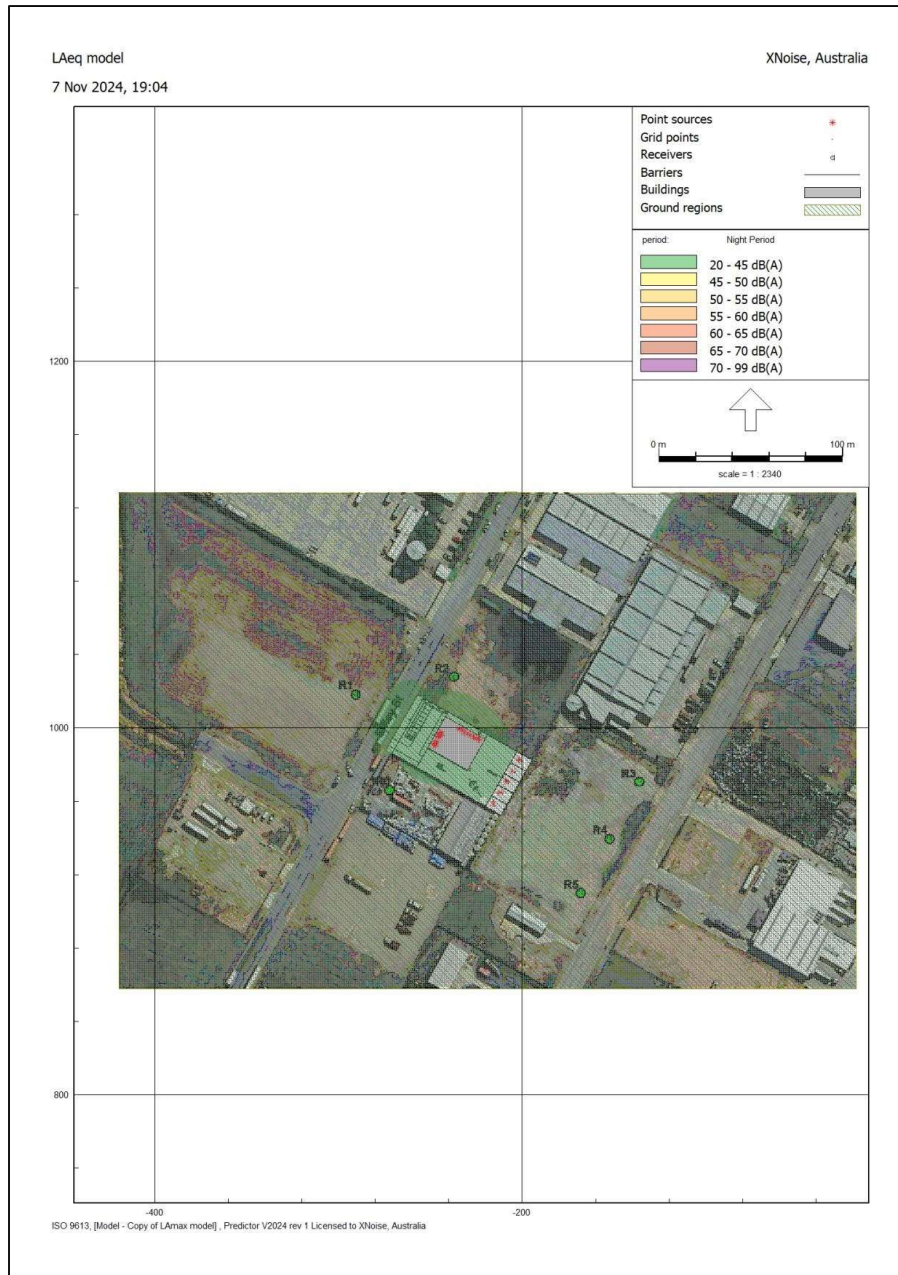


Figure 21 Noise levels $L_{eq,15mins}$ (Night)



4 170 Mayers St, Manunda, QLD, 4870, Australia
 m +61 423 717 876 | e mark@xnoise.com.au | ABN 91 501 823 751

10.4 Appendix D: Building Construction Material Model

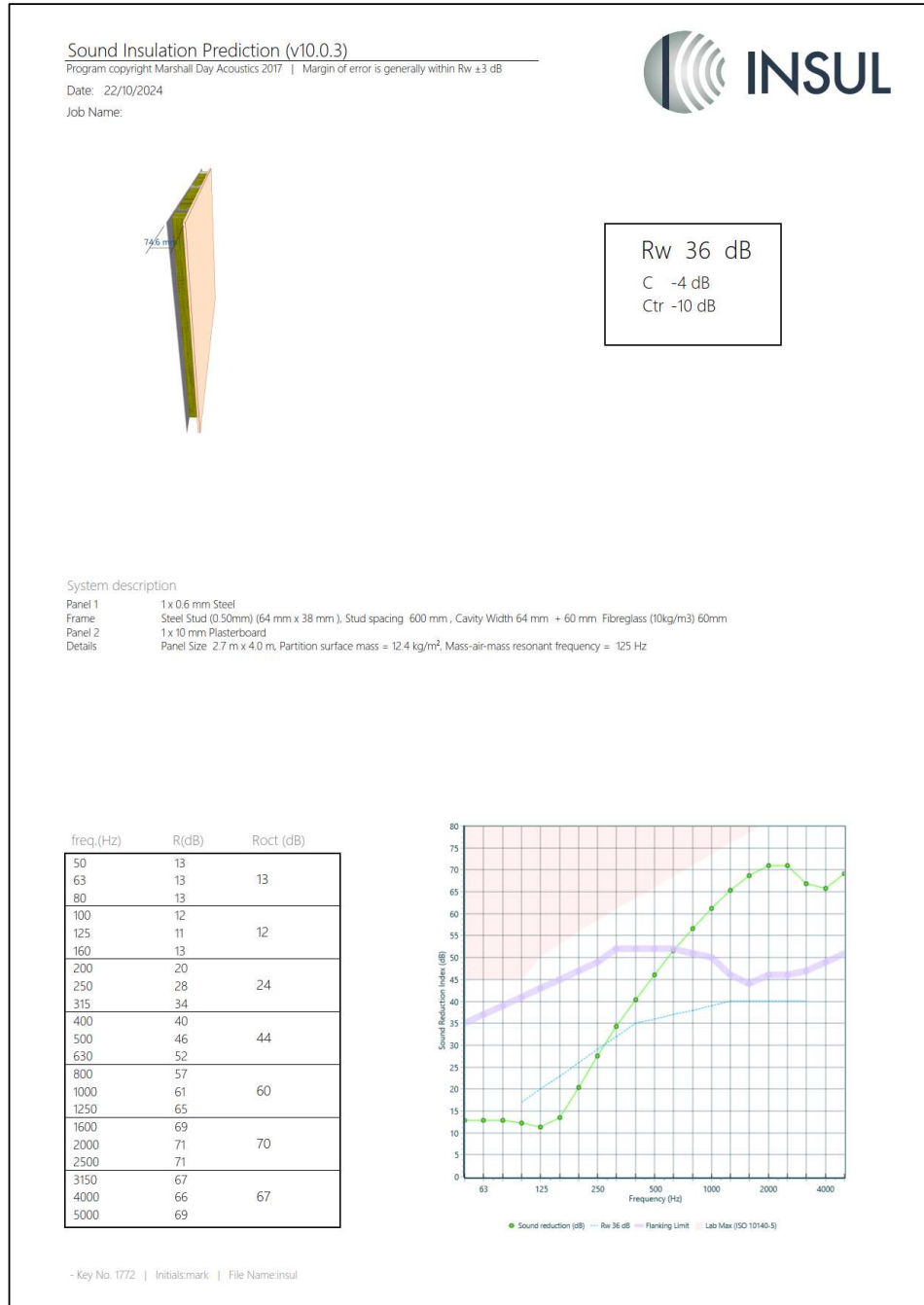


Figure 22 Insul wall model



4 170 Mayers St, Manunda, QLD, 4870, Australia
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Noise Impact Assessment – House Lykos Dog Boarding and Training Facility
 17 Effley St, Mareeba, QLD, 4880

07 November 2024
 V1.1

10.5 Appendix E: Calibration Certificate

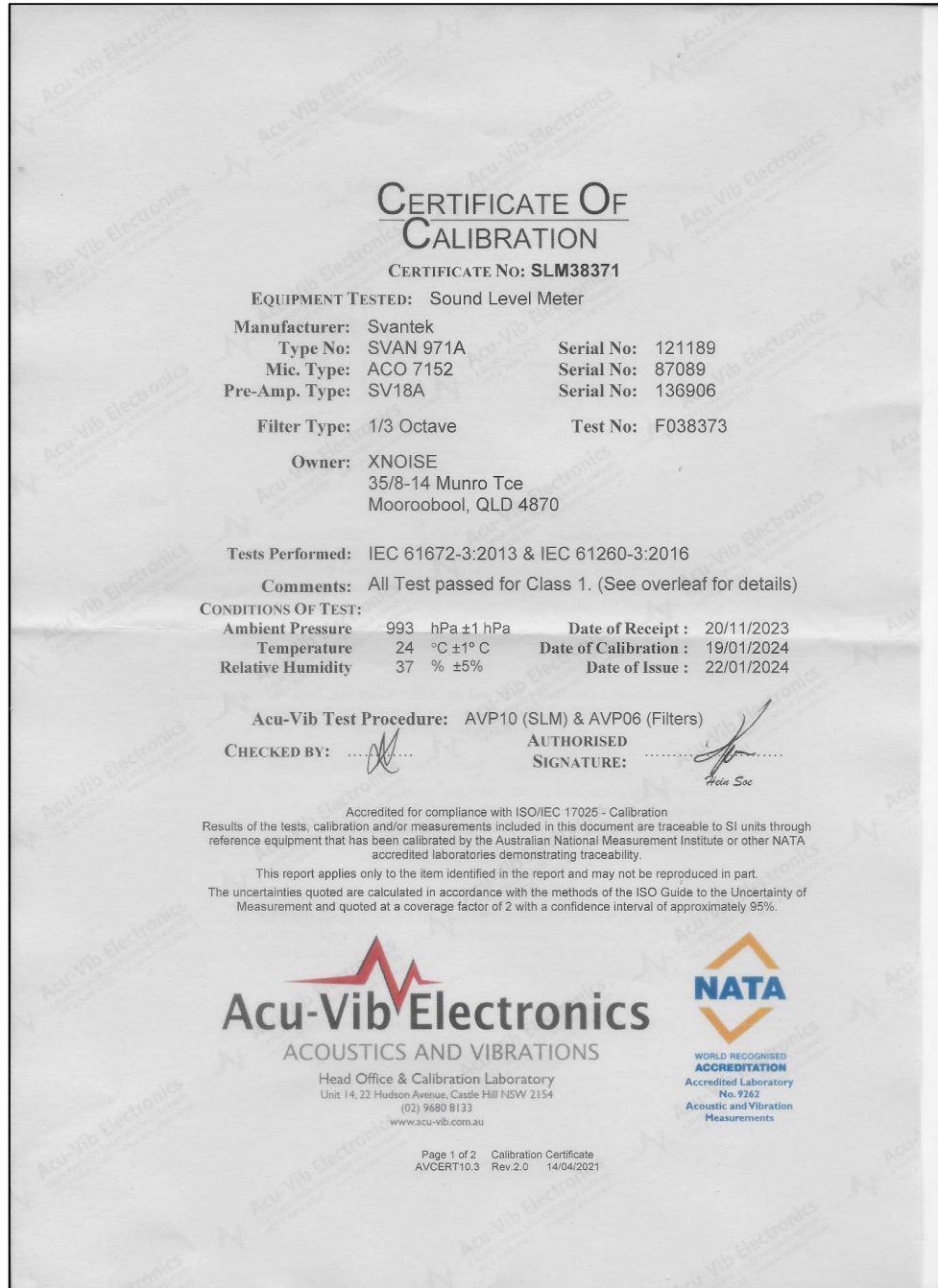


Figure 23 Noise Logger Calibration Certificate



4 170 Mayers St, Manunda, QLD, 4870, Australia
 m +61 423 717 876 | e mark@xnoise.com.au | ABN 91 501 823 751

From: "Carlie Roll" <carlieroll@hotmail.com.au>
Sent: Thu, 5 Dec 2024 12:30:34 +1000
To: "Info" <info@msc.qld.gov.au>
Subject: Submission Re: Development Application MCU/24/0022 Animal Keeping (Dog Training & Boarding Facility & Ancillary Uses) at 17 Effley Street, Mareeba
Categories: Add to ECM;Erika

Dear Council,

I am writing to express my support for the proposed development to build a dog training and boarding facility at 17 Effley Street, Mareeba.

I am a current client of Alpha Lykos since enrolling my then puppy in a beginners obedience course earlier in the year. I expected to attend for the 8-week course, teach my puppy some manners and for that to be the end but the training provided by Taylor and her team is so beneficial and so superior to anything I have experienced before with my previous dogs that we have continued to go on a weekly basis. Each week I see my dog progress as another command is added to her repertoire and my confidence increases that my dog will behave when I need her to and I can trust that she will do what I ask her to do, when I ask her to do it.

Having said that, while Taylor has been making plans to build this facility, we have not been training under the best conditions. Our training locations are out in the open and exposed to the elements. Depending on the weather at the time we are training in dust or mud, training is cancelled when it's raining and classes have to start earlier in winter so that we don't run out of daylight, which makes it difficult to get there after work. The benefits of an indoor, purpose-built facility are significant. Our dogs will not have to learn to drop in the dirt or mud or get covered in burrs or ticks, we won't have to train in the rain, heat or cold. Our dogs will be able to be trained off-leash as they will be contained within a fenced yard or inside the facility.

Dogs are part of most families these days but they are not all cared for the same way. I consider myself to be a responsible pet owner and take the responsibilities of pet ownership seriously. The like-minded people who will use this facility are investing their time and money into training their dogs to be well-behaved, to be well-socialised and respond to commands that ultimately keep them and other people safe. This is before you consider the vital service Alpha Lykos provides to the community by training assistance dogs which will only be enhanced with the development of the new facility.

In addition to the improved training facility, which I am very supportive of, is the inclusion of a boarding facility. This is something the community would also get great benefit from. There are very limited boarding facilities in the local area. Of those available, some are not at a standard I would find acceptable for my dog and those that are acceptable are regularly booked out. There is a definite need for more capacity within the Shire and for facilities of a high standard. I would have every confidence boarding my dog with Alpha Lykos.

In my opinion, the location of this facility in the Mareeba Industrial Estate is perfect. The other businesses operating from the estate make much more noise and traffic than the training facility is ever likely to and the proximity to town is convenient without imposing on any residential areas.

Thank you for your consideration and I hope that Council will approve this development application.

Kind regards,

Carlie Roll
carlieroll@hotmail.com.au

10 Morong Street,
P O Box 777,
KURANDA QLD 4881

Sunday, 8 December, 2024

The Chief Executive Officer,
Mareeba Shire Council,
P O Box 154,
MAREEBA QLD 4880.

Dear Peter,

Re: Development Application MCU/24/0022 Animal Keeping / Training
17 Effley Street, Mareeba.

I advise that I support the above development. I believe that the location is good and the type of operation is needed.

Should you require further clarification, please contact me.



Mark Freeman.



Insert Date 09/12/2024

The Chief Executive Officer
 Mareeba Shire Council
 P O Box 154
 MAREEBA QLD 4880

Dear Mr Franks,

Submission Re: Development Application MCU/24/0022 Animal Keeping (Dog Training & Boarding Facility & Ancillary Uses) at 17 Effley Street, Mareeba

I support the proposed development to build a dog training and boarding facility at 17 Effley Street, Mareeba.

Please include a paragraph or two explaining why you support the development and the benefits you feel it will bring to you and/or the community.

Thank you for your consideration and I hope that Council will approve this development application.

Kind regards,

You must print and sign the letter here and record your name and address below

JULIE BIRDSALL *J Birdsall*

Your first and last name
Your street address
MAREEBA QLD 4880

(You must include your full name and street address for a 'property made submission')

Mrs Julie Birdsall
 364 Bilwon Road
 Biboorha Qld 4880

I submit my letter of support for the above project for the Dog Training & Boarding & Ancillary Facility.

I believe the Mareeba Community will benefit highly from this facility, providing a safe place where people of all ages with their dogs can go for Training. From Puppy School right through to Advanced levels of Training. It is so important to gain control and obedience, so many dogs don't even have Basic Training and Handling Skills.

I have had the pleasure of working with Taylor with my own two dogs over the years and continue to do Advanced Training with her, which is so beneficial for me and my dogs. It will be a venue where you can have lots of fun with your dogs, and interaction with likeminded people.

Kind Regards, Julie Birdsall

From: "shaun gardiner" <shaun.gardiner9@gmail.com>
Sent: Fri, 13 Dec 2024 08:22:28 +1000
To: "Info" <info@msc.qld.gov.au>
Subject: Submission Re: Development Application MCU/24/0022 Animal Keeping (Dog Training & Boarding Facility & Ancillary Uses) at 17 Effley Street, Mareeba
Categories: Erika;Add to ECM

Dear Council,

I support the proposed development to build a dog training and boarding facility at [17 Effley Street, Mareeba](#).

This development and the associated business is an asset to the Mareeba community. As a recent client I found the professionalism of Taylor and the Alpha Lykos team to be of the highest standard and this is reflected in the proposed facility and its location. We love our dogs in Mareeba, our high levels of dog ownership reflecting this. To have a training and boarding facility ran by such qualified professionals will be an amazing addition to our community.

Thank you for your consideration and I hope that Council will approve this development application.

Kind regards,

Shaun Gardiner

E: Shaun.gardiner@gmail.com

M: 0405624811

From: "Marc Jackson" <marcjackson2010@hotmail.com>
Sent: Sun, 15 Dec 2024 09:25:42 +1000
To: "Info" <info@msc.qld.gov.au>
Subject: Att Neil Beck Application MCU/24/0022
Attachments: Mareeba Shire.docx
Categories: Erika

Dear Neil,
Please see my attached submission against the development of a dog training school beside my recycling centre,

Kind Regards

Marc Jackson | Manager

Enviroplas Recycling Pty Ltd
A: PO BOX 497, Smithfield, Qld,4879
E: marc@truerecycling.com.au
P: 0419655136



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Document Set ID: 4443253
Version: 1, Version Date: 16/12/2024

Mareeba Shire Council

PO Box 154

Mareeba QLD 4880

15 December 2024

info@msc.qld.gov.au

Re: Public Notice of Development Application - Ms T Skinner, 17 Effley Street,
Mareeba

Material Change of Use - Animal Keeping (Dog Training & Boarding Facility &
Ancillary Use)

Dear Neil Beck,

I am writing regarding the public notice for the development application submitted by Ms. T Skinner for a dog training and boarding facility at 17 Effley Street, Mareeba.

When I purchased my property at 19 Effley Street, I was informed that the industrial estate was designated for heavy industry purposes. The land, 17 Effley Street, Mareeba, is contained within the industry zone – Precinct C - Heavy Industry within the Planning Scheme and as such, I believe that a dog training and boarding facility is not compatible with the estate's intended purpose.

PO6 Development involving a nonindustrial use:

(a) has access to adequate infrastructure and essential services;

(b) is complementary in nature to the character and amenity of the Industry zone;
and

(c) does not negatively impact on the operation of existing uses within the Industry zone.

The consultant's response

Yes complies – this cannot comply with (b) and (c)

“Development has access to all urban services. Proposed development considered a compatible land use to co-locate with other industrial activities taking place within the estate.” – This answer does not consider the surrounding industrial activities.

Separation

PO1 Industrial activities are appropriately separated from sensitive uses to ensure their amenity is maintained, having regard to:

- (a) noise;
 - (b) odour;
 - (c) light;
- and (d) emissions.

Note—Development proposed to be located closer than the separation distances specified in AO2 requires supporting investigations to demonstrate that the expected impacts from the industry use have been adequately mitigated in consideration of the local context.

AO1 Development is separated from sensitive uses as follows:

- (a) medium impact industry–250 metres; or
 - (b) high impact industry– 500 metres;
- or (c) special industry– 1.5 kilometres.

The consultant's response

Yes complies – this cannot comply with and impact industry.

“Animal Keeping isn't considered an industrial activity. However, there is no known sensitive uses that are located in close proximity to the site which would be impacted by the proposed use.”

My business, EnviroPlas Recycling, operates a plastic recycling and remanufacturing plant. The nature of our operations requires continuous machinery use, which involves significant noise from shredding equipment and a 500Kva generator running 24 hours a day, seven days a week. Additionally, the adjacent timber yard frequently generates dust during its loading and unloading activities. These two adjoining industries are at a minimum, High Impact Industry and or Special Industry and at a minimum the dog training centre should be located at least 500m away.

Additionally, the supporting sound study was recorded on the opposite boundary to my boundary, at least 30 meters away (see photo page 18). From the sound recordings you can clearly see when we start operations, mostly at 4am and finish at 6pm. Critical Levels 70 dB: This is roughly the sound level of a vacuum cleaner or traffic noise. It's within the safe range for dogs and unlikely to cause immediate harm, but continuous exposure could lead to stress, particularly if the noise is high-pitched.

Given the noise and dust levels typical of our operations and neighbouring businesses, I am concerned that these conditions would not be conducive to the welfare of animals in a dog training and boarding facility. Furthermore, I feel this proposed facility could create friction with my existing industrial businesses, potentially disrupting our operations.

I respectfully suggest that a rural or more appropriately zoned area would be better suited for such an animal keeping facility, aligning with its operational needs and the welfare of the animals.

Thank you for considering my submission. I am happy to provide further information or discuss this matter if needed.

Yours sincerely,

Marc Jackson

EnviroPlas Properties

Inez Goodman
8 Bundanoon Court
MAREEBA QLD 4880

12TH December 2024

Mareeba Shire Council
PO Box 154
MAREEB QLD 4880

REFERENCE MCU/24/0022

LETTER OF SUPPORT – DOG TRAINING (ALPH LYKOS) – MAREEBA

I wish to express my support of this wonderful proposed facility and enterprising business for Mareeba. Our community will benefit greatly from the specialised training for local and special assistance dogs, housing and supply of quality products offered in the industrial park.

This local dog training enhances more cohesive control of animal behaviour in our community. It offers socialisation of animals and support to our community members.

A local support facility for animal holiday stays will be a great bonus for our community as well.

Inez Goodman
Inez.warpac@westnet.com.au

17-12-24

The Chief Executive Officer,
Mareeba Shire Council,
P.O. Box 154,
Mareeba. QLD. 4880



Dear Mr. Franks,

Submission: Re: Development Application
MCU/24/0022 Animal Keeping (Dog
Training and Boarding Facility and
Ancillary Uses) at 17 Effley Street,
Mareeba.

I support the proposed development to
build a dog training and boarding facility
at 17 Effley Street Mareeba.

This facility would be of great benefit to
Mareeba and surrounds. It would make
life a lot easier for people who need to
board their dogs, for whatever reason.

The airconditioning would be a bonus for
humans and dogs. We are all capable of
heat stress.

The soundproofing is another excellent
feature. Also having a night carer on
site for the boarded dogs is another
favourable trait.

I have seen the plans and think this
facility is exemptly well planned.

Document Ref ID: 4445384
Version: 1 Version Date: 20/12/2024

Thank you for your consideration and I hope the Council will approve this development application.

K.T. Freeman
Kathleen Terese Freeman
10 Morong Street,
Kuranda. 4881 QLD.

Document Set ID: 4445384
Date: 20/12/2024

From: "Felicity Pollard" <pollardf24@gmail.com>
Sent: Sun, 22 Dec 2024 18:33:45 +1000
To: "Info" <info@msc.qld.gov.au>
Subject: Support for Application MCU/24/0022
Categories: Add to ECM;Erika

Felicity Pollard
2 Hales Street,
Mareeba, QLD, 4880
Contact email: pollardf24@gmail.com
Contact phone: 0455719588

Dear Council Representative/To Whom It May Concern,

I am writing to express my wholehearted support for the proposed Alpha Lykos K9 Training and Behaviour boarding, training, daycare, and nutrition facility in Mareeba. As a member of the Alpha Lykos K9 Training group for over a year now, I can personally attest to the profound benefits their training programs have had not only for me as a pet owner but also in my role as a staff member at Mareeba Animal Refuge.

The expertise and dedication of the Alpha Lykos trainers have helped me become a more confident and responsible dog owner. The knowledge and skills I have gained through their guidance have directly translated to my care of the animals at the refuge, enabling me to better understand and meet their needs. This facility will allow more people in the community to access the same level of high-quality education and training that I have experienced, leading to:

More informed and responsible pet owners who understand their pets' behaviors, needs, and training.

A reduction in preventable issues such as dog attacks, nuisance behaviors, and surrenders.

A stronger bond between owners and their pets, improving the quality of life for both.

The proposed facility, as the first air-conditioned dog care center in the area, will also fill an existing gap in boarding and daycare services. At Mareeba Animal Refuge, we regularly turn away boarding requests during peak periods such as Christmas due to limited capacity. This shortage often results in owners making less secure arrangements for their pets, leading to risks such as escapes or insufficient care. The Alpha Lykos facility will provide another safe, enriching environment for pets while giving owners peace of mind.

Beyond these immediate benefits, the facility represents a significant investment in our community. It will create jobs, stimulate the local economy, and establish Mareeba as a leader in innovative and compassionate pet care.

Furthermore, Alpha Lykos had been a keen supporter of Mareeba Animal Refuge in the past and will be ongoing with the confirmation of their facility. I strongly believe the construction of this facility will be an incredible asset to local rehoming groups as well.

I strongly urge the council to support this initiative. It is more than a business—it is a resource that will educate and empower pet owners, enhance the lives of animals, and strengthen the bond between people and their pets.

Thank you for considering my input.

Yours sincerely,
Felicity Pollard.

President of Friends of the Animals Inc.
Staff member at Mareeba Animal Refuge
Team Alpha Member, Alpha Lykos K9 Training and Behaviour

From: "Faith Blanch" <fad.blanch@gmail.com>
Sent: Mon, 6 Jan 2025 11:15:15 +1000
To: "Info" <info@msc.qld.gov.au>
Cc: "Taylor Skinner" <info@alphaomegadogs.com>
Subject: Submission Re: Development Application MCU/24/0022 Animal Keeping (Dog Training & Boarding Facility & Ancillary Uses) at 17 Effley Street, Mareeba
Categories: Erika

Dear Council,

I wholeheartedly support the proposed dog training and boarding facility at 17 Effley Street, Mareeba. Taylor is an exceptional trainer whose skills and dedication have greatly benefited both my assistance dog and many other dogs in our community. She possesses a deep understanding of canine behavior and has an incredible ability to help dog owners address behavioral issues, preventing dogs from needing to enter or re-enter animal refuges. Taylor's approach is compassionate and effective, ensuring that dogs receive the care and training they need to thrive in a home environment.

In addition to her training expertise, Taylor's knowledge of canine nutrition has helped many pet owners improve the health and well-being of their dogs. Her ability to teach people how to better feed their dogs has led to healthier, happier pets throughout our community. By creating a facility that combines training, daycare, and boarding, Taylor will provide a safe, nurturing environment for dogs, ensuring they are well cared for while their owners are away, in contrast to the often stressful and traumatizing experience of traditional kennels. Her facility will foster a positive experience for dogs, reducing anxiety and promoting good health.

Moreover, Taylor's dog training, boarding, and daycare services will not only support the local community but will also attract visitors, including assistance dog handlers who already travel to Mareeba to work with her. This will enhance tourism, benefiting the local economy and increasing the visibility of Mareeba as a place that values and supports animal welfare. I have no doubt that this facility will be a great asset to our town, and I fully support its development.

Thank you for your consideration, and I hope that Council will approve this development application.

Kind regards,

Faith Blanch
fad.blanch@gmail.com
100 Walsh St, Mareeba 4880

08/01/25

The Chief Executive Officer
Mareeba Shire Council
P O Box 154
MAREEBA QLD 4880

Dear Mr Franks,

Submission Re: Development Application MCU/24/0022 Animal Keeping (Dog Training & Boarding Facility & Ancillary Uses) at 17 Effley Street, Mareeba

I support the proposed development to build a dog training and boarding facility at 17 Effley Street, Mareeba.

As a client of Alpha Lykos who trains my assistance dog through their program, having access to a controlled, purpose-built facility would be an incredible benefit. This facility would provide an ideal environment for training assistance dogs, ensuring they are well-prepared for their critical roles. It would also allow my dog to board in a safe and enriching environment when needed, providing peace of mind that their care and training remain consistent.

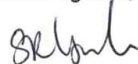
The benefits of this facility extend beyond individual clients like me. By establishing a central hub, Alpha Lykos will be able to expand their capacity to train and support more assistance dogs and their handlers. This means more individuals with disabilities across Australia will gain access to life-changing support dogs. Additionally, it will foster a sense of community among clients, offering a space to connect, share experiences, and grow together.

Currently, Alpha Lykos must travel to clients like me, which is both time-consuming and expensive. A dedicated facility would significantly reduce costs and improve efficiency, making the program more accessible to clients who may otherwise struggle with the financial barriers of training their assistance dogs.

I urge the Council to approve this development application, as it will have a profound impact on the lives of people with disabilities and their assistance dogs, both in Mareeba and across the country.

Thank you for your consideration and I hope that Council will approve this development application.

Kind regards,



Serena Ruth Lynch
111 Rowntree Road,
PETERSVILLE, SA, 5571
serenasweetspot@gmail.com

From: "Lisa McGrath" <lisa_mcgrath@outlook.com>
Sent: Wed, 8 Jan 2025 07:09:17 +1000
To: "Info" <info@msc.qld.gov.au>
Subject: Application MCU/24/0022
Categories: Add to ECM

Application MCU/24/0022 Animal Keeping (Dog Training & Boarding Facility & Ancillary Uses) at 17 Effley Street, Mareeba

Dear Council,

I am writing to express my strong support for the proposed development of a dog training and boarding facility at 17 Effley Street, Mareeba.

As a long-term client of Alpha Lykos for the past five years, I have trained three of my pet dogs with their assistance. Currently, training is conducted outdoors, which poses challenges when the weather is too hot or raining, as sessions often need to be canceled. Having access to a controlled indoor facility would make training more consistent and effective, especially for my reactive dog, who greatly benefits from a calm and structured environment.

This facility would also solve a significant issue for dog owners like me who struggle to find quality boarding options. With limited and often low-quality dog boarding services in the area, it's challenging to travel or take holidays without worrying about the safety and care of my reactive dog. A specialized boarding facility with trained staff would provide much-needed peace of mind.

Additionally, I purchase dog meat from Alpha Lykos, but I currently have to organize meet-ups as there is no central location to collect these supplies. Having everything in one place—training, boarding, and supplies—would make Alpha Lykos far more accessible and convenient, not just for me but for the broader community.

This facility will enhance the lives of local dog owners and trainers by providing a space that ensures the well-being of both pets and their owners. It will also support the growth of Alpha Lykos, allowing them to better serve the Mareeba community and beyond.

Thank you for your consideration of this development application.

Kind regards,
Lisa McGrath

lisa_mcgrath@outlook.com

From: "Kat Hare" <1kathare@gmail.com>
Sent: Wed, 8 Jan 2025 14:02:31 +1000
To: "Info" <info@msc.qld.gov.au>
Subject: Attention Mr Franks re: Submission for Development Application MCU/24/0022
Attachments: 080125 - Katherine Hare - submission for development application
MCU240022.pdf
Categories: Erika

Dear Mr Franks,

Please find attached a submission letter in support of the proposed dog training and boarding facility in Mareeba.

As a long-term client of Alpha Lykos, this facility will provide invaluable support to ensure that my assistance dog and I continue to address challenges past, present and emerging.

Please don't hesitate to contact me if you would like any further insight.

Thank you,
Katherine Hare

UNOFFICIAL

The Chief Executive Officer
Mareeba Shire Council
P O Box 154
MAREEBA QLD 4880

Dear Mr Franks,

Submission Re: Development Application MCU/24/0022 Animal Keeping (Dog Training & Boarding Facility & Ancillary Uses) at 17 Effley Street, Mareeba

I support the proposed development to build a dog training and boarding facility at 17 Effley Street, Mareeba.

As a client in Adelaide, South Australia, who relies on an assistance dog trained through Alpha Lykos' program, I've experienced firsthand the challenges of finding suitable board-and-train options. Currently, there is no other facility in Australia offering board-and-train services specifically for owner-handler assistance dogs.

Having access to a purpose-built, controlled facility would be an invaluable resource. Such a facility would provide the perfect environment for training assistance dogs, ensuring they are fully prepared for their essential roles. It would also offer a safe and enriching space for my dog to board when needed, giving me peace of mind that their care and training remain consistent and high-quality.

The benefits of this proposed facility extend far beyond individual clients like me. Establishing a central hub would allow Alpha Lykos to train and support more assistance dogs and their handlers, increasing access to life-changing support dogs for individuals with disabilities across Australia. Additionally, it would create a sense of community among clients, providing a space to connect, share experiences, and grow together.

Currently, Alpha Lykos must travel to clients like me, which is both costly and time-consuming. A dedicated facility would not only reduce expenses but also enhance efficiency, making their program more accessible to clients who might otherwise face financial barriers in training their assistance dogs.

I strongly encourage the Council to approve this development application. This facility has the potential to transform the lives of individuals with disabilities and their assistance dogs, both in Mareeba and throughout Australia.

Thank you for your consideration and I hope that Council will approve this development application.

Kind regards,

Katherine Hare



08 January 2025

401/69 Melbourne Street, North Adelaide SA 5006
1kathare@gmail.com | 0437975885

UNOFFICIAL

08/01/25

The Chief Executive Officer
Mareeba Shire Council
P O Box 154
MAREEBA QLD 4880

Dear Mr Franks,

Submission Re: Development Application MCU/24/0022 Animal Keeping (Dog Training & Boarding Facility & Ancillary Uses) at 17 Effley Street, Mareeba

I support the proposed development to build a dog training and boarding facility at 17 Effley Street, Mareeba.

I am writing to express my full support for the proposed Alpha Lykos Assistance Dog facility. As someone who has witnessed the incredible impact that an assistance dog can have on an individual's life, I believe this facility will provide transformative benefits to many people across Australia.

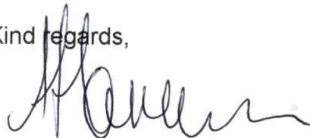
A close friend of mine, a client of Alpha Lykos, has experienced profound improvements in her ability to function within the community since partnering with an assistance dog trained through their program. Having been severely disabled from work as a police officer and dealing with other medical conditions, she faced significant challenges in her daily life. Since receiving her assistance dog, the positive changes have been remarkable. She has regained much of her independence, and for the first time in 10 years, we were even able to take a holiday together.

This facility would allow Alpha Lykos to expand their services, offering life-changing assistance dogs to more individuals across Australia. The dedicated space would provide an ideal environment for training, ensuring these dogs are prepared to support their handlers in critical ways.

As a dog owner, I am also thrilled about the prospect of having a safe, reliable place to send my own dog when needed. Knowing that my dog would be cared for by nationally accredited trainers in an air-conditioned, enriching environment would provide me with peace of mind. I strongly believe this facility will not only improve access to assistance dogs for people with disabilities but will also benefit the broader community by offering high-quality care and training for all dogs. I fully support this program and urge the Council to approve this development, which has the potential to positively impact countless lives.

Thank you for your consideration and I hope that Council will approve this development application.

Kind regards,



Abigail Hansen
30 25 Thirty Hereward Highway,
Blacktown, NSW, 2148
Abikh2208@gmail.com

08/01/25

The Chief Executive Officer
Mareeba Shire Council
P O Box 154
MAREEBA QLD 4880

Dear Mr Franks,

Submission Re: Development Application MCU/24/0022 Animal Keeping (Dog Training & Boarding Facility & Ancillary Uses) at 17 Effley Street, Mareeba

I support the proposed development to build a dog training and boarding facility at 17 Effley Street, Mareeba.

I am writing in strong support of the proposed Alpha Lykos training facility. As the partner of a client who has been involved with Alpha Lykos from the very beginning of her journey with her assistance dog, I have seen firsthand the incredible impact this program has had on her life.

The expert guidance provided by Alpha Lykos has made what could have been an overwhelming process much easier for my partner. Watching her and her assistance dog grow and develop together has been remarkable. The skills and confidence they have gained as a team are a testament to the dedication and expertise of Alpha Lykos.

There have been several occasions when we needed to use a boarding facility for the assistance dog, especially when we had a young baby and couldn't manage certain behaviours ourselves. However, there is no other facility in Australia that specifically caters to assistance dogs for board-and-train services. We wouldn't trust any other trainer with our assistance dog, as Alpha Lykos has been working with her since she was just eight weeks old.

My partner has previously travelled to Mareeba for board-and-train programs at the trainer's home. While this worked, it was not ideal. A purpose-built facility would provide a much better environment for both training and care. It would also allow the dog to stay for longer periods, making the process more financially viable for families like ours. It would also allow us to holiday around North Queensland while the dog is training.

This facility will not only improve the training experience for existing clients but also enable Alpha Lykos to expand their services and help more people across Australia. I wholeheartedly support this submission and urge the Council to approve the development of this much-needed facility.

Thank you for your consideration and I hope that Council will approve this development application.

Kind regards,

Scott Johnson
111 Rowntree Road, Petersville, Sa, 5571\|
srjohnsonpersonal@gmail.com



08/01/25

The Chief Executive Officer
Mareeba Shire Council
P O Box 154
MAREEBA QLD 4880

Dear Mr Franks,

Submission Re: Development Application MCU/24/0022 Animal Keeping (Dog Training & Boarding Facility & Ancillary Uses) at 17 Effley Street, Mareeba

I support the proposed development to build a dog training and boarding facility at 17 Effley Street, Mareeba.

I am writing to express my full support for the proposed Alpha Lykos training facility. As someone closely involved with the M&M Companion Retrievers breeding program, I have seen firsthand the profound impact Alpha Lykos has on both the dogs and the individuals they support.

As a guardian home for one of the dogs in the breeding program, I have been directly involved in raising several litters, watching them grow and develop before moving on to Alpha Lykos' exceptional training program. The transformation these dogs undergo through their training is remarkable, and I know that this program could not exist without the expertise and dedication of Alpha Lykos.

The establishment of a purpose-built facility would take this program to the next level. A dedicated, controlled environment would provide the perfect space for training assistance dogs, ensuring they are fully prepared to meet the needs of their future handlers. This facility would also allow Alpha Lykos to expand their capacity, enabling them to support more clients and families across Australia.

As a client of Alpha Lykos myself, I know how vital their services are. They are already at capacity, and the addition of a purpose-built training space is essential for their continued growth and ability to help more people like me. The work they do changes lives—not only for individuals with disabilities who rely on their assistance dogs but also for those involved in raising and supporting these dogs.

I strongly support this submission and urge the Council to approve the development of the Alpha Lykos training facility. This project will provide critical infrastructure for the growth of their programs, enabling them to impact even more lives across the country

Thank you for your consideration and I hope that Council will approve this development application.

Kind regards,



Joy Wundersitz
92 Cross Road, Myrtle Bank, SA, 5064

joy_wun@internode.on.net

08/01/25

The Chief Executive Officer
Mareeba Shire Council
P O Box 154
MAREEBA QLD 4880

Dear Mr Franks,

Submission Re: Development Application MCU/24/0022 Animal Keeping (Dog Training & Boarding Facility & Ancillary Uses) at 17 Effley Street, Mareeba

I support the proposed development to build a dog training and boarding facility at 17 Effley Street, Mareeba.

I am writing to express my strong support for the proposed Alpha Lykos Assistance Dog facility. As a parent, I have seen firsthand the life-changing impact that an assistance dog can have on an individual's independence and quality of life.

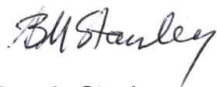
My daughter, a client of Alpha Lykos, has faced significant challenges due to being severely disabled from work as a police officer and managing other medical conditions. Since partnering with an assistance dog trained through Alpha Lykos, the transformation has been extraordinary. Her assistance dog has restored much of her independence and confidence, allowing her to reengage with the community in ways we once thought impossible. I have my daughter back!

The establishment of this facility would allow Alpha Lykos to expand their services and help more individuals across Australia access the life-changing benefits of an assistance dog. A dedicated, purpose-built space would create an ideal environment for training assistance dogs, ensuring they are fully prepared to support their handlers in meaningful and vital ways. As a dog owner myself, I also see this facility as a much-needed resource for the

This program has already had a profound impact on my daughter's life, and I know it can do the same for many others. I wholeheartedly support this development and urge the Council to approve it. This facility will enable Alpha Lykos to provide greater support to individuals with disabilities, as well as offer top-tier care for all dogs, benefiting the community as a whole.

Thank you for your consideration and I hope that Council will approve this development application.

Kind regards,



Bonnie Stanley
193 White Hut Road,
Stanley Flat, SA, 5453
bonnie@iscs.com.au

8.3 C & N DISCRETIONARY TRUST - MATERIAL CHANGE OF USE - WAREHOUSE & CARETAKER'S ACCOMMODATION - LOTS 1 & 2 ON RP715873 - 20 HERBERTON STREET AND 94 CONSTANCE STREET, MAREEBA - MCU/24/0017

Date Prepared: 17 December 2024
Author: Coordinator Planning Services
Attachments: 1. Proposal Plan [↓](#)

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	C & N Discretionary Trust	ADDRESS	20 Herberton Street and 94 Constance Street, Mareeba
DATE LODGED	2 October 2024	RPD	Lots 1 & 2 on RP715873
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use – Warehouse & Caretaker’s Accommodation		
FILE NO	MCU/24/0017	AREA	Lot 1 – 1,303m2 Lot 2 – 718m2
LODGED BY	Scope Town Planning	OWNER	Lot 1 – C & N Tilse Lot 2 – Mareeba Mower & Camping Pty Ltd
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Lot 1 – Centre zone Lot 2 – Medium Density Residential zone		
LEVEL OF ASSESSMENT	Impact Assessment		
SUBMISSIONS	Nil		

EXECUTIVE SUMMARY

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

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

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

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

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

OFFICER’S RECOMMENDATION

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	C & N Discretionary Trust	ADDRESS	20 Herberton Street and 94 Constance Street, Mareeba
DATE LODGED	2 October 2024	RPD	Lots 1 & 2 on RP715873
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use – Warehouse & Caretaker’s Accommodation		

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

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

And

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

(A) APPROVED DEVELOPMENT: Development Permit for Material Change of Use – Warehouse & Caretaker’s Accommodation

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
Appendix 2	Site Plan	Scope Town Planning	-

(C) ASSESSMENT MANAGER’S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

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

- 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the commencement of the use except where specified otherwise in these conditions of approval.
 - 2.2 Prior to the commencement of use, the applicant must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.
3. General
- 3.1 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
 - 3.2 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to 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 Waste Management - Lot 2 on RP715873
On site refuse storage area must be provided and be screened from view from adjoining properties and road reserve by one (1) metre wide landscaped screening buffer, 1.8m high solid fence or building.
 - 3.5 Noise Nuisance - Lot 2 on RP715873
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.
 - 3.6 Air Conditioner & Building Plant Screening - Lot 2 on RP715873
The applicant/developer is required to 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.
 - 3.7 No testing or repair of engines, motor vehicles and/or power equipment is permitted on Lot 2 on RP715873.
 - 3.8 Hours of Operation – Warehouse (Outdoor Storage Area)
All access to the warehouse (outdoor storage area) shall be between 7am and 5pm Monday to Friday and between 7am and 12pm Saturday only. No access to the warehouse (outdoor storage area) is permitted within Lot 2 on RP715873 outside of these hours or on Sundays or Public Holidays.

3.9 Signage

No advertising signage is permitted to be erected on Lot 2 on RP715873.

4. Infrastructure Services and Standards

4.1 Access

Commercial access crossovers must be constructed (from the edge of Constance Street to the property boundary of both lots) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

Where applicable, the applicant/developer must ensure that any redundant vehicle crossovers are removed and reinstated with kerb and channel.

4.2 Stormwater Management

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

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

4.3 Loading Zone

Provide detailed plans including signage plans, prepared by a Registered Professional Engineer of Queensland (RPEQ) for the use of the Constance Street footpath and carriageway as a formalised loading zone.

The plans must demonstrate compliance with all relevant design guidelines including the location of the loading zone with respect to the site accesses for Lots 1 and 2 on RP715873.

A Traffic Management Plan must be provided which clearly demonstrates how safe access for the public will be achieved during periods of loading/unloading.

All parts of the loading zone on the Constance Street footpath must be concrete sealed.

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

The loading zone must be constructed in accordance with the approved plans and requirements.

4.4 Warehouse (Outdoor Storage Area) – Lot 2 on RP715873

The warehouse (outdoor storage area) on Lot 2 on RP715873 must be surface treated with dust free all weather compacted gravel or pebble/stone treatment and must be appropriately drained, 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, the warehouse (outdoor storage area) 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.

4.5 Landscaping and Fencing

4.5.1 Prior to the commencement of the use of the site, a landscape plan for Lot 2 on RP715873 must be prepared and submitted to Council's delegated officer for consideration and approval.

4.5.2 The landscape plan must include landscaping generally in accordance with the approved Appendix 1 – Site Plan and in compliance with the Landscaping Code. Plant species are to be generally selected from the Plant Schedule in Planning Scheme Policy 6 - Landscaping and preferred plant species.

4.5.3 The landscaping plan must incorporate the following:

- (i) A 1.8 metre high (neutral colour) solid screen fence must be established along the full length of the southern and western boundary of Lot 2 on RP715873.
- (ii) The fencing is to be erected prior to the commencement of the use and maintained in good order for the life of the development, to the satisfaction of Council's delegated officer.

4.5.4 A minimum of 25% of new plants is provided as larger, advanced stock with a minimum plant height of 0.7 metres and mulched to a minimum depth of 0.1 metres with organic mulch.

4.5.5 The landscaping of the site must be carried out in accordance with the endorsed landscape plan/s, and prior to the commencement of the use, and mulched, irrigated and maintained to the satisfaction of Council's delegated officer.

4.6 Lighting

Where installed, external lighting must be designed and installed in accordance with *AS4282 – Control of the obtrusive effects of outdoor lighting* so as not to cause nuisance to residents or obstruct or distract pedestrian or vehicular traffic.

(D) ASSESSMENT MANAGER'S ADVICE

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

(b) Compliance with applicable codes/policies

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

(c) Compliance with Acts and Regulations

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

(d) Environmental Protection and Biodiversity Conservation Act 1999

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

(e) Cultural Heritage

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

(f) Electric Ants

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

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

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

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

(E) RELEVANT PERIOD

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

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

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

- Development Permit for Operational Works

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Nil

THE SITE

The subject site comprises of land described as Lots 1 and 2 on RP715873, situated at 20 Herberton Street and 94 Constance Street, Mareeba respectively.

Lot 1 is regular in shape with an area of 1,303m² and frontages of approximately 36 metres to Herberton Street and 36 metres to Constance Street. A single storey commercial building occupied by Tableland Bikes and Power Equipment is established over the majority of Lot 1. The balance of Lot 1 is used for storage, display and servicing activities associated with this business.

Lot 2 is rectangular in shape with an area of 718m² and a frontage of approximately 20 metres to Constance Street. A single storey dwelling house is established on the lot.

Primary vehicle access to each lot is obtained via crossovers onto Constance Street. A secondary access to Lot 1 is available off the Herberton Street frontage. Herberton Street and Constance Street are both bitumen sealed from kerb to kerb with widths of 20 metres and 18 metres respectively.

Lot 1 is within the Centre zone of the Mareeba Shire Council Planning Scheme 2016. The adjoining property on Herberton Street is also within the Centre zone and is developed with a single dwelling house and outbuildings.

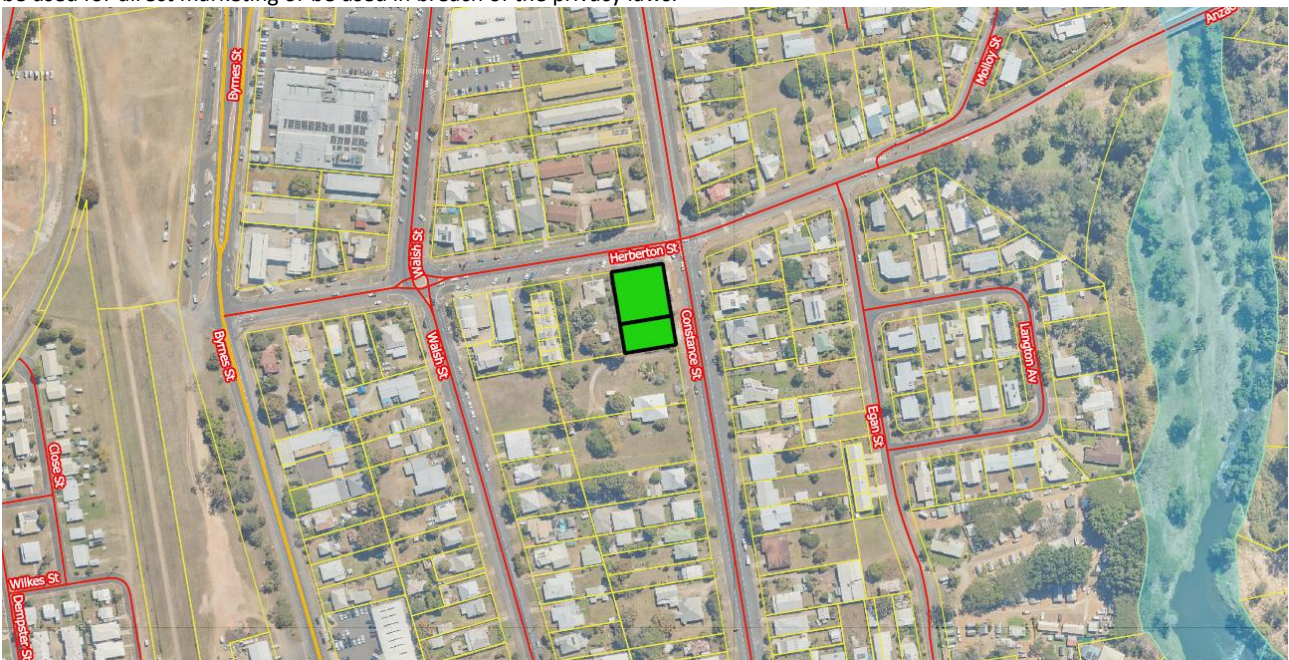
Lot 2 is zoned Medium Density Residential. The adjoining (southern) property on Constance Street is also zoned Medium Density Residential and used for a single dwelling house.

Both lots are serviced by reticulated water and sewerage.



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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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.

BACKGROUND AND CONTEXT

Nil

PREVIOUS APPLICATIONS & APPROVALS

Nil

DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Material Change of Use – Warehouse and Caretaker's Accommodation in accordance with the plans shown in **Attachment 1**.

The application includes the following outline of the proposed development:

"The proposed development is the establishment of a new Warehouse in the form of an Outdoor Storage area in conjunction with the use of the existing Dwelling House as Caretakers Accommodation on Medium Density Residential Zoned land addressed as 94 Constance Street, Mareeba. The proposed use is associated with the long-established business, Tableland Bikes and Power Equipment located on the adjacent property to the north, 20 Herberton St. (Centre Zone), with which it shares a common Boundary.

The proposed development is required due to the new round about being constructed at the Herberton Street / Constance Street intersection. The intersection upgrade will result in the loss of 3 on-street vehicle parking spaces and 2 on-street motorbike parking spaces associated with the business on the Herberton Street frontage as well as the loss of the truck delivery loading space for the business on the Constance Street frontage.

The proposed use will utilize the cleared area at the rear of the property for the storage of motorbikes and all-terrain vehicles with access provided via a secure gate between the 2 sites.

The existing Dwelling House will be utilized for the Caretakers Accommodation to provide on-site security for the business. The proposed Warehouse and Caretakers Accommodation will not generate additional traffic, not be accessible to the public and will not require any new buildings or construction.

In association with the established business, a Loading Zone is also proposed on the frontage of 94 Constance Street. Loading will be achieved via the road reserve with a portion between the Lot 1 and Lot crossovers to be sealed to accommodate loading/unloading traffic generated by a fork lift."

REGIONAL PLAN DESIGNATION

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

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	Land Use Categories <ul style="list-style-type: none"> Residential Area (Lot 2) Centre Area (Lot 1) Transport Elements <ul style="list-style-type: none"> Local Collector Road Principal Cycle Routes
Zone:	Medium Density Residential zone (Lot 2) Centre zone (Lot 1)
Overlays:	Airport Environs Overlay Transport Overlay

Planning Scheme Definitions

The proposed use is defined as:

<i>Column 1 Use</i>	<i>Column 2 Definition</i>	<i>Column 3 Examples include</i>	<i>Column 4 Does not include the following examples</i>
Caretaker’s accommodation	A dwelling provided for a caretaker of a non-residential use on the same premises.		Dwelling house
Warehouse	Premises used for the storage and distribution of goods, whether or not in a building, including self-storage facilities or storage yards. The use may include sale of goods by wholesale where ancillary to storage. The use does not include retail sales from the premises or industrial uses.	Self-storage sheds	Hardware and trade supplies, outdoor sales, showroom, shop

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

3.3.1 Strategic outcomes

- (2) *Mareeba Shire is supported by a network of compact, activity centres of varying scales. These activity centres form the primary focus for population growth. Each activity centre will maintain its individual character while growing to support and service the local economies of its catchments. The level of service provision within each activity centre is consistent with its role and function within the defined activity centre hierarchy. Growth is managed to ensure a high level of centre amenity and streetscape character is maintained, thus fostering vibrant, lively hubs of social interaction, trade and exchange.*

Comment

The subject site is located within the Mareeba Major Regional Activity Centre. The proposed development is consistent with the level of service expected for a major regional activity centre.

The expansion of low impact storage aspects of the long-established Tableland Bikes and Power Equipment dealership operations onto Lot 2 (a medium density residential zoned lot) will be able to occur without a negative amenity/streetscape impact. The outdoor storage area will be screened from view by fencing and the existing dwelling house.

Similar development approvals have been issued for the expansion of Mareeba's other motor vehicle dealerships and to date, neither of these expansions has generated any complaint.

The development complies with Strategic outcome (2).

3.3.3 Element—Major regional activity centre

3.3.3.1 Specific outcomes

- (1) *The role and function of Mareeba as the major regional activity centre for services in Mareeba Shire is strengthened. Mareeba is to accommodate the most significant concentrations of regional-scale business, retail, entertainment, government administration, secondary and tertiary educational facilities and health and social services within the shire.*
- (2) *Development within Mareeba over time enhances the Shire's self-sufficiency in terms of services offered, business and employment opportunities.*

- (3) *Mareeba is characterised by a relative lack of development constraints, and is supported by an expanding major industry area and Mareeba Airport. Mareeba has significant residential, industrial and commercial growth potential.*
- (4) *The centre area of Mareeba continues to be focussed on the core area around Byrnes Street (between Rankin and Lloyd Streets), with significant expansion of centre activities within underutilised sites within the Byrnes Street core, in Walsh Street and south along Byrnes Street. New development will improve the streetscape of the town centre including streetscape improvement.*
- (5) *Regional scale services and employment are provided in Mareeba, including:*
 - (a) *primary, secondary and tertiary educational establishments;*
 - (b) *major supermarkets and large format retailers;*
 - (c) *factory outlets and warehouses;*
 - (d) *government administration;*
 - (e) *hospitals and social services;*
 - (f) *major recreation and health and fitness facilities.*

Comment

The subject site is located within the Mareeba Major Regional Activity Centre. The proposed development is consistent with the level of service expected for a major regional activity centre.

The development complies with Specific Outcomes (1) through (5).

3.7 Economic development

3.7.1 Strategic outcomes

- (3) *Mareeba Shire is increasingly provided with retail and business opportunities and improved government services to enhance self-sufficiency. These opportunities and services are consolidated through the clustering and co-location of commercial uses in activity centres and are particularly focussed within Mareeba. Kuranda, as a village activity centre, maintains its level of self-reliance through servicing its local catchment with a range of services and employment opportunities.*

3.7.6 Element—Retail and commercial development

3.7.6.1 Specific outcomes

- (1) *Commercial development will be facilitated by:*
 - (a) *consolidation and co-location of centre activities in existing centre areas;*
 - (b) *identification of space adjacent to centre areas to cater for the expansion of commercial activities;*
 - (c) *infrastructure provision in areas identified as able to cater for new commercial development;*
 - (d) *maintenance of a high standard of infrastructure, services and amenity in existing commercial areas to support further business investment and expansion.*
- (3) *Centre areas provide a vibrant, busy setting for community activity, social interaction and local trade and exchange. Each centre area retains its relaxed rural atmosphere and unique character, and provides for a high level of pedestrian activity.*

- (4) *The following features are integrated or provided by new commercial development:*
- (a) *attractive streetscapes with shade trees and awnings;*
 - (b) *active shop fronts;*
 - (c) *pedestrian and cyclist comfort and convenience;*
 - (d) *universal design principles;*
 - (e) *spaces for community activity and social interaction;*
 - (f) *CPTED initiatives.*

Comment

The development complies with Specific Outcomes (1), (3) and (4).

Relevant Developments Codes

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

- 6.2.1 Centre zone code
- 6.2.7 Medium density residential zone code
- 7.2.2 Mareeba local plan code
- 8.2.2 Airport environs overlay code
- 9.3.1 Accommodation activities code
- 9.3.5 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
Centre zone code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Medium density residential 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, or an acceptable outcome cannot be met) contained within the code.</p> <p>Further discussion is warranted regarding the following performance outcomes:</p> <ul style="list-style-type: none"> • Performance Outcome PO8 • Performance Outcome PO9 <p>Refer to planning discussion section of report.</p>
Mareeba local plan code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.

Airport environs overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Accommodation activities code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Industrial activities code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Landscaping code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Parking and access code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Works, services and infrastructure code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.

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.

Adopted Infrastructure Charges Notice

Adopted Infrastructure Charges Resolution (No. 1) of 2024 establishes the following charge rate for the proposed change of use:

- \$38.85 per m2 of gross floor area (GFA) for warehouse
- \$21,808.00 for caretaker’s accommodation

Based on the planning scheme definition for GFA, the outdoor sales area (warehouse) has no GFA and does not generate an infrastructure charge.

Lot 2 has a credit of \$21,808.00 for the existing dwelling house and this will transfer to the caretaker’s accommodation.

No additional infrastructure charge will be payable for the proposed development.

REFERRAL AGENCY

This application did not trigger referral to a Referral Agency.

Internal Consultation

Technical Services.

PUBLIC NOTIFICATION

The development proposal was placed on public notification from 14 November 2024 to 5 December 2024. The applicant submitted the notice of compliance on 6 December 2024 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

No submissions were received.

PLANNING DISCUSSION

Compliance with Performance Outcomes PO8 and PO9 of the Medium Density Residential zone code is discussed below:

Medium Density Residential zone code***PO8 – Non-residential development***

Non-residential development:

- (a) is consistent with the scale of existing development;*
- (b) does not detract from the amenity of nearby residential uses;*
- (c) directly supports the day to day needs of the immediate residential community; and*
- (d) does not impact on the orderly provision of non-residential development in other locations in the shire.*

AO8

No acceptable outcome is provided.

Comment

The application states that the proposed outdoor storage area will be operated in association with the existing adjoining Tableland Bikes and Power Equipment business.

The outdoor storage area is located at the rear of the existing dwelling house and is only accessible via the adjoining Tableland Bikes and Power Equipment business.

The outdoor storage area is fully fenced with solid Colourbond fencing and is not visible from neighbouring properties or roads.

The outdoor storage area will only be accessed during standard business hours and is for static motorbike and ATV storage only. No repair or testing will be carried out within the outdoor storage area.

No new advertising devices are proposed.

The development complies with PO8.

PO9 – Amenity

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.*

AO9

No acceptable outcome is provided.

Comment

(1) The application states that the proposed outdoor storage area will be operated in association with the existing adjoining Tableland Bikes and Power Equipment business.

(2)

(3) The outdoor storage area is located at the rear of the existing dwelling house and is only accessible via the adjoining Tableland Bikes and Power Equipment business.

(4)

(5) The outdoor storage area is fully fenced with solid Colourbond fencing and is not visible from neighbouring properties or roads.

(6)

(7) The outdoor storage area will only be accessed during standard business hours and is for static motorbike and ATV storage only. No repair or testing will be carried out within the outdoor storage area.

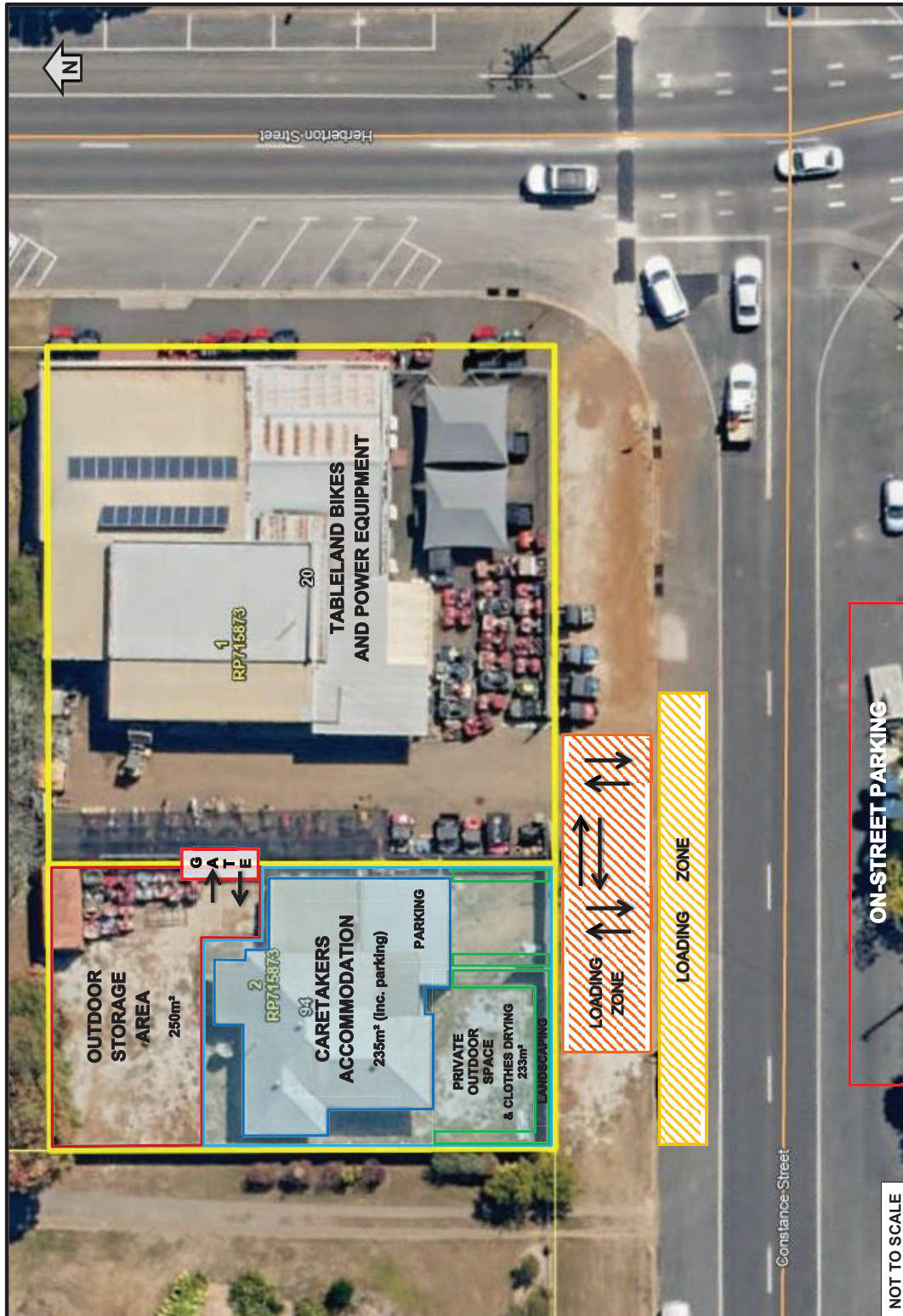
(8)

(9) No new advertising devices are proposed.

(10)

The development complies with PO9.

Appendix 2 – Site Plan
24017 MCU – Warehouse + Caretakers Accommodation – 94 Constance Street, Mareeba Cld. 4880



Prepared by Scope Town Planning

8.4 M & M SMITH - RECONFIGURING A LOT - SUBDIVISION (1 INTO 2 LOTS) - LOT 4 ON SP164245 - 118 MYOLA ROAD, KURANDA - RAL/24/0016

Date Prepared: 10 December 2024
Author: Coordinator Planning Services
Attachments: 1. Proposal Plan [↓](#)

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	M & M Smith	ADDRESS	118 Myola Road, Kuranda
DATE LODGED	18 October 2024	RPD	Lot 4 on SP164245
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot – Subdivision (1 into 2 lots)		
FILE NO	RAL/24/0018	AREA	5.6 hectares
LODGED BY	Scope Town Planning	OWNER	M & M Smith
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Rural Residential zone		
LEVEL OF ASSESSMENT	Impact Assessment		
SUBMISSIONS	Nil		

EXECUTIVE SUMMARY

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

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

The application and supporting material has been assessed against the Mareeba Shire Council Planning Scheme 2016 and has a minor conflict with Performance Outcome PO13 of the Reconfiguring a Lot code, as this rural residential zoned land is not within a mapped rural residential precinct.

Notwithstanding the minor conflict, the proposed subdivision satisfies the Planning Scheme’s higher order Strategic Framework and is recommended for approval on this basis.

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

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

OFFICER’S RECOMMENDATION

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	M & M Smith	ADDRESS	118 Myola Road, Kuranda
DATE LODGED	18 October 2024	RPD	Lot 4 on SP164245
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot – Subdivision (1 into 2 lots)		

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

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

And

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

(A) APPROVED DEVELOPMENT: Development Permit for Reconfiguring a Lot – Subdivision (1 into 2 lots)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
24018	Lot 4 SP164245	Scope Town Planning	Oct. 24

(C) ASSESSMENT MANAGER’S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

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

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

2. Timing of Effect

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

3. General

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

4. Infrastructure Services and Standards

- 4.1 Access
The existing access crossover must be upgraded/constructed (from the edge of Myola Road to the property boundary) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.
- 4.2 Easement
An easement must be provided over access handle in favour of Lot 1 for the purposes of access/drainage/services.
- 4.3 Stormwater Drainage
 - (a) The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.

- (b) All stormwater drainage collected from the site must be discharged to an approved legal point of discharge.

4.4 Water Supply

4.4.1 The developer must provide each proposed allotment with a water service connection in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

4.4.2 Where the existing reticulated water supply does not currently service the site or is not at an adequate capacity, the developer is required to extend or upgrade the reticulated water supply infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).

4.5 On-Site Wastewater Management

All on site wastewater disposal associated with the approved development must be in compliance with the latest version of On-Site Domestic Wastewater Management Standard (AS/NZS 1547) to the satisfaction of the Council's delegated officer.

4.6 Electricity provision/supply

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

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

4.7 Telecommunications

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

(D) ASSESSMENT MANAGER'S ADVICE

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

- (b) Easement Documents

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

(c) Endorsement Fees

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

(d) Compliance with applicable codes/policies

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

(e) Notation on Rates Record

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

- a registered easement over the subject site

(f) Environmental Protection and Biodiversity Conservation Act 1999

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

(g) Cultural Heritage

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

(h) Electric Ants

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

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

All persons within and outside the electric ant biosecurity zone have an obligation (a **general biosecurity obligation**) to manage biosecurity risks and threats that are under

their control, they know about, or they are expected to know about. Penalties may apply for failure to comply with a general biosecurity obligation.

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

(E) RELEVANT PERIOD

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

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

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

- Nil

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Access approval arising from condition number 4.1

THE SITE

The subject site is situated at 118 Myola Road, Kuranda and is more particularly described as Lot 4 on SP164245. The site is irregular in shape with an area of 5.6 hectares and is zoned Rural residential under the Mareeba Shire Council Planning Scheme 2016.

The site includes 32.25 metres of frontage to Myola Road which is constructed to bitumen/asphalt sealed standard. Access is gained from Myola Road via an existing crossover.

The site is improved by two (2) dwelling houses and multiple outbuildings all of which are located in three small clearings. The majority of the site remains densely vegetated.

The existing dwelling houses are connected to the Kuranda reticulated water supply, electricity grid and telecommunication services. Onsite wastewater disposal systems are in place for each dwelling house.

All immediate surrounding lots are zoned Rural Residential and are used as lifestyle lots and generally include single dwellings and outbuildings.



Map Disclaimer:

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



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BACKGROUND AND CONTEXT

Nil

PREVIOUS APPLICATIONS & APPROVALS

Nil

DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Reconfiguring a Lot – Subdivision (1 into 2 lots) in accordance with the plans shown in **Attachment 1**.

The applicant proposes the subdivision of the subject site into the following allotments:

- Lot 1 - area of 2.8 hectares, no frontage, legal access provided to Myola Road via an access/services easement within proposed Lot 2; and
- Lot 2 - area of 2.8 hectares, frontage of approximately 32.25 metres frontage to Myola Road.

Both proposed lots will contain one of the site's existing dwelling houses. The largest outbuilding will also be included within proposed Lot 1.

Access and servicing arrangements will be altered where necessary to ensure services are within their respective lot, or otherwise secured by easement.

Both lots will continue to be serviced with reticulated water, electricity and NBN services.

REGIONAL PLAN DESIGNATION

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

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

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	<p>Land Use Categories</p> <ul style="list-style-type: none"> • <i>Rural Residential Area</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>Local Collector Road</i> • <i>Principal Cycle Route</i>
Zone:	Rural Residential zone
Overlays:	<p>Airport environs overlay Environmental significance overlay Flood hazard overlay Hill and slope overlay Transport infrastructure overlay</p>

RELEVANT PLANNING INSTRUMENTS

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

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

The strategic framework sets the policy direction for the planning scheme and forms the basis for ensuring appropriate development occurs in the planning scheme area for the life of the planning scheme.

The following is an assessment of the application against the relevant sections of the strategic framework:

3.3 Settlement pattern and built environment

3.3.1 Strategic outcomes

- (4) *Rural residential areas* are intended to support rural residential development of varying densities, to prevent further fragmentation and alienation of *rural areas, conservation areas* and *biodiversity areas* within the regional landscape. *Rural residential areas* predominantly

maintain the current density of development, with infill subdivision of *rural residential areas* generally limited to identified areas where consistent with the desired character and where adequate services and infrastructure are available or can be adequately and cost-effectively provided.

Comment

The subject site is zoned Rural Residential. Two (2) lawfully established dwelling houses exist on the site and the proposed subdivision is intended to separate these dwelling houses onto individual lots.

Accordingly, there will be no change to the existing density of development and no increased demand on infrastructure.

Minor works are required to separate services and a new section of internal driveway will be constructed to access the dwelling house on Lot 2. The new driveway section will be constructed along the site contours to minimize grade and construction impact with the selected passage traversing through wild blackberry bushes and Category X vegetation. As such, the environmental impact of the construction of the new driveway section will be minimal.

The development complies.

3.3.4 Element—Village activity centre

3.3.4.1 Specific outcomes

- (4) Growth is focused within the Kuranda village and rural residential areas. Further greenfield or rural residential development in the Myola corridor is not supported within the life of the planning scheme.

Comment

The subject site is zoned Rural Residential. Two (2) lawfully established dwelling houses exist on the site and the proposed subdivision is intended to separate these dwelling houses onto individual lots.

Accordingly, there will be no change to the existing density of development and no increased demand on infrastructure.

The development complies.

3.3.10 Element—Rural residential areas

3.3.10.1 Specific outcomes

- (1) Rural residential development is consolidated within *rural residential areas* where it will not result in the fragmentation or loss of *agricultural areas* or *biodiversity areas*.
- (2) Infill development within *rural residential areas* occurs only where appropriate levels of infrastructure are available and provided, the existing rural living character can be maintained and an *activity centre* is proximate.

- (3) No further subdivision of greater than anticipated density occurs within *rural residential areas* that are not proximate to an *activity centre* and its attending physical and social infrastructure.
- (4) *Rural residential areas* across Mareeba Shire are characterised by a range of lot sizes, consistent with the form of historical subdivision in the vicinity of proposed development.

Comment

The subject site is zoned Rural Residential and is not an agricultural area.

Two (2) lawfully established dwelling houses exist on the site and the proposed subdivision is intended to separate these dwelling houses onto individual lots.

Accordingly, there will be no change to the existing density of development and no increased demand on infrastructure.

The site is proximate to the Kuranda village and state school.

Minor works are required to separate services and a new section of internal driveway will be constructed to access the dwelling house on Lot 2. The new driveway section will be constructed along the site contours to minimize grade and construction impact with the selected passage traversing through wild blackberry bushes and Category X vegetation. As such, the environmental impact of the construction of the new driveway section will be minimal.

The development complies.

3.3.14 Element—Natural hazard mitigation

3.3.14.1 Specific outcomes

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

Comment

As both proposed lots will contain an established dwelling house, the subdivision does not represent an increased risk from natural hazards.

3.4 Natural resources and environment

3.4.1 Strategic outcomes

- (1) Mareeba Shire's outstanding natural environment, ecological processes and biodiversity values, including those within *conservation areas* and *biodiversity areas*, are conserved, enhanced and restored. Minimal loss of native vegetation is achieved in the shire through limited clearing of *biodiversity areas*, strategically located rehabilitation areas and the replanting of native vegetation. The impacts of pests and weeds on the natural environment is minimised and managed.

Comment

Two (2) lawfully established dwelling houses exist on the site and the proposed subdivision is intended to separate these dwelling houses onto individual lots.

Minor works are required to separate services and a new section of internal driveway will be constructed to access the dwelling house on Lot 2. The new driveway section will be constructed along the site contours to minimize grade and construction impact with the selected passage traversing through wild blackberry bushes and Category X vegetation. As such, the environmental impact of the construction of the new driveway section will be minimal.

The development complies.

3.4.4 Element—Biodiversity areas

3.4.4.1 Specific outcomes

- (1) Development avoids adverse impacts on the ecological values of *biodiversity areas* and where avoidance is not possible the adverse impacts are minimised and, for an area of high ecological significance, no net loss in biodiversity values is achieved.

Comment

Two (2) lawfully established dwelling houses exist on the site and the proposed subdivision is intended to separate these dwelling houses onto individual lots.

Minor works are required to separate services and a new section of internal driveway will be constructed to access the dwelling house on Lot 2. The new driveway section will be constructed along the site contours to minimize grade and construction impact with the selected passage traversing through wild blackberry bushes and Category X vegetation. As such, the environmental impact of the construction of the new driveway section will be minimal.

The development complies.

3.6 Transport and infrastructure

3.6.1 Strategic outcomes

- (6) New development is appropriately sequenced and coordinated with existing and future water, wastewater, stormwater and transport infrastructure, to ensure the operations of existing infrastructure are not compromised and community needs continue to be met. New infrastructure is provided to development in accordance with Council's desired standards of service and supports a consolidated urban form to maximise return on investment. The

ongoing operation of key infrastructure elements is not prejudiced by inappropriate development.

Comment

Two (2) lawfully established dwelling houses exist on the site and the proposed subdivision is intended to separate these dwelling houses onto individual lots.

Accordingly, there will be no change to the existing density of development and no increased demand on infrastructure.

The development complies.

3.6.7 Element—Water supply and wastewater services

3.6.7.1 Specific outcomes

- (1) Development is provided with adequate water and wastewater infrastructure in accordance with Council's Desired Standards of Service.
- (4) In areas not serviced by reticulated sewerage, on-site effluent disposal systems ensure the environment or amenity is not adversely impacted.

Comment

The two (2) established dwelling houses are serviced by the Kuranda reticulated water supply. No additional demand will be placed on water infrastructure.

Both established dwelling houses have an individual on-site effluent disposal system and this will continue following the subdivision.

The development complies.

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

Established stormwater management measures will remain in place.

The development complies.

Relevant Developments Codes

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

- 6.2.10 Rural residential zone code
- 8.2.2 Airport environs overlay code
- 8.2.4 Environmental significance overlay code
- 8.2.6 Flood hazard overlay code

- 8.2.8 Hill and slope overlay code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access code
- 9.4.4 Reconfiguring a lot code
- 9.4.5 Works, services and infrastructure code

The application included a planning report and assessment against the planning scheme. An officer assessment has found that the application is generally compliant with the Planning Scheme codes, however is in conflict with some assessment benchmarks as outlined in the table below.

Relevant Codes	Comments
Rural residential zone code	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.
Airport environs overlay code	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.
Environmental significance overlay code	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.
Flood hazard overlay code	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.
Hill and slope overlay code	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.
Landscaping code	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.
Parking and access code	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.
Reconfiguring a lot code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code apart from the following: <ul style="list-style-type: none"> • Acceptable Outcome AO1.1 • Performance Outcome PO13 (no acceptable outcome provided)

	Further commentary is provided in the planning discussion section of report.
Works, services and infrastructure code	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.

Planning Scheme Policies/Infrastructure Charges Plan

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

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

Adopted Infrastructure Charges Notice

As both proposed allotments will contain a lawfully established dwelling house, no additional vacant allotment will be created.

No infrastructure charge is payable for the development.

REFERRAL AGENCY

This application did not trigger referral to a Referral Agency.

Internal Consultation

Not applicable.

PUBLIC NOTIFICATION

The development proposal was placed on public notification from 14 November 2024 to 5 December 2024. The applicant submitted the notice of compliance on 6 December 2024 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

No submissions were received.

PLANNING DISCUSSION

Compliance with the Performance Outcomes and Purpose of the Reconfiguring a Lot Code is summarised as follows:

Reconfiguring a Lot Code

PO1

Lots include an area and frontage that:

- (a) is consistent with the design of lots in the surrounding area;*
- (b) allows the desired amenity of the zone to be achieved;*

- (c) *is able to accommodate all buildings, structures and works associated with the intended land use;*
- (d) *allow the site to be provided with sufficient access;*
- (e) *considers the proximity of the land to:*
 - (i) *centres;*
 - (ii) *public transport services; and*
 - (iii) *open space; and*
- (f) *allows for the protection of environmental features; and*
- (g) *accommodates site constraints.*

AO1.1

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

Comment

Table 9.4.4.3B does not nominate a minimum area and frontage for rural residential allotments that are located outside a precinct.

Assessment is therefore necessary against PO1 and the criteria it nominates:

- (a) Proposed Lots 1 and 2 will each have an area of 2.8 hectares and will be generally consistent in design with surrounding rural residential allotments.
- (b) Proposed Lots 1 and 2 will allow the desired amenity of the zone to be achieved which is characterised by larger lifestyle allotments averaging 2 hectares in size that contain single dwelling houses.
- (c) Both lots are already fully developed and demonstrate compliance with (c).
- (d) Myola Road currently provides reasonable vehicle access to the two (2) established dwelling houses on the subject site. The development provides the opportunity for the access crossover to be brought up to current FNQROC development manual standard, notwithstanding that no additional dwelling house/s is likely.
- (e) The subject land is situated to the south of the Christensen Road rural residential estate. The site is linked to Kuranda's urban centre by a well-constructed road network. Two schools are situated within proximity of the site as well as the public pool.
- (f) As both proposed lots are already fully developed, the only expected impact would be a small section of new internal driveway. No other new environmental impacts are likely to occur.
- (g) The proposed lot layout reasonably responds to the site's constraints and separates the two (2) existing dwelling houses onto individual lots.

The proposed lots are considered to comply with PO1.

PO13

New lots are only created in the Rural residential zone where land is located within the 4,000m² precinct, the 1 hectare precinct or the 2 hectare precinct.

AO13

No acceptable outcome is provided.

Comment

The proposed development conflicts with PO13 as the subject land is not located within a rural residential zone precinct.

An assessment of the development's consistency with the purpose and overall outcomes contained within the Reconfiguring a Lot Code is discussed below:

The purpose of the Reconfiguring a Lot code will be achieved through the following overall outcomes:

- (a) *Subdivision of land achieves the efficient use of land and the efficient provision of infrastructure and transport services;*

Two (2) lawfully established dwelling houses exist on the site and the proposed subdivision is intended to separate these dwelling houses onto individual lots.

Accordingly, there will be no change to the existing density of development and no increased demand on infrastructure.

- (b) *Lots are of a suitable size and shape for the intended or potential use having regard to the purpose and overall outcomes of the relevant zone or precinct;*

The 2.8 hectare lot size exceeds the average rural residential lot size.

Both lots are suitably sized and shaped to accommodate the respective established dwelling house.

- (c) *Subdivision of land creates lots with sufficient area and dimensions to accommodate the ultimate use, meet user requirements, protect environmental features and account for site constraints;*

The 2.8 hectare lot size exceeds the average rural residential lot size.

Both lots are suitably sized and shaped to accommodate the respective established dwelling house.

- (d) *A range and mix of lot sizes is provided to facilitate a variety of industry and housing types;*

The proposed development would add to the range of lot sizes available.

- (e) *Subdivision design incorporates a road network that provides connectivity and circulation for vehicles and provide safe and efficient access for pedestrians, cyclists and public transport;*

Not applicable. The proposed development does not require an extension to the road network.

- (f) *Subdivision design provides opportunities for walking and cycling for recreation and as alternative methods of travel;*

The subject site is situated amongst established rural residential allotments and is connected to Kuranda's urban centre by a reasonable constructed road network.

- (g) *Subdivision of land provides and integrates a range of functional parkland, including local and district parks and open space links for the use and enjoyment of the residents of the locality and the shire;*

The proposed development is in-fill development only and it is not considered necessary to provide parkland stock as part of the development.

- (h) *Subdivision of land contributes to an open space network that achieves connectivity along riparian corridors and between areas with conservation values;*

The subject land is located a short distance from existing parklands and areas of public open space. The subject land also has convenient access to existing local/district parks and facilities found throughout the Kuranda district.

- (i) *Subdivision within the Rural zone maintains rural landholdings in viable parcels;*

Not applicable. The subject land is within the Rural Residential zone, not the Rural zone.

- (j) *Land in historical townships is not reconfigured to be used for urban purposes; and*

Not applicable. The subject land is not within a historical township for the purpose of the planning scheme.

- (k) *Residential subdivision and greenfield development is designed to consider and respect:*
- i. topography;*
 - ii. climate responsive design and solar orientation;*
 - iii. efficient and sustainable infrastructure provision;*
 - iv. environmental values;*
 - v. water sensitive urban design;*
 - vi. good quality agricultural land; and*
 - vii. the character and scale of surrounding development.*

Not applicable. The development is for rural residential subdivision and is not greenfield development.

8.5 CHANGE OF DEVELOPMENT APPROVAL - SIBI GIRGENTI HOLDINGS PTY LTD - RECONFIGURING A LOT - SUBDIVISION (1 INTO 80 LOTS) - LOT 300 ON SP336263 (FORMERLY LOT 1 ON RP730895) - ANTONIO DRIVE, MAREEBA - REC/07/0043 (THE EDGE ESTATE)

Date Prepared: 30 January 2025

Author: Coordinator Planning Services

- Attachments:**
1. **Decision Notice dated 21 September 2007** [↓](#)
 2. **Freshwater Planning - Request for a Minor Change to Approval** [↓](#)

APPLICATION		PREMISES	
APPLICANT	Sibi Girgenti Holdings Pty Ltd	ADDRESS	Antonio Drive, Mareeba
DATE REQUEST FOR CHANGE TO DEVELOPMENT APPROVAL LODGED	28 November 2024	RPD	Lot 300 on SP336263 (formerly Lot 1 on RP730895)
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot – Subdivision (1 into 80 lots)		
FILE NO	REC/07/0043	AREA	Lot 300 – 3.232 ha
LODGED BY	Freshwater Planning Pty Ltd	OWNER	Sibi Girgenti Holdings Pty Ltd
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016 (approved under Mareeba Shire Planning Scheme 2004)		
ZONE	Low Density Residential zone		
LEVEL OF ASSESSMENT	Code Assessment		
SUBMISSIONS	n/a		

EXECUTIVE SUMMARY

Council approved a development application described in the above application details at its meeting held on 18 September 2007, subject to conditions.

The application was code assessable and was not required to undergo public notification.

Freshwater Planning Pty Ltd on behalf of the applicant has subsequently lodged an application to change the development approval regarding the approved lot layout and the total number of lots. The change has been triggered by the Department of Transport and Main Roads decision not to proceed with the resumption of 2.49 hectares of the site.

This change application also provides opportunity for Council to require a connection road through proposed Lot 5, linking The Edge Estate and Lot 453 on SP247821, the undeveloped Low Density Residential zoned property to the north. A development application is currently underway for the subdivision of Lot 453 into 27 lots.

The requested changes constitute a ‘Minor Change’ to the approval as defined by the Planning Act and it is recommended that the application be approved.

OFFICER’S RECOMMENDATION

It is recommended that:

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

APPLICATION			PREMISES	
APPLICANT	Sibi Girgenti Holdings Pty Ltd		ADDRESS	Antonio Drive, Mareeba
DATE REQUEST FOR CHANGE TO DEVELOPMENT APPROVAL LODGED	28 November 2024		RPD	Lot 300 on SP336263 (formerly Lot 1 on RP730895)
TYPE OF APPROVAL	Development Permit			
PROPOSED DEVELOPMENT	Reconfiguring a Lot – Subdivision (1 into 80 lots)			

and in accordance with the Planning Act 2016, the following

- (a) The Council Resolution included on the Decision Notice dated 21 September 2007 be amended as follows:

Resolved that Council:-

- A. Issue a Development Permit for the application made by Jim Papas Drafting Pty Ltd on behalf of Sibi Girgenti Holdings Pty Ltd and Novelette Pty Ltd for the reconfiguration of land described as Lot 1 on RP730895, Parish of Tinaroo, situated on the Kennedy Highway, Mareeba into ~~eighty (80)~~ **86** allotments as ~~shown on~~ **generally in accordance with** Drawing No 1082 SK1 Amdt E (**Stages 1 to 3**) and **Drawing No 1458 – C01 (Stage 4)** subject to:
 - (b) Condition 1 of Council’s Decision Notice issued on 21 September 2007 be deleted and an Adopted Infrastructure Charges Notice be issued in its place.
 - (c) Condition 6(iv) of Council’s Decision Notice issued on 21 September 2007 be deleted and an Adopted Infrastructure Charges Notice be issued in its place.
 - (d) Condition 7(iv) of Council’s Decision Notice issued on 21 September 2007 be deleted and an Adopted Infrastructure Charges Notice be issued in its place.
 - (e) Condition 9 of Council’s Decision Notice issued on 21 September 2007 be deleted and an Adopted Infrastructure Charges Notice be issued in its place.
 - (f) Additional Condition 14 being included:

14. Road Reserve Connection

A 15.5 metre wide (Access Street) road reserve must be opened between Antonio Drive and Lot 453 on SP247821. The road reserve must be located generally within the confines of proposed Lot 5 as shown on Drawing 1458 – C01.

(g) To support the issue of an Adopted infrastructure Charges Notice, additional advice clauses (a) and (b) must be included on Council’s Decision Notice dated 21 September 2007 as follows:

(a) An Adopted Infrastructure Charges Notice has been issued with respect to the approved development. The Adopted Infrastructure Charges Notice details the type of infrastructure charge/s, the amount of the charge/s and when the charge/s are payable.

(b) The Adopted Infrastructure Charges Notice does not include all charges or payments that are payable with respect to the approved development. A number of other charges or payments may be payable as conditions of approval. The applicable fee is set out in Council’s Fees & Charges Schedule for each respective financial year.

2. That an Adopted Infrastructure Charges Notice be issued for the following infrastructure Charges in lieu of deleted Conditions 1, 6(iv), 7(iv) and 9:

Development Type	Rate	Measure	Charge	Credit Detail	Balance
Residential	\$ per Lot	Lots		Lots	
Stages 1 - 3	\$21,808.00	65 lots	Completed	Completed	Completed
Stage 4	\$21,808.00	21 lots	\$457,968.00	Nil	\$457,968.00
TOTAL CURRENT AMOUNT OF CHARGE					\$457,968.00

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

THE SITE

The subject site is situated at Antonio Drive, Mareeba, and is described as Lot 300 on SP336263. The site has an area of 3.232 hectares, is irregular in shape and is zoned Low Density Residential under the Mareeba Shire Council Planning Scheme 2016.

The site is the undeveloped balance land of The Edge Estate, with Stages 1 to 3 of the estate already constructed and comprising 65 Low Density Residential lots.

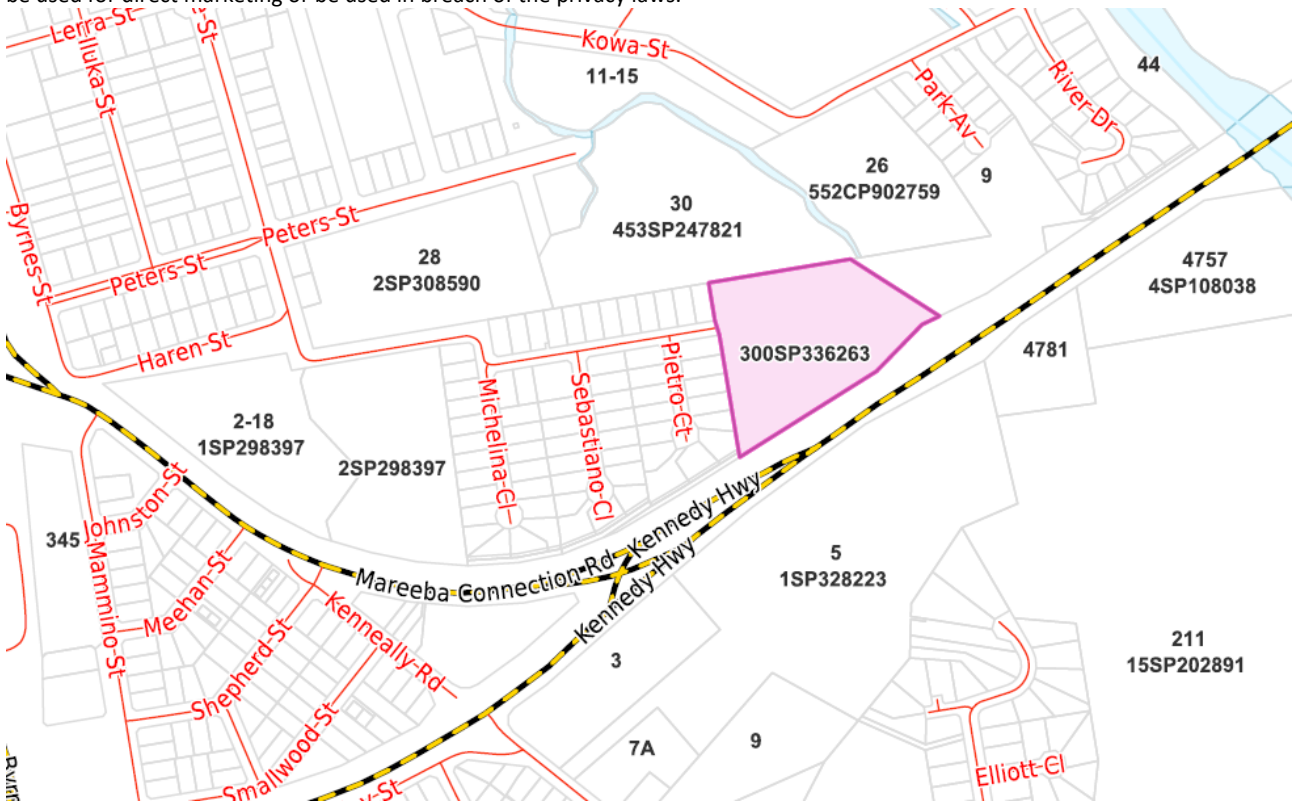
Lot 300 has frontages of 17 metres to Antonio Drive and approximately 270 metres to the Kennedy Highway. No direct access is permitted via the Kennedy Highway.

All urban services are readily available to the site.



Map Disclaimer:

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



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BACKGROUND AND CONTEXT

On 17 May 2007, Sibi Girgenti Holdings Pty Ltd lodged an application for Reconfiguring a Lot – Subdivision (1 into 85 lots) over land then described as Lot 1 on RP730895, situated at Antonio Drive, Mareeba.

The application was referable to the Department of Main Roads (DMR) due to the site's frontage to the Kennedy Highway. DMR issued conditional approval for the development including the taking of approximately 2.49 hectares of the site for future road purposes. DMR's land requirement reduced the overall lot yield from 85 lots to 80 lots.

On 18 September 2007 Council approved the development application issuing a development permit for Reconfiguring a Lot – Subdivision (1 into 80 lots) (**Attachment 1**). The development is known as The Edge Estate and three (3) stages comprising of 65 of the total 80 lots have been completed.

Since 2007, the Department of Transport and Main Roads (DTMR) has determined that they no longer require land for the construction of a Kennedy Highway underpass.

In response to DTMR's changed land requirement, Freshwater Planning Pty Ltd on behalf of Sibi Girgenti Holdings Pty Ltd, has lodged an application to make various changes to the 2007 approval (**Attachment 2**).

The requested changes will allow for the development of the previously constrained DTMR land and bring the total number of residential lots to 86 lots.

The Mareeba Local Plan component of the Mareeba Shire Council Planning Scheme 2016 proposes a road connection between The Edge Estate and Lot 453 on SP247821, the undeveloped Low Density Residential zoned property to the north. A development application is currently underway for the subdivision of Lot 453 into 27 lots.

A connection road through proposed Lot 5 will be required as a condition of this change application.

Various developer contribution conditions will also be deleted and replaced with an Adopted Infrastructure Charges Notice.

ASSESSMENT AND DECISION REQUIREMENTS

Minor change for a development approval - Planning Act 2016

Schedule 1: Substantially different development (Development Assessment Rules)

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

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

Minor change means a change that-

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

- (b) *for a development approval-*
- (i) *Would not result in substantially different development; and*
 - (ii) *If a development application for the development, including the change, were made when the change application is made would not cause-*
 - (A) *the inclusion of prohibited development in the application; or*
 - (B) *referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or*
 - (C) *referral to extra referral agencies, other than the chief executive; or*
 - (D) *a referral agency to assess the application against, or have regard to, matter prescribed by regulation under section 55(2), other than matters the referral agency must have assessed the application against, or have regard to, when the application was made; or*
 - (E) *public notification if public notification was not required for the development application.*
2. *An assessment manager or responsible entity must determine if the proposed change would result in substantially different development for a change-*
- (a) *made to a proposed development application the subject of a response given under section 57(3) of the Act and a properly made application;*
 - (b) *made to a development application in accordance with part 6;*
 - (c) *made to a development application after the appeal period.*
3. *In determining whether the proposed change would result in substantially differed development, the assessment manager or referral agency must consider the individual circumstances of the development, in the context of the change proposed.*
4. *A change may be considered to result in a substantially different development if any of the following apply to the proposed change:*
- (a) *involves a new use; or***

Comment

The proposed change does not involve a new use. Criteria (a) does not apply.
 - (b) *result in the application applying to a new parcel of land; or***

Comment

The proposed change would not involve a new parcel of land. Criteria (b) does not apply.
 - (c) *dramatically changes the built form in terms of scale, bulk and appearance; or***

Comment

The proposed changes will make slight amendments to the lot layout which will not impact on scale or built form over the site. Criteria (c) does not apply.

(d) *change the ability of the proposed development to operate as intended; or*Comment

The proposed change does not change the ability for the approved development to operate as intended. Criteria (d) does not apply.

(e) *removes a component that is integral to the operation of the development; or*Comment

The proposed change will not remove a component that is integral to the operation of the development. Criteria (e) does not apply.

(f) *significantly impacts on traffic flow and the transport network, such as increasing traffic to the site; or*Comment

The proposed change will not adversely impact on traffic flows or the transport network. Criteria (f) does not apply.

(g) *introduces new impacts or increase the severity of known impacts; or*Comment

The proposed change does not introduce new impacts or increase the severity of known impacts. Criteria (g) does not apply.

(h) *removes an incentive or offset component that would have balanced a negative impact of the development; or*Comment

The proposed change does not remove an incentive or offset. Criteria (h) does not apply.

(i) *impacts on infrastructure provisions.*Comment

The proposed change will not impact on the provision of infrastructure. Criteria (i) does not apply.

The proposed change does not result in a substantially different development.

Assessing and deciding application for minor changes

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

- *The information the applicant included with the application*

Comment

The details of the request to change the approval were provided in Freshwater Planning Pty Ltd's representations dated 28 November 2024 (**Attachment 2**). The proposed change/s are addressed below.

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

Comment

The original development application was code assessable only and did not include public notification.

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

Comment

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

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

Comment

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

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

Comment

No other matter is considered relevant.

REQUEST TO CHANGE THE DEVELOPMENT APPROVAL**Council Resolution A**

Resolved that Council:-

- Issue a Development Permit for the application made by Jim Papas Drafting Pty Ltd on behalf of Sibi Girgenti Holdings Pty Ltd and Novelette Pty Ltd for the reconfiguration of land described as Lot 1 on RP730895, Parish of Tinaroo, situated on the Kennedy Highway, Mareeba, into eighty (80) allotments as shown on Drawing No 1082 SK1 Amdt E, subject to:*

Request by Applicant

Freshwater Planning Pty Ltd on behalf of the applicant has lodged an application to change the development approval regarding the approved lot layout and the total number of lots. The change has been triggered by the Department of Transport and Main Roads decision not to proceed with the resumption of 2.49 hectares of the site.

Response

The changed requirements of the Department of Transport and Main Roads have made the proposed changes necessary. The applicant's amended lot layout for Stage 4 is recommended for approval as follows:

Resolved that Council:-

- A. *Issue a Development Permit for the application made by Jim Papas Drafting Pty Ltd on behalf of Sibi Girgenti Holdings Pty Ltd and Novelette Pty Ltd for the reconfiguration of land described as Lot 1 on RP730895, Parish of Tinaroo, situated on the Kennedy Highway, Mareeba into ~~eighty (80)~~ **86** allotments as shown on generally in accordance with Drawing No 1082 SK1 Amdt E **(Stages 1 to 3) and Drawing No 1458 – C01 (Stage 4)** subject to:*

Condition 1

- To cover extra traffic movements created by this development, the applicant must contribute per additional allotment towards the augmentation of the road network in accordance with the adopted policy of Council existing at the time of payment. This contribution is to be paid prior to the signing and sealing of the Plan of Survey.*

At the same time as the contribution is paid, a copy of the Plan of Survey and the Form 6 that is lodged with the Department of Natural Resources and Water for each permanent survey mark installed must also be lodged with Council prior to the signing and sealing of the Plan of Survey.

Request by Applicant

Nil

Response

Legislative changes made since 2007 prevent Council from conditioning the payment of infrastructure charges. Instead, infrastructure charges are applied by way of an Adopted Infrastructure Charges Notice (AICN).

It is recommended that Condition 1 of Council's Decision Notice dated 21 September 2007 be deleted and an Adopted Infrastructure Charges Notice be issued in its place.

Condition 6 (iv)6. *Water Supply*

- (iv) *The applicant shall contribute to the cost of water headworks in accordance with the adopted policy of Council existing at the time of payment. This payment to be made prior to the signing and sealing of the Plan of Survey*

Request by Applicant

Nil

Response

Legislative changes made since 2007 prevent Council from conditioning the payment of infrastructure charges. Instead, infrastructure charges are applied by way of an Adopted Infrastructure Charges Notice (AICN).

It is recommended that Condition 6 (iv) of Council's Decision Notice dated 21 September 2007 be deleted and an Adopted Infrastructure Charges Notice be issued in its place.

Condition 7 (iv)7. *Sewerage Connection*

- (iv) *The applicant shall contribute to the cost of sewerage headworks in accordance with the adopted policy of Council existing at the time of payment. This payment to be made prior to the signing and sealing of the Plan of Survey.*

Request by Applicant

Nil

Response

Legislative changes made since 2007 prevent Council from conditioning the payment of infrastructure charges. Instead, infrastructure charges are applied by way of an Adopted Infrastructure Charges Notice (AICN).

It is recommended that Condition 7 (iv) of Council's Decision Notice dated 21 September 2007 be deleted and an Adopted Infrastructure Charges Notice be issued in its place.

Condition 9

9. *The Applicant shall make a contribution per additional allotment towards public open space in accordance with the adopted policy of Council existing at the time of payment. This payment to be made prior to the signing and sealing of the Plan of Survey.*

Request by Applicant

Nil

Response

Legislative changes made since 2007 prevent Council from conditioning the payment of infrastructure charges. Instead, infrastructure charges are applied by way of an Adopted Infrastructure Charges Notice (AICN).

It is recommended that Condition 9 of Council’s Decision Notice dated 21 September 2007 be deleted and an Adopted Infrastructure Charges Notice be issued in its place.

Additional Condition 14

The Mareeba Local Plan component of the Mareeba Shire Council Planning Scheme 2016 proposes a road connection between The Edge Estate and Lot 453 on SP247821, the undeveloped Low Density Residential zoned property to the north. A development application is currently underway for the subdivision of Lot 453 into 27 lots.

A connection road through proposed Lot 5 is recommended as follows:

14. Road Reserve Connection

A 15.5 metre wide (Access Street) road reserve must be opened between Antonio Drive and Lot 453 on SP247821. The road reserve must be located generally within the confines of proposed Lot 5 as shown on Drawing 1458 – C01.

Adopted Infrastructure Charges Notice

As discussed above, it is recommended that Conditions 1, 6 (iv), 7 (iv), and 9 be deleted, and replaced with an Adopted Infrastructure Charges Notice (AICN) be issued as follows:

Development Type	Rate	Measure	Charge	Credit Detail	Balance
Residential	\$ per Lot	Lots		Lots	
Stages 1 - 3	\$21,808.00	65 lots	Completed	Completed	Completed
Stage 4	\$21,808.00	21 lots	\$457,968.00	Nil	\$457,968.00
TOTAL CURRENT AMOUNT OF CHARGE					\$457,968.00

Furthermore, to support the issue of an Adopted infrastructure Charges Notice, additional advice clauses (a) and (b) must be included on Council’s Decision Notice dated 21 September 2007 as follows:

- (a) An Adopted Infrastructure Charges Notice has been issued with respect to the approved development. The Adopted Infrastructure Charges Notice details the type of infrastructure charge/s, the amount of the charge/s and when the charge/s are payable.**
- (b) The Adopted Infrastructure Charges Notice does not include all charges or payments that are payable with respect to the approved development. A number of other charges or payments may be payable as conditions of approval. The applicable fee is set out in Council’s Fees & Charges Schedule for each respective financial year.**



Mareeba Shire Council
P.O. Box 154
65 Rankin Street
Mareeba Qld 4880

Telephone (07) 4030 3900
 Facsimile (07) 4092 3323
 Email ceo@msc.qld.gov.au
 Web www.msc.qld.gov.au

Our Ref: REC/07/0043
 Item No: 19:18.09.07
 BJM:mjn

21 September 2007

Sibi Girgenti Holdings Pty Ltd and
 Novelette Pty Ltd
 C/- Jim Papas Drafting Pty Ltd
 PO Box 413
 EARLVILLE QLD 4870

Dear Sir

RECONFIGURATION APPLICATION – REC/07/0043

I refer to the Development Application lodged by you.

Please find attached the relevant Decision Notice.

Your attention is drawn to Section 3.5.17 of the Integrated Planning Act, in relation to making representations to the Assessment Manager, about the conditions of the Development Approval (copy attached).

Should you have any queries with regard to the matters raised, please direct them to me on 4030 3959.

Yours faithfully

BJ Millard
SHIRE PLANNER

Attachments

Mareeba Shire – a great place to live.

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MAREEBA SHIRE COUNCIL

DECISION NOTICE FOR DEVELOPMENT APPLICATION

Development Number:	REC/07/0043
Applicant:	Sibi Girgenti Holdings Pty Ltd
Proposal:	Eighty-five Lot Reconfiguration
Property Location:	Kennedy Highway MAREEBA QLD 4880
Real Property Description:	Lot 1 RP 730895
Referral Agencies:	Department of Main Roads Department of Natural Resources and Water
Decision Date:	18 September 2007
Decision:	Approved, Subject to Conditions
Type Of Approval:	Development Approval
Assessment Manager Conditions:	See Attached Page
Submitters to the Application:	Nil
Concurrence Agency Conditions:	Department of Main Roads Department of Natural Resources and Water
Further Development Permits Required:	Nil
Appeal Rights:	Division 8 – Appeals to Court Relating to Development Applications, attached for your information.

Andy L Smith
A/CHIEF EXECUTIVE OFFICER

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MAREEBA SHIRE COUNCIL

DECISION NOTICE FOR DEVELOPMENT APPLICATION

CONDITIONS

Resolved that Council:-

- A. Issue a Development Permit for the application made by Jim Papas Drafting Pty Ltd on behalf of Sibi Girgenti Holdings Pty Ltd and Novelette Pty Ltd for the reconfiguration of land described as Lot 1 on RP730895, Parish of Tinaroo, situated on the Kennedy Highway, Mareeba, into eighty (80) allotments as shown on Drawing No 1082 SK1 Amdt E, subject to:

COUNCIL CONDITIONS

1. To cover extra traffic movements created by this development, the applicant must contribute per additional allotment towards the augmentation of the road network in accordance with the adopted policy of Council existing at the time of payment. This contribution is to be paid prior to the signing and sealing of the Plan of Survey.

At the same time as the contribution is paid, a copy of the Plan of Survey and the Form 6 that is lodged with the Department of Natural Resources and Water for each permanent survey mark installed must also be lodged with Council prior to the signing and sealing of the Plan of Survey.

2. External Works
 - (i) The intersection of Constance and Haren Streets is to be upgraded in accordance with the requirements of the FNQROC Development Manual.
 - (ii) Constance Street (Haren to Peters Street)
 - (a) The existing bitumen seal is to be widened to the kerb and channel on the western side of Constance Street.
 - (b) Kerb and channel is to be installed on the eastern side of Constance Street, on a similar alignment to the existing kerb and channel between Peters and Lerra Street. The existing bitumen seal is to be widened to the new kerb and channel.

Andy L Smith
A/CHIEF EXECUTIVE OFFICER

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MAREEBA SHIRE COUNCIL

DECISION NOTICE FOR DEVELOPMENT APPLICATION

- (iii) Constance Street (Peters to Lerra Street)
 - (a) The existing bitumen seal is to be widened to the kerb and channel on both sides.
 - (b) Extend the existing culverts.
 - (c) Extend the kerb and channel on the eastern side of Constance Street around into Lerra Street.
- (iv) The agreed value of the works required by Condition 2(ii) and 2(iii) shall be credited towards the contribution required under Condition 1.

3. General

- (i) All operational works relating to this development will be as per the FNQROC Development Manual, including the following.
- (ii) Prior to the submission of any documentation Council draws your attention to AP 1 Application Procedures with particular reference to:-
 - AP 1.02 Pre-Lodgement Discussion
 - AP 1.07 Supporting Information, in particular:-
 - 9 (xi) Erosion and Sediment Control Strategy (ESCS)
 - 9 (xvii) Landscaping Design Plan
 - AP 1.08-1.14 Plan Presentation
 - AP 1.15-1.31 Design Drawings (including asphalt intersection/cul-de-sac details with bitumen road)
- (iii) Documentation as detailed in AP 1 should be submitted at least one (1) month prior to the proposed starting date for construction.
- (iv) Refer also to associated Mareeba Shire Council Specific Requirements and Standard Drawings.
- (v) All aspects of construction works must be undertaken to the satisfaction of the Manager Civil Works.

Andy L Smith
A/CHIEF EXECUTIVE OFFICER

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MAREEBA SHIRE COUNCIL

DECISION NOTICE FOR DEVELOPMENT APPLICATION

- (vi) Council wishes to advise the applicant of the Aboriginal Cultural Heritage Act 2003 and the Environment Protection and Biodiversity Conservation Act 1999 which may impact on this development.
- (vii) No work may commence on site until Council has approved both the:-
 - (a) Erosion and Sediment Control Strategy; and
 - (b) Principal Contractor's Sediment Control Plan.

4. Roadworks & Earthworks

- (i) Roadworks are to be designed and constructed in accordance with FNQROC Development Manual with particular reference to the following sections:-

DP 1	Development Principles
D1	Road Geometry
D2	Site Regrading
D3	Road Pavements (Design)
S1	Earthworks
S2	Road Pavements (Specification)
TableD1.1	Street and Road Hierarchy

- (ii) Refer also to associated Mareeba Shire Council Specific Requirements and Standard Drawings, including 4% crossfall on all roads.

5. Stormwater Drainage

- (i) Stormwater drainage is to be designed and constructed in accordance with FNQROC Development Manual with particular reference to the following sections.

DP 1	Development Principles
D4	Stormwater Drainage (Design)
D5	Stormwater Quality Management
S4	Stormwater Drainage (Specification)

- (ii) The design be such so as to minimise concentrated stormwater drainage flows. Where such flows occur drains shall be lined and treated to minimize and capture silt and other contaminants prior to discharge.

Andy L Smith
A/CHIEF EXECUTIVE OFFICER

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MAREEBA SHIRE COUNCIL

**DECISION NOTICE FOR
DEVELOPMENT APPLICATION**

- (iii) Refer also to Mareeba Shire Council specific requirements and site drawings.
- (iv) For each culvert to be installed, a detailed plan and long section (upstream and downstream) of the waterway involved must be submitted as part of the "Detailed Engineering Drawings" to Council. This is to enable Council to ensure the culvert is in the correct location.

6. Water Supply

- (i) Water reticulation is to be designed and constructed in accordance with FNQROC Development Manual with particular reference to the following sections.
 - D5 Water Reticulation (Design)
 - S5 Water Reticulation (Specification)
- (ii) Refer also to Mareeba Shire Council specific requirements and standard drawings, as listed in the FNQROC Manual.
- (iii) All work mentioned above including laying and installation, is to be carried out to the specific requirements of Mareeba Shire Council and the satisfaction of the Manager - Civil Works.
- (iv) The applicant shall contribute to the cost of water headworks in accordance with the adopted policy of Council existing at the time of payment. This payment to be made prior to the signing and sealing of the Plan of Survey

7. Sewerage Connection

- (i) Sewerage reticulation is to be designed and constructed in accordance with FNQROC Development Manual with particular reference to the following sections.

DP1	Development Principles
D7	Sewerage System (Design)
S6	Sewerage Reticulation (Specifications)
- (ii) Refer also to Mareeba Shire Council specific requirements and standard drawings.

**Andy L Smith
A/CHIEF EXECUTIVE OFFICER**

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MAREEBA SHIRE COUNCIL

DECISION NOTICE FOR DEVELOPMENT APPLICATION

- (iii) Prior to the preparation of detailed engineering drawings the applicant shall nominate the preferred connection point for the new development to discharge into the existing reticulated system.
- (iv) The applicant shall contribute to the cost of sewerage headworks in accordance with the adopted policy of Council existing at the time of payment. This payment to be made prior to the signing and sealing of the Plan of Survey.
- (v) The Contractor is to allow in his contract price the cost for video checking (and rectification if necessary) of all new sewer work in accordance with Mareeba Shire Council's requirements.

8. Construction

- (i) As well as the requirements set out in the Design Guidelines and Specifications of the FNQROC Development Manual, Council draws your attention to CP 1 Construction Procedures which details minimum requirements acceptable to Council. Particular reference is made to the following sections.

CP 1.04	Inspection and Test Plan
CP 1.06	Contractors Erosion & Sediment Control Plan
CP 1.08	Notice to Commence Works
CP 1.09	Pre-Start Meeting

- (ii) Before any contractor can proceed on site, the applicant is to complete and submit for signing of approval to the Manager Civil Works, the "Notice of Appointment of Principal Contractor" form, stating who is to be the Principal Contractor for this development. (Council reserves the right to reject the nominated Contractor).
- (iii) All construction works are to be carried out to the requirements of the FNQROC Development Manual and the specific Mareeba Shire Council requirements.
- (iv) All aspects of construction works must be undertaken to the satisfaction of the Manager Civil Works.

- 9. The Applicant shall make a contribution per additional allotment towards public open space in accordance with the adopted policy of Council existing at the time of payment. This payment to be made prior to the signing and sealing of the Plan of Survey.

Andy L Smith
A/CHIEF EXECUTIVE OFFICER

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MAREEBA SHIRE COUNCIL

DECISION NOTICE FOR DEVELOPMENT APPLICATION

- 10. The applicant shall provide written advice from Ergon Energy that satisfactory arrangements have been made for an underground electricity supply to be provided to the proposed allotments.
- 11. The applicant shall provide written advice from Telstra that a telephone can be made available to the proposed allotments.
- 12. All allotments shall be sited above the Q100 flood level.
- 13. The freehold section of the buffer strip required under the Department of Main Roads Concurrence Agency Response, shall be transferred into the ownership of the Department of Main Roads and not Council.

MAIN ROADS CONDITIONS

Conditions as per Department of Main Roads concurrence agency response dated 7 September 2007.

DEPARTMENT OF NATURAL RESOURCES AND WATER CONDITIONS

Conditions as per Department of Natural Resources and Water concurrence agency response dated 23 July 2007.

- B. Authorise the Mayor and Chief Executive Officer to sign and seal the plan of survey when all of the above conditions have been completed to the satisfaction of the Shire Planner.

Andy L Smith
A/CHIEF EXECUTIVE OFFICER

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REC | 07 | 0043
LOCATION PLANNING

Subject: REC0001 Doc No:
Action:
IR No: 592 394 Input:



Queensland
Government

Your Reference: REC/07/0043
Our Reference: IC0507ATH0015
Contact: Linda Whiteley
Directorate / Unit: Planning & Development
Phone: (07) 47 607453

Department of
Natural Resources and Water

23rd July 2007

Attn: Mr. Brian Millard

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

To Whom it may concern,

Application Sibi Girgenti Pty Ltd to Reconfigure a Lot (from 1 to 85 lots) on Lot 1 on RP730895 Kennedy Highway Mareeba Shire – Referral Agency Response

I refer to the above application. The chief executive of the Department of Natural Resources and Water (concurrence agency for the application) advises as follows:

- The concurrence agency response for the application, 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.

Should you have any questions about the above, please contact Linda Whiteley on telephone number (07) 47 607453, quoting the above reference number.

Yours sincerely

Linda Whiteley
Natural Resource Officer

Natural Resources & Water
P O Box 5318
Townsville Queensland 4810
Australia
Telephone + 61 7 4760 7453
Facsimile + 61 7 4799 7641
Website www.nrw.qld.gov.au

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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:** Sibi Girgenti Pty. Ltd. & Novelette Pty. Ltd. c/- Jim Papas Drafting Pty. Ltd.
- 1.2. **Property description:** 1 RP730895 - MAREEBA SHIRE
- 1.3. **Assessment Manager/Reference:** Mareeba Shire Council – REC/07/0043
- 1.4. **Date application was referred to Department:** 30/05/2007
- 1.5. **Departmental Reference:** IC0507ATH0021 (P and E)
- 1.6. **Type/s of development sought by the application:**
 - Material Change of Use and Reconfiguring a Lot

2. Concurrence Agency response:

The Chief Executive of the Department of Natural Resources and Water directs that The Department of Natural Resources and Water has no vegetation-related requirements with this application as the application is for an urban purpose in an urban area on freehold land and the subject lots do not contain an endangered regional ecosystem.

3. Advisory Agency

Additional comments or information:

Water Management & Use

Riverine Protection

The applicant's response to the Information Request was satisfactory. In the Information Request the applicant was advised as regards the requirements of the *Water Act 2000*. In the applicant's response, it was noted that the applicant was:-

- In the process of having the property surveyed so as to determine the precise extent of the high bank of the watercourse
- Aware of what authorities were required under the *Water Act 2000* to conduct activities (such as excavation, placement of fill and destruction of vegetation) within watercourses
- Intending to exclude the riparian strip from the development and affording them some level of formal protection.

If the applicant proceeds with the development and is consistent with the above advice (as stated in the Response to a Request for Further Information), then state interests as regards the *Water Act 2000* have been satisfied and the Water Management & Use section of Natural Resources & Water have no further requirements for the development.

IDAS Referral Agency Response

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Aboriginal Cultural Heritage

Under section 23 of the *Aboriginal Cultural Heritage Act 2003* a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are \$750,000 for a corporation and \$75,000 for an individual.

Applicants will comply with the duty of care in relation to Aboriginal cultural heritage if they are acting in compliance with cultural heritage duty of care guidelines gazetted under the *Aboriginal Cultural Heritage Act 2003*, available on the Department's website, or in accordance with an agreement with the Aboriginal party for the area or a cultural heritage management plan approved under part 7 of the *Aboriginal Cultural Heritage Act 2003*.

Applicants should also undertake a search of the Aboriginal Cultural Heritage Database and the Aboriginal Cultural Heritage Register, administered by the Cultural Heritage Coordination Unit, Department of Natural Resources and Water. Application forms to undertake a free search of the Cultural Heritage Register and the Database may be obtained by contacting the Cultural Heritage Coordination Unit on (07) 323 83838 or on the Department's website www.nrm.qld.gov.au/cultural_heritage.

4. Authorised Officer Signature:

Liinda Whiteley
Natural Resource Planning Officer
North Region

23rd July 2007

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Subject: REC2007PHY Doc No:
Action:
IR No: 593394 input:



7 September 2007

Mr AL Smith
A/ Chief Executive Officer
Mareeba Shire Council
PO Box 154
Mareeba Qld 4880

Department of Main Roads

THE ORIGINAL OF THIS DOCUMENT
CAN BE FOUND ON PHYSICAL FILE
REC 107/0043
LOCATION Planning

Dear Mr Smith

Mareeba Shire : Kennedy Highway (Cairns-Mareeba)
Situated north of intersection of the Highway & Mareeba Connection Road, Mareeba
Lot 1 on RP 730895, Parish of Tinaroo
Sibi Girgenti Holdings Pty Ltd
Proposed Reconfiguration of Lot (83 Residential Allotments, Parks & New Roads) Application
Review of Referral Agency Response (conditions apply)

I refer to:

- the above application received at the Department 30 May 2007 and 18 June 2007 requesting consideration of the above development,
- the Department's letter of conditions of development dated 27 June 2007,
- written representation from the applicant's consultant received at the Department 16 August 2007 requesting a review of condition 2,
- the Department's letter of amended conditions of development dated 30 August 2007, and
- written representation from the applicant's consultant received at the Department 6 September 2007 seeking dimensioning and easement details on DMR Plan No. PD 356.

The Department has reviewed the application and has amended condition 2 as amended in letter dated 30 August 2007. The amendment now includes an in principal approval for stormwater works and associated easement located from the proposed road reserve adjacent proposed lot 18 to the creek and approximately 14 metres wide. Please be advised DMR Plan No. PD 356 depicts a land requirement for future road purposes. Survey details to define the land requirement, and any easements thereon, will be defined at the time the applicant/landowner prepares the plan of survey of the proposed development. The Department of Main Roads will acquire/resume the land requirement including proposed stormwater works and associated easement extending between the proposed Lots 18 and 19 and the creek.

In accordance with section 3.3.17 of the *Integrated Planning Act 1997*, the Queensland Department of Main Roads, as a Concurrence Agency, has reviewed the impact of the proposed development on the State-controlled road network and requires that Council include the following retained conditions of development for the subject application:

North Queensland Region
Peninsula District
PO Box 8185
CAIRNS Queensland 4870
ABN 57 836 727 711

Our ref 133/32A/102(2862)
Your ref REC/07/0043
Enquiries MALCOLM HARDY
Telephone +61 7 4050 5511
Facsimile +61 7 4050 5438



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A CONDITIONS OF DEVELOPMENT

1. Permitted Road Access Location

- (i) Vehicular access between the State-controlled roads (i.e. Kennedy Highway and Mareeba Connection Road) and the proposed development shall be via Haren and Constance Streets only, to the satisfaction of Mareeba Shire Council.
- (ii) No direct vehicular access between the State-controlled roads (i.e. Kennedy Highway and Mareeba Connection Road) and the subject land is permitted.

2. Land Requirement for Future Road Purposes

- (i) The attached DMR Plan No. PD 356, dated 30/08/2007 indicates the portion of the subject land required for future road purposes. This area is hereafter referred to as the 'Exclusion Area'.
- (ii) The applicant/landowner shall not construct any structure/s nor commence any development under, on or over the 'Exclusion Area' unless the Department of Main Roads agrees to the proposed structures/works. The Department of Main Roads gives in principal approval for stormwater works and associated easement to be installed and located from the proposed road reserve adjacent proposed lot 18/19 to the creek and approximately 14 metres wide. Details of the stormwater works and associated easement within the exclusion area shall be approved by the Department prior to the installation of the stormwater works.
- (iii) Should the State of Queensland not have acquired the 'Exclusion Area' within twelve (12) months of:
 - the dating and approving of the plan of survey by Council in respect of a Reconfiguration of a Lot application creating residential allotments within 100m of the 'Exclusion Area', and
 - the applicant/landowner formally requesting, in writing, the District Director of the Cairns Office of DMR, or its successor or assign, to acquire/ resume the land,then parts (i) and (ii) above shall cease to have effect.

3. Road Traffic Noise & Visual Treatments

For the purposes of this condition:

- 'SCR boundary' shall be defined as the Kennedy Highway and Mareeba Connection Road boundary with the 'Exclusion Area' included in the road reserve; and
 - DMR Plan PD85C Rev B (dated 03/2004) shall hereafter be referred to as the 'DMR Buffer Plan'.
- (a) Creation of Buffer Strip

The applicant/landowner shall create a ten metre wide buffer strip within the subject land. The buffer strip shall be located adjacent to the SCR boundary and along the full length of the subject land's SCR boundary with adjoining proposed residential

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development, excluding the proposed Park area. This buffer strip shall be provided at no cost to Council or the State of Queensland.

The buffer strip shall be created via:

- a six metre wide freehold strip located adjacent to the SCR boundary, and
- and a four metre wide registered covenant located adjacent to and generally north of the above freehold strip generally in accordance with the DMR Buffer Plan.

The registered covenant shall:

- allow representatives of Council and the Department of Main Road to construct/maintain/upgrade/remove noise attenuation treatments and landscaping within the registered covenant,
- prevent (unless approved by Council and the Department of Main Roads) landowners from altering, damaging or destroying any noise ameliorative treatments or landscaping within the registered covenant, and
- prohibit the construction of any structures within the registered covenant except where approved/required otherwise by Council and the Department of Main Roads.

The freehold section of the buffer strip shall be created and transferred to Council ownership. The registered covenant section of the buffer strip shall be created, and the covenant agreement shall be registered in the Titles Office of the Department of Natural Resources. All three aforementioned requirements shall be completed prior to the applicant/landowner:

- seeking Council (or private certifier) approval for a development permit for carrying out building works within 100m of the SCR boundary, or
- lodging a plan of survey to Mareeba Shire Council within 100m of the SCR boundary for signing and dating,

whichever occurs first.

(b) Visual Amenity Works

The applicant/landowner shall provide landscaping in and along the full width and length of the huffer strip such that existing and future State-controlled road infrastructure, noise ameliorative works within the buffer, and on site buildings and facilities, are screened as much as practicable from each other.

The species of plants used in the landscaping works shall be in accordance with Council's standards. If Council doesn't have standards, then the only requirement is that they are native, low maintenance species which are effective at providing the necessary screening specified above. All works within the buffer strip are to comply with the requirements specified in the DMR Buffer Plan.

All landscaping of the buffer shall be completed shall be completed prior to the applicant/landowner:

- seeking Council (or private certifier) approval for a development permit for carrying out building works on any part of the subject land within 100 metres of the SCR boundary, or

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- lodging a plan of survey to Mareeba Shire Council for signing and dating, where such a plan will create residential lots within 100 metres of the SCR boundary, whichever occurs first.

(c) Road Traffic Noise Ameliorative Works

(i) Location of Works

Road traffic noise ameliorative works shall be incorporated into the design of the development, and the applicant/landowner shall have regard to the design criteria specified within AS3671.

(ii) Maximum Noise Levels and Time Horizons

The following maximum road traffic noise level shall not be exceeded within 10 years of completion of the full development.

- External noise levels shall not exceed 60dB(A) 18h (free field), where existing levels measured at the deemed-to-comply setback distance are greater than 40dB(A) L90 (8h) between 10pm and 6am (free field).
- External noise levels shall not exceed 57dB(A) 18h (free field), where existing levels measured at the deemed-to-comply setback distance are less than 40dB(A) L90 (8h) between 10pm and 6am (free field).
- Internal noise levels (i.e., within buildings above the ground floor level only) shall not exceed the maximum noise levels specified in AS2107-2000.

(iii) Noise Testing

The following parameters shall be used to determine the required noise amelioration works.

- External noise levels shall be those predicted to occur on the subject land in areas likely to be frequently occupied by people for significant periods.
- For residential/accommodation development, internal noise levels shall be determined in accordance with AS2107-2000.
- Noise monitoring shall be carried out in accordance with AS2702-1984.
- Noise predictions shall be carried out in accordance with Calculation of Road Traffic Noise (CRTN88) United Kingdom Department of Transport.

(iv) Road Traffic Noise Report

The applicant/landowner shall prepare a road traffic noise report which demonstrates how the development is to be designed to conform with the above requirements. The report shall:

- predict the road traffic noise levels,
- identify the ameliorative works required within the buffer strip, the rest of the subject land, and the relevant buildings; and

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- contain all relevant information and calculations upon which the conclusions of the report are based.

The applicant/landowner shall submit the report to the Cairns Office of the Department of Main Roads, and if necessary, shall amend the report until the Department of Main Roads considers that the report reflects the requirements of this condition. The report and any subsequent amendments shall be completed prior to the applicant/landowner:

- seeking Council (or private certifier) approval for a development permit for carrying out building works within 100m of the SCR boundary; or
 - lodging a plan of survey to Mareeba Shire Council within 100m of the SCR boundary for signing and dating,
- whichever occurs first.

(v) Incorporation of Works into the Development

Noise ameliorative works within the buffer shall conform to the requirements of the DMR Buffer Plan.

All noise ameliorative works required within the development and the buffer shall be completed prior to the applicant/landowner:

- seeking Council (or private certifier) approval for a development permit for carrying out building works within 100 metres of the SCR boundary, or
 - lodging a plan of survey to Mareeba Shire Council for signing and dating, where such a plan will create residential lots within 100 metres of the SCR boundary,
- whichever occurs first.

(vi) Building Covenant

When a covenant is required by the Road Traffic Noise (acoustical) Report then the following requirements shall be met:

- The covenants shall be included on the same Plan of Survey which creates the lots which are subjected to the covenant and lodge concurrently the Plan of Survey and validly executed Covenant Form 31 referred to in the above conditions.
- Acknowledges to Main Roads that an acoustic covenant will be annexed to the REIQ contract for the relevant lots prior to execution of the Covenants Forms 31.
- Submit to Main Roads for approval a Noise Covenant Plan which shows:
 - the final layout plan with finished contour levels and highlighting lots effected by a covenant,
 - summary of noise amelioration works and covenant conditions, and
 - a table showing, pad levels in Australia Height Datum (AHD) and the type of covenant,
 prior to execution of the Covenants Forms 31.
- Submit to Main Roads, certification (RPEQ) from the civil engineer that the pad levels in (AHD) used on the Covenant Plan comply with the

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acoustical report, prior to the execution of the Covenant Form 31. If the building pad levels have risen by more than 200mm, a new acoustical assessment must be submitted. Any new works or covenants to be registered or amended as detailed in the new acoustical assessment must be completed within the above relevant timeframes.

- Submit to Main Roads a properly executed Covenant Form 31 pursuant to Land Title Act 1994, and in terms approved by the District Director covering all lots where it has not been demonstrated that condition (c)(ii) above would be met, prior to the submission of the Plan of Survey to Council for approval and dating.
- Submit to Main Roads a copy of the receipt of the Registration Confirmation Statements for the Covenants within 14 days of the receipt being forwarded to the applicant or their agents.

4. Advertising

No advertising device for the proposed development is permitted within the Kennedy Highway or Mareeba Connection Road reserves.

B REASONS

The reasons and information used in the setting of conditions detailed above include:

- Department of Main Roads Access Policy,
- Department of Main Roads Involvement in Development Applications Referrals and Assessment Guide, and
- Mareeba Shire Planning Scheme.

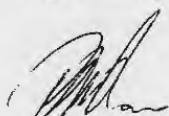
C GENERAL DISCUSSION

Council is requested to reflect the above 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.

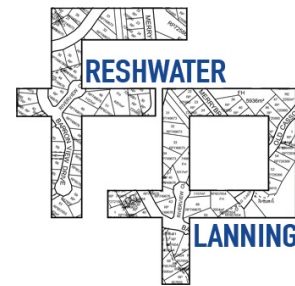
Yours sincerely



Peter McNamara

A/MANAGER (CORRIDOR MANAGEMENT) PENINSULA

Your Ref: REC/07/0043
 Our Ref: F24/08



28 November, 2024

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

**Attention: Brian Millard and Carl Ewin
 Regional Planning Group**

Dear Sir,

**RE: DEVELOPMENT APPLICATION REC/07/0043
 REQUEST TO CHANGE DEVELOPMENT APPROVAL –
 APPLICATION FOR RECONFIGURING A LOT – EIGHTY-FIVE LOT RECONFIGURATION.
 THEN LOT 1 ON RP730895 AND NOW LOT 300 ON SP336263, KENNEDY HIGHWAY, MAREEBA.**

This request for a Change to Development Approval REC/07/0043 for a Reconfiguring a Lot – Eighty-five Lot Reconfiguration over land then described as Lot 1 on RP730895 (now 300 on SP336263), situated on the Kennedy Highway, Mareeba is made on behalf of Sibi Girgenti Holdings Pty Ltd, the owners and original applicants of the site.

This Change to Development Approval is provided in response to recent discussions with the Department of Transport and Main Roads in relation to the required Resumption for the Kennedy Highway and as a result of the Conditions within the Department of Main Roads Approval. The proposed Change to Development Approval also takes into consideration the current Housing Crisis of the ever-growing Mareeba Shire population. Details of the requested to Change to the Approval and of the reasons for these are set out below in accordance with *Division 2 Changing Development Approvals – Subdivision 2 Changes after Appeal Period – Section 77 – 79 of the Planning Act 2016*.

The Approval

The Mareeba Shire Council Approved a Development Permit for a Reconfiguring a Lot – Eighty-five Lot Reconfiguration over land described as then Lot 1 on RP730895, situated on the Kennedy Highway, Mareeba on 18 September, 2007. Since this time, continued development within the Approved Residential Estate has progressed leading towards the requirement to undertake the final Stage of the development.

Freshwater Planning Pty Ltd
 t/e The Freshwater Trust
 ACN 603 020 220 | ABN 31 187 983 959

P: 0402729004
 E: FreshwaterPlanning@outlook.com
 A: 17 Barron View Drive, FRESHWATER QLD 4870

Changing the Approval

As noted above, arising from the continued Development of the Approved Residential Estate, Freshwater Planning Pty Ltd, the Applicant and their Consultants, and the Department of Transport and Main Roads engaged in discussions in relation to the Resumption of Land by the Department for the Kennedy Highway. Even though the Department failed to resume Land under Condition 2 of their Approval, the proponent in the spirit of cooperation have undertaken negotiations with the Department. These negotiations have resulted in the partial Resumption of the Approved Exclusion Area under the Department's Approval. This Resumption has further resulted in the balance of the Exclusion Areas to be available for Residential Development.

Page
2

The sought Change to the Development Approval is to replace the not-resumed portion of the Exclusion Area into additional Residential Allotment. The proposed Change results in the provision of supplementary Residential Allotments within the last stage of the Approved Residential Estate in lieu of the Exclusion Area. It is considered appropriate that the proposed Change to Approval to update the existing Approved Plans, for the purposes outlined above, over the site is acceptable and appropriate.

No change to the Conditions of Approval, other than the Approved Plans and updated number of Residential Allotment, is provided with this Change to Development Approval.

It is considered that the proposed Change to Development Approval results in a more appropriate outcome to all interested parties while ensuring to maintain and enhance the existing aesthetics and amenity of the Approved Residential Estate. The proposal will continue to foster Residential Growth within the Approved Residential Estate, surrounding Residential Area and the Mareeba Township.

This completes this Request to Change the Development Approval. Please do not hesitate to contact me, in the first instance, should you require further information in relation to the matter.

Yours faithfully,



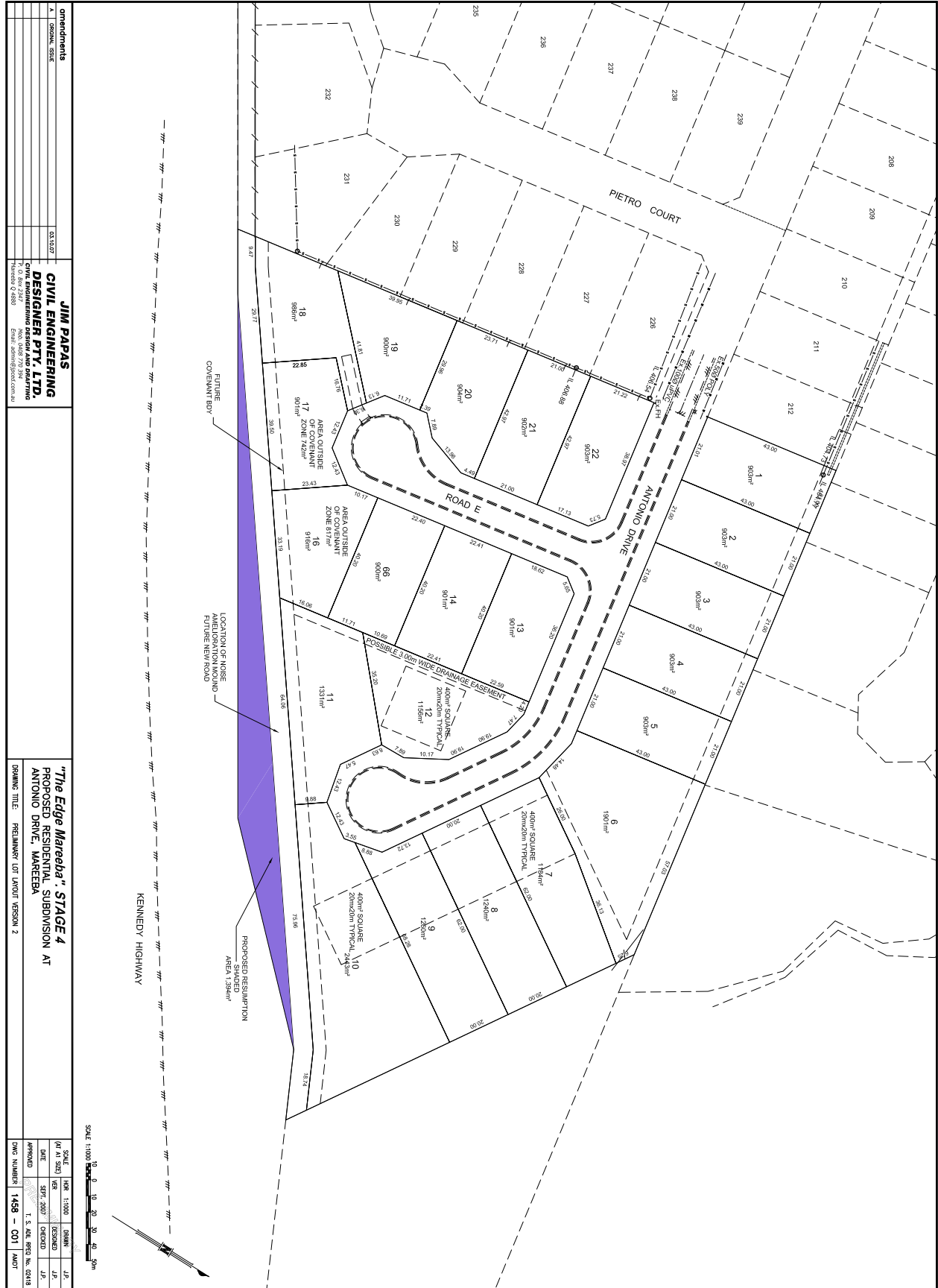
MATTHEW ANDREJIC

FRESHWATER PLANNING PTY LTD

P: 0402729004

E: FreshwaterPlanning@outlook.com

17 Barron View Drive, FRESHWATER QLD 48707



AMENDMENTS A. ORIGINAL SITE DATE: 03/11/07		JIM PAPAS CIVIL ENGINEERING DESIGNER PTY. LTD. CIVIL ENGINEERING DESIGN AND DRAWING Telephone: 0 4850 Email: jim@jimeng.com.au	
DRAWING TITLE: PRELIMINARY LOT LAYOUT VERSION 2		"The Edge Mareeba" STAGE 4 PROPOSED RESIDENTIAL SUBDIVISION AT ANTONIO DRIVE, MAREEBA	
SCALE: 1:1000 DATE: 07/11/2017 APPROVED: I. S. KEL, REG. NO. 02418	DATE: 07/11/2017 CHECKED: J.P. DATE: 07/11/2017	DRAWN: J.P. DATE: 07/11/2017	DATE: 07/11/2017 CHECKED: J.P. DATE: 07/11/2017
DWG NUMBER: 1458 - C01		A4/D1	

FreshwaterPlanning@outlook.com

From: Jim Papas <admin@jpced.com.au>
Sent: Monday, 18 November 2024 11:35 AM
To: Freshwater Planning
Subject: FW: The Edge Development Mareeba 133/32A/102(2862)
Attachments: 1458 -03 SK13 (27.08.24).pdf; Early_Acquisition_Policy.pdf

Good Morning Matt,

This job has been doing a rip van winkle and now it has awoken and it is all go.

See attached from Trevor Adil.

Jim Papas

JIM PAPAS
CIVIL ENGINEERING
DESIGNER PTY. LTD.

PO Box 2347
MAREEBA QLD 4880
Mob: 0408 770 394
E: jim@jpced.com.au



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From: Trevor S Adil <trevor.adil@gmail.com>
Sent: Thursday, 14 November 2024 8:29 PM
To: Jim Papas <admin@jpced.com.au>
Subject: FW: The Edge Development Mareeba 133/32A/102(2862)

Jim,

Please pass on to Matt A. at Freshwater Planning for submission to Council re the TMR Land requirements and proposed dedication of land to Council.

Regards,
Trevor

From: Peter J McNamara [<mailto:peter.j.mcnamara@tmr.qld.gov.au>]
Sent: Wednesday, 4 September 2024 9:25 AM
To: Trevor S Adil
Cc: Steven Z Zelenika; Annarie M Visser; Liliya Yates; Susan M Marshall
Subject: RE: The Edge Development Mareeba 133/32A/102(2862)

Hi Trevor,

Thanks for sending the email.

TMR agrees in principal to the proposed lot dedication and future land resumption. Normally Lot 301,302 & 303 (highway side of the buffer mound) would be dedicated to Council. Please check with Council that they agree with this arrangement. The proposed future land resumption area should be created as a lot. An application would need to be submitted to Cairns.office@tmr.qld.gov.au for an early acquisition request in order for TMR to progress the road acquisition. Note the acquisition is via agreement between both parties. A copy of our early acquisition policy is attached. Note in particular Early Acquisition Criteria 5.7.

THANKS

Peter McNamara
Principal Engineer (Civil) | Far North District
Program Delivery And Operations | Department of Transport and Main Roads

Floor 6 | Cairns Corporate Tower | 15 Lake Street | Cairns Qld 4870
PO Box 6185 | Cairns Qld 4870
P: (07) 40457210 | M: 0407670468
peter.j.mcnamara@tmr.qld.gov.au
W: www.tmr.qld.gov.au

From: Trevor S Adil <trevor.adil@gmail.com>
Sent: Thursday, August 29, 2024 1:59 PM
To: Peter J McNamara <peter.j.mcnamara@tmr.qld.gov.au>
Cc: Steven Z Zelenika <Steven.Z.Zelenika@tmr.qld.gov.au>
Subject: The Edge Development Mareeba

Peter,

Trust this email finds you well.

Thank you for meeting, 7 August 2024 regarding the Edge Development (Girgenti Group) to discuss TMR land requirements for the Kennedy Highway corridor and the future Stage 4 of the Edge Development.

I confirm Lots 301 and 302 as depicted on SP336245 are to be dedicated to road reserve and that a future land resumption is to be amalgamated to existing Lot 303 prior to being dedicated to road reserve.

A detailed engineering survey will be undertaken by Twine and Associates to pick up site levels for our further design and also to accurately locate the noise attenuation barrier as it currently exists along the Kennedy Highway adjacent to the development.

Based on our discussions a proposed boundary for TMR's necessary corridor additions has been prepared and this is attached to this correspondence for your review and agreement.

The area of land proposed to be excised from Lot 300 SP336245 for the corridor is 1394m². At the present time I am working through the basis for determining the compensation the Girgenti Group is expecting for the resumption.

I would hope as a first step the boundary of the resumption can be agreed as soon as possible.

Should any aspect of this proposal require further discussion please do not hesitate to call.

Best regards,

Trevor

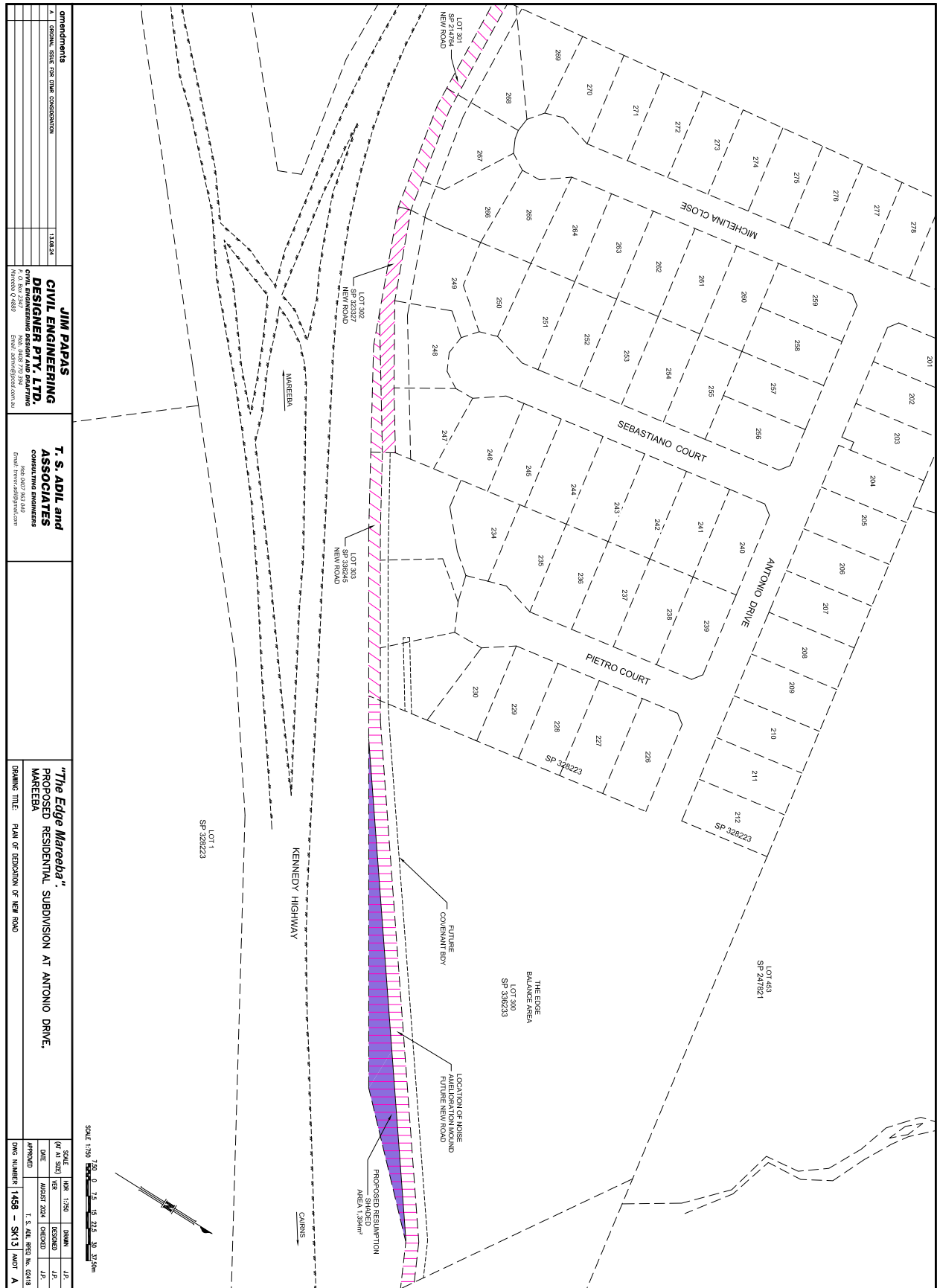
Trevor Adil BE (Hons) MIEAust RPEQ
Mobile 0407 963 040

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Opinions contained in this email do not necessarily reflect the opinions of the Department of Transport and Main Roads, or endorsed organisations utilising the same infrastructure.



JIM PAPPAS CIVIL ENGINEERING CIVIL ENGINEERING DESIGN AND DRAWING 15/04/24 Mareeba Q 4880 Email: jim.pappas@jimandpappas.com.au		T. S. ADIL and ASSOCIATES CONSULTING ENGINEERS 15/04/24 Email: tsv@tsadil.com		"The Edge Mareeba" PROPOSED RESIDENTIAL SUBDIVISION AT ANTONIO DRIVE, MAREEBA DRAWING TITLE: PLAN OF ERECTION OF NEW ROAD		SCALE: 1:750 DATE: 15/04/24 DRAWN: J.P. CHECKED: J.P. DATE: 15/04/24 T. S. ADIL, PERS. NO. 02418 DWG NUMBER: 1458 - SK131 ADOPT: A	
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Change application form

Planning Act Form 5 (version 1.2 effective 7 February 2020) made under Section 282 of the Planning Act 2016.

This form is to be used for a change application made under section 78 of the *Planning Act 2016*. It is important when making a change application to be aware of whether the application is for a minor change that will be assessed under section 81 of the *Planning Act 2016* or for an other change that will be assessed under section 82 of the *Planning Act 2016*.

An applicant must complete all parts of this form, and provide any supporting information that the form identifies as being required to accompany the change application, unless stated otherwise. Additional pages may be attached if there is insufficient space on the form to complete any part.

Note: All terms used in this form have the meaning given under the *Planning Act 2016*, the *Planning Regulation 2017*, or the *Development Assessment Rules (DA Rules)*.

PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) <i>(individual or company full name)</i>	Sibi Girgenti Holdings Pty Ltd
Contact name <i>(only applicable for companies)</i>	
Postal address <i>(P.O. Box or street address)</i>	C/ Freshwater Planning Pty Ltd 17 Barronview Drive
Suburb	Freshwater
State	QLD
Postcode	4870
Country	Australia
Email address <i>(non-mandatory)</i>	FreshwaterPlanning@outlook.com
Mobile number <i>(non-mandatory)</i>	0402729004
Applicant's reference number(s) <i>(if applicable)</i>	F24/08

2) Owner's consent - Is written consent of the owner required for this change application? <i>Note: Section 79(1A) of the Planning Act 2016 states the requirements in relation to owner's consent.</i>	
<input type="checkbox"/> Yes – the written consent of the owner(s) is attached to this change application	
<input checked="" type="checkbox"/> No	

PART 2 – LOCATION DETAILS

3) Location of the premises <i>(complete 3.1) or 3.2), and 3.3) as applicable)</i>				
3.1) Street address and lot on plan				
<input checked="" type="checkbox"/> Street address AND lot on plan <i>(all lots must be listed), or</i> <input type="checkbox"/> Street address AND lot on plan for an adjoining or adjacent property of the premises <i>(appropriate for development in water but adjoining or adjacent to land e.g. jetty, pontoon. All lots must be listed).</i>				
a)	Unit No.	Street No.	Street Name and Type	Suburb
			Kennedy Highway	Mareeba
	Postcode	Lot No.	Plan Type and Number <i>(e.g. RP, SP)</i>	Local Government Area(s)
	4880	(Now) 300	SP336263	Mareeba Shire Council
b)	Unit No.	Street No.	Street Name and Type	Suburb



	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
3.2) Coordinates of premises (appropriate for development in remote areas, over part of a lot or in water not adjoining or adjacent to land e.g. channel dredging in Moreton Bay) <i>Note: Place each set of coordinates in a separate row.</i>				
<input type="checkbox"/> Coordinates of premises by longitude and latitude				
Longitude(s)	Latitude(s)	Datum	Local Government Area(s) (if applicable)	
		<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:		
<input type="checkbox"/> Coordinates of premises by easting and northing				
Easting(s)	Northing(s)	Zone Ref.	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> 54 <input type="checkbox"/> 55 <input type="checkbox"/> 56	<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:	
3.3) Additional premises				
<input type="checkbox"/> Additional premises are relevant to the original development approval and the details of these premises have been attached in a schedule to this application <input checked="" type="checkbox"/> Not required				

PART 3 – RESPONSIBLE ENTITY DETAILS

4) Identify the responsible entity that will be assessing this change application <i>Note: see section 78(3) of the Planning Act 2016</i>
Mareeba Shire Council

PART 4 – CHANGE DETAILS

5) Provide details of the existing development approval subject to this change application			
Approval type	Reference number	Date issued	Assessment manager/approval entity
<input checked="" type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval	REC/07/0043	18 September, 2007	Mareeba Shire Council
<input type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval			

6) Type of change proposed
6.1) Provide a brief description of the changes proposed to the development approval (e.g. changing a development approval for a five unit apartment building to provide for a six unit apartment building): Change of Development Approval to provide additional Residential Allotments
6.2) What type of change does this application propose? <input checked="" type="checkbox"/> Minor change application – proceed to Part 5 <input type="checkbox"/> Other change application – proceed to Part 6

PART 5 – MINOR CHANGE APPLICATION REQUIREMENTS

7) Are there any affected entities for this change application		
<input checked="" type="checkbox"/> No – proceed to Part 7 <input type="checkbox"/> Yes – list all affected entities below and proceed to Part 7 Note: section 80(1) of the Planning Act 2016 states that the person making the change application must give notice of the proposal and the details of the change to each affected entity as identified in section 80(2) of the Planning Act 2016.		
Affected entity	Pre-request response provided? (where a pre-request response notice for the application has been given, a copy of the notice must accompany this change application)	Date notice given (where no pre-request response provided)
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	

PART 6 – OTHER CHANGE APPLICATION REQUIREMENTS

Note: To complete this part it will be necessary for you to complete parts of DA Form 1 – Development application details and in some instances parts of DA Form 2 – Building work details, as mentioned below. These forms are available at <https://planning.dsdmp.qld.gov.au>.

8) Location details - Are there any additional premises included in this change application that were not part of the original development approval?
<input type="checkbox"/> No <input type="checkbox"/> Yes

9) Development details
9.1) Is there any change to the type of development, approval type, or level of assessment in this change application? <input type="checkbox"/> No <input type="checkbox"/> Yes – the completed Sections 1 and 2 of Part 3 (Development details) of DA Form 1 – Development application details as these sections relate to the new or changed aspects of development are provided with this application.
9.2) Does the change application involve building work? <input type="checkbox"/> No <input type="checkbox"/> Yes – the completed Part 5 (Building work details) of DA Form 2 – Building work details as it relates to the change application is provided with this application.

10) Referral details – Does the change application require referral for any referral requirements?
Note: The application must be referred to each referral agency triggered by the change application as if the change application was the original development application including the proposed change. <input type="checkbox"/> No <input type="checkbox"/> Yes – the completed Part 5 (Referral details) of DA Form 1 – Development application details as it relates to the change application is provided with this application. Where referral is required for matters relating to building work the Referral checklist for building work is also completed.

11) Information request under Part 3 of the DA Rules
<input type="checkbox"/> I agree to receive an information request if determined necessary for this change application <input type="checkbox"/> I do not agree to accept an information request for this change application Note: By not agreeing to accept an information request I, the applicant, acknowledge:

- that this change application will be assessed and decided based on the information provided when making this change application and the assessment manager and any referral agencies relevant to the change application are not obligated under the DA Rules to accept any additional information provided by the applicant for the change application unless agreed to by the relevant parties
 - Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.
- Further advice about information requests is contained in the [DA Forms Guide: Forms 1 and 2](#).

12) Further details

Part 7 of *DA Form 1 – Development application details* is completed as if the change application was a development application and is provided with this application.

PART 7 – CHECKLIST AND APPLICANT DECLARATION

13) Change application checklist

I have identified the:

- responsible entity in 4); and
- for a minor change, any affected entities; and Yes
- for an other change all relevant referral requirement(s) in 10)

Note: See the Planning Regulation 2017 for referral requirements

For an other change application, the relevant sections of [DA Form 1 – Development application details](#) have been completed and is attached to this application Yes
 Not applicable

For an other change application, where building work is associated with the change application, the relevant sections of [DA Form 2 – Building work details](#) have been completed and is attached to this application Yes
 Not applicable

Supporting information addressing any applicable assessment benchmarks is attached to this application Yes

Note: This includes any templates provided under 23.6 and 23.7 of DA Form 1 – Development application details that are relevant as a result of the change application, a planning report and any technical reports required by the relevant categorising instrument(s) (e.g. the local government planning scheme, State Planning Policy, State Development Assessment Provisions). For further information, see [DA Forms Guide: Planning report template](#).

Relevant plans of the development are attached to this development application Yes

Note: Relevant plans are required to be submitted for all relevant aspects of this change application. For further information, see [DA Forms Guide: Relevant plans](#).

14) Applicant declaration

By making this change application, I declare that all information in this change application is true and correct.

Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the responsible entity and any relevant affected entity or referral agency for the change application where written information is required or permitted pursuant to sections 11 and 12 of the *Electronic Transactions Act 2001*.

Note: It is unlawful to intentionally provide false or misleading information.

Privacy – Personal information collected in this form will be used by the responsible entity and/or chosen assessment manager, any relevant affected entity or referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the change application.

All information relating to this change application may be available for inspection and purchase, and/or published on the assessment manager’s and/or referral agency’s website.

Personal information will not be disclosed for a purpose unrelated to the *Planning Act 2016*, *Planning Regulation 2017* and the DA Rules except where:

- such disclosure is in accordance with the provisions about public access to documents contained in the *Planning Act 2016* and the *Planning Regulation 2017*, and the access rules made under the *Planning Act 2016* and *Planning Regulation 2017*; or
- required by other legislation (including the *Right to Information Act 2009*); or
- otherwise required by law.

This information may be stored in relevant databases. The information collected will be retained as required by the *Public Records Act 2002*.

PART 8 – FOR COMPLETION OF THE ASSESSMENT MANAGER – FOR OFFICE USE ONLY

Date received: Reference number(s):

QLeave notification and payment			
<i>Note: For completion by assessment manager if applicable</i>			
Description of the work			
QLeave project number			
Amount paid (\$)		Date paid (dd/mm/yy)	
Date receipted form sighted by assessment manager			
Name of officer who sighted the form			

8.6 SELECTIVE APPROVED ANIMAL INSPECTION PROGRAM

Date Prepared: 15 January 2025

Author: Coordinator Health & Local Laws

Attachments: 1. [Supporting Documentation Selective Inspection Program](#) ↓

EXECUTIVE SUMMARY

This report is presented to Council to ensure that the actions taken by Council's Local Law Officers in relation to a 'door knock' to check registration and enclosures, relating to the keeping of dogs, is conducted lawfully and that officers have the necessary powers of entry as prescribed in both the *Local Government Act 2009* and the *Animal Management (Cats and Dogs) Act 2008*.

The *Animal Management (Cats and Dogs) Act 2008* provides the head of power for Local Governments to conduct Approved Inspection Programs (AIP). An AIP under the *Animal Management (Cats and Dogs) Act 2008* can be either a selective inspection program or a systematic inspection program. Such programs are designed to be carried out on an annual basis to check if animal owners are complying with the requirement to register their dogs.

The *Local Government Act 2009* also provides for Local Governments to conduct Approved Inspection Programs (AIP) where the provision being checked is a Local Government Act provision. An example is where Council is checking compliance with a provision of Council's Local Laws, such as the requirement to provide a proper enclosure to prevent the animal from wandering.

RECOMMENDATION

That Council

1. Approve a selective Approved Inspection Program in the township of Dimbulah and surrounds to be carried out to ensure compliance with the registration and microchipping requirements if the *Animal Management (Cats and Dogs) Act 2008*; and
2. Approve a selective Approved Inspection Program in the township of Dimbulah and surrounds to be carried out to ensure compliance with section 14 of *Local Law No. 2 (Animal Management) 2018* – duty to provide proper enclosure and prevent the animal from wandering.

BACKGROUND

Where Council wishes to enter properties to check if dogs are registered, the AIP is to be in reference to the *Animal Management (Cats and Dogs) Act 2008*; however, where Council wish to enter properties to check if owners have a proper enclosure that prevents their dogs from escaping and wandering at large the AIP is to be in reference to the *Local Government Act 2009*.

The attached AIP has been drafted to include both statutes to ensure that officers are not limited to enforcing only one requirement. It is understood that on this occasion the program aims to target properties in a particular area. However, it is recommended that the program is approved to include a greater area.

Council staff will do their best not to reduce the current service level. However, with the extent of this program, there will be some reduction in service levels. Where a priority task is received such as a dog attack or livestock on roads officers will not be expected to reach short-term targets for the program.

In 2021, Council conducted an Approved Inspection programs in the township of Mareeba. The program proved to be successful with a number of residents registering their dogs and property enclosures being inspected to ensure compliance.

This program will be focusing on the township of Dimbulah and surrounding areas.

The program will be advertised to be carried out starting in March 2025 and will remain for a period of 3 months as set out by the legislation below.

Under the Animal Management Act 2008;

A **selective inspection program** provides for the selection, in accordance with the resolution, of places in the local government's area, or a particular part of the area, to be entered and inspected.

A **systematic inspection program** provides for all places, or all places of a particular type, in the local government's area, or a particular part of the area, to be entered and inspected.

A program under this Act must not be for a period greater than 6 months.

Under the Local Government Act 2009;

A **selective inspection program** allows an authorised person to enter and inspect those properties in the local government area that have been selected in accordance with the objective criteria specified in the resolution. A **systematic inspection program** allows an authorised person to enter and inspect all properties, or all properties of a certain type in the local government area.

A program under the Act must not be for a period greater than 3 months.

RISK IMPLICATIONS

Legal and Compliance

In order to ensure that officers' actions can be supported in any subsequent legal challenge, their powers to enter must be carried out in accordance with the provisions of the *Local Government Act 2009* and the *Animal Management (Cats & Dogs) Act 2008*.

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

N/A.

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

N/A.

Operating

This program is to be carried out by Councils Local Law Officers, with the door knock to be scheduled between existing duties. Without planning for additional resources, the existing service levels for Local Laws matters will be reduced in other areas.

The schedule for the program has not been defined; however, there will be a target of a minimum of 20 properties to be visited each day when all officers are rostered on. The roster of officers includes approved annual leave and days where there are only two officers rostered on.

Where a priority task is received such as a dog attack or livestock on roads officers will not be expected to reach their target for the program.

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

Once Council resolves to conduct an Approved Inspection Program, it must be published in the public notices no sooner than 14 days and no longer than 28 days before the commencement of the program.



Mareeba

SHIRE COUNCIL



APPROVED INSPECTION PROGRAM March 2025

Animal Management Act 200B & Local Government Act 2009

Dogs - Registration and Enclosures

Introduction

Mareeba Shire Council resolved on 19 February 2025 that;

1. A selective Approved Inspection Program be carried out to ensure compliance with the registration requirements of the *Animal Management (Cats & Dogs) Act 2008*; and
2. A selective Approved Inspection Program be carried out to ensure compliance with section 14 of *Local Law No. 2 (Animal Management) 2018* - duty to provide a proper enclosure and prevent the animal from wandering.

Purpose of Program

To ensure that the owners of dogs within the Mareeba Shire council area have complied with;

- the registration requirements prescribed by the *Animal Management (Cats & Dogs) Act 2008* and
- the duty to provide a proper enclosure to prevent the animal from wandering in Council's Local Law.

Program Times

The selective inspection program will commence on 1 March 2025 and terminate on 1 July 2025. It will be conducted between the hours of 6.30am and 5.00pm Monday to Friday, with the majority of inspections to be carried out during normal working hours, or at such time depending on the circumstances of the householder.

Properties to be Inspected

Properties that may be inspected include properties in the town of **Dimbulah and surrounds**.

EnforcementRegistration

Where an Authorised Person identifies a dog as not being registered for the current year 24/25 an infringement notice (\$322.00) may be issued, if the owner does not register their dog/s within the prescribed timeframe.

Enclosure

Where an Authorised Person identifies that a proper enclosure is not provide:

1. A verbal or written warning will be issued encouraging the owner to comply with a proper enclosure within 14 days.
2. Where a proper enclosure has not been provided within 14 days a Compliance Notice will be issued to the responsible person requiring them to comply within 28 days.
3. Where owners subsequently fail to comply with the Compliance notice, they will be issued an infringement notice (\$806.00).

8.7 COMMERCIAL LEASE - LOT 1 RP734346 - WALSH STREET MAREEBA

Date Prepared: 29 January 2025
Author: Coordinator Governance & Compliance
Attachments: Nil

EXECUTIVE SUMMARY

This report seeks approval for grant of a commercial lease interest over the whole of Lot 1 RP734346, 136 Walsh Street Mareeba for a three-year term.

RECOMMENDATION

That Council:

1. Approves the offer of a commercial lease interest to the Queensland Police-Citizens Youth Welfare Association over the whole of Lot 1 RP734346 for a three year term; and
2. Decides that section 236(1)(c)(iii) of the *Local Government Regulation 2012* (Qld) applies to point 1 above; and
3. Delegates authority to the Chief Executive Officer to finalise and execute all instruments to give effect to point 1 above.

BACKGROUND

The Queensland Police-Citizens Youth Welfare Association (QPYWA) hold a community lease over the whole of Lot 1 RP734346, 136 Walsh Street Mareeba (the premises). The community lease commenced on 29 January 2022, expiring 28 January 2025. Council advised the QPYWA that they may continue to hold tenure over the premises while a new lease is being finalised.

Council commissioned an independent registered valuer to undertake a commercial lease rental valuation of the premises. The valuer provided a valuation report recommending a lease rental valuation of \$146,250.00 per annum for the premises.

Council wrote to QPYWA to inform them of the results of the valuation report and confirmed Council's position on future leasing of the premises beyond January 2025. Council sought a written response from QPYWA on intentions for renewal of lease term for the premises.

QPYWA have provided written response seeking to progress with a new lease interest over the premises on commercial terms for a term of three (3) years. They have been informed that a Report will be tabled at the February Council Meeting.

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Section 236(1)(c)(iii) of the *Local Government Regulation 2012* (Qld) (LGR) provides that a local government may dispose of an interest in land (including all or part of an interest in land such as by lease) other than by tender auction if the disposal is for the purpose of renewing the lease of land to the existing tenant of the land. The existing lessee of the premises is the QPYWA and the QPYWA is also the proposed lessee of the premises and the requirements of section 236(1)(c)(iii) of the LGR are therefore met.

Relevantly, section 236(3) provides that Council may only exercise section 236(1)(c)(iii) of the LGR if the consideration for the disposal via lease interest would be equal to, or more than, the market value of the land or the interest in land, including the market value of any improvements on the land. Further, exercise of section 236(1)(iii) of the LGR enlivens section 236(5) of the LGR which provides that, for subsection 236(3), a written report about the market value of land or an interest in land from a valuer registered under the *Valuers Registration Act 1992 (Qld)* who is not an employee of the local government is evidence of the market value of the land or the interest in land.

The offer of a commercial lease interest to the QPYWA thus must include an annual lease rental consideration amount equal to or higher than the annual lease rental amount contained within the valuation report provided by the registered valuer. The proposal for a commercial lease interest outlined in this report complies with requirements under the LGR.

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.

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

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

QPYWA to be informed of resolution and provided with any resulting draft lease instrument for consideration.

8.8 COUNCIL POLICY REVIEW

Date Prepared: 4 February 2025
Author: Coordinator Governance & Compliance
Attachments: 1. Revenue 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:
Revenue Policy – adopted 15 May 2024
2. Adopts the:
Revenue Policy

BACKGROUND***Revenue Policy*****Purpose**

TO identify the principles used by Council for making and levying rates and utility charges, exercising powers to grant rebates and concessions, for recovering unpaid amounts of rates and charges and the setting of miscellaneous fees and charges.

Summary of amendments

Header matrix – update Review Officer field;
Apply minor grammatical amendments throughout.

All other content remains relevant for a further 12-month term.

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

Policy library and website updated to publish.



Revenue Policy

Policy Type	Council Policy	Version:	6.0
Responsible Officer	Manager Finance	Date Approved:	19/02/2025
Review Officer:	Director Corporate & Community Services	Review Due:	19/01/2026
Author:	Manager Finance	Commencement:	19/02/2025

1. PURPOSE

To identify the principles used by Council for making and levying rates and utility charges, exercising powers to grant rebates and concessions, for recovering unpaid amounts of rates and charges and the setting of miscellaneous fees and charges.

2. POLICY STATEMENT

The provisions of the *Local Government Act 2009* (Qld) and *Local Government Regulation 2012* (Qld), requires Council to prepare and adopt this policy as part of Council's budget each year. The policy contains principles that will be used for the development of Council's Budget.

3. PRINCIPLES

3.1 THE MAKING OF RATES AND UTILITY CHARGES

- a) In general, it is Council's policy that a user pays principle applies to all specific services provided to ratepayers and other users in Mareeba Shire Council.
- b) Exceptions to the *user pays principle* include general services to the community as a whole when it is in the community interest to do so.
- c) Council will have regard to the principles of:
 - Transparency in the making of rates and charges;
 - Having in place a rating regime that is as simple and inexpensive as possible;
 - Equity by ensuring the fair and consistent application of lawful rating and charging principles, without bias, taking account of all relevant considerations, and disregarding irrelevancies such as the perceived personal wealth of individual ratepayers or ratepayer classes;
 - Responsibility in achieving the objectives, actions and strategies in Council's Corporate and Operational Plans;
 - Meeting the needs and expectations of the general community; and
 - Flexibility to take account of changes in the local economy.
- d) In pursuing the abovementioned principles Council may avail itself of the following:
 - A system of differential general rating
 - Minimum general rates
 - Utility charges
 - Special rates and charges

Revenue Policy

- Separate charges
- Limitation of rate increases (rate capping)

3.2 LEVYING OF RATES AND CHARGES

In levying rates Council will apply the principles of:

- making clear what is the Council's and each ratepayer's responsibility to the rating system (Council may allow a discount for prompt payment);
- making the levying system as simple as possible to administer;
- timing the levy of rates where possible to take into account the financial cycle of local economic activity, in order to assist smooth running of the local economy; and
- equity through flexible payment arrangements for ratepayers with a lower capacity to pay.

3.3 CONCESSIONS FOR RATES AND CHARGES

In considering the application of concessions, Council will be guided by the principles of:

- equity,
- the same treatment for ratepayers with similar circumstances;
- transparency by making clear the requirements necessary to receive concessions, and
- flexibility to allow Council to respond to local economic issues

The purposes for granting concessions are to relieve economic hardship and provide rebates to eligible pensioners and not-for-profit community, recreation and sporting groups. In addition, Council may grant concessions on a case-by-case basis if it is satisfied that any one or more of the other criteria in section 120(1) of the *Local Government Regulation 2012* (Qld) have been met.

3.4 THE RECOVERY OF RATES AND CHARGES

- a) Council will exercise its rate recovery powers in order to reduce the overall rate burden on ratepayers.
- b) It will be guided by the principles of:
 - transparency by making clear the obligations of ratepayers and the processes used by Council in assisting them meet their financial obligations;
 - making the processes used to recover outstanding rates and charges clear, and as simple to administer and as cost effective as possible (refer to Council's Debt Recovery Policy);
 - capacity to pay in determining appropriate arrangements for different sectors of the community;
 - equity by having regard to providing the same treatment for ratepayers with similar circumstances; and
 - flexibility by responding, where necessary, to changes in the local economy.

3.5 THE SETTING OF COST-RECOVERY FEES AND COMMERCIAL SERVICES CHARGES

Council will be guided by the following principles in the setting of cost-recovery fees on the one hand, and commercial services on the other:

Revenue Policy

- Fees associated with regulatory services will be set at the full cost of providing the service or taking the action for which, the fee is charged. Council may choose to subsidise the fee from other sources if it is in the community interest to do so.
- Commercial services charges will be set to recover the full cost of providing the service and, if provided by a Business of Council, may include a component for return on Council's investment.

3.6 THE EXTENT TO WHICH PHYSICAL AND SOCIAL INFRASTRUCTURE COSTS FOR A NEW DEVELOPMENT ARE TO BE FUNDED BY CHARGES FOR THE DEVELOPMENT

Developers are required to contribute towards the Council's infrastructure in accordance with the provisions of the *Planning Act 2016* (Qld). Infrastructure charges are required for roadworks, parks, drainage and water and sewerage head works where applicable.

In addition, social infrastructure costs are to be met by grants received from the Government and general revenue sources.

4. SCOPE

This policy applies to Mareeba Shire Council and all related business activities.

5. DEFINITIONS

Council refers to Mareeba Shire Council

6. RELATED DOCUMENTS AND REFERENCES

Debt Recovery Policy (MSC)
Local Government Act 2009 (Qld)
Local Government Regulation 2012 (Qld)
Planning Act 2016 (Qld)

7. REVIEW

It is the responsibility of the Director Corporate & Community Services to monitor the adequacy of this policy and recommend appropriate changes. This policy will be formally reviewed every year or as required by Council.

8.9 DELEGATIONS UPDATE FEBRUARY 2025

Date Prepared: 12 February 2025

Author: Coordinator Governance & Compliance

Attachments:

1. **Excerpt of Register of Delegations - Council to Chief Executive Officer** [↓](#)
2. **Instrument of Delegation - Local Law 1 (Administration) 2018** [↓](#)
3. **Instrument of Delegation - Local Law 3 (Community and Environmental Management) 2018** [↓](#)
4. **Instrument of Delegation - Local Law 4 (Local Gov Controlled Areas, Facilities and Roads) 2018** [↓](#)

EXECUTIVE SUMMARY

As part of the recent adoption of consolidated versions of each of the local laws on 18 December 2024 via the making of *Amending Local Law No. 1 (Miscellaneous Local Laws) 2024* and *Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Laws) 2024*, Council is advised of the requirement for the resulting amendments and date of reprint to Council's 'Register of Delegations – Council to CEO'.

To adopt the necessary updated delegations, the relevant excerpt of Council's Register of Delegations with tracked changes and relevant new Instruments of Delegation reflecting those changes, are provided for Council endorsement.

RECOMMENDATION

That:

1. Council delegates to the Chief Executive Officer all the powers appearing in the attached document titled 'excerpt of Register of Delegations – Council to Chief Executive Officer' with such powers to be exercised subject to any limitations and conditions declared therein; and
2. Any prior delegations of power relating to the same matters are revoked.

BACKGROUND

Council has, under section 257 of the *Local Government Act 2009* (Qld) (LGA) delegated to the Chief Executive Officer (CEO), the necessary statutory powers under various pieces of legislation to enable the CEO to effectively perform the requirements of the role and efficiently manage the operations of the Council. All delegations are made subject to the limitations on the attached documentation.

Section 260 of the LGA provides that the CEO must establish a register of delegations to record all delegations and that the public may inspect the register of delegations, and the Register must hold the particulars prescribed under section 305 of the *Local Government Regulation 2012* (Qld).

This report and the recommended update to delegations of power to the CEO as result of the 18 December 2024 adoption of a consolidated version of each of the following Local Laws and Subordinate Local Laws current as at published date of 20 December 2024, provides the basis for good decision making and accountability while maintaining statutory compliance:

- (a) *Local Law No. 1 (Administration) 2018;*
- (b) *Local Law No. 3 (Community and Environmental Management) 2018;*
- (c) *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018.*

The attached Instruments of Delegation display the list of powers that have been identified as requiring delegation to the CEO. The attached excerpt table of Council's "Register of Delegations – Council to CEO" applicable to the consolidated local Laws adopted via resolution of Council on date of 18 December 2024 shows the proposed changes in tracked mode.

RISK IMPLICATIONS

Legal and Compliance

Legal risk arises from unlawful exercise of statutory power. The currency of Council's Register of Delegations ensures the integrity of Council's lawful exercise of statutory power and associated sub-delegations to support the administrative functions of Council.

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Updates to Council's Register of Delegations are prepared in accordance with requirements under Council's *Delegations and Authorisations Policy*.

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

Immediate update to Council's Register of Delegation, Instruments of Sub-Delegation and associated registers.

REGISTER OF DELEGATIONS COUNCIL TO CEO

Local Law No.1 (Administration) 2018

DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION
Chief Executive Officer	Power to approve a form of application for a prescribed activity.	<i>Section 8(1) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	Power to, by written notice, request the applicant to provide further reasonable information or clarification of information, documents or materials not included in the application.	<i>Section 8(3) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	Subject to s8(5)(a), power to give the applicant written notice stating that – (i) under this section the application lapses; and (ii) the applicant may make a new application.	<i>Section 8(5)(b) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	Power to extend the period for the applicant to provide further information.	<i>Section 8(6) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	Power to be satisfied of the matters stated in s9(1).	<i>Section 9(1) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	Subject to s9(1), power to, by written notice to the applicant (a) grant the approval unconditionally; (b) grant the approval subject to conditions; or (c) refuse to grant the approval.	<i>Section 9(2) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	Power to give the applicant an information notice if – (a) the local government refuses to grant the approval; or (b) grants the approval subject to a non-standard condition	<i>Section 9(4) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	Subject to s10(2), power to grant an approval on conditions considered appropriate.	<i>Section 10(1) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	Power to accept the certificate of a third party certifier.	<i>Section 12(1) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	Power to give an approval holder reasonable written notice that the approval is one of a class of approvals that will not be renewed or extended.	<i>Section 14(2) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	Power to approve a form for application for renewal of approval.	<i>Section 14(3)(a) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	Power to, by written notice, request the applicant to provide further reasonable information or clarification of information, documents or materials included in the application.	<i>Section 14(4) Local Law No. 1 (Administration) 2018</i>

Chief Executive Officer	Power to, by written notice to the applicant – (a) grant the application; (b) grant the application and amend the conditions of the approval; or (c) refuse the application.	<i>Section 14(6) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	Power, in deciding s. 14(6), to have regard to - (a) the matters mentioned in section 9(1); and (b) whether the conditions of the approval are being complied with by the applicant.	<i>Section 14(7) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	Power to give the applicant an information notice if – (a) the application is refused; or (b) the application is granted and amended to include non-standard conditions.	<i>Section 14(8) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	Power to amend the conditions of the approval under subsection (6)(b) without following the procedure in section 18.	<i>Section 14(9) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	Power to approve a form for application for transfer of approval.	<i>Section 15(3)(a) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	Power to, by written notice, request the applicant to provide further reasonable information or clarification of information, documents or materials in the application for transfer of an approval.	<i>Section 15(4) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	Power to, by written notice to the approval holder and the proposed transferee – (a) grant the application to transfer the approval; or (b) refuse the application to transfer the approval.	<i>Section 15(7) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	Power to amend the existing conditions of approval.	<i>Section 15(8) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	Power to give the approval holder and the proposed transferee an information notice if - (a) the application is refused; (b) the application is granted and amended to include non-standard conditions.	<i>Section 15(11) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	Power to consider and decide whether to grant or refuse the application.	<i>Section 16(3) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	Power to, within 14 days of the decision, give the approval holder written notice of the amended conditions and the day they take effect.	<i>Section 16(4) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	If conditions are not amended, power to give the approval holder an information notice.	<i>Section 16(5) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	Power to consider there to be a ground to take proposed action.	<i>Section 18(1) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	Power to give the approval holder a show cause notice stating the matters referred to in subsection (2).	<i>Section 18(2) Local Law No. 1 (Administration) 2018</i>

Chief Executive Officer	Power to give written notice.	<i>Section 18(3) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	Power to - (a) if the proposed action was to amend the approval – amend the approval; (b) if the proposed action was to suspend the approval – suspend the approval for no longer than the period stated in the notice; (c) if the proposed action was to cancel the approval – amend the approval, suspend it for a period or cancel it.	<i>Section 18(4) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	If the approval is to be amended, suspended or cancelled, power to give the approval holder an information notice.	<i>Section 18(5) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	Power to immediately suspend an approval and form a belief that the continuation of the prescribed activity by the approval holder poses – (a) an urgent and serious threat to public health or safety; or (b) an urgent and serious risk of harm, property damage or loss of amenity.	<i>Section 19(1) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	Power to give a notice to the approval holder about the decision to immediately suspend the approval.	<i>Section 19(2)(a) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	Power to cancel the suspension of an approval.	<i>Section 19(2)(c)(i) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	Power to, at any time, extend the time for making a review application.	<i>Section 22(3) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	Power to review an original decision and make a decision to – (a) confirm the original decision; or (b) amend the original decision; or (c) substitute another decision for the original decision.	<i>Section 23(1) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	Power to give the applicant a review notice of the decision.	<i>Section 23(3) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	Power to publish public notice.	<i>Section 33(1) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	Power to waive or partially remit a fee.	<i>Section 35 Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	Power to direct how a perishable impounded item be immediately disposed of.	<i>Section 37(3) Local Law No. 1 (Administration) 2018</i>

Chief Executive Officer	Power to be satisfied of proof produced.	<i>Section 37(4)(b) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	Power to dispose of an impounded item in certain circumstances.	<i>Section 37(5) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	Power to direct how an impounded item is to be disposed of.	<i>Section 37(5)(a) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	Power to direct how an impounded item is to be disposed of. ¹	<i>Section 37(5)(c) Local Law No. 1 (Administration) 2018</i>

¹ See footnote 1.

Local Law No. 3 (Community and Environmental Management) 2018

DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION
Chief Executive Officer	Power to consult with the chief executive about the desirability of a declaration.	<i>Section 6(2) Local Law No. 3 (Community and Environmental Management) 2018</i>
Chief Executive Officer	Power to be satisfied that urgent action is needed to avoid or minimise an immediate risk of environmental harm posted by a plant or animal.	<i>Section 7(1) Local Law No. 3 (Community and Environmental Management) 2018</i>

**Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads)
2018**

DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION
Chief Executive Officer	Power to take reasonable steps to provide notice to members of the public about the matters referred to in the subsection.	<i>Section 5(2) Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018</i>
Chief Executive Officer	Power to take reasonable steps to provide notice to members of the public about the matters referred to in the subsection. ²	<i>Section 6(6) Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018</i>
Chief Executive Officer	Power to authorise a person to enter or remain in a local government controlled area outside opening hours.	<i>Section 7(2) Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018</i>
Chief Executive Officer	Power to place a notice showing the opening hours of a local government controlled area.	<i>Section 7(3) Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018</i>
Chief Executive Officer	Power to be satisfied of a reason about the matters referred to in the subsection.	<i>Section 8(2)(b) Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018</i>
Chief Executive Officer	Power to place a notice about the closure of a local government controlled area.	<i>Section 8(4) Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018</i>
Chief Executive Officer	Power to authorise a person to enter or remain in a local government controlled area while it is closed to public access. ³	<i>Section 8(5) Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018</i>
Chief Executive Officer	Power to form an opinion that it is necessary for land adjoining a road to be fenced to prevent the risk of — (a) animals escaping from the land onto the road; or (b) interference with the safe movement of traffic of the safe use of the road.	<i>Section 9(1) Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018</i>
Chief Executive Officer	Power to require an owner, by giving a compliance notice, to —	<i>Section 9(2) Local Law No. 4 (Local</i>

² Power given directly to the Chief Executive Officer, so not required to be delegated from Council to the Chief Executive Officer. However, retained in this table as power can be sub-delegated from Chief Executive Officer.

³ See note 1.

	<p>(a) if the land is not currently fenced – fence the land or;</p> <p>(b) if a current fence on the land is in disrepair – repair or replace the fence.</p>	<p><i>Government Controlled Areas, Facilities and Roads) 2018</i></p>
<p>Chief Executive Officer</p>	<p>Power to adopt a numbering system for a building or allotment.</p>	<p><i>Section 10(1) Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018</i></p>

Limitations to the Exercise of Powers

1. The Chief Executive Officer may sub-delegate the powers contained in Schedule 1.
2. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, the delegate in exercising delegated power in relation to that matter, will only commit the Council to reasonably foreseeable expenditure up to the amount allocated subject to the provisions of Council's Procurement Policy.
3. The delegate will not exercise any delegated power in relation to a matter which has already been the subject of a resolution or other decision of the Council (including a policy decision relating to the matter).
4. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
5. The delegate will not exercise any power which cannot lawfully be the subject of delegation by Council.
6. Where the delegate refuses a particular matter, and an appeal is made in respect of the delegate's decision, the delegate will refer the matter to Council.

INSTRUMENT OF DELEGATION**Mareeba Shire Council**
Local Law No. 1 (Administration) 2018

Under section 257 of the *Local Government Act 2009* (Qld), **Mareeba Shire Council** resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Schedule 1

Local Law No.1 (Administration) 2018

DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION
Chief Executive Officer	Power to approve a form of application for a prescribed activity.	<i>Section 8(1) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	Power to, by written notice, request the applicant to provide further reasonable information or clarification of information, documents or materials not included in the application.	<i>Section 8(3) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	Subject to s8(5)(a), power to give the applicant written notice stating that — (i) under this section the application lapses; and (ii) the applicant may make a new application.	<i>Section 8(5)(b) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	Power to extend the period for the applicant to provide further information.	<i>Section 8(6) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	Power to be satisfied of the matters stated in s9(1).	<i>Section 9(1) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	Subject to s9(1), power to, by written notice to the applicant (a) grant the approval unconditionally; (b) grant the approval subject to conditions; or (c) refuse to grant the approval.	<i>Section 9(2) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	Power to give the applicant an information notice if – (a) the local government refuses to grant the approval; or (b) grants the approval subject to a non-standard condition	<i>Section 9(4) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	Subject to s10(2), power to grant an approval on conditions considered appropriate.	<i>Section 10(1) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	Power to accept the certificate of a third party certifier.	<i>Section 12(1) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	Power to give an approval holder reasonable written notice that the approval is one of a class of approvals that will not be renewed or extended.	<i>Section 14(2) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	Power to approve a form for application for renewal of approval.	<i>Section 14(3)(a) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	Power to, by written notice, request the applicant to provide further reasonable information or clarification of information, documents or materials included in the application.	<i>Section 14(4) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	Power to, by written notice to the applicant — (a) grant the application;	<i>Section 14(6) Local Law No. 1 (Administration) 2018</i>

Instrument of Delegation
Local Law No. 1 (Administration) 2018

Current as at 20 December 2024

	(b) grant the application and amend the conditions of the approval; or (c) refuse the application.	
Chief Executive Officer	(a) Power, in deciding s. 14(6), to have regard to - (a) the matters mentioned in section 9(1); and (b) whether the conditions of the approval are being complied with by the applicant.	<i>Section 14(7) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	Power to give the applicant an information notice if – (b) the application is refused; or the application is granted and amended to include non-standard conditions.	<i>Section 14(8) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	Power to amend the conditions of the approval under subsection (6)(b) without following the procedure in section 18.	<i>Section 14(9) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	(a) Power to approve a form for application for transfer of approval.	<i>Section 15(3)(a) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	Power to, by written notice, request the applicant to provide further reasonable information or clarification of information, documents or materials in the application for transfer of an approval.	<i>Section 15(4) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	Power to, by written notice to the approval holder and the proposed transferee – (b) grant the application to transfer the approval; or (a) refuse the application to transfer the approval.	<i>Section 15(7) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	Power to amend the existing conditions of approval.	<i>Section 15(8) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	Power to give the approval holder and the proposed transferee an information notice if - (b) the application is refused; the application is granted and amended to include non-standard conditions.	<i>Section 15(11) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	Power to consider and decide whether to grant or refuse the application.	<i>Section 16(3) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	Power to, within 14 days of the decision, give the approval holder written notice of the amended conditions and the day they take effect.	<i>Section 16(4) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	If conditions are not amended, power to give the approval holder an information notice.	<i>Section 16(5) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	Power to consider there to be a ground to take proposed action.	<i>Section 18(1) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	(a) Power to give the approval holder a show cause notice stating the matters referred to in subsection (2).	<i>Section 18(2) Local Law No. 1 (Administration) 2018</i>

Instrument of Delegation
Local Law No. 1 (Administration) 2018

Current as at 20 December 2024

Chief Executive Officer	Power to give written notice.	<i>Section 18(3) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	Power to - (b) if the proposed action was to amend the approval – amend the approval; (c) if the proposed action was to suspend the approval – suspend the approval for no longer than the period stated in the notice; (a) if the proposed action was to cancel the approval – amend the approval, suspend it for a period or cancel it.	<i>Section 18(4) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	If the approval is to be amended, suspended or cancelled, power to give the approval holder an information notice.	<i>Section 18(5) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	Power to immediately suspend an approval and form a belief that the continuation of the prescribed activity by the approval holder poses – (b) an urgent and serious threat to public health or safety; or an urgent and serious risk of harm, property damage or loss of amenity.	<i>Section 19(1) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	Power to give a notice to the approval holder about the decision to immediately suspend the approval.	<i>Section 19(2)(a) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	(a) Power to cancel the suspension of an approval.	<i>Section 19(2)(c)(i) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	Power to, at any time, extend the time for making a review application.	<i>Section 22(3) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	Power to review an original decision and make a decision to – (b) confirm the original decision; or (c) amend the original decision; or substitute another decision for the original decision.	<i>Section 23(1) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	Power to give the applicant a review notice of the decision.	<i>Section 23(3) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	Power to publish public notice.	<i>Section 33(1) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	Power to waive or partially remit a fee.	<i>Section 35 Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	Power to direct how a perishable impounded item be immediately disposed of.	<i>Section 37(3) Local Law No. 1 (Administration) 2018</i>

Instrument of Delegation
Local Law No. 1 (Administration) 2018

Current as at 20 December 2024

Chief Executive Officer	Power to be satisfied of proof produced.	<i>Section 37(4)(b) Local Law No. 1 (Administration) 2018</i>
Chief Executive Officer	Power to dispose of an impounded item in certain circumstances.	<i>Section 37(5) Local Law No. 1 (Administration) 2018</i>

Schedule 2

Limitations to the Exercise of Powers

1. The Chief Executive Officer may sub-delegate the powers contained in Schedule 1.
2. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, the delegate in exercising delegated power in relation to that matter, will only commit the Council to reasonably foreseeable expenditure up to the amount allocated subject to the provisions of Council's Procurement Policy.
3. The delegate will not exercise any delegated power in relation to a matter which has already been the subject of a resolution or other decision of the Council (including a policy decision relating to the matter).
4. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
5. The delegate will not exercise any power which cannot lawfully be the subject of delegation by Council.
6. Where the delegate refuses a particular matter, and an appeal is made in respect of the delegate's decision, the delegate will refer the matter to Council.

INSTRUMENT OF DELEGATION**Mareeba Shire Council*****Local Law No. 3 (Community and Environmental Management) 2018***

Under section 257 of the *Local Government Act 2009* (Qld), **Mareeba Shire Council** resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Schedule 1

Local Law No. 3 (Community and Environmental Management) 2018

DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION
Chief Executive Officer	Power to consult with the chief executive about the desirability of a declaration.	<i>Section 6(2) Local Law No. 3 (Community and Environmental Management) 2018</i>
Chief Executive Officer	Power to be satisfied that urgent action is needed to avoid or minimise an immediate risk of environmental harm posted by a plant or animal.	<i>Section 7(1) Local Law No. 3 (Community and Environmental Management) 2018</i>

Instrument of Delegation Current as at 20 December 2024
Local Law No. 3 (Community and Environmental Management) 2018

Schedule 2

Limitations to the Exercise of Powers

1. The Chief Executive Officer may sub-delegate the powers contained in Schedule 1.
2. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, the delegate in exercising delegated power in relation to that matter, will only commit the Council to reasonably foreseeable expenditure up to the amount allocated subject to the provisions of Council's Procurement Policy.
3. The delegate will not exercise any delegated power in relation to a matter which has already been the subject of a resolution or other decision of the Council (including a policy decision relating to the matter).
4. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
5. The delegate will not exercise any power which cannot lawfully be the subject of delegation by Council.
6. Where the delegate refuses a particular matter, and an appeal is made in respect of the delegate's decision, the delegate will refer the matter to Council.

INSTRUMENT OF DELEGATION**Mareeba Shire Council*****Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018***

Under section 257 of the *Local Government Act 2009* (Qld), **Mareeba Shire Council** resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Schedule 1

Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018

DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION
Chief Executive Officer	Power to take reasonable steps to provide notice to members of the public about the matters referred to in the subsection.	<i>Section 5(2) Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018</i>
Chief Executive Officer	Power to take reasonable steps to provide notice to members of the public about the matters referred to in the subsection. ¹	<i>Section 6(6) Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018</i>
Chief Executive Officer	Power to authorise a person to enter or remain in a local government controlled area outside opening hours.	<i>Section 7(2) Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018</i>
Chief Executive Officer	Power to place a notice showing the opening hours of a local government controlled area.	<i>Section 7(3) Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018</i>
Chief Executive Officer	Power to be satisfied of a reason about the matters referred to in the subsection.	<i>Section 8(2)(b) Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018</i>
Chief Executive Officer	Power to place a notice about the closure of a local government controlled area.	<i>Section 8(4) Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018</i>
Chief Executive Officer	Power to authorise a person to enter or remain in a local government controlled area while it is closed to public access. ²	<i>Section 8(5) Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018</i>
Chief Executive Officer	Power to form an opinion that it is necessary for land adjoining a road to be fenced to prevent the risk of – (a) animals escaping from the land onto the road; or (b) interference with the safe movement of traffic of the safe use of the road.	<i>Section 9(1) Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018</i>
Chief Executive Officer	Power to require an owner, by giving a compliance notice, to –	<i>Section 9(2) Local Law No. 4 (Local</i>

¹ Power given directly to the Chief Executive Officer, so not required to be delegated from Council to the Chief Executive Officer. However, retained in this table as power can be sub-delegated from Chief Executive Officer.

² See note 1.

	(a) if the land is not currently fenced – fence the land or; (b) if a current fence on the land is in disrepair – repair or replace the fence.	<i>Government Controlled Areas, Facilities and Roads) 2018</i>
Chief Executive Officer	Power to adopt a numbering system for a building or allotment.	<i>Section 10(1) Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018</i>

Instrument of Delegation Current as at 20 December 2024
Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018

Schedule 2

Limitations to the Exercise of Powers

1. The Chief Executive Officer may sub-delegate the powers contained in Schedule 1.
2. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, the delegate in exercising delegated power in relation to that matter, will only commit the Council to reasonably foreseeable expenditure up to the amount allocated subject to the provisions of Council's Procurement Policy.
3. The delegate will not exercise any delegated power in relation to a matter which has already been the subject of a resolution or other decision of the Council (including a policy decision relating to the matter).
4. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
5. The delegate will not exercise any power which cannot lawfully be the subject of delegation by Council.
6. Where the delegate refuses a particular matter, and an appeal is made in respect of the delegate's decision, the delegate will refer the matter to Council.

8.10 SALE OF LAND DUE TO RATES IN ARREARS

Date Prepared: 29 January 2025
Author: Manager Finance
Attachments: 1. Schedule of Sale of Land Properties (under separate cover)

EXECUTIVE SUMMARY

The purpose of this report is to inform Council of the properties which are available to sell under the *Local Government Regulation 2012*, Chapter 4 Part 12 Division 3 (Selling or acquiring land for overdue rates or charges) and request a resolution to be able to sell these properties under Section 140.

RECOMMENDATION

That Council:

- 1 Sell the land listed below due to the rates and charges which have accrued on the rateable lands remaining unpaid for three (3) years or longer, in accordance with section 140 of the *Local Government Regulation 2012*; and

Property No	Property Description
10287	Lot 15 LD 29, Lot 2 RP 703296
10291	Lot 163 C 5041
10304	Lot 80 C 5041, Lot 81 C 5041, Lot 82 C 5041
10502	Lot 1 MPH 31324
10772	Lot 2 RP 715132
12278	Lot 2 RP 713438
14046	Lot 1 MPH 25181
16059	Lot 302 M 4872
17171	Lot 9 RP 725850
17296	Lot 1 RP 861070
17297	Lot 2 RP 861070
19917	Lot 1 RP 895742
20612	Lot 9 RP 909807
60393	Lot 59 SP 143218

- 2 Delegate to the Chief Executive Officer its power to take all further steps under Chapter 4, Part 12 Division 3 of the *Local Government Regulation 2012* to effect sale of land (including, for avoidance of doubt, the power to end sale procedures including the authority to remove a property where circumstances arise whereby the continuation of this action is considered unwarranted or inappropriate).

BACKGROUND

The properties listed on the above Schedule have rates and charges unpaid for three (3) years or more and in accordance with Section 140 of the *Local Government Regulation 2012*, selling land for overdue rates or charges applies. Council has made every attempt to recover the unpaid rates on each property with no success to date.

If a local government sells or acquires land for overdue rates or charges, the local government cannot start or continue any court proceedings to recover the overdue rates or charges (Section 135 of the *Local Government Regulation 2012*).

The proposed timeline is as follows:

Date	Milestone
03/03/2025	Issue Notice of Intention to all interested parties (3 months given for payment)
03/06/2025	Due date for payment
03/07/2025	Auction Notices issued
23/07/2025	Auction Date

RISK IMPLICATIONS

Nil

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Mareeba Shire Council Debt Recovery Policy

The sale of land process must be carried out giving consideration to the Local Government Act 2009, in particular Chapter 4, Part 12, Division 3 of the *Local Government Regulation 2012*.

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

8.11 2024/2025 CEMETERIES FEES AND CHARGES

Date Prepared: 30 January 2025
Author: Manager Finance
Attachments: 1. Cemetery Fees 2024/25 [↓](#)

EXECUTIVE SUMMARY

This report details the updated Cemetery Fees and Charges for 2024/2025.

RECOMMENDATION

That Council adopts the amended Cemetery Fees and Charges 2024/2025.

BACKGROUND

As part of its budgetary process and in accordance with the Local Government Act, Council adopted the Cemetery Fees and Charges on 19 June 2024.

On 4 December 2024, the Australian Taxation Office (ATO) released its final Taxation Determination (TD) addressing the application of GST to burial rights. The determination states that certain fees charged by a Council-operated cemetery for the grant of burial rights are GST-exempt, effective from 4 December 2024.

The determination also clarifies the GST status of related fees:

- Exempt – Renewal of a burial right in a public cemetery
- Exempt – Transfer of a burial right in a public cemetery
- Exempt – Exercise of a burial right (commonly referred to as an order for interment)
- Exempt – Placement of a memorial
- Taxable – Fees for other goods and services related to burials or cremations, including memorial plaques and grave-digging services
- Taxable – Fees for the grant, renewal, transfer, or exercise of a burial right by a private cemetery operator

The ATO has granted Councils a three-month transition period to implement these changes, requiring updates to Council's fees and systems by 4 March 2025 to ensure compliance with the ruling.

RISK IMPLICATIONS**LEGAL/COMPLIANCE/POLICY IMPLICATIONS**

Nil

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

The fees and charges detailed in this report will be included in the Register of Fees and Charges published on Council's website and provided to relevant funeral directors and stonemasons.

Cemeteries

50% non-resident burial and reservation surcharge

Non-Resident definition:

A person who was not a resident or ratepayer of the Mareeba Shire at the time of their death. An exemption applies if the deceased was a resident of the Shire for 10 years or more in their lifetime.

Interment

Interment Fees and Charges are in addition to the reservation fee.

Second and subsequent interments in the same plot do not incur a reservation fee.

Name	Unit	2024/2025 GST	2024/2025 Fee (incl. GST if applic.)
Interment – Grave	plot	\$175.27	\$1,928.00
Interment Child – Grave (Less than 9 years old)	plot	\$87.64	\$964.00
Above Ground Vault, Mausoleum Wall, Mausoleum Free Standing	plot	\$60.55	\$666.00
Ashes (Niche; includes installation of plaque)	niche	\$45.45	\$500.00
Ashes (In ground)	plot	\$45.45	\$500.00
Private Land Interment Application	application	\$0.00	\$268.00

Interment Surcharge

Name	Unit	2024/2025 GST	2024/2025 Fee (incl. GST if applic.)
Weekends and public holidays, Grave	interment	\$126.55	\$1,392.00
Weekends and public holidays, Above Ground vaults, Mausoleum Wall, Mausoleum Free Standing, Ashes Niche and	interment	\$83.09	\$914.00

Shelter and Chair Hire

Name	Unit	2024/2025 GST	2024/2025 Fee (incl. GST if applic.)
Hire of shelter and chairs	1 shelter/10 chairs	\$11.45	\$126.00
Hire of additional shelter and chairs	1 shelter/10 chairs	\$3.91	\$43.00

Plaque

Name	Unit	2024/2025 GST	2024/2025 Fee (incl. GST if applic.)
Cost of plaque including freight	plaque		POA
Plaque installation – Lawn Cemetery	plaque	\$17.55	\$193.00
Plaque installation – Niche (if not installed at interment)	plaque	\$17.55	\$193.00
Cost of plaque restoration including freight	plaque		POA
Plaque renovation – Remove, arrange restore, re-install	per request	\$21.55	\$237.00

Reservation

Name	Unit	2024/2025 GST	2024/2025 Fee (incl. GST if applic.)
Grave, Above Ground Vault	plot	\$0.00	\$645.00
Child – Grave, Above Ground Vault (less than 9 years old)	plot	\$0.00	\$323.00
Mausoleum Wall	plot	\$0.00	\$8,100.00
Mausoleum Free Standing	plot	\$0.00	\$4,289.00
Niche (Single)	niche	\$0.00	\$416.00
Niche (Double)	niche	\$0.00	\$483.00
Double Depth Burial - Kuranda Heights	plot	\$0.00	\$967.00

Miscellaneous

Name	Unit	2024/2025 GST	2024/2025 Fee (incl. GST if applic.)
Construction of a memorial	plot	\$31.73	\$349.00
Exhumation	plot		Cost
Removal of slab or headstone	plot		Cost
Concrete Pillars	pillar	\$27.00	\$297.00
Surrender or Transfer an Interment Right (Reservation)	reservation	\$0.00	\$95.00

8.12 FINANCIAL STATEMENTS PERIOD ENDING 31 JANUARY 2025

Date Prepared: 5 February 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 January 2025.

RECOMMENDATION

That Council receives the Financial Report for the period ending 31 January 2025.

BACKGROUND

Each month, year to date financial statements are prepared to monitor actual performance against budgets.

For the period ending 31 January 2025, 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>January 2025 – Snapshot</i>	Actuals YTD	Budget YTD
Council Operating Income	\$ 35,476,694	32,727,833
Council Operating Expenditure	\$ 31,174,321	30,398,433
Council Operating Surplus/(Deficit)	\$ 4,302,373	2,329,400
Disaster Recovery Funding Arrangement - deficit	\$ (3,554,775)	-
Total Operating Surplus/(Deficit)	\$ 747,598	2,329,400
Total Capital Income	\$ 11,149,200	4,816,335
Net Result - Surplus/(Deficit)	\$ 11,896,798	7,145,735

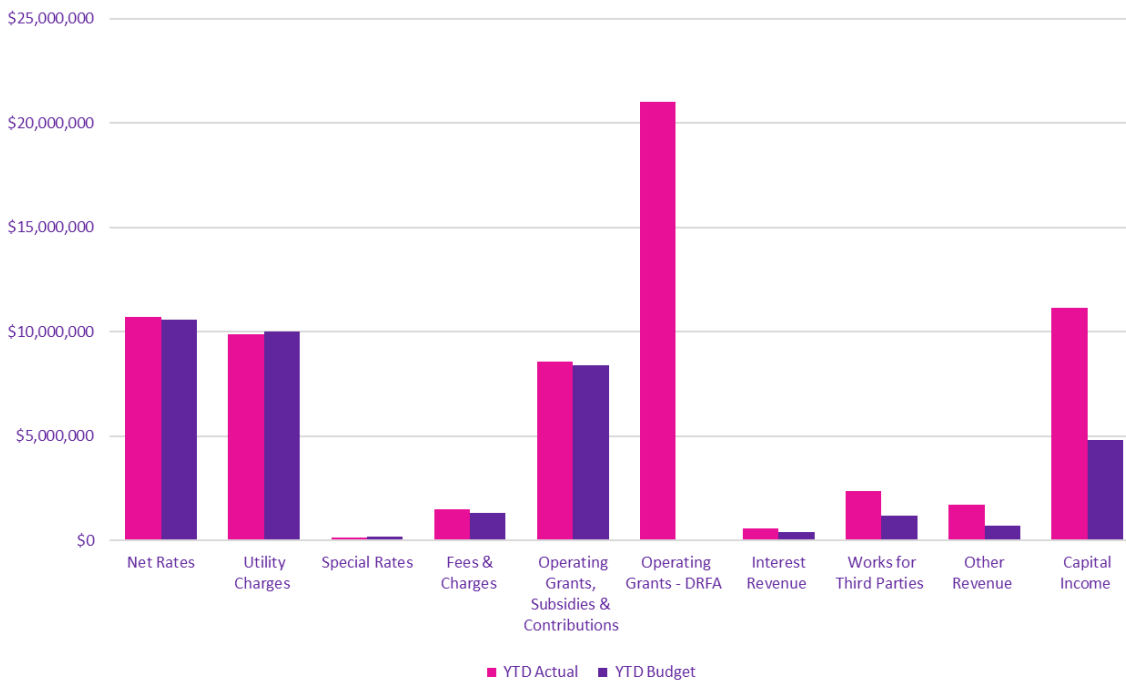
While Disaster Recovery Funding Arrangements (DRFA) generally has a net-zero impact on Council’s finances, there are timing differences when the expenditure is incurred and income received, even between years. The budget also does not include any provision for DRFA.

Income Analysis

Total income (inclusive of capital income of \$11,149,200) for the period ending 31 January 2025 is \$67,622,255 compared to the YTD budget of \$37,544,168.

The graph below shows actual income against budget for the period ending 31 January 2025.

Actual Income V Budget Income



	Actual YTD	Budget YTD	Note
Net Rates	10,701,528	10,558,500	1
Utility Charges	9,897,762	10,004,791	1
Special Rates and Charges	156,185	160,738	1
Fees and Charges	1,497,580	1,301,199	2
Operating Grants, Subsidies and Contributions	8,568,305	8,394,833	
Operating Grants, Subsidies - DRFA	20,996,361	-	3
Interest Received	585,857	395,500	
Works for Third Parties	2,374,589	1,207,500	4
Other Revenue	1,694,888	704,772	5
Capital Income	11,149,200	4,816,335	6

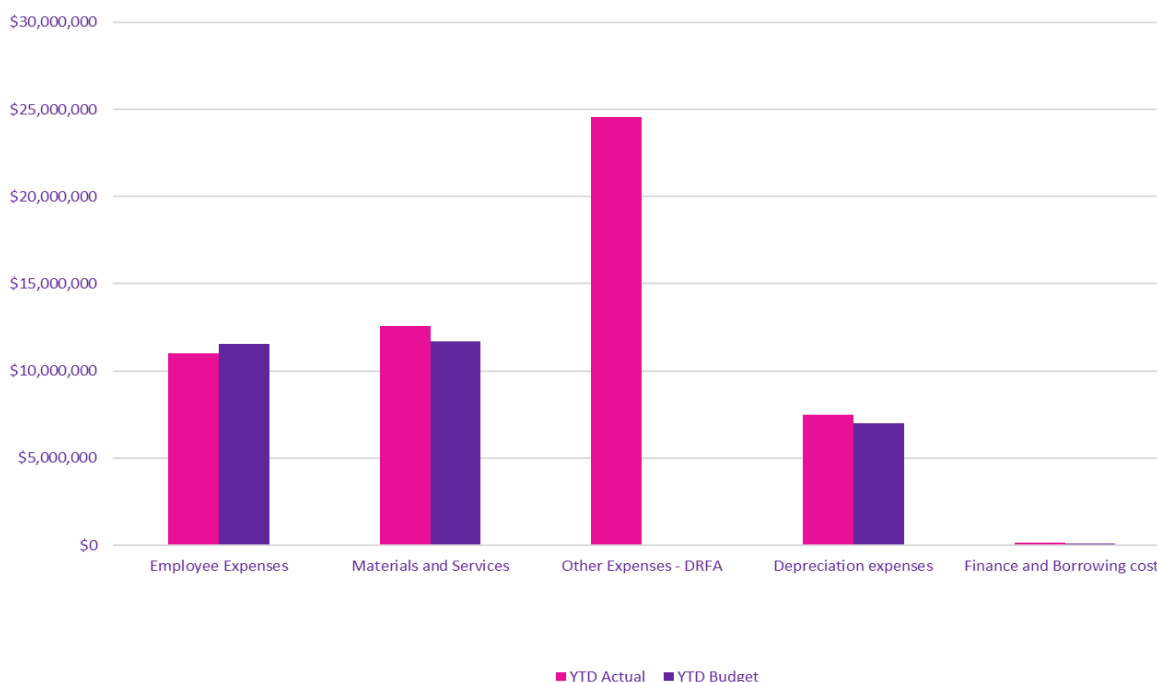
Notes:

1. Rates for the half year ending 31 December 2024 were levied in August. The Rates Notices for the period ending 30 June 2025 will be issued on 21 February 2025 (actually posted out on 14 February) with a discount due date being 28 March 2025.
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 January 2025 is \$55,725,457 compared to the YTD budget of \$30,398,433. The graph below shows actual expenditure against budget for the period ending 31 January 2025.

Actual Expenditure V Budget Expenditure



	Actual YTD	Budget YTD	Note
Employee Expenses	11,002,952	11,553,115	1
Materials and Services	12,569,051	11,699,784	2
Other Expenses - DRFA	24,551,136	-	3
Depreciation Expenses	7,466,956	7,019,316	
Finance and Borrowing Costs	135,362	126,218	

Notes:

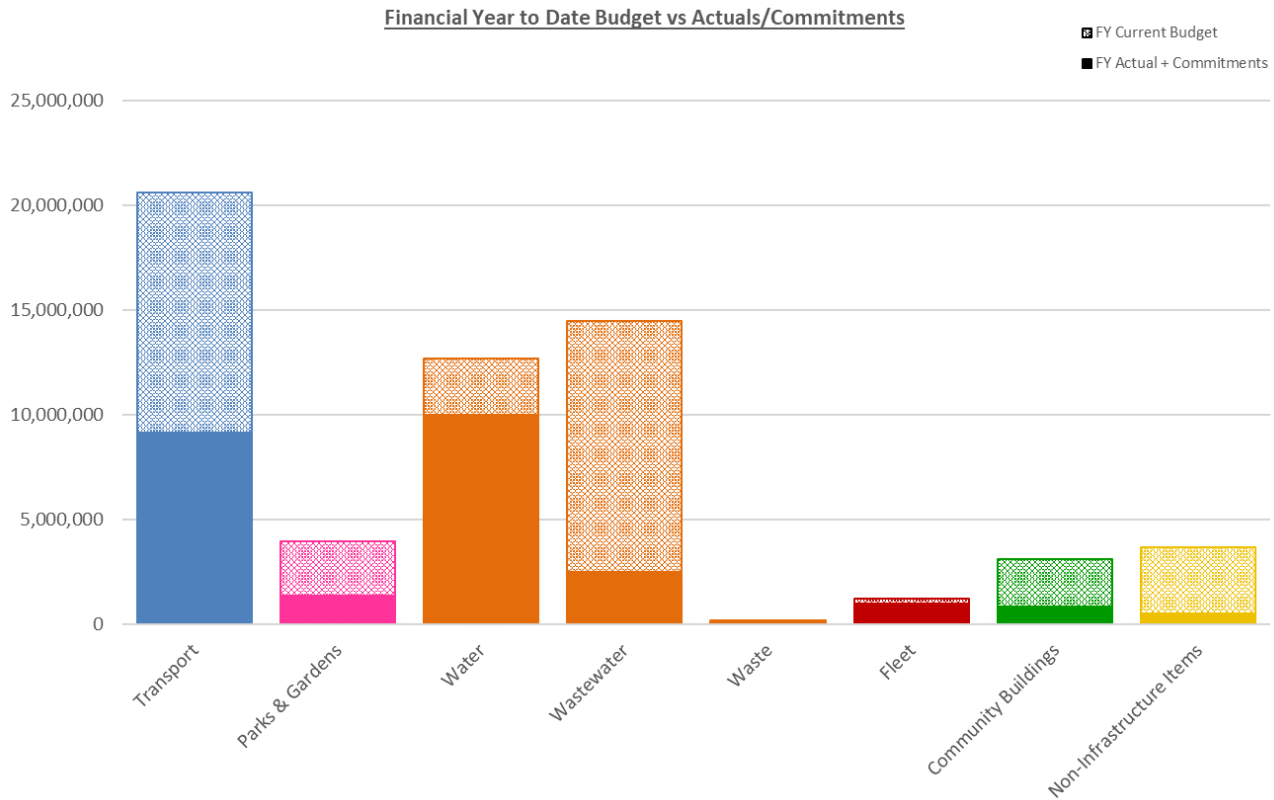
1. No significant issues are identified. The variance in employee expenses is due to a timing issue between the fortnightly pay processing and the report preparation, actual-planned staff absences, vacancies, and staff working on capital projects.
2. The majority of the variance is due to expenditure 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 \$41,319 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 \$25,515,820 (including commitments) has been spent for the period ending 31 January 2025 against the 2024/25 annual capital budget of \$54,142,906.



Loan Borrowings

Council's loan balance is \$6,282,604 as at 31 January 2025.

Rates and Charges

The total rates and charges payable as at 31 January 2025 are \$2,130,036 which is broken down as follows:

Status	31 January 2025		31 January 2024	
	No. of properties	Amount	No. of properties	Amount
Valueless Land	3	9,781	3	86,259
Payment Arrangement	3	3,302	3	1,171
Collection House	293	1,189,075	252	1,061,737
Exhausted – awaiting sale of land	20*	827,644	15	440,019
Sale of Land	-	-	8	74,510
Other (includes current rates notices)	413**	100,234	100	38,622
TOTAL	732	2,130,036	381	1,702,318

*10 Mining Lease properties with a total outstanding rates balance of \$745,824 are in Bankruptcy

**Of this amount, 311 properties have a balance less than \$20

The Rate Notices for the period ending 30 June 2025 will be formally issued on 21 February 2025 (however were posted 14 February 2025) with the discount (due) date being 28 March 2025.

Collection House collected \$144,622 for the month of January 2025.

Sundry Debtors

The total outstanding for Sundry Debtors as at 31 January 2025 is \$91,403 which is made up of the following:

Current	30 days	60 days	90 + days
\$74,974	\$3,678	\$11,529	\$1,222
82%	4%	13%	1%

Procurement

There were no emergency purchase orders for the month of January 2025.

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

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Budgeted Income Statement by Fund 2024/25 Budget

Consolidated			
	Actual YTD	Budget YTD	2024/25 Budget
Revenue			
Rates and utility charges	21,949,557	21,923,452	43,846,904
Less Discounts and Pensioner Remissions	(1,194,082)	(1,199,423)	(2,398,846)
Net Rates and Utility Charges	20,755,475	20,724,029	41,448,058
Fees and Charges	1,497,580	1,301,199	2,075,409
Operating Grants and Subsidies	29,508,382	8,363,333	9,272,056
Operating Contributions	56,284	31,500	54,000
Interest Revenue	585,857	395,500	678,000
Works for Third Parties	2,374,589	1,207,500	2,070,000
Other Revenue	1,694,888	704,772	1,267,130
Total Operating Revenue	56,473,055	32,727,833	56,864,653
Expenditure			
Employee Expenses	11,002,952	11,553,115	19,959,729
Materials and Services	37,120,187	11,699,784	18,908,537
Depreciation expense	7,466,956	7,019,316	12,033,115
Finance and Borrowing costs	135,362	126,218	338,828
Total Operating Expenses	55,725,457	30,398,433	51,240,209
Operating Surplus/(Deficit)	747,598	2,329,400	5,624,444
Capital Income			
Capital Contributions	89,416	-	-
Capital Grants and Subsidies	10,250,984	4,711,335	9,422,669
Capital Income Other	168,090	-	-
Interest on Contributions/Reserves	1,205,810	-	-
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	(565,100)	105,000	180,000
Total Capital Income	11,149,200	4,816,335	9,602,669
Net Result	11,896,798	7,145,735	15,227,113

Budgeted Income Statement by Fund 2024/25 Budget

General			
	Actual YTD	Budget YTD	2024/25 Budget
Revenue			
Rates and utility charges	11,985,803	11,852,769	23,705,538
Less Discounts and Pensioner Remissions	(1,194,082)	(1,199,423)	(2,398,846)
Net Rates and Utility Charges	10,791,721	10,653,346.00	21,306,692
Fees and Charges	987,840	880,440	1,246,360
Operating Grants and Subsidies	8,296,730	8,312,583	9,185,056
Operating Contributions	-	-	-
Interest Revenue	217,550	273,000	468,000
Works for Third Parties	2,351,415	1,207,500	2,070,000
Other Revenue	1,589,126	572,355	1,040,130
Total Operating Revenue	24,234,382	21,899,225	35,316,238
Expenditure			
Employee Expenses	9,718,455	10,226,885	17,795,080
Materials and Services	6,229,119	5,440,837	8,336,168
Depreciation expense	5,171,656	4,968,516	8,517,457
Finance and Borrowing costs	84,687	76,650	139,691
Total Operating Expenses	21,203,918	20,712,888	34,788,396
Operating Surplus/(Deficit)	3,030,465	1,186,337	527,842
Capital Income			
Capital Contributions	89,051	-	-
Capital Grants and Subsidies	4,683,836	2,238,752	4,477,504
Capital Income Other	168,090	-	-
Interest on Contributions/Reserves	959,360	-	-
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	(565,100)	105,000	180,000
Total Capital Income	5,335,238	2,343,752	4,657,504
Net Result	8,365,702	3,530,089	5,185,346

Budgeted Income Statement by Fund 2024/25 Budget

Disaster Recovery Funding			
	Actual YTD	Budget YTD	2024/25 Budget
Revenue			
Rates and utility charges	-	-	-
Less Discounts and Pensioner Remissions	-	-	-
Net Rates and Utility Charges	-	-	-
Fees and Charges	-	-	-
Operating Grants and Subsidies	20,996,361	-	-
Operating Contributions	-	-	-
Interest Revenue	-	-	-
Works for Third Parties	-	-	-
Other Revenue	-	-	-
Total Operating Revenue	20,996,361	-	-
Expenditure			
Employee Expenses	50,879	-	-
Materials and Services	24,500,257	-	-
Depreciation expense	-	-	-
Finance and Borrowing costs	-	-	-
Total Operating Expenses	24,551,136	-	-
Operating Surplus/(Deficit)	(3,554,775)	-	-
Capital Income			
Capital Contributions	-	-	-
Capital Grants and Subsidies	-	-	-
Capital Income Other	-	-	-
Interest on Contributions/Reserves	-	-	-
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	-	-	-
Total Capital Income	-	-	-
Net Result	(3,554,775)	-	-

Budgeted Income Statement by Fund 2024/25 Budget

Waste			
	Actual YTD	Budget YTD	2024/25 Budget
Revenue			
Rates and utility charges	2,450,701	2,398,834	4,797,668
Less Discounts and Pensioner Remissions	-	-	-
Net Rates and Utility Charges	2,450,701	2,398,834	4,797,668
Fees and Charges	368,238	335,883	683,549
Operating Grants and Subsidies	200,000	-	-
Operating Contributions	56,284	31,500	54,000
Interest Revenue	57,637	35,000	60,000
Works for Third Parties	14,727	-	-
Other Revenue	67,727	114,917	197,000
Total Operating Revenue	3,215,314	2,916,134	5,792,217
Expenditure			
Employee Expenses	105,645	106,790	183,095
Materials and Services	2,858,308	2,969,375	5,065,787
Depreciation expense	145,709	134,433	230,456
Finance and Borrowing costs	-	-	100,000
Total Operating Expenses	3,109,662	3,210,598	5,579,338
Operating Surplus/(Deficit)	105,652	(294,464)	212,879
Capital Income			
Capital Contributions	-	-	-
Capital Grants and Subsidies	-	-	-
Capital Income Other	-	-	-
Interest on Contributions/Reserves	74,062	-	-
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	-	-	-
Total Capital Income	74,062	-	-
Net Result	179,714	(294,464)	212,879

Budgeted Income Statement by Fund 2024/25 Budget

Wastewater			
	Actual YTD	Budget YTD	2024/25 Budget
Revenue			
Rates and utility charges	3,248,179	3,226,114	6,452,227
Less Discounts and Pensioner Remissions	-	-	-
Net Rates and Utility Charges	3,248,179	3,226,114	6,452,227
Fees and Charges	57,063	41,417	71,000
Operating Grants and Subsidies	-	-	-
Operating Contributions	-	-	-
Interest Revenue	155,590	58,333	100,000
Works for Third Parties	2,567	-	-
Other Revenue	-	-	-
Total Operating Revenue	3,463,399	3,325,863	6,623,227
Expenditure			
Employee Expenses	435,917	405,692	697,878
Materials and Services	1,291,697	1,206,240	2,011,082
Depreciation expense	1,140,529	1,011,442	1,733,901
Finance and Borrowing costs	50,676	49,569	99,137
Total Operating Expenses	2,918,819	2,672,942	4,541,998
Operating Surplus/(Deficit)	544,580	652,921	2,081,229
Capital Income			
Capital Contributions	364	-	-
Capital Grants and Subsidies	2,208,915	1,350,250	2,700,500
Capital Income Other	-	-	-
Interest on Contributions/Reserves	100,210	-	-
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	-	-	-
Total Capital Income	2,309,490	1,350,250	2,700,500
Net Result	2,854,070	2,003,171	4,781,729

Budgeted Income Statement by Fund 2024/25 Budget

Water			
	Actual YTD	Budget YTD	2024/25 Budget
Revenue			
Rates and utility charges	4,198,882	4,379,843	8,759,687
Less Discounts and Pensioner Remissions	-	-	-
Net Rates and Utility Charges	4,198,882	4,379,843	8,759,687
Fees and Charges	84,439	43,458	74,500
Operating Grants and Subsidies	15,291	50,750	87,000
Operating Contributions	-	-	-
Interest Revenue	153,201	29,167	50,000
Works for Third Parties	5,880	-	-
Other Revenue	38,035	17,500	30,000
Total Operating Revenue	4,495,727	4,520,718	9,001,187
Expenditure			
Employee Expenses	692,056	813,749	1,283,676
Materials and Services	2,171,973	2,039,189	3,448,400
Depreciation expense	970,080	867,880	1,487,794
Finance and Borrowing costs	-	-	-
Total Operating Expenses	3,834,109	3,720,818	6,219,870
Operating Surplus/(Deficit)	661,618	799,901	2,781,317
Capital Income			
Capital Contributions	-	-	-
Capital Grants and Subsidies	3,358,232	1,122,333	2,244,665
Capital Income Other	-	-	-
Interest on Contributions/Reserves	45,787	-	-
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	-	-	-
Total Capital Income	3,404,018	1,122,333	2,244,665
Net Result	4,065,636	1,922,233	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	1,879	-	-
Works for Third Parties	-	-	-
Other Revenue	-	-	-
Total Operating Revenue	67,872	65,892	131,784
Expenditure			
Employee Expenses	-	-	-
Materials and Services	68,834	44,142	47,100
Depreciation expense	38,981	37,046	63,507
Finance and Borrowing costs	-	-	-
Total Operating Expenses	107,814	81,188	110,607
Operating Surplus/(Deficit)	(39,942)	(15,296)	21,177
Capital Income			
Capital Contributions	-	-	-
Capital Grants and Subsidies	-	-	-
Capital Income Other	-	-	-
Interest on Contributions/Reserves	26,391	-	-
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	-	-	-
Total Capital Income	26,391	-	-
Net Result	(13,552)	(15,296)	21,177

9 INFRASTRUCTURE SERVICES

9.1 INFRASTRUCTURE SERVICES, CAPITAL WORKS MONTHLY REPORT - JANUARY 2025

Date Prepared: 31 January 2025

Author: Manager Assets and Projects

Attachments:

1. [Capital Works Summary - January 2025](#) ↓
2. [Capital Works Highlights - January 2025](#) ↓

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 January 2025.

RECOMMENDATION

That Council:

1. receives the Infrastructure Services Capital Works Monthly Report for the month of January 2025, and
2. allocates an additional \$200,000 from the Kuranda Infrastructure Agreement Fund for the CP00861 Kuranda Coondoo Street Refurbishment project.

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.

In addition to the monthly report attached, Council is requested to consider allocating a further \$200,000 from the Kuranda Infrastructure Agreement Fund for the Kuranda Coondoo Street Refurbishment project, due to and an increase in costs associated with Ergon for the lighting upgrades in Lower Coondoo Street and additional works associated with protection of the heritage-listed fig trees.

RISK IMPLICATIONS

Financial

The capital works program is tracking within budget. If Council does not wish to allocate further funding, then it is proposed that the Lower Coondoo Street lighting upgrade component of the project will be deferred.

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

Infrastructure Services Capital Works Summary Report - January 2025



Project Code	Project Description	Project Comment	Project Stage
Program: 01 - Rural and Urban Roads Reseal Program (Renewal)			
CP0003731	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	Complete (Final report to be provided).	Construction
Program: 02 - Gravel Resheet			
CP0001022	23/24 Gravel Resheet Program	Project completed December 2024. When commitments are cleared balance of budget to be rolled over to 24/25 Gravel Resheet Program	Completed
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	Works will be undertaken after wet season & Herb/Constance intersection project	Construction
CP00795	TIDS 23-27 Herberton/Constance Inter	Works recommenced on site 20/01/2025. Wet weather is hampering progress. Ergon has removed the light pole & temporary lighting is in place.	Construction
CP00797	TIDS 22/23 24/25 Rankin/Walsh St R'bout	Estimated delivery of Designs End of February 2025. Tender documentation available for review by end of March 2025	Design
Program: 04 - Rural Roads			
CP0002040	KDA KIA08 Barron Falls/Masons Rd/L-out	Preliminary survey works have been undertaken, design to be scheduled.	Planning
CP0002041	KDA KIA09 Barron Falls Rd Thongon-Mason	Preliminary survey works have been undertaken, design to be scheduled.	Planning
CP0002048	KDA Kuranda Heights Rd Intersection	Survey undertaken, design to be scheduled .	Planning
CP0002050	MBA McIver 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	Widening works will commence 05/02/2025	Construction
CP0003753	MBA Byrnes St Safety Upgrades	Sites 7, 5 & 3 complete. site 1 commence early February.	Construction
CP00801	TIDS Ootann Rd Section 1&2 Widen & Seal	Tender workshop 05/02 & awarding after 19/02. Looking to reestablish on site late March weather permitting.	Construction
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.	Construction
CP00839	Bullaburrah Ck Rd C'way Relieving Slab	These works will be done by MSC staff after the wet season. A side track will need to be installed across Bullaburra Ck so flows will need to be minimal.	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

Infrastructure Services Capital Works Summary Report - January 2025



CP00843	Barron River Cwy Henry H Dr Repl Slabs	Scope of works will need to be assessed to ensure compliance with DAF regulations. Possible 3rd party works.	Not Commenced
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Program: 06 - Drainage

CP0001598	24/25 Renew Minor Culverts & Drainage	Temporary RCP repair works completed at Park Avenue. Full repairs will be undertaken after 2025 wet season.	Construction
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
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	Contractor collected pumps and have commenced fabrication of the Skid assembly. Awaiting confirmation from contractor of installation date.	Construction
CP0000951	Anzac Ave LATM Upgrades	Works completed.	Completed

Program: 08 - Parking

CP00846	MBA Heritage Centre Carpark Connection	Design being adjusted following stakeholder feedback. Construction to commence late April 2025	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 scheduled	Planning
CP0001666	KDA Barron Falls Rd Replace Footpath	Preliminary survey works have been undertaken, design to be scheduled.	Design
CP0001742	MBA WNP Constance-Lloyd St Footpath	Construction works delayed until early February due to wet weather.	Construction

Program: 10 - Parks and Gardens

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	Construction to commence late April 2025.	Construction
CP0003670	MBA Amaroo Park Shade	Construction works planned for mid-2025.	Planning
CP00809	MBA Bicentennial Lakes (Southern) D&C	All footbridges completed. Playground embankment rails programmed for installation late March 2025.	Construction
CP00860	KDA Anzac Park Landscaping	Park upgrade complete. Planning for the installation of tree naming plaques being undertaken.	Completed

Infrastructure Services Capital Works Summary Report - January 2025



CP00861	KDA Coondoo Street Refurb	Construction commencing in February 2025 for Upper Coondoo Street.	Construction
		Additional budget of \$200,000 requested from Kuranda Infrastructure Agreement Fund for Ergon cost escalation for Lower Coondoo Street Lighting.	

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 works completed. Stage 2 works contract awarded to ABAZPO Pty Ltd.	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
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	Waiting on parts for Constance/Basalt	Construction
CP0002682	FY24/25 - Irvinebank Ibis Dam PS	Works currently being scoped and pump setup being reassessed due to high iron content of water	Construction
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	Quote received for new receiver in Kuranda.;;Taggle to provide early access to new meters for trial in areas with connectivity issues.	Construction
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	MOL Replace Hunter Ck Weir	GHD to do inspection as soon as weather permits.	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	Valves selected, electrical schematics being produced.	Procurement
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 proiect can then be closed out.	Completed
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
CP0001047	23/24 WW CCTV & Relining Program	CCTV works to be completed early February.	Construction

Infrastructure Services Capital Works Summary Report - January 2025



CP0001050	Kennedy Hwy PS Control Board Upgrade	Switchboard installed and commissioned. Waiting on final invoice	Completed
CP0001053	23/24 WWPS Refurbishment Program	Works substantially completed in October.	Construction
CP0002474	FY24/25 - MBA Sewer CCTV & Reline Prog	RFQ submissions received. Procurement early February.	Procurement
CP0002475	FY24/25 - WW Pump Station Ancillary	Contractor working on ordering parts	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. Waiting on pricing	Procurement
CP0002477	FY24/25 - Telemetry/SCADA Upgrades	Contractor progressing with investigating processes and systems relevant to alarming and code deployment.	Construction
CP0002479	FY24/25 - Pump Station Generators x 2	Enclosure to be constructed and installed	Construction
CP0002480	FY24/25 - Manhole Rehab & Replace	Works delayed due to inclement weather.	Construction
CP0002481	FY24/25 - MBA Constance St Rising Main	Grant funding being finalised	Design
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	Construction continuing.	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
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	Works completed early February.	Completed
CP0003737	MBA Kowa St External Staff Training Room	RFQ submission received. Require change request to scope. Further planning required.	Procurement

Infrastructure Services Capital Works Summary Report - January 2025



CP0003765	MBA Kowa St Depot Fuel Bowser	Works to be completed mid February.	Construction
CP00759	Kowa St MSC Depot Emergency Generator	Waiting on drawings and recommendations expected early February 2025.	Design
Program: 17 - Community Buildings			
CP0001059	Mba/Dim Aquatic Condition Assessment	RFQ to be released to Market early March 2025.	Planning
CP0001632	24/25 Amenities Refurbishment Program	Planning to commence February.	Planning
CP0001637	KDA Library Paint & Roof Improvements	Planning for roof and gutter works to commence early February.	Construction
CP0001639	Annual Minor Building Refurbishment	Planning to commence February.	Planning
CP0001646	KDA Recreation Centre Improvements	Works to commence February.	Construction
CP0001664	Annual Facilities LED Lighting	Planning to commence February.	Not Commenced
CP0002909	DIM Memorial Hall Park Lighting Upgrade	Works to be completed early February.	Construction
CP0003729	MBA Aquatic Centre Pool Expansion Joints	MCSF - sourcing contractor to repair	Planning
CP0003756	MBA Davies Park Field 1 Lighting Upgrade	Works to commence late February - early March weather permitting.	Construction
CP0003792	MBA Animal Management Facility Flooring	Shade sail installation delayed until early to mid february due to weather conditions.	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	Planning to commence early February 2025.	Design
Program: 18 - Non-Infrastructure Items			
CP0001085	Mba Cemetery Expansion Planning	Inception meeting held with Community Dep and Technical Services Team to commence layout development, Targeted for June 2025.	Planning
CP0003684	MBA New Cemetery Lawn Plaque on Beam	Additional irrigation works to be undertaken	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	Construction
CP0003754	Mareeba CBD Blueprint	Australian Government deed of agreement executed. Milestone 1 submitted.	Planning
CP00446	Kuranda New Cemetery	Works to provide turf section next to Gabion wall to be installed late February. Works identified to provide a barrier against ground scouring due to excessiverain events.	Construction
CP00932	MBA MIP Expansion	Masterplan at 70% design stage.	Design

Infrastructure Services Capital Works Report Project Highlights – January 2025



Project Name: Herberton/Constance Streets Intersection Upgrade

Program: Urban Streets

Background

The Far North Queensland Regional Roads and Transport Group (FNQRRTG) Works Program for the 2024-2025 financial year includes a non-Local Roads of Regional Significance (non-LRRS) project for Mareeba Shire Council. This project is supported by the Queensland State Government, which has provided 50% funding through the Transport Infrastructure Development Scheme (TIDS).

Scope of Works

The scope of works includes the installation of a roundabout, a number of traffic islands, kerbing, footpath extensions and light pole relocations.

Progress Update

Works recommenced on site 20 January 2025. The Ergon Energy Prestart meeting was conducted just prior to the Christmas Closedown and crews were able to start laying electrical conduit. Wet weather is hampering progress with a number of days lost to rain. In the coming weeks footpath extensions, footpath renewals and kerb ramps will be installed as the conduit works continue.



Marked trench for conduit



Trench excavation



Installed conduit



Conduit protective cover

**Infrastructure Services Capital Works Report
Project Highlights – January 2025**



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 Keneally 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. Due to recent monsoonal rain events, the works program has been rescheduled to recommence in March 2025, weather permitting.



**Infrastructure Services Capital Works Report
Project Highlights – January 2025**



Sewer Manhole Remediation



**Infrastructure Services Capital Works Report
Project Highlights – January 2025**



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.

The \$663,152 project is fully funded by the Australian Government’s Local Roads and Community Infrastructure Program. This is part of the broader \$1,812,817 in LRCI Phase 4 funding from the Australian Government to deliver a suite of projects in the Shire.

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:	Mareeba - Cairns Connection Road.
Location 2:	BP Median Island. Complete.
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). Complete.
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. Complete.



Infrastructure Services Capital Works Report Project Highlights – January 2025



Progress Update

Gregg Construction Pty Ltd have commenced work at four of the northern site locations: Location 3, 4, 5 and 7. Works for these locations are scheduled for completion early February. The last site on the Mareeba-Cairns Connection Road site (Location 1) will then commence.

Concrete maintenance kerbs have been installed, new trees and shrubs have been planted with irrigation and mulching scheduled for the works. Photos below.



Location 3 – Jacobsen Turning Lane, Byrnes Street.



Location 7 – Granite Creek approach, Byrnes Street

**Infrastructure Services Capital Works Report
Project Highlights – January 2025**



Location 5 – North of roundabout, Byrnes Street.



Location 4 – Roundabout, Byrnes Street.



**Infrastructure Services Capital Works Report
Project Highlights – January 2025**



Project Name: Dimbulah Memorial Park Lighting Upgrade

Program: Community Facilities

Background:

Dimbulah Memorial Park has traditionally served as a venue for community events, often organized by groups such as the Lyons Club and the Dimbulah Community Centre. These events, held both during the day and at night, require adequate lighting and electrical services. Over the years, these services have been incrementally added to the park as needed.

Through consultation with the park's various user groups, Council identified the need to upgrade the outdated and end-of-life lighting and electrical systems. The upgrade will provide modern lighting and electrical distribution boards throughout the park, ensuring user groups can safely conduct their community events. This project complements recently completed upgrades to the Dimbulah Memorial Park Hall, which delivered a new roof, air conditioning and solar panels to the facility.

Scope of Work

- Upgrade the park's main electrical distribution board.
- Install new main electrical service from the Town Halls point of supply.
- Supply and install three new electrical distribution boards along Brickley Street.
- Upgrade existing electrical distribution boards throughout the park.
- Supply and install two 8 metre lighting poles along Brickley Street (as per lighting design)
- Supply new LED system lighting to light poles and the Memorial Hall (as per Lighting design)

Progress Update

Brad Owens Electrical have commenced works to upgrade the Lighting and Electrical services to the park. Works are scheduled for completion early to mid-February.



New 8-Metre Lighting Pole



New Main Electrical Distribution board

9.2 INFRASTRUCTURE SERVICES, DISASTER RECOVERY OPERATIONS REPORT - JANUARY 2025

Date Prepared: 6 February 2025
Author: Manager Disaster Recovery
Attachments: 1. January Major DRFA Project Summary [↓](#)

EXECUTIVE SUMMARY

The purpose of this report is to outline to progress of Council’s activities funded under the Disaster Recovery Funding Arrangements (DRFA) during the month of January 2025.

RECOMMENDATION

That Council receives the Infrastructure Services, Disaster Recovery Operations Report for January 2025.

BACKGROUND

The Disaster Recovery Funding Arrangements (DRFA) is a jointly funded program between the Australian Government and State Government, providing financial assistance to help communities recover from eligible disasters. Current projects and their respective weather events are provided herein.

2022 DRFA – Far North Queensland Low Pressure Trough, 1 – 7 February 2022

Project Name	Update
T-MSC2023-16 Gamboola Crossing	Dempsey Crane and Construction (DCC) was engaged to deliver the works. Construction commenced September 2023 and Practical Completion was reached November 2024. Finalisation of variations and costs is underway prior to close out of the project.
T-MSC2023-12 Gully Betterment Program	S&K Civil Pty Ltd (S&K) was engaged to deliver the works. Construction commenced June 2023 and Practical Completion was reached December 2024. Project Management costs to be finalised prior to close out of the project.

2023 DRFA – Northern and Central Queensland Monsoon and Flooding, 20 December 2022 – 30 April 2023

Project Name	Update
Mount Mulligan Road Rain Gauge reinstatement	Quotation received from Qttec Pty Ltd (Qttec) exceeds original funding amount. Funding guidelines state that works will be reimbursed based on the actual cost. Expect engagement of Contractor mid-February and delivery by 30 June 2025.

Project Name	Update
T-MSC2024-06 – MSC DRFA 2023 Eastern Roads Package	Ikin Civil Pty Ltd engaged to deliver contract. Minor seal works to be completed subject to weather.
T-MSC2024-07 – MSC DRFA 2023 Dimbulah Roads Package	Keltone Construction Pty Ltd engaged to deliver contract. Works on hold until after wet season.
T-MSC2024-08 – MSC DRFA 2023 Mid-Western Roads Package	Gregg Construction Pty td engaged to deliver contract. Works complete.
T-MSC2024-09 – MSC DRFA 2023 Western Roads Package	MC Group Pty Ltd engaged to deliver contract. Works outstanding on Bulimba and Blackdown Road.

2024 DRFA – Tropical cyclone Jasper, associated rainfall and flooding, 13 – 28 December 2023

Project Name	Update
T-MSC2023-04 Kuranda Landslip Remediation	Australian ground engineering Pty Ltd engaged to deliver contract. Hilltop reservoir: Complete. Barron Falls Road: Guardrail, roadworks and extension to scope outstanding. Works on site underway and scheduled to be completed end of February 2025 weather pending.
T-MSC2024-10 Jarawee Road Stabilisation	Civform Pty Ltd engaged to deliver contract. Works underway on site. Both abutments poured. Works scheduled to be completed late March 2025 (subject to weather).
T-MSC2024-13 Bushy Creek Bridge	Davbridge Pty Ltd engaged to deliver contract. Bridge works complete. Sealing works completed. Line marking outstanding and to be completed subject to weather.
T-MSC2024-15 Emerald End Culvert Construction	Terra Novus is engaged to deliver contract. Downstream wingwalls complete. Works progressing on back fill of structure and road subgrade.
T-MSC2024-16 Carman Road Culvert Construction	Terra Novus Pty Ltd is engaged to deliver contract. Construction is scheduled to commence following the completion of the cobra creek culvert on Emerald End Road (March 2025).

MSC DRFA 2024 Roads Program

Tenders have been invited for the below roads packages:

- 1) T-MSC2024-06 – MSC DRFA 2023 Eastern Roads Package
- 2) T-MSC2024-07 – MSC DRFA 2023 Dimbulah Roads Package
- 3) T-MSC2024-08 – MSC DRFA 2023 Mid-Western Roads Package

4) T-MS2024-09 – MSC DRFA 2023 Western Roads Package

Tenders close on 18 February 2025.

Clean-up Program (exceptional circumstances package)

Funding is available to eligible local governments and state agencies that require extraordinary assistance to undertake assessments and conduct extraordinary clean-up activities of rivers, waterways, beaches, community and recreational assets and National Parks and to support removal and disposal of disaster related debris.

All approved works under this program were completed in late 2024.

Water & Sewer Program (exceptional circumstances package)

In December 2024, a Water and Sewerage Infrastructure Package was announced, and is available to Mareeba Shire Council, Cook Shire Council and Douglas Shire Council.

The objectives of the Water and Sewerage Infrastructure Package is to restore essential water and sewerage infrastructure that was damaged by the event and ensure essential services are delivered to the community, accelerating recovery and relieving distress.

In addition to request for reimbursement of immediate and emergency costs, the following submissions have been lodged to QRA:

- 1) Lloyd Street Sewer Main Works
- 2) Kuranda Water Treatment Plant Works

QRA are working with the National Emergency Management Agency (NEMA) to develop program guidelines for the program.

Betterment Fund (exceptional circumstances package)

The Betterment Fund is available to eligible local government areas in Queensland impacted by the Tropical Cyclone Jasper, associated rainfall and flooding, 13 - 28 December 2023. It is jointly funded by the Australian and Queensland Governments. The objectives of the Betterment Fund are to restore essential public assets damaged in events to a more resilient standard.

Council officers are presently identifying suitable projects for this program.

QRA are working with the National Emergency Management Agency (NEMA) to develop program guidelines for the program.

Future Disaster EventsProject Management Services

Tender T-MS2025-05 – MSC DRFA Program Management 2025-27 tendered 31 January 2025 and scheduled to close 25 February 2025.

Engagement is for the design and delivery of DRFA eligible events occurring from 1 January 2025 to 30 June 2027, which would enable Council to be prepared for future disaster events.

Event Activation

Current rainfall and infrastructure repair is being monitored, however no activation has been requested for the current wet season. Mareeba Shire Council trigger point for 2024/25 FY is \$139,793.00.

RISK IMPLICATIONS**Financial**

Funding arrangements state that eligible expenditure is reimbursed.

Expenditure is considered eligible when:

- 1) Extraordinary costs are incurred that could normally not be absorbed by, or reasonably managed within, the local government or state agency's financial, human and other resource capacity, and
- 2) Costs are directly associated with the delivery of eligible works on eligible essential public assets that have been damaged by an activated eligible disaster.

No ineligible cost reported for active projects. Risk of ineligible expenditure is mitigated through engagement of suitably qualified consultants.

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.

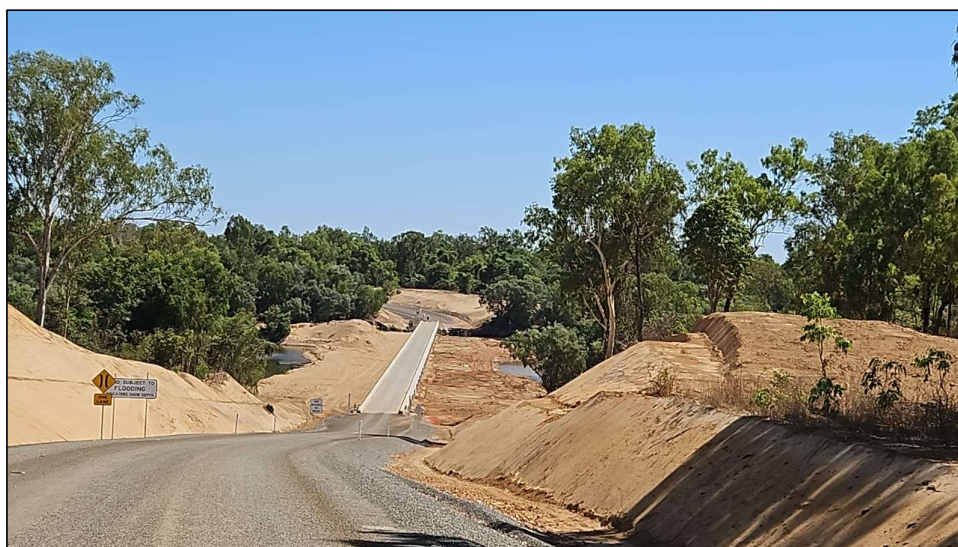
Economy and Growth: Promote and encourage investment in local industry to build a resilient economy.

**Infrastructure Services Disaster Relief Operations
Major Projects Summary – January 2025**



2022 DRFA – Far North Queensland Low Pressure Trough, 1 – 7 February 2022

T-MS2023-16 Gamboola Crossing



Project Manager/Designer: ARO Industries Pty Ltd
Contractor: Dempsey Crane & Construction Pty Ltd
Status: **Works complete**

Mareeba Shire Council (MSC) engaged ARO Industries Pty Ltd (ARO) for the provision of engineering design and project management services for the construction of a low-level bridge across the Mitchell River on Strathleven Road (Gamboola Crossing). The existing crossing was damaged as a result of the Far North Queensland Low Pressure Trough, 1 – 7 February 2022 weather event.

MSC was granted funding through the Queensland Reconstruction Authority (QRA) to undertake construction of the bridge.

Dempsey Crane and Construction (DCC) was engaged to deliver the works. Construction commenced September 2023 and Practical Completion was reached November 2024.

**Infrastructure Services Disaster Relief Operations
Major Projects Summary – January 2025**



T-MS2023-12 Gully Betterment Program



Hurricane Road

Project Manager/Designer: ARO Industries Pty Ltd
Contractor: S&K Civil Pty Ltd
Status: **Works complete**

Mareeba Shire Council (MSC) engaged ARO Industries Pty Ltd (ARO) for the provision of engineering design and project management services for upgrade of gully crossings throughout the Mareeba Shire Council area. Crossings were damaged as a result of the Far North Queensland Low Pressure Trough, 1 – 7 February 2022 weather event.

MSC was granted funding through the Queensland Reconstruction Authority (QRA) betterment program to undertake construction of the bridge. Betterment works included reinforced concrete causeways, toe walls and protective treatments.

S&K Civil Pty Ltd (S&K) was engaged to deliver the works. Construction commenced June 2023 and Practical Completion was reached December 2024.

**Infrastructure Services Disaster Relief Operations
Major Projects Summary – January 2025**



2024 DRFA – Tropical cyclone Jasper, associated rainfall and flooding, 13 – 28 December 2023

T-MS2024-04 Kuranda Landslip Remediation



Project Manager/Designer: ARO Industries Pty Ltd
Contractor: Australia Ground Engineering Pty Ltd
Status: Hilltop Reservoir Complete, Barron Falls Road ongoing

**Infrastructure Services Disaster Relief Operations
Major Projects Summary – January 2025**

Mareeba Shire Council (MSC) engaged ARO Industries Pty Ltd (ARO) for the provision of engineering design and project management services for the geotechnical failures at:

- 1) Hilltop Close Reservoir; and
- 2) Barron Falls Road.

The sites were damaged as a result of the Tropical cyclone Jasper, associated rainfall and flooding, 13 – 28 December 2023 weather event.

MSC was granted funding through the Queensland Reconstruction Authority (QRA) to undertake work at Barron Falls Road. Reimbursement for works at Hilltop Reservoir are currently being sought through the QRA water and sewer infrastructure package.

Australian Ground Engineering (AGE) was engaged to deliver the works. Construction commenced at Hilltop Close in April 2024 and Practical Completion was reached July 2024. Construction commenced at Barron Falls Road in May 2024 and works are scheduled for completion February 2025.

**Infrastructure Services Disaster Relief Operations
Major Projects Summary – January 2025**



T-MS2024-10 Jarawee Road Stabilisation



Project Manager: ARO Industries Pty Ltd
Contractor: Civform Pty Ltd (design & construct)
Status: **Works ongoing**

Mareeba Shire Council (MSC) engaged ARO Industries Pty Ltd (ARO) for the provision of engineering design and project management services for remediation works at the culvert failure on Jarawee Road, Kuranda. The culvert was damaged as a result of the Tropical cyclone Jasper, associated rainfall and flooding, 13 – 28 December 2023 weather event.

As a result of an alternative tender, Civform was engaged for the design and construction of a reinforced concrete bridge with pedestrian lane in lieu of a culvert structure. Construction commenced September 2024 and is ongoing.

MSC was granted funding through the Queensland Reconstruction Authority (QRA) to undertake construction of the bridge.

**Infrastructure Services Disaster Relief Operations
Major Projects Summary – January 2025**



T-MS2023-13 Bushy Creek Bridge



Project Manager/Designer: ARO Industries Pty Ltd
Contractor: Davbridge Pty Ltd
Status: **Works ongoing**

Mareeba Shire Council (MSC) engaged ARO Industries Pty Ltd (ARO) for the provision of engineering design and project management services for the construction of a reinforced concrete bridge across Bushy Creek on Mount Lewis Road. The existing crossing was damaged as a result of the Tropical cyclone Jasper, associated rainfall and flooding, 13 – 28 December 2023 weather event.

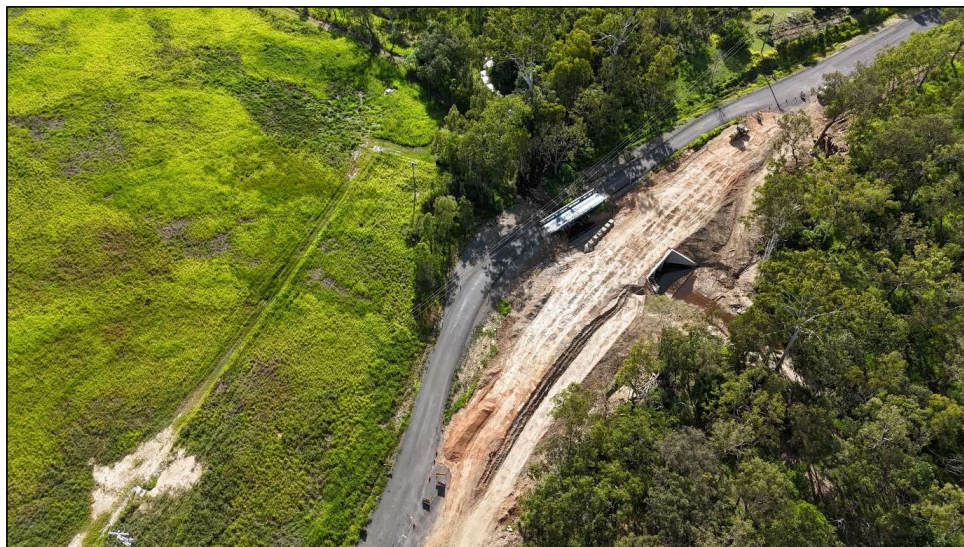
MSC was granted funding through the Queensland Reconstruction Authority (QRA) to undertake construction of the bridge.

Davbridge Constructions was engaged to deliver the works. Construction commenced September 2024 and the bridge was opened to traffic December 2024. Sealed works are complete with only line marking outstanding on the project.

**Infrastructure Services Disaster Relief Operations
Major Projects Summary – January 2025**



T-MS2023-15 Emerald End Culvert Construction



Project Manager/Designer: ARO Industries Pty Ltd/Trinity Engineering and Consulting Pty Ltd
Contractor: Terra Novus Pty Ltd
Status: **Works ongoing**

Mareeba Shire Council (MSC) engaged Trinity Engineering and Consulting Pty Ltd (TEC) for engineering design and ARO Industries Pty Ltd (ARO) for project management services for the construction of a RCBC structure across Cobra Creek on Emerald End Road, Mareeba. The existing crossing was damaged as a result of the Tropical Cyclone Jasper, associated rainfall and flooding, 12 – 28 December 2025 weather event.

MSC was granted funding through the Queensland Reconstruction Authority (QRA) to undertake construction of the causeway.

Terra Novus Pty Ltd is engaged to deliver the works. Construction is currently for completion March 2025.

**Infrastructure Services Disaster Relief Operations
Major Projects Summary – January 2025**



T-MS2023-16 Carman Road Culvert Construction



Project Manager/Designer: ARO Industries Pty Ltd/Trinity Engineering and Consulting Pty Ltd

Contractor: Terra Novus Pty Ltd

Status: Works to commence following completion of Emerald End Road Culvert

Mareeba Shire Council (MSC) engaged Trinity Engineering and Consulting Pty Ltd (TEC) for engineering design and ARO Industries Pty Ltd (ARO) for project management services for the construction of a causeway on Carman Road. The existing crossing was damaged as a result of the Tropical Cyclone Jasper, associated rainfall and flooding, 12 – 28 December 2025 weather event.

MSC was granted funding through the Queensland Reconstruction Authority (QRA) to undertake construction of the causeway.

Terra Novus Pty Ltd is engaged to deliver the works. Construction is scheduled to commence following the completion of the Cobra Creek Culvert on Emerald End Road (March 2025).

9.3 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES OPERATIONS REPORT - JANUARY 2025

Date Prepared: 31 January 2025
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 January 2025.

RECOMMENDATION

That Council receives the Infrastructure Services, Technical Services Operations Report for January 2025.

BACKGROUND**Technical Services**Design, quality, and investigations:

Investigation activities undertaken in January included:

Activity	Current Requests	Closed Requests
Road Infrastructure Review	86	11
Drainage Investigations	40	9
NHVR Permit Applications	0	26
Traffic Count Surveys	0	0
Parks Investigations	5	0
Aerodromes	1	0
Miscellaneous e.g. Planning; Local Laws	29	26
Before You Dig Requests	0	78

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:

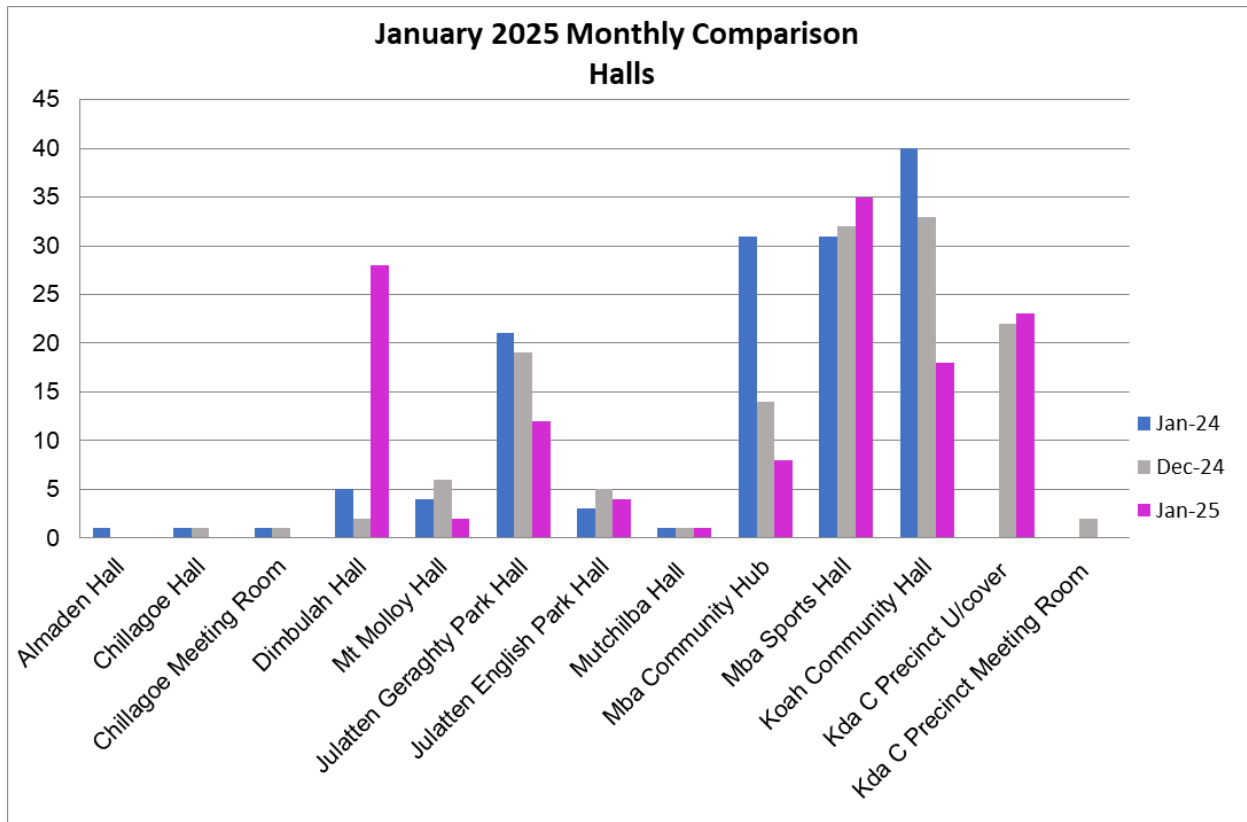
Locality	Subdivisions Name	Status
Kuranda	Jum Rum Rainforest Estate Stage 1, Fallon Road	On-maintenance
Mareeba	Emerald End Road and Country Road – Stage 3	On-maintenance
Mareeba	Emerald End Road and Country Road – Stage 4	Under construction
Mareeba	The Rise – Catherine Atherton Drive – Stage 3	On-maintenance
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	Mareeba Roadhouse and Accommodation Park, Williams Close	On-Maintenance - Monitoring
Mareeba	7 Kenneally Road	Under construction
Mareeba	9 Kenneally Road	Under construction
Mareeba	Mclver Road, St Stephens College	Under Construction
Kuranda	2-6 Black Mountain Road	Under Construction
Kuranda	Jum Rum Rainforest Estate Stage 2, Fallon Road	Under construction
Kuranda	Myola Heights – Christensen Road	On-Maintenance

Facilities**Repairs and Maintenance:**

A fire within the male ablution facilities within the Mareeba Library (Cedric Davies Community Hub) during the Christmas period resulted in extensive works being required to clean and prepare the facility for reopening to the public. The Library was closed for one (1) additional week in January as a result. Further works to fully remedy the impacts of the fire will be investigated/implemented later in the year.

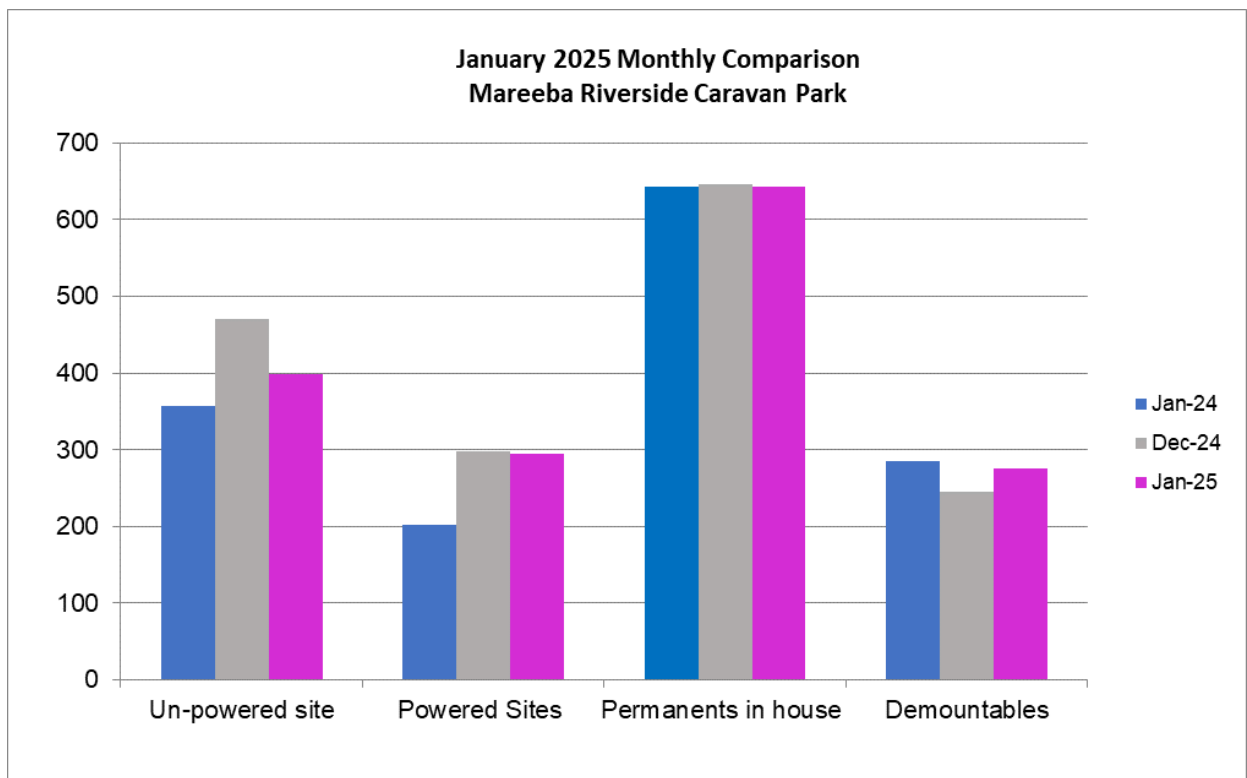
Community Halls:

Maintaining safe and efficient access to Council’s Community Halls is recognised as an important aspect for the community's ongoing wellbeing. Bookings for January were generally strong across the region.

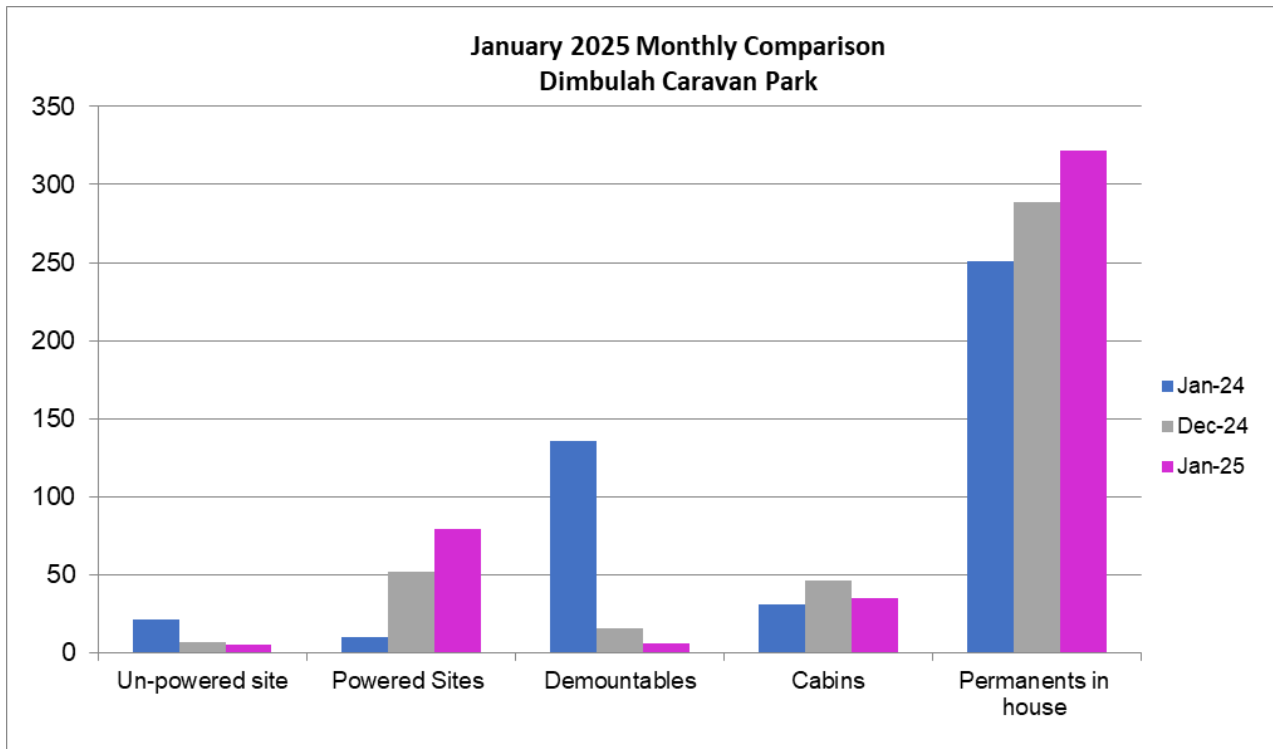


Caravan Parks:

Mareeba Riverside Caravan Park, utilisation remains strong with park close to capacity.

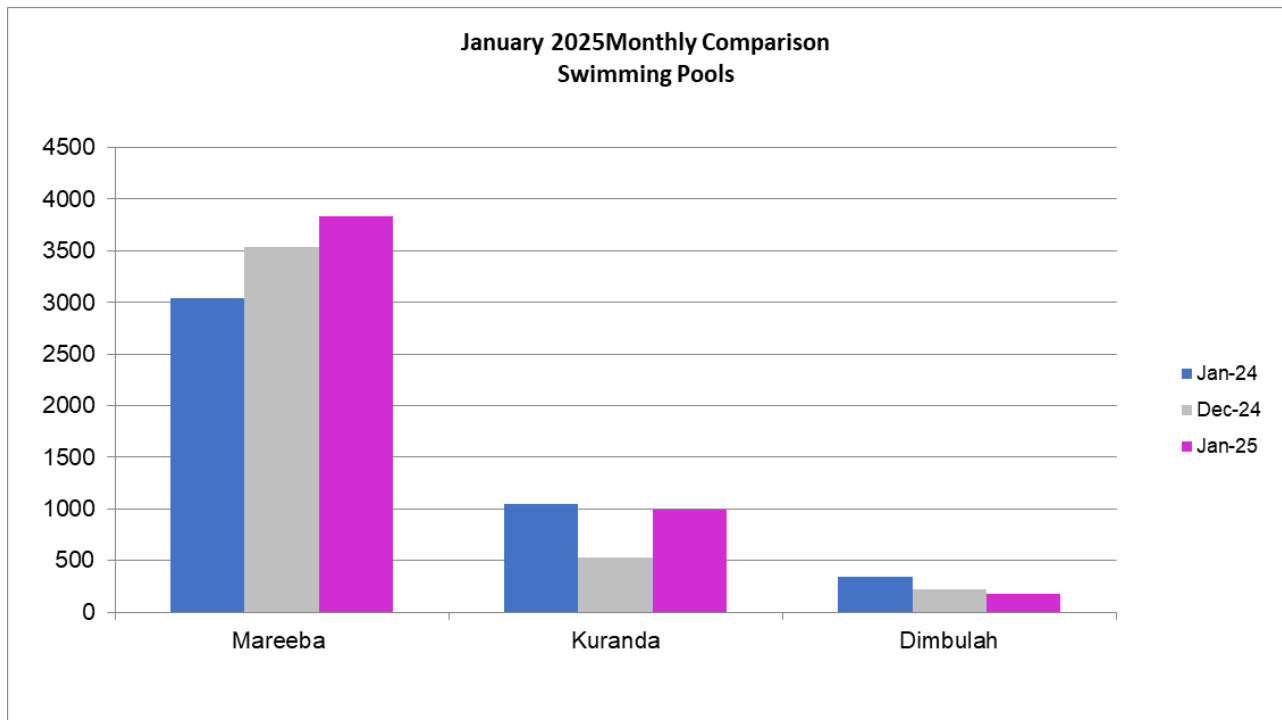


Dimbulah Caravan Park user numbers (total) have generally remained stable against previous months/year’s numbers, with some transitioning between types of offerings.



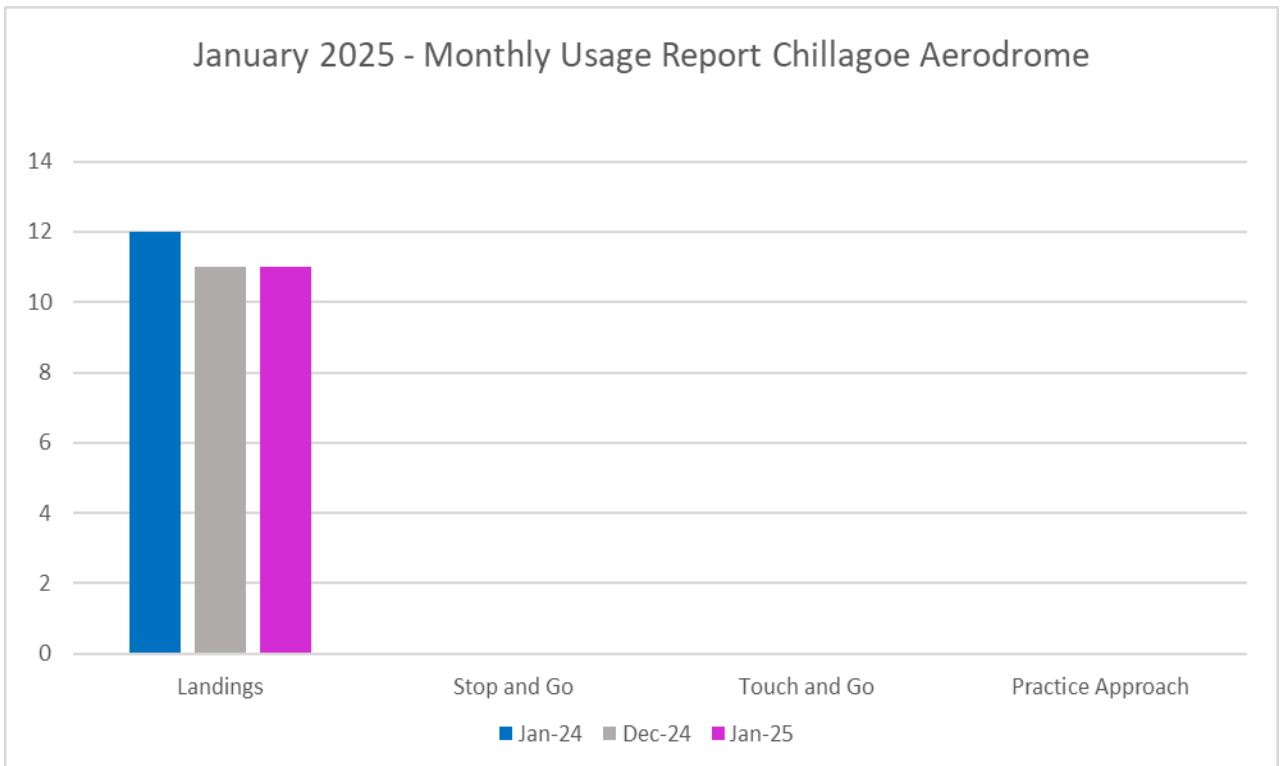
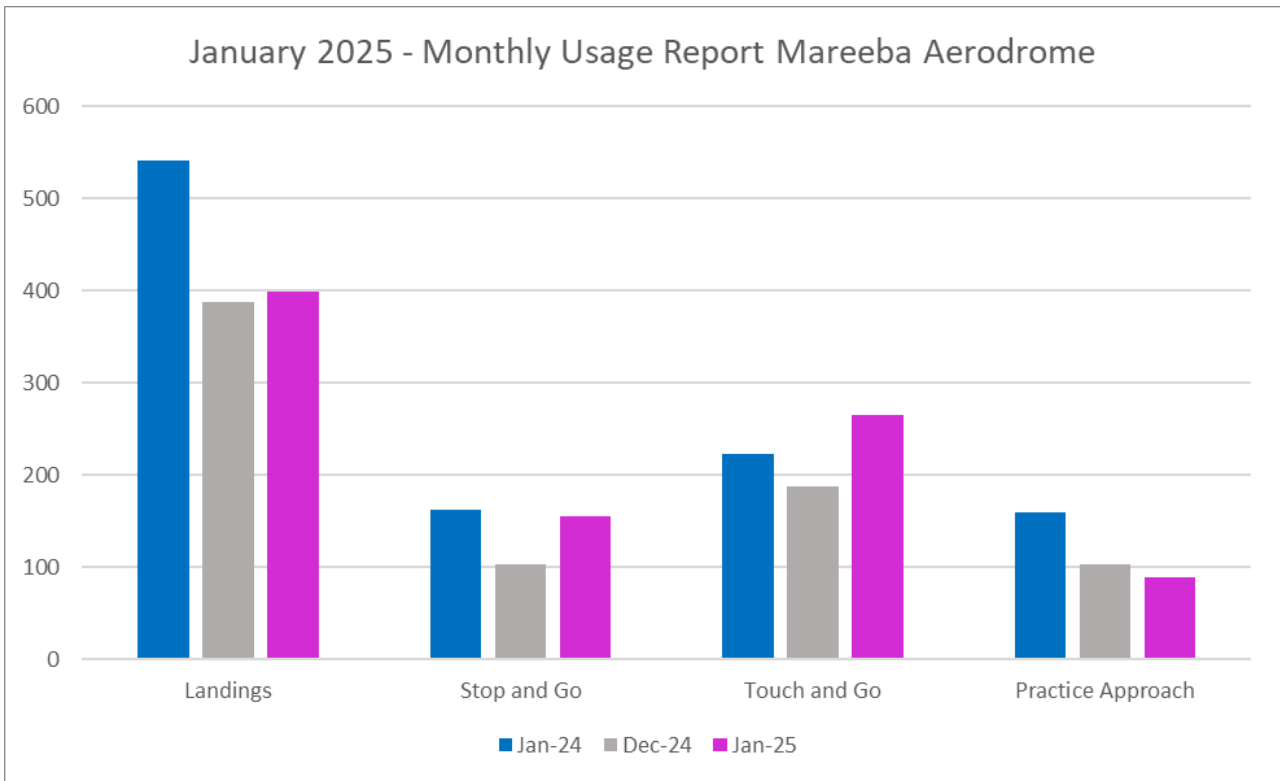
Aquatic Centres

Attendance at the Facilities has remained generally stable.



Aerodromes:

The data recorded below is current for the month of January, 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

9.4 EXPRESSIONS OF INTEREST EOI-MSC2024-01 WASTE SERVICES DELIVERY - SHORTLISTING OF RESPONDENTS

Date Prepared: 24 January 2025

Author: Manager Water and Waste

Attachments: 1. EOI Respondents - Confidential (under separate cover)

EXECUTIVE SUMMARY

With the expiry dates of all current waste management contracts in 2026, Mareeba Shire Council (Council) conducted an Expression of Interest (EOI) for a range of waste service delivery currently delivered across the Mareeba Local Government Area (LGA).

The EOI sought to understand the market capability to deliver these services, either as a single package of works, in combination or individually.

RECOMMENDATION

That Council:

1. approves the shortlisting of Respondents C, D and F the commencement of a Stage 2 of the EOI process regarding Landfill Operations; and
2. notifies other Respondents A, B, and E that Council will continue with the assessment once Stage 2 of the EOI process has been completed; and
3. Advise Respondent G that Council will not be proceeding with their offer.

BACKGROUND

Council released an Expression of Interest (EOI) for waste services delivery. The intention was to understand market capability and appetite to deliver the following services:

- Kerbside collection
- Transfer station logistics
- Landfill operations (third party landfill or Re-Development of MSC landfill)
- Transfer station operations
- Green Waste processing

EOI closed on 28 November with seven (7) responses received.

The services that each Respondent expressed interest in is summarised below:

1. Scope	2.								
3.	4. A	5. B	6. C	7. D	8. E	9. F	10. G		
11. Kerbside collections	12.	13.	14. X	15.	16. X	17. X	18.		
19. Transfer station logistics	20.	21.	22. X	23. X	24. X	25. X	26.		
27. Landfill operations	28.	29.	30. X	31. X	32.	33. X	34. X		
35. Transfer station operations	36. X	37. X	38. X	39. X	40.	41. X	42.		
43. Green waste processing	44. X	45.	46. X	47. X	48.	49. X	50.		

Council’s evaluation team assessed the responses and on completion of the evaluation, the following outcomes were recommended:

- Council proceeds with Stage 2 of the EOI process with Respondent C, D and F and discuss landfill operation options.
- Respondent G did not demonstrate sufficient capability to proceed to Stage 2.
- Stage 2 will enable Council to decide on the best option for landfilling of waste.

Decision making on landfill operations has a critical influence on the kerbside collection contract and other waste management operations.

The Stage 2 discussions with Respondents C, D and F will provide a clearer understanding of the contract strategy for all parts and a Report will then be tabled for Council to consider how to proceed to the next stage of procurement.

RISK IMPLICATIONS

FINANCIAL AND RESOURCE IMPLICATIONS

Operating

Yes.

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

IMPLEMENTATION/COMMUNICATION

That officers invite selected parties to proceed to Stage 2 of the EOI process regarding Landfill Operations

9.5 TENDER T-MSC2024-30 KENNEALLY ROAD GRAVITY SEWER MAIN UPGRADE PROJECT

Date Prepared: 29 January 2025
Author: Manager Water and Waste
Attachments: Nil

EXECUTIVE SUMMARY

The purpose of this report is to provide Council with an assessment of the tenders received for received for T-MSC2024-30 Kenneally Road Gravity Sewer Main Upgrade.

RECOMMENDATION

That Council award Tender T-MSC2024-30 Kenneally Road Gravity Sewer Main Upgrade Project to Terranovus Civil Pty Ltd T/A Northern Civil Earthworks Pty Ltd for the amount of \$5,187,495.95 (excl. GST) subject to the grant funding deed being signed.

BACKGROUND

Council has applied for funding under the Queensland Government’s Local Government Grants and Subsidies Program for funding to upgrade the trunk sewer main along Constance Street from the rear of The Edge residential estate to Lloyd Street.

The grant program involves a two-stage application program, and Council received advice that had received a Stage 1 “in-principle” approval in November 2024 and was invited to lodge its Stage 2 application.

To enable confidence in market pricing, tenders were invited prior to lodging the Stage 2 application, which occurred on 29 January 2025.

Tenders for T-MSC2024-30 Kenneally Road Gravity Sewer Main Upgrade closed at 11:00am on Thursday, 5 December 2024.

Tenders Received

11 submissions were received. A summary of the tender prices at opening is provided below;

Tenderer	Tendered Price (excl GST)
Trazlbat Pty Ltd	\$5,180,740.00
Nq Wastetrans Pty Ltd	\$7,784,614.84
JR Pipelines Pty Ltd	\$5,778,756.16
Utilstra Pty Ltd	\$6,282,106.50
fgf Developments Pty Ltd	\$7,997,402.61
Silverstrand Developments Pty Ltd	\$4,891,906.70
Koppen Construction Pty Ltd	\$7,968,301.78
Terranovus Civil Pty Ltd	\$5,187,495.95

HEH Civil Pty Ltd	\$13,996,794.00
Durack Civil Pty Ltd	\$6,624,410.20
Bellweather Consulting Services Pty Ltd	\$8,167,722.41

During the Tender Assessment process, Council officers sought clarification from tenderers regarding the pricing structure of the submissions, which affected the tendered values compared with the original submissions as provided below;

Tenderer	Tendered Price (excl GST)
Trazibat Pty Ltd	\$5,180,740.00
Nq Wastetrans Pty Ltd	\$6,563,821.99
JR Pipelines Pty Ltd	\$5,778,756.16
Utilstra Pty Ltd	\$6,282,106.50
fgf Developments Pty Ltd	\$7,997,402.61
Silverstrand Developments Pty Ltd	\$4,891,906.70
Koppen Construction Pty Ltd	\$8,268,301.78
Terranovus Civil Pty Ltd	\$5,187,495.95
HEH Civil Pty Ltd	\$13,996,794.00
Durack Civil Pty Ltd	\$6,624,410.20
Bellweather Consulting Services Pty Ltd	\$8,167,722.41

Tender Assessment

Tenders were assessed in accordance with the evaluation criteria stated in the tender documentation and as provided below;

Criteria	Weighting
Tendered Price	40%
Relevant Experience	15%
Key Personnel Skills and Experience	15%
Tenderer's Resources	10%
Demonstrated Understanding	20%
Total	100%

Each tender was evaluated and scored against the criteria, with the criteria scores then weighted to provide a total weighted score for each submission. Additionally, each tender has been assessed for conformance, compliance and discrepancies, against the requested response schedules.

All tenders were conforming, with HEH Civil Pty Ltd also offering a non-conforming tender, all tenderers assessed as capable of completing the works.

A summary of the Tender assessment, incorporating the evaluation against conformance, price and non-priced base criteria, resulted in the ranking of submissions displayed below.

Tenderer	Score (100%)	Rank
Trazlbat Pty Ltd	83	3
NQ Wastetrans Pty Ltd	87	2
JR Pipelines Pty Ltd	69	8
Utilstra Pty Ltd	70	7
fgf Developments Pty Ltd	74	6
Silverstrand Developments Pty Ltd	80	4
Koppen Construction Pty Ltd	74	6
Terranovus Civil Pty Ltd	92	1
HEH Civil Pty Ltd	64	9
Durack Civil Pty Ltd	77	5
Bellweather Consulting Services Pty Ltd	61	10

Terranovus Civil received the highest score, their submission meets the specification, and they have confirmed they have the necessary qualified staff to undertake the project. Terranovus Civil is a locally based Cairns company and has previously completed projects undertaken by Council.

RISK IMPLICATIONS

Financial

Infrastructure and Assets

The wastewater reticulation infrastructure requires upgrading to ensure sufficient capacity for existing and future growth.

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

The works are necessary to mitigate sewage overflows and enable Council to meet its obligations under the Environmental Authority.

Tenders were invited in accordance with Council's Procurement Policy.

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

Is the expenditure noted above included in the current budget?

Yes. Council has allocated funding under the 2024/25 capital budget, with the balance subject to confirmation of the grant.

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.

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

Tenderers to be notified of the outcome in writing.

Council's Corporate Communications will be engaged prior to works commencing to develop a media campaign to inform the public on the project with key points being addressed, such as the project itself, potential road lane closures and traffic disruptions along with the benefits of the project.

Council officers had not yet received advice from the Department on the grant application at the time of preparing this report. Should the deed be received and finalised prior to the Council meeting, delegation to the CEO is not required, and Council will be able to award the tender.

9.6 INFRASTRUCTURE SERVICES, WATER AND WASTE OPERATIONS REPORT - JANUARY 2025

Date Prepared: 31 January 2025
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 January 2025.

RECOMMENDATION

That Council receives the Infrastructure Services, Water and Waste Operations Report for January 2025.

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)	5980	1047	149	333	MD
Number of Connections	4141	1053	127	246	111
Average daily water consumption per connection (L)	1444	994	1173	1355	MD

* Mt Molloy is an untreated, non-potable water supply

Wastewater Treatment	Mareeba	Kuranda
Wastewater Plant average daily treatment (kL)	5936	300
Number of Connections	3519	356
Average daily inflow per connection (L)	1687	842

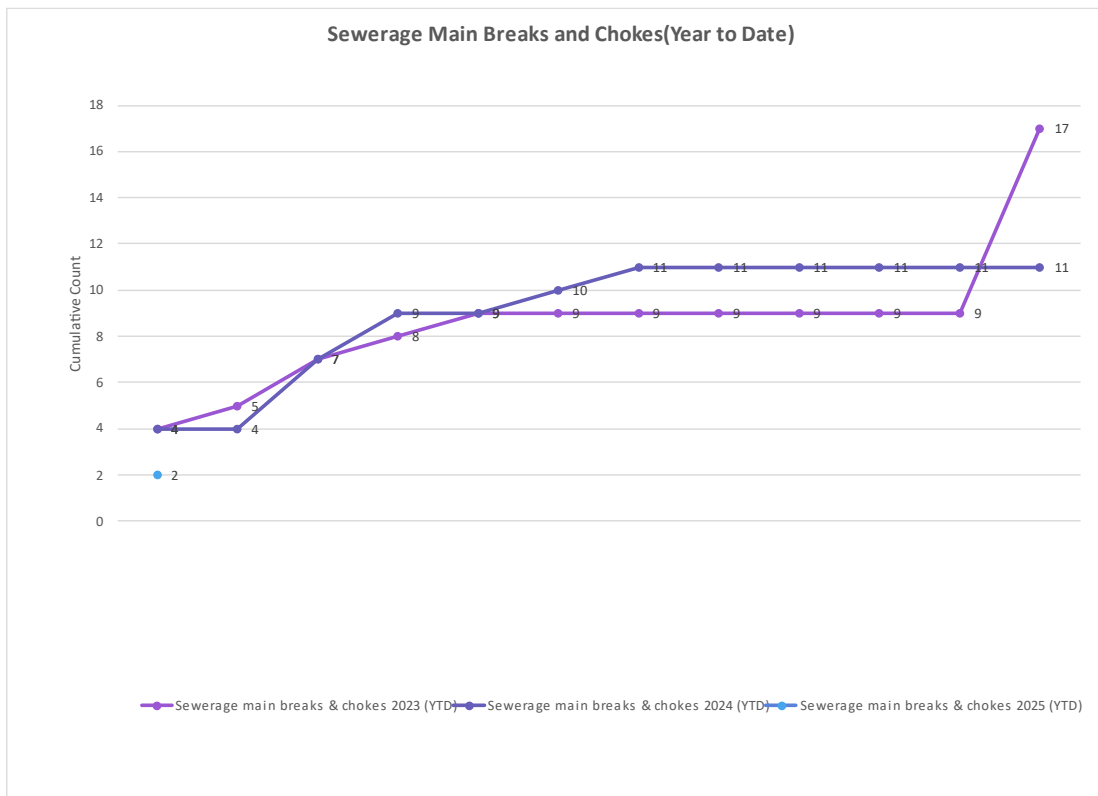
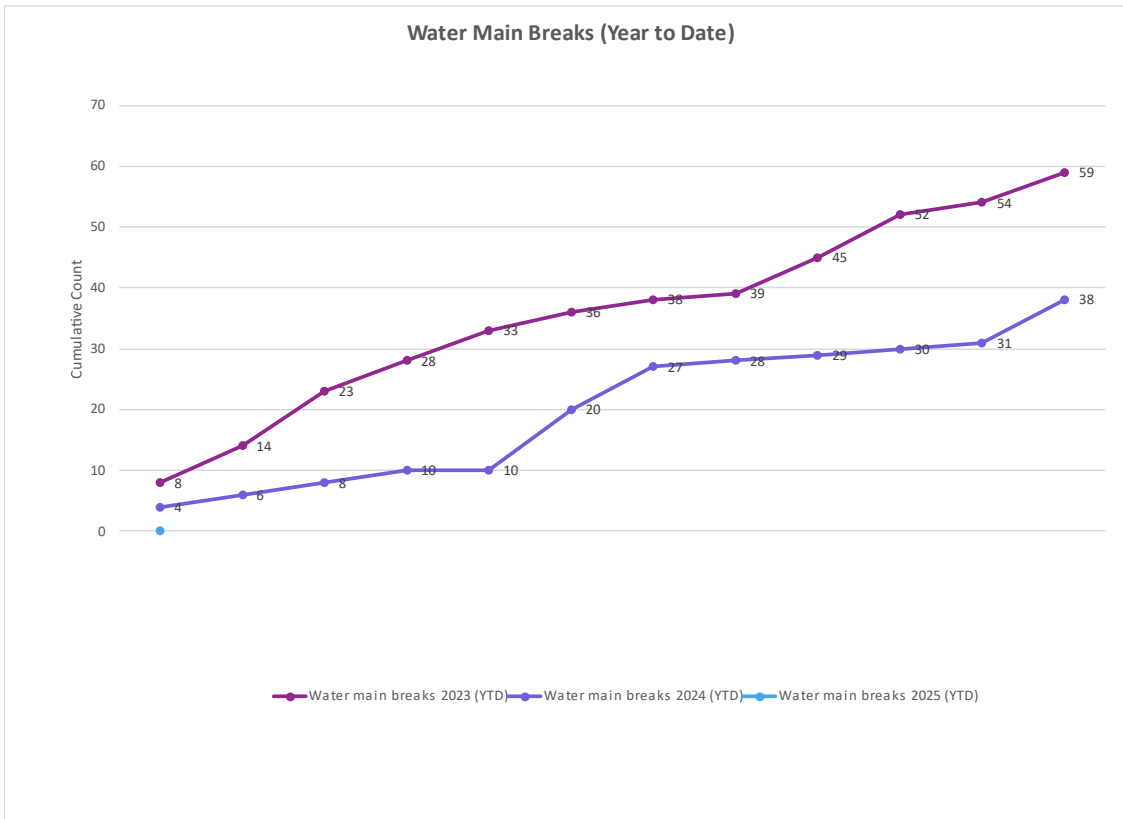
Water and Wastewater Reticulation:

Council's water reticulation crew attended two (2) 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 in now closed out and they have advised that no regulatory action against Council will be taken.

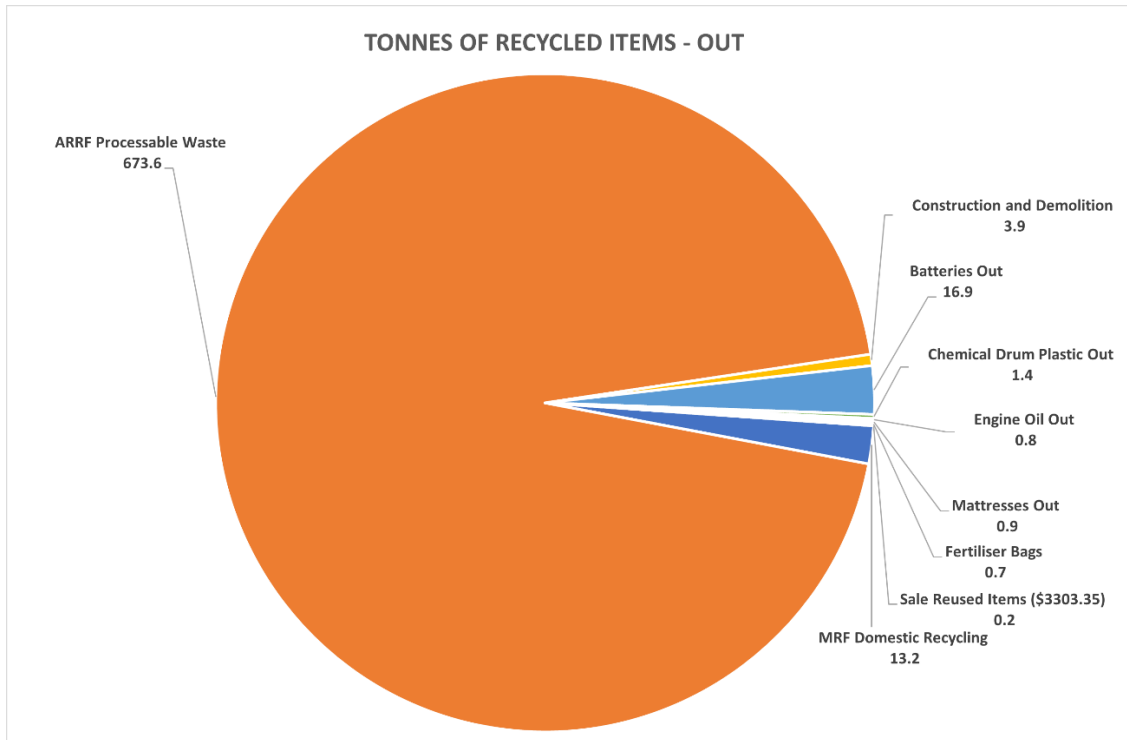
Monthly statistics are shown on the water reticulation main breaks and sewerage main breaks and chokes:



Waste Operations:

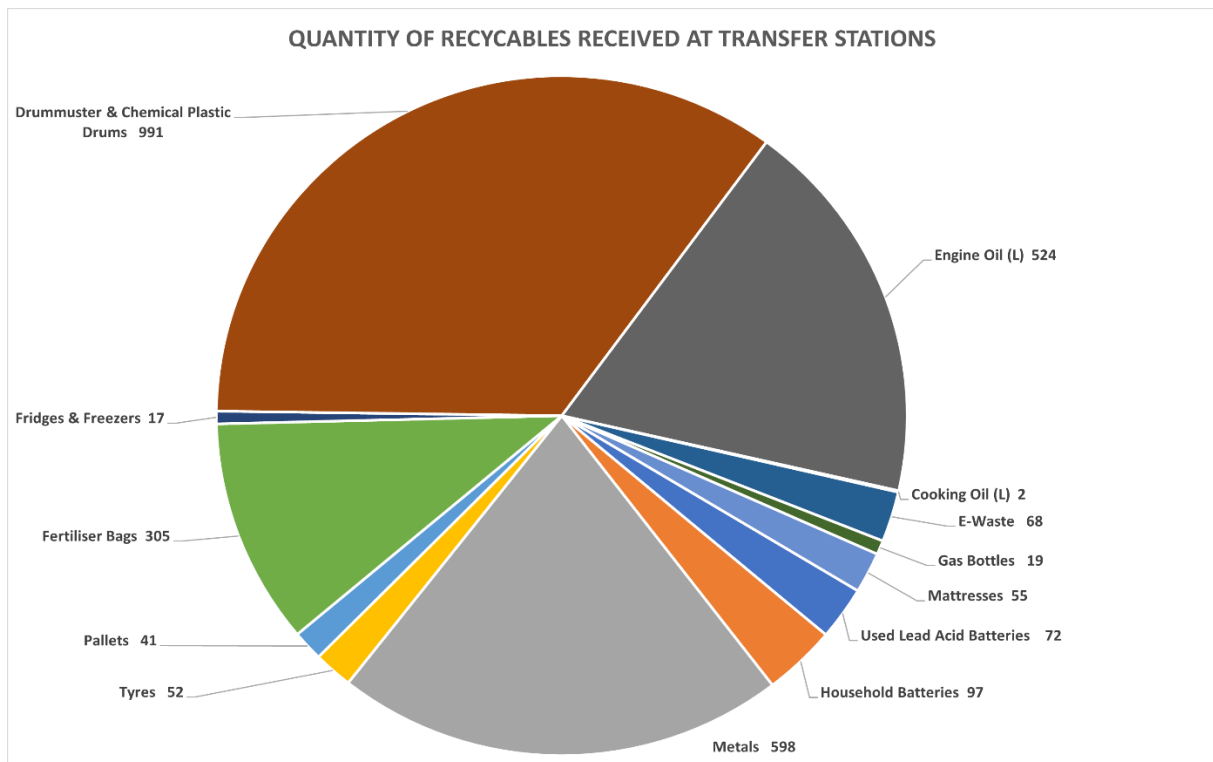
Waste material collected in Kerbside trucks is transported to the Advanced Resource Recovery Facility (ARRF) in Cairns for processing. Residual waste and waste collected at Transfer Stations is transported to Springmount Waste Facility, and recyclable material is transported to the Material Recovery Facility (MRF) in Cairns for processing.

During January, 673.6 tonnes of waste was processed through the ARRF, 275 tonnes of waste was sent to Springmount Waste Facility and 13.2 tonnes of domestic items were recycled at the MRF.



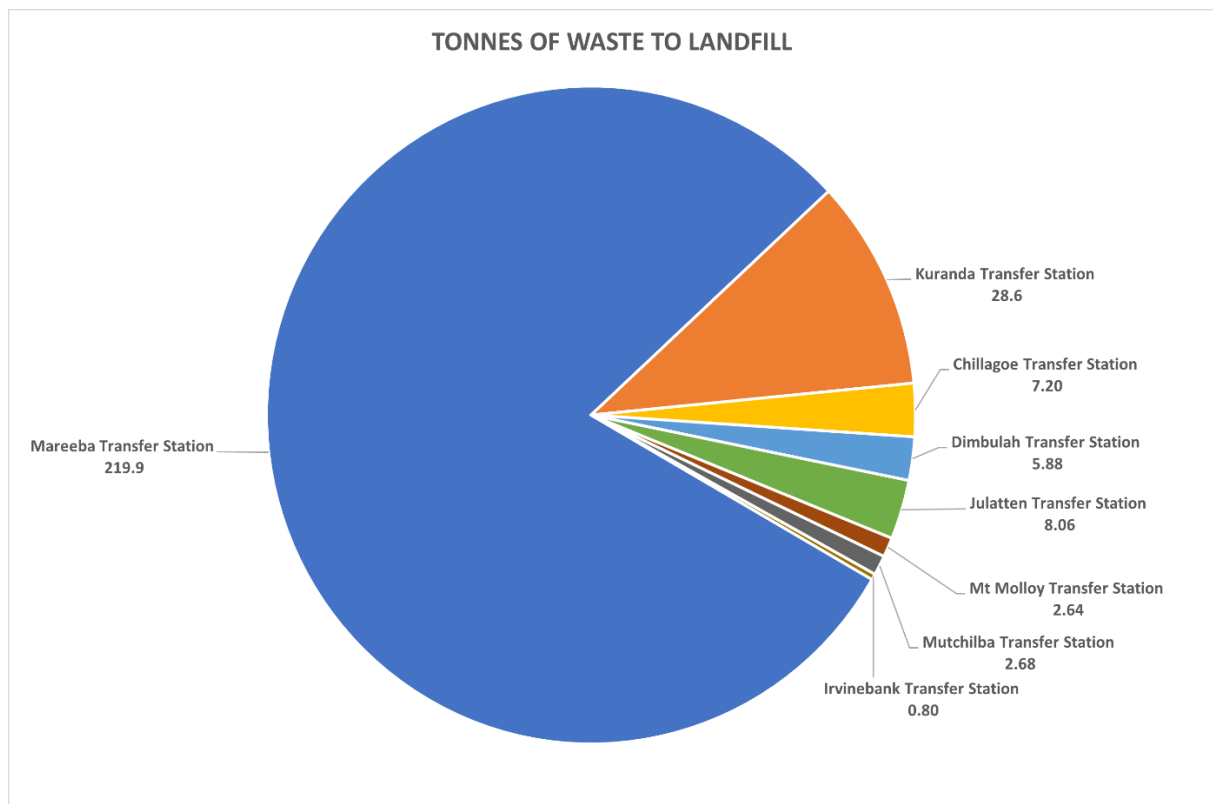
Recycling

Residents continue to recycle at the Transfer Stations. During January the highest count of recyclable received were 991 Chemical drums, 598 Metals and 524 Engine oil.



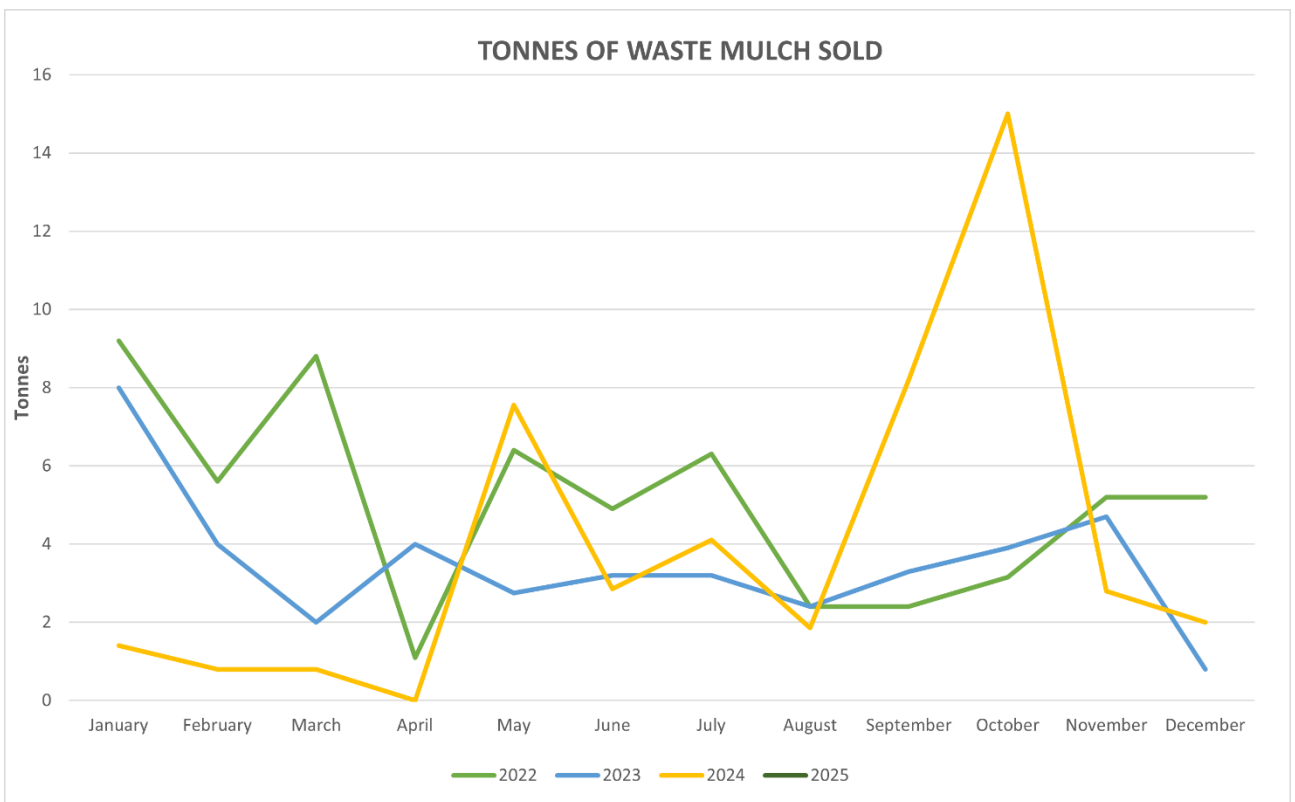
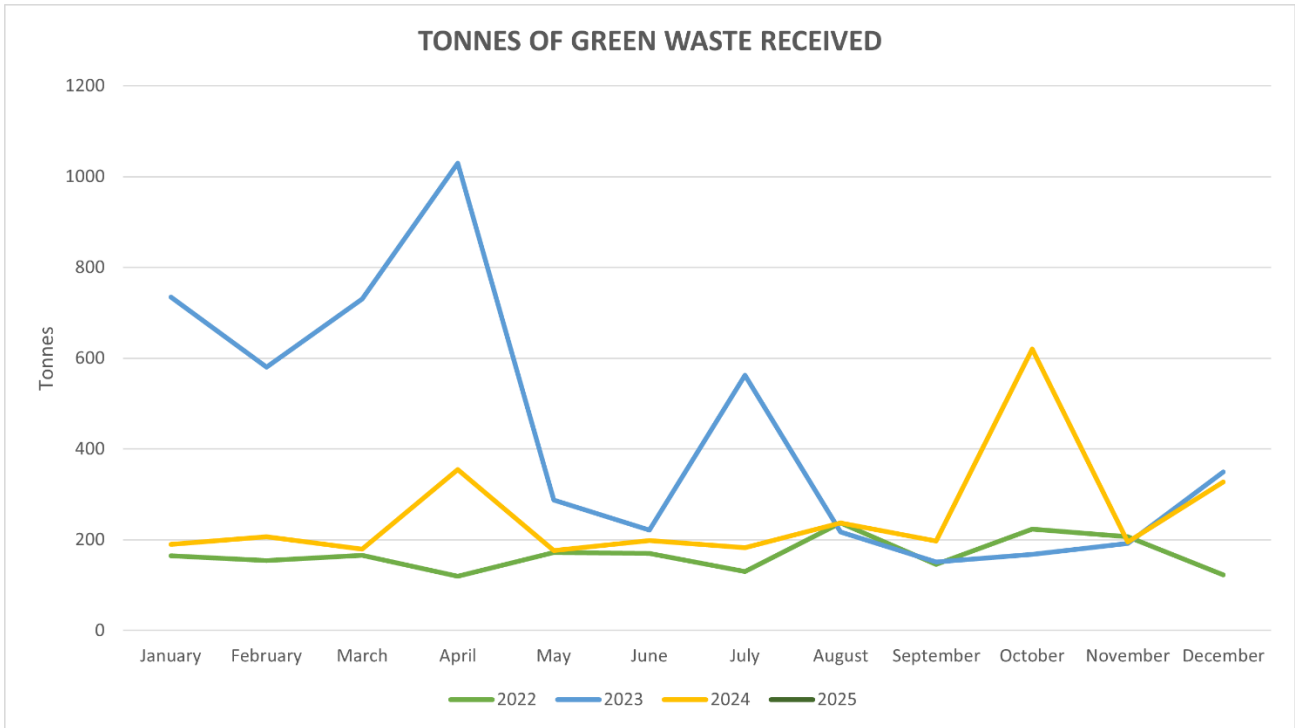
Transfer Station Waste

Transfer Station dry waste is transported off site to the Springmount Waste Facility. During January a total of 275 tonnes of waste was sent to landfill. Mareeba Transfer Station contributed to 219.9 tonnes to landfill, and Kuranda 28.6 tonnes.



Green Waste:

During January, Council received a total of 784.2 tonnes of green waste. Kuranda recorded 9 tonnes of green waste from locations registered as being potentially contaminated with Electric Ants. 13 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

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

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

9.7 TENDER T-MSC2024-31 SUPPLY & DELIVERY OF 2.1 ROAD BASE - OOTANN ROAD

Date Prepared: 4 February 2025

Author: Manager Works

Attachments: Nil

EXECUTIVE SUMMARY

The purpose of this report is to seek Council endorsement of the awarding of Contract T-MSC2024-31 Supply & Delivery of Type 2.1 Road Base to be used for the construction of the Ootann Road base pavement layer between Ch 79 and Ch 82.

RECOMMENDATION

That Council awards Tender T-MSC2024-31 Supply & Delivery of 2.1 Road Base - Ootann Road to Gunther Resources Pty Ltd for \$507,000 (excl. GST).

BACKGROUND

On 16 November 2023, Council received confirmation from the Australian Government that funding from the Investment Road and Rail Program would be made available to undertake widening and sealing works on Ootann Road. The funding will cover 80% of the design and construction costs with the Queensland Government contributing 10% through the Transport Infrastructure Development Scheme (TIDS) and Mareeba Shire Council the other 10%.

A tender was called in November 2024 for the supply and delivery of 13,000 tonnes (approximately) of Type 2.1 Road Base for the construction of the Ootann Road base pavement layer between Ch 79 and Ch 82.

Five (5) tender responses were received by the tender closing date and time and one (1) response was received after the tender closing date and time and was not considered.

Tenders that were assessed are as follows:

TENDERER	RATE/TONNE (excl. GST)	TOTAL AMOUNT (excl. GST)
Bolwarra Enterprises Pty Ltd	\$81.49	\$1,059,382
Gunther Resources Pty Ltd	\$39.00	\$507,000
MC Group Pty Ltd	\$29.36	\$381,727
Queensland Civil and Haulage	Non-Conforming Transport only	-
Renolith	Non-Conforming Nanopolymer admixture	-

MC Group Pty Ltd proposed supplying Type 2.1 Road Base from their Gingerella Quarry that is located at Ch 48 on Ootann Road and would require carting over approximately 31 km of unsealed gravel road. This road would require watering by a semi water tanker during the carting period and a maintenance grade after supply and delivery is completed. This cost is not included in the tendered rates and would need to be absorbed into the project costs, hence making this tender considerably more expensive for Council.

The other two conforming tenders will be carting over bitumen sealed roads to the job site that will require no additional maintenance by Council.

RISK IMPLICATIONS

Financial

As with all supply and delivery tenders there is always a risk that supply will not match the tendered intent. In this case Council has requested a supply rate of 600-750 tonnes per day. Past experience has shown that slower delivery rates than requested in the original tender can increase the time on-site due to inactivity, waiting for material to lay, compact and trim. This, in turn, affects labour, plant and accommodation costs.

Based on the available balance of project funding following completion of the earthworks and drainage, this scope of works is for gravel surfacing and sealing of the southern section only.

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.

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

Tenderers will be notified of the outcome of the tender assessment in writing.

9.8 TENDER T-MSC2024-32 FULL SERVICE SEAL - OOTANN ROAD

Date Prepared: 4 February 2025

Author: Manager Works

Attachments: Nil

EXECUTIVE SUMMARY

The purpose of this report is to provide Council with an assessment of the tenders received for T-MSC2024-32 Full Service Seal – Ootann Road.

RECOMMENDATION

That Council awards Tender T-MSC2024-32 Full Service Seal - Ootann Road to Stabilised Pavements Australia Pty Ltd for \$228,696.24 (excl. GST).

BACKGROUND

On 16 November 2023, Council received confirmation from the Australian Government that funding from the Investment Road and Rail Program would be made available to undertake widening and sealing works on Ootann Road. The funding will cover 80% of the design and construction costs with the Queensland Government contributing 10% through the Transport Infrastructure Development Scheme (TIDS) and Mareeba Shire Council the other 10%.

A tender was called in November 2024 for the Supply and Delivery (Excluding Traffic Control) of 22,000m2 of Two Coat Bitumen Seal (16mm/10mm Cover Aggregate) at Ootann Road between Ch 79 and Ch 82.

Five (5) tender responses were received by the tender closing date and time.

Tenders that were assessed are as follows:

TENDERER	TOTAL AMOUNT (excl. GST)
Koppen Construction Pty Ltd	\$272,538.55
fgf Bitumen Pty Ltd	\$289,868.00
Stabilised Pavements of Australia Pty Ltd	\$228,696.24
Gulf Civil Pty Ltd	\$284,515.75
Boral Resources (Qld) Pty Ltd	\$258,523.15

The lowest tender received was submitted by Stabilised Pavements of Australia (SPA). Council has not used SPA for bitumen sealing works previously. Councils who regularly use SPA for such works were contacted for feedback on SPA’s performance in their shires. Councils contacted were Isacc Shire Council, Cloncurry Shire Council, Burke Shire Council and McKinlay Shire Council. The feedback was generally favourable.

RISK IMPLICATIONS**Financial**

Based on the available balance of project funding following completion of the earthworks and drainage, this scope of works is for gravel surfacing and sealing of the southern section only.

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.

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

Tenderers will be notified of the outcome of the tender assessment in writing.

9.9 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - JANUARY 2025

Date Prepared: 5 February 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 January 2025.

RECOMMENDATION

That Council receives the Infrastructure Services, Works Progress Report for the month of January 2025.

BACKGROUND

A summary of works completed in January 2025 is provided below.

Transport Infrastructure

General Maintenance

The major maintenance activities carried out in January are listed below;

Activity	Location
Unsealed Road Grading	Crothers Road, Oak Forest Road, Armstrong Road, McCorry Road, Boyles Road, Railway Street, Little Road, Jeffrey Road
Bitumen Patching (Area)	Julatten, Mareeba, Dimbulah, Mutchilba, Speewah, Springmount, Kuranda
Drainage Maintenance	Armstrong Road, Barron Falls Road, Jeffrey Road, Mason Street, Stoney Creek Road, Brooks Road, Mt Haren Road, Black Mountain Road (Kuranda), Davies Creek Road, Coolamon Close, Smith Street, Kennedy Street, Orchid Close
Tree Clearing (Area)	Kuranda, Julatten, Mt Molloy, Mareeba
Herbicide Spraying (Area)	Mareeba, Chewko, Paddy's Green areas prior to slashing program
Slashing (Area)	Speewah, Julatten, Kuranda

Customer Requests

During January, the Works Group received 170 Customer Requests (CRs) with 217 resolved (resolved requests include those received prior to January 2025). The table below shows the number of requests lodged per Works Section for the month.

Month	Roads	Parks and Gardens	Pest Management
January	129	37	4

At the time of reporting, the Works Group had 98 open requests.

TMR Routine Maintenance Performance Contract (RMPC)

32A - Kennedy Highway (Cairns - Mareeba)

- Rest Area Servicing at Edmund Kennedy Bridge
- Herbicide Spraying
- Tree removal

34A - Mulligan Highway (Mareeba – Mt Molloy)

- Remove illegal dumping
- Herbicide Spraying

34B - Mulligan Highway (Mt Molloy – Lakeland)

- Rest Area Servicing at Rifle Creek
- Roadside Litter Collection - Rifle Creek and Mt Carbine Truck Stop
- Remove illegal dumping
- Install Signs as per 2024 Sign Replacement Project
- Herbicide Spraying
- Pothole patching

653 - Mossman-Mt Molloy Road

- Rest Area Servicing at Hunter Creek
- Roadside litter collection - Hunter Creek, Environ Park and Lyons Park
- Tree removal
- Emergency callout to remove fallen trees
- Herbicide Spraying
- Repair/Replace REGPs

664 - Mareeba-Dimbulah Road

- Herbicide Spraying

6632 - Herberton-Petford Road

- Edge repair/widening to eliminate vehicles dropping off the min width seal
- Herbicide Spraying
- Tree removal

89B - Burke Developmental Road (BDR)

- Rest Area Servicing at Eureka Creek and ground maintenance
- Rural slashing - full cut width
- Herbicide Spraying

Parks and Open Spaces

Description	Comment
Mowing	Mareeba, Dimbulah, Kuranda, Mt Molloy/Julatten, and Chillagoe mowing is slightly behind schedule, not quite mowing every 10 – 12 days as planned
Playing fields mowing	Davies Park now 2x week at 50mm, Borzi Park now 2x week at 25mm, Firth Park weekly at 32mm

Description	Comment
General maintenance	Herbicide spraying as weather permits
Playgrounds	Toddler swing seat replaced at Bicentennial Lakes Playground
Slashing	Rail Corridor to Mareeba Airport, Barron Esplanade and local areas
Burials	Mareeba Cemetery <ul style="list-style-type: none"> • Three (3) in-ground interments • Two (2) Free Standing Mausoleum interment • Two (2) Mausoleum Wall interments Kuranda Heights Cemetery <ul style="list-style-type: none"> • One (1) in ground interment Dimbulah <ul style="list-style-type: none"> • One (1) in-ground interment
LOA	LOA prisoners at the Mareeba Cemetery and Pioneer Cemetery
Contractors	Slashing Eales Park, Mooraridgi Park and Shaban Park, Biboohra Township maintenance run by contractor, Watsonville Cemetery maintenance by contractor and Irvinebank Township maintenance by contractor
Projects	Byrnes Street Beautification – supplied plants for contractor and provided technical advice. First 3 (three) sites completed.

Land Protection

Parthenium Weed: Inspections carried out on all sites. All landholders are complying with their biosecurity obligation. Over the current wet season, all sites will be monitored with active sites visited monthly. Other sites, where Parthenium was previously detected but is no longer present, will be monitored quarterly, and then yearly.

TMR Roadside Spraying: Spot spraying of Giant Rats Tail grass has been undertaken on Burke Developmental Road - Eureka Creek Dimbulah to Almaden and Mulligan Highway - Mt Molloy to Cook Shire boundary.

Foliar spraying of broad leaf weeds, Japanese sunflower and lantana on the Kennedy Highway from Mareeba to Tableland Regional Council boundary.

Barleria (Barleria Prionitis): Barleria, which is on Mareeba Shire Council's Biosecurity Plan as an Alert Species has been detected on Council road reserve on McGrath Road. It is believed to be a garden escapee. Roadside plants have been foliar sprayed. Other broadleaf species were also treated along McGrath Road were Lantana and Japanese sunflower.

Amazon Frogbit: Mareeba Bicentennial Lakes have been foliar sprayed for Amazon frogbit.

Feral Pigs: 1080 Baiting has been carried out using fruit bait (bananas) on one (1) Mareeba property, 19 pigs were detected feeding on the free feed prior to carrying out baiting, all pigs have been removed.

Two (2) pigs trapped and destroyed at Wetherby Road, Mt Molloy.



Barleria

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 OFFICE OF THE CEO

10.1 APPOINTMENT OF GREAT WHEELBARROW RACE CHAIRPERSON

Date Prepared: 3 February 2025
Author: Corporate Communications Officer
Attachments: Nil

EXECUTIVE SUMMARY

The purpose of this report is to make a recommendation regarding the vacancy of the Chairperson for the Great Wheelbarrow Race Advisory Committee., following the sudden passing of Cr Kevin Davies in January 2025.

The current Great Wheelbarrow Race Advisory Committee membership were appointed at Council's meeting held on 18 November 2020 , with additional members appointed at Council's meeting held 15 September 2021. As a result of the passing of Cr Kevin Davies in January 2025, the position of Chair for the committee is now vacant.

It is recommended that Cr Cardillo be appointed as Chairperson of the Great Wheelbarrow Race Advisory Committee.

RECOMMENDATION

That Council appoints Cr Ross Cardillo as the Chairperson of the Great Wheelbarrow Race Advisory Committee.

BACKGROUND

The terms of reference for the Wheelbarrow Race Committee mandate that the Chair of the Wheelbarrow Race Committee be a Councillor. Previously, when the position of Chair became vacant, the proxy was appointed as Chairperson. Due to Cr Wyatt's involvement in the Great Wheelbarrow race as a team supporter, it is appropriate that she remains the proxy and a new Chairperson is appointed.

Planning is currently underway for the 2025 Great Wheelbarrow Race and it is recommended that this position be filled as quickly as possible. Cr Cardillo is well placed to assume this role.

The current Great Wheelbarrow Race Advisory Committee membership were appointed at Council's meeting held on 18 November 2020 , with additional members appointed at Council's meeting held 15 September 2021. Any new members would be appointed to the same end date.

FINANCIAL AND RESOURCE IMPLICATIONS

Nil

LINK TO CORPORATE PLAN

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

IMPLEMENTATION/COMMUNICATION

Nil

11 CONFIDENTIAL REPORTS

Nil

12 BUSINESS WITHOUT NOTICE

13 NEXT MEETING OF COUNCIL

14 FOR INFORMATION

14.1 SUMMARY OF NEW PLANNING APPLICATIONS & DELEGATED DECISIONS FOR THE MONTH OF JANUARY 2025

Date Prepared: 4 February 2025
Author: Planning Technical Support Officer
Attachments: Nil

Please see below information.

Summary of new Planning Development Applications and Delegated Decisions for January 2025

New Development Applications					
Application #	Lodgement Date	Applicant/Address	Property Description	Application Type	Status
MCU/25/0001	17/01/2025	Mareeba Shire Job Training Association Inc C/- Reel Planning Pty Ltd 41B Anzac Avenue, Mareeba	Lot 200 on SP213026	MCU – Child Care Centre (Expansion)	Public Notification Stage
MCU/25/0002	17/01/2025	Mac Constructions C/- Baker Building Certification 2 Kylie Close, Mareeba	Lot 20 on RP749168	MCU – Dual Occupancy	Decision Stage
MCU/25/0003	29/01/2025	R and C Anderle C/- Freshwater Planning 211 Bruce Weir, Road Dimbulah	Lot 64 and Lot 65 on HG59	MCU – Nature Based Tourism	Application Stage
RAL/25/0001	9/01/2025	C McConaghy 22 Meadow Road, Julatten	Lot 3 on SP190078	ROL – (1 into 2 Lot)	Decision Stage

Decision Notices issued under Delegated Authority					
Application #	Date of Decision Notice	Applicant	Address	Property Description	Application Type
MCU/24/0024	9/01/2025	C and C Bertoldo C/- Lisa C Bertoldo	62 Venture Road, Mareeba	Lot 2 on RP715838	Development Permit for Material Change of Use – Dwelling House (Secondary Dwelling)
MCU/24/0026	10/01/2025	J & C Gostelow Superannuation Fund Pty Ltd TTE C/- Emergent Building Approvals	48 Atherton Street, Mareeba	Lot 1 on RP700513	Development Permit for Material Change of Use – Dual Occupancy

Negotiated Decision Notices issued under Delegated Authority					
Application #	Date of Decision Notice	Applicant	Address	Property Description	Application Type
Nil					

Change to Existing Development Approval issued					
Application #	Date of Decision	Applicant	Address	Property Description	Application Type
Nil					

January 2025 (Regional Land Use Planning)

Referral Agency Response Decision Notices issued under Delegated Authority					
Application #	Date of Decision	Applicant	Address	Property Description	Application Type
CAR/25/0001	28/01/2025	Daniel Kershaw	11 Tully Court, Kuranda	Lot 15 on SP207614	Referral agency response for building works and associated clearing and earthworks assessable against the Hill and slope overlay code
CAR/25/0002	28/01/2025	Rocket Constructions FNQ Pty Ltd C/- Baker Building Certification Pty Ltd	7 Anzac Avenue, Mareeba	Lot 1 on SP149572	Referral agency response for building work assessable against the Mareeba Shire Council Planning Scheme 2016 (Class 10a Shed GFA and Height Dispensation)
CAR/25/0003	29/01/2025	Joseph Binstead C/- Buildable Approvals	20 Spring Crescent, Kuranda	Lot 82 on SP274768	Referral agency response for material change of use - dwelling house (secondary dwelling) assessable against the Residential dwelling house and outbuilding overlay code

Extensions to Relevant Period issued					
Application #	Date of Decision	Applicant	Address	Property Description	Application Type
Nil					

Survey Plans Endorsed					
Application #	Date	Applicant	Address	Property Description	No of Lots
Nil					

January 2025 (Regional Land Use Planning)

14.2 RADF ADVISORY COMMITTEE MEETING MINUTES 3 FEBRUARY 2025

Date Prepared: 4 February 2025

Author: Senior Community Services Officer

Attachments: 1. RADF Advisory Committee Meeting Minutes 3 February 2025 [↓](#)

RADF ADVISORY COMMITTEE MEETING 3 FEBRUARY 2025

Please see the attached minutes of the Regional Arts Development Fund (RADF) Advisory Committee Meeting held 3 February 2025.



Mareeba Shire Council - RADF Committee Meeting - Minutes

Date: Monday 3 February 2025
Time: 5:00pm
Venue: Board Room, Mareeba Shire Council, Rankin St Mareeba

Meeting open and welcome 5:00pm

1. Attendance – Cr Angela Toppin (Chair), Cr Lenore Wyatt, Kylie Lambert, Ronda Dooley, Sandy Ryan, Kristy Braes, Angela Musumeci, Jane Hollins (Minutes)

2. Apologies – Merrilee Frankish

3. Minutes of the last meeting

- Motion: *That the minutes of the previous meeting held 16 December 2025 are accepted.*
Moved: Sandy Ryan; Second: Rhonda Dooley; Carried.

4. Business Arising from the Minutes

- Additional Committee feedback on community survey was received by email.

5. General Business

- Arts and Culture Community Survey and Arts Stakeholder Survey
 - Committee feedback has been incorporated into surveys. Once approved by Council, surveys will be implemented February – April 2025.
- Discussion - What does “high quality” arts and cultural initiatives mean for our community?
 - Projects should have multiple outcomes.
 - Applicants to demonstrate how they will acknowledge RADF funding and have answered all questions in application form.
 - Projects need to show benefit to the wider community and contribute to the strengthening of the local arts and cultural sector.
 - Projects should bring people together and encourage a sense of belonging to the community.
- Further suggestions for improving RADF promotion, guidelines, application form, assessment processes.
 - Investigate ways to communicate / share project processes and outcomes more effectively, through short videos and recipient statements, to encourage future applications.
- Mayor provided a vote of thanks to Committee members. Term of appointment ends.

6. Next Meeting

- To be determined with new committee members.

7. Meeting Close 5:45pm

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.