



# **AGENDA**

**Wednesday, 20 February 2019**

## **Ordinary Council Meeting**

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

**Date: Wednesday, 20 February 2019**

**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 ANY MATERIAL PERSONAL INTERESTS/CONFLICTS OF INTEREST**
- 5 CONFIRMATION OF MINUTES**  
  
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- 6 BUSINESS ARISING OUT OF MINUTES OF PREVIOUS MEETING**
- 7 DEPUTATIONS AND DELEGATIONS**



## 8 CORPORATE AND COMMUNITY SERVICES

### 8.1 MAX SLADE DESIGNS PTY LTD - MATERIAL CHANGE OF USE - SHORT-TERM ACCOMMODATION (4 X 4 BEDROOM UNITS) - LOT 1 ON RP725081 - 3 KENNEALLY ROAD, MAREEBA - MCU/18/0026

**Date Prepared:** 4 February 2019

**Author:** Planning Officer

**Attachments:**

1. Proposal Plans [↓](#)
2. Department of State Development, Manufacturing, Infrastructure and Planning Referral Agency Response dated 30 November 2018 [↓](#)
3. Submissions [↓](#)

#### APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	Max Slade Designs Pty Ltd	ADDRESS	3 Kenneally Road, Mareeba
DATE LODGED	10 October 2018	RPD	Lot 1 on RP725081
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Short-term Accommodation		
FILE NO	MCU/18/0026	AREA	2.026 hectares
LODGED BY	Max Slade Designs Pty Ltd	OWNER	G & R Tatti Pty Ltd
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Low Density Residential		
LEVEL OF ASSESSMENT	Impact Assessment		
SUBMISSIONS	Two Submissions Received		

#### EXECUTIVE SUMMARY

Council is in receipt of an impact assessable development application described in the above application details. During public notification of the application two (2) submissions were received.

The applicants propose the construction of 4 x 4-bedroom units in the north-east corner of the site. The units are pre-fabricated "donga" style units, each containing 4 separate rooms with individual toilets and showers and will be sited in pairs with a common area to be built between each set of units.

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

Conditions have been recommended to minimise amenity impacts on residential uses adjoining and nearby to the site. These draft conditions were provided to the applicant, care of their consultant and have been agreed to.

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

**OFFICER'S RECOMMENDATION**

1. That in relation to the following development application:

APPLICATION		PREMISES	
<b>APPLICANT</b>	Max Slade Designs Pty Ltd	<b>ADDRESS</b>	3 Kenneally Road, Mareeba
<b>DATE LODGED</b>	10 October 2018	<b>RPD</b>	Lot 1 on RP725081
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use - Short-term Accommodation (4 x 4 Bedroom Units)		

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

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

And

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

- (A) **APPROVED DEVELOPMENT:** Development Permit for Material Change of Use - Short-term Accommodation (4 x 4 Bedroom Units)

- (B) **APPROVED PLANS:**

Plan/Document Number	Plan/Document Title	Prepared by	Dated
M 17 - 4595 Sheet No. A100	Overall Site Plan	Max Slade Designs	November 2017
M 17 - 4595 Sheet No. A101	Site Plan	Max Slade Designs	November 2017
M 17 - 4595 Sheet No. A111	Stage 3 - 4/4 Bedroom Units	Max Slade Designs	November 2017

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

- (a) Development assessable against the Planning Scheme

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

2. Timing of Effect

- 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the commencement of the use except where specified otherwise in these conditions of approval.
- 2.2 Prior to the commencement of use the applicant must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.

### 3. General

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

- 3.5.1 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.

The applicant 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.

- 3.5.2 Full time onsite manager

In order to minimise the likelihood of noise nuisance, a full time, onsite manager must be present onsite at all times during the operation of the approved use. The contact details for the onsite manager are to be made publicly accessible to all adjoining property owners.

### 3.6 Waste Management

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

Where bulk bins are used and are to be serviced on site, certification by a Registered Professional Engineer of Queensland (RPEQ) must be provided to Council which demonstrates that internal access is of adequate design and construction to allow waste collection/delivery vehicle to enter and exit the site in a forward gear, prior to the issue of a development permit for operational works.

Any refuse storage area must be constructed on an impervious surface such as a concrete slab and must be provided with a water connection to facilitate cleaning of bins, other receptacles and the collection area itself, and must be drained into the sites wastewater network.

Should an existing refuse storage area be proposed to satisfy this condition, the existing refuse storage area must comply with the above requirements.

### 3.7 Clothes Drying area

Sufficient area for clothes drying is to be provided for the units and is to be appropriately screened from view of adjoining properties and the street, to the satisfaction of Council's delegated officer.

### 3.8 Window Screening

The applicant/developer is required to install and maintain suitable screening to all unit windows facing the south-east and north-east site boundaries for the purposes of privacy and reducing light spillage. The screening structures must be constructed from non-reflective materials that are consistent with materials used elsewhere on the facade of the building, to the satisfaction of Council's delegated officer.

### 3.9 Hot Water System Relocation

The applicant/developer is required to install and maintain appropriate screening to all hot water systems attached the unit structures. The screening structures must be constructed from materials that are consistent with materials used elsewhere on the structures.

### 3.10 Building Materials and Finishes

All building materials and finishes, including roofing iron/tiles, guttering, external cladding/blockwork/render and window screening structures must be made

from non-reflective, modern building materials and must be of a neutral colour, to the satisfaction of Council's delegated officer.

#### 4. Infrastructure Services and Standards

##### 4.1 Access

Prior to the commencement of the use the existing site access must be upgraded to a commercial/industrial standard in order to accommodate two directional large vehicle traffic (from the edge of the road pavement to the property boundary of the subject lot) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

##### 4.2 Stormwater Drainage/Water Quality

4.2.1 Prior to the issue of a development permit for building works, the applicant/developer 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. Where staged works are proposed, the Stormwater Management Plan and Report must detail the stormwater drainage for the whole of the development and for each stage of the development.

4.2.2 The Stormwater Management Plan must ensure a non-worsening effect on surrounding land as a consequence of the development and must take all reasonable and practicable measures to ensure discharge occurs in compliance with the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual.

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

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

##### 4.3 Car Parking/Internal Driveways

4.3.1 The applicant/developer must ensure that each unit is provided with one (1) car parking space (16 total) which are available solely for the parking of vehicles associated with the accommodation. The car parking spaces must be located within proximity to the accommodation units.

4.3.2 Prior to the commencement of the use, all car parking spaces including the administration office set down/car parking areas, and all internal driveways servicing the approved use must be concrete, bitumen or

asphalt sealed, line marked and appropriately drained, to the satisfaction of Council's delegated officer.

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

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

- 4.3.3 The internal driveways servicing the approved use must be wide enough to allow for two direction vehicle traffic, to the satisfaction of Council's delegated officer. If this is not the case and the existing loop road through the existing caravan park is proposed or required to service the development (short-term accommodation units only), this loop road must be upgraded to a concrete, asphalt or bitumen sealed standard, to a minimum width of four (4) metres (including any widening required on corners) and appropriately drained, to the satisfaction of Council's delegated officer.

#### 4.4 Landscaping & Fencing

- 4.4.1 Prior to the issue of a development permit for building works, a landscape plan must be prepared and submitted to Council's delegated officer for consideration and approval (one plan may be submitted for the entire site).

The landscape plan must include a minimum 30m<sup>2</sup> of landscaping and must include plant species selected from the Plant Schedule in Planning Scheme Policy 6 - Landscaping and preferred plant species.

A minimum of 25% of the landscaping plants must be provided as larger, advanced stock with a minimum foliage height of 0.7 metres.

The landscaping of the site must be carried out in accordance with the endorsed landscape plan prior to the commencement of the use and mulched, irrigated and maintained to the satisfaction of Council's delegated officer.

- 4.4.2 Prior to the commencement of the use, a solid 1.8 metre high timber paling (no gaps) or 1.8 metre high colorbond fence (of neutral colour) is to be erected along the entire length of the south-east boundary of the site.

Prior to the commencement of the use, a solid 1.8 metre high timber paling (no gaps) or 1.8 metre high colorbond fence (of neutral colour) is to be erected along the north-east boundary of the site from the north east corner of the site (behind the donga's) to a distance of no less than 40 metres along the boundary.

The abovementioned fencing is to be erected and maintained in good order for the life of the development, to the satisfaction of Council's delegated officer.

#### 4.5 Lighting

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

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

#### 4.6 Water Supply

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).

If a new or upgraded water service connection is required to service the development, it must be provided in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

#### 4.7 Sewerage Connection

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.

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).

### (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) 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.

(d) Property Connection to existing sewer main

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.

(e) 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.

(f) 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.

(g) 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](http://www.environment.gov.au)

(h) 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](http://www.datsip.qld.gov.au)

(i) 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) 2011* is required prior to the commencement of the use.

(j) Transportation of Soil

All soil transported to or from the site must be covered to prevent dust or spillage during transport. If soil is tracked or spilt onto the road pavements as a result of works on the subject site, it must be removed prior to the end of the working day and within four (4) hours of a request from a Council Officer.

(E) RELEVANT PERIOD

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

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

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

- Development Permit for Building Work

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

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

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

Category	Use Charge	Unit Measure of	Charge Rate	No of Units	Amount
<b>Proposal</b>					
Short-term Accommodation	Accommodation (short term)	Per suite (1 or 2 bedrooms)	\$4,500.00	16	\$72,000.00
<b>Total</b>					<b>\$72,000.00</b>

## THE SITE

The subject site contains the Mareeba Tropical Caravan Park and is situated at 3 Kenneally Road, Mareeba and is more particularly described as Lot 1 on RP725081. The site is generally regular in shape with a total area of 2.026 hectares and is zoned Low Density Residential under the Mareeba Shire Council Planning Scheme 2016. The site includes frontages to both Kenneally Road (approx. 86 metres) and the State controlled Kennedy Highway (approx. 244 metres) with access gained via a single crossover off Kenneally Road towards the southern corner of the lot.

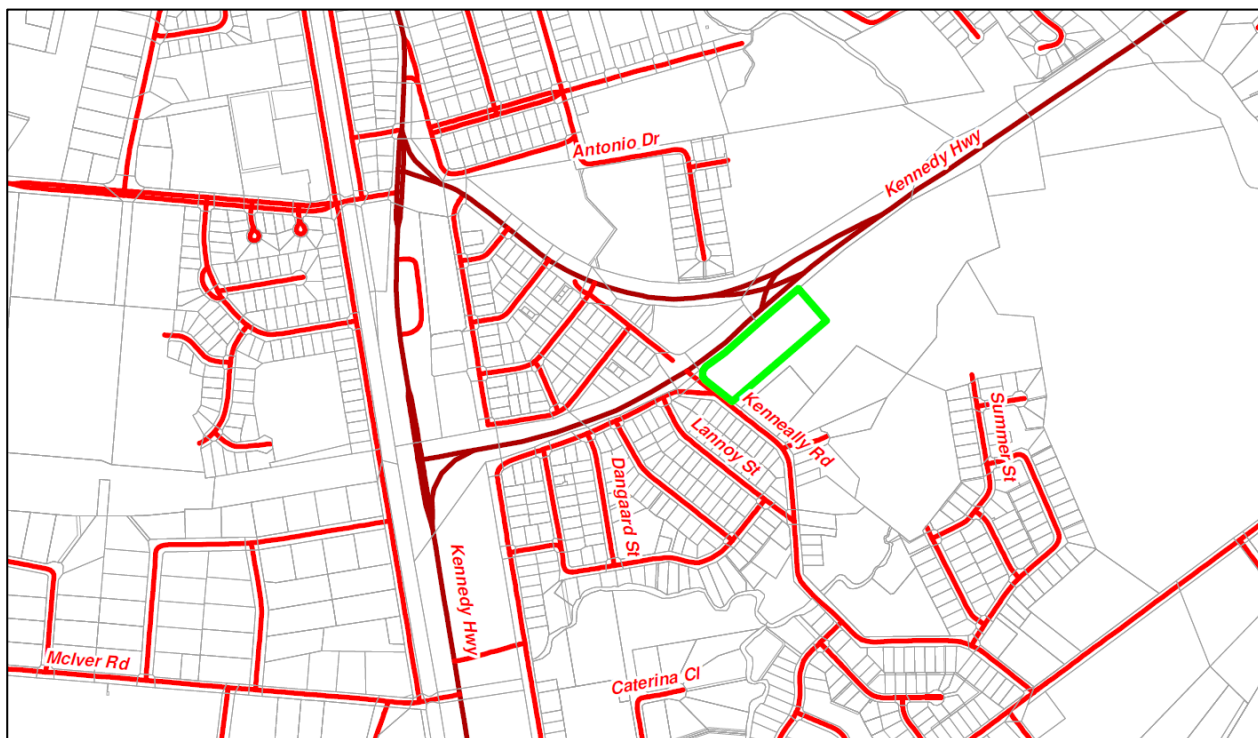
The site is improved by several buildings and structures consistent with the sites long established caravan park use which include a site office, manager/caretaker residence, ablutions/laundry blocks, caravan/motorhome/tent sites with some including concrete slabs, multiple accommodation donga's and an old general store which has since been converted to a dwelling. The site has a gradual slope down to the rear of the lot (north-east end) and in terms of vegetation, contains several large shade trees and smaller trees and shrubs scattered throughout the caravan park which are of no ecological significance.

The site is currently connected to all urban services including Council's reticulated water and sewerage networks. All adjacent lots are zoned Low density residential and contain single dwellings.



### Map Disclaimer:

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## **BACKGROUND AND CONTEXT**

Nil

## **PREVIOUS APPLICATIONS & APPROVALS**

### MC2006/31 / MCU/06/0031

Council, at its Ordinary Meeting on 6 March 2007, approved a development application made by R & G Tatti for a development permit for material change of use - backpacker accommodation over land described as Lot 1 on RP725081, situated at 1-3 Kenneally Road, Mareeba. The Decision Notice was issued on 9 March 2007.

Development approval MC2006/31 / MCU/06/0031 was never acted upon and has lapsed.

### MCU/11/0012

Council, at its Ordinary Meeting on 7 March 2012, approved a development application made by Victor G Feros Town Planning Consultants, on behalf of G & R Tatti for a development permit for material change of use - tourist facility (20 x 1-bedroom self-contained units) over land described as Lot 1 on RP725081, situated at 3 Kenneally Road, Mareeba. The Decision Notice was issued on 14 March 2012. A Negotiated Decision Notice was issued on 25 July 2012. Council, at its Ordinary Meeting on 15 November 2012 subsequently approved a further request by the applicant to amend the development approval.

Development approval MCU/11/0012 lapsed on 25 July 2018.

### DA/12/0023

Council, at its Ordinary Meeting on 20 December 2012, approved a development application made by Victor G Feros Town Planning Consultants on behalf of Mareeba Tropical Caravan Park for a development permit for material change of use - tourist facility (10 x non-self-contained rooms & ablutions block) over land described as Lot 1 on RP725081, situated at 3 Kenneally Road, Mareeba. The Decision Notice was issued on 21 December 2012.

Development approval DA/12/0023 lapsed on 21 December 2016.

### MCU/18/0003

Council, at its Ordinary Meeting on 16 May 2018, approved a development application made by Max Slade Designs Pty Ltd on behalf of G & R Tatti Pty Ltd for a development permit for material change of use - short-term accommodation (22 x 1 bedroom units) over land described as Lot 1 on RP725081, situated at 3 Kenneally Road, Mareeba. The Decision Notice was issued on 18 May 2018.

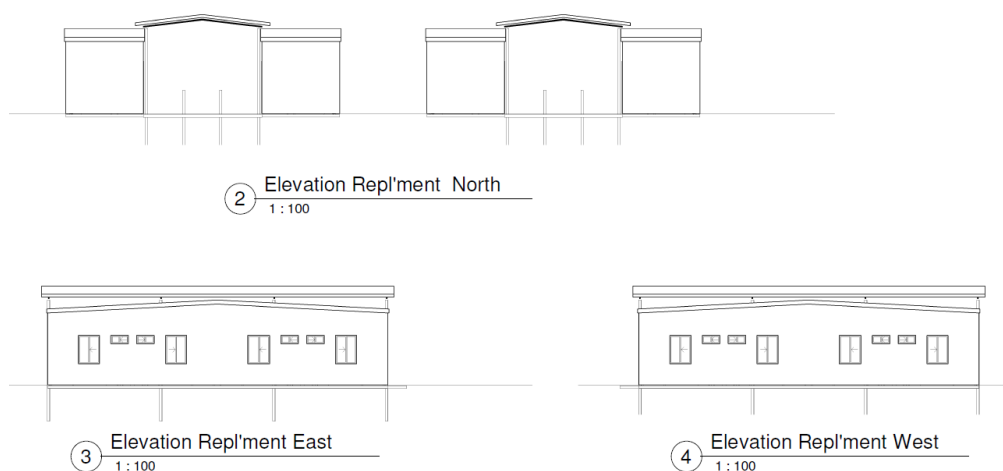
Development approval MCU/18/0003 is currently being acted upon, with construction of the motel style unit development underway (commenced in late 2018).

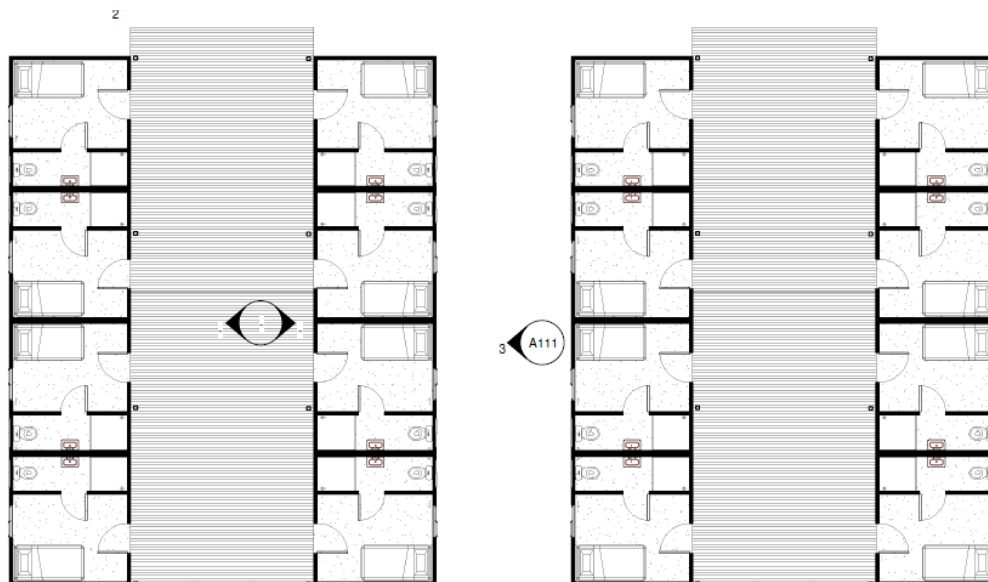
## **DESCRIPTION OF PROPOSED DEVELOPMENT**

The development application seeks a Development Permit for Material Change of Use - Short-term Accommodation (4 x 4 bedroom units) in accordance with the plans shown in **Attachment 1**.

The development will involve the siting of 4 x 4 bedroom pre-fabricated "donga" style structures in the north-east corner of the site to be primarily used for workforce accommodation. The donga's will be grouped in two's with a common area between each donga and a roof constructed over top (see plans below).

Each of the 16 rooms will have their own shower and toilet and car parking will be made available in proximity to the accommodation units.





### 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 Regional Activity Centre in the Regional Plan. The Regional Plan Map 3- 'Areas of Ecological Significance' also identifies the site as containing:

- *Terrestrial Area of General Ecological Significance*

### PLANNING SCHEME DESIGNATIONS

Strategic Framework:	<b>Land Use Categories</b> <ul style="list-style-type: none"> <li>• <i>Residential Area</i></li> </ul> <b>Transport Elements</b> <ul style="list-style-type: none"> <li>• <i>State Controlled Road</i></li> <li>• <i>Principal Cycle Routes</i></li> </ul>
Zone:	Low Density Residential
Overlays:	Bushfire Hazard Overlay Transport Infrastructure Overlay

## Planning Scheme Definitions

The proposed use is defined as:-

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

## RELEVANT PLANNING INSTRUMENTS

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

### (A) Far North Queensland Regional Plan 2009-2031

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

### (B) State Planning Policy

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

### (C) Mareeba Shire Council Planning Scheme 2016

## Strategic Framework

### 3.3 Settlement pattern and built environment

#### 3.3.3 Element - Activity centres network

- 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.*

Comment

The proposed development will provide additional short-term accommodation for visitors, tourists and workers within Mareeba's urban footprint, of which there is an identified shortfall during peak demand periods. The development will help to strengthen Mareeba's role as the Shire's major regional activity centre.

- (2) *Development within Mareeba over time enhances the Shire's self-sufficiency in terms of services offered, business and employment opportunities.*

Comment

The proposed development will provide additional short-term accommodation for visitors, tourists and workers within Mareeba's urban footprint, of which there is an identified shortfall during peak demand periods. The development will help to enhance the Shire's self-sufficiency with regards to short-term tourist/visitor accommodation.

**3.7 Economic Development****3.7.7 Element - Tourism****3.7.7.1 Specific outcomes**

- (2) *Major tourist accommodation facilities that can accommodate large numbers of overnight visitors in the shire are developed in strategic locations where amenity impacts are mitigated and physical infrastructure appropriately provided.*

Comment

The proposed development will provide 16 x 1 bedroom short-term accommodation units within the confines of a long established caravan park (Mareeba Tropical Caravan Park). The site is on the fringe of an established residential area and contains minimum immediate adjoining residential uses. Given the nature and scale of the development, it is considered that the development can be appropriately conditioned to ensure minimal amenity impacts on these adjoining residential uses.

The development does not conflict with Specific Outcome (2).

**Relevant Developments Codes**

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

- 6.2.6 Low density residential zone code
- 8.2.3 Bushfire hazard overlay code
- 8.2.12 Transport infrastructure overlay code
- 9.3.1 Accommodation activities code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access code
- 9.4.5 Works, services and infrastructure code

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

Relevant Codes	Comments
Low density residential zone code	The application can be conditioned to comply with the relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome provided) contained within the code apart from the following: <ul style="list-style-type: none"> <li>Acceptable Outcomes AO4</li> <li>Acceptable Outcome AO5</li> </ul> Refer to planning discussion section of report.
Bushfire hazard overlay code	The application can be conditioned to comply with the relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome provided) contained within the code.
Transport infrastructure overlay code	The application can be conditioned to comply with the relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome provided) contained within the code.
Accommodation activities code	The application can be conditioned to comply with the relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome provided) contained within the code.
Landscaping code	The application can be conditioned to comply with the relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome provided) contained within the code.
Parking and access code	The application can be conditioned to comply with the relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome provided) contained within the code.
Works, services and infrastructure code	The application can be conditioned to comply with the relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome provided) contained within the code.

#### (D) Planning Scheme Policies/Infrastructure Charges Plan

The following planning scheme policies are relevant to the application:

- Planning Scheme Policy 4 - FNQROC Regional Development Manual

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

**(E) Adopted Infrastructure Charges Notice**

The following infrastructure charge/s for the development are derived from Council's Adopted Infrastructure Charges Resolution (No. 1) 2017.

The Adopted Infrastructure Charges Resolution (No. 1) 2017 nominates the following maximum charge for Accommodation (short term):

For a hotel or short-term accommodation:

- \$6,000.00 per suite (1 or 2 bedroom)

In calculating this maximum charge, it was assumed the development will access all four infrastructure networks (water, sewer, parks and roads). For this proposed development, the proximity to the State controlled road network (Kennedy Highway) means that any trunk infrastructure impacts are likely to be limited to water, sewer and parks. Accordingly, the applicable charge for accommodation (short term) for the proposed development has been amended as follows:

For a hotel or short-term accommodation:

- \$4,500.00 per suite (1 or 2 bedroom)

The adopted infrastructure charges for the development is tabulated as follows:

Category	Use Charge	Unit Measure of	Charge Rate	No of Units	Amount
<b>Proposal</b>					
Short-term Accommodation	Accommodation (short term)	Per suite (1 or 2 bedrooms)	\$4,500.00	16	\$55,020.00
<b>Total Charge</b>					<b>\$72,000.00</b>

**REFERRAL AGENCIES**

The application triggered referral to the Department of State Development, Manufacturing, Infrastructure and Planning as a Referral Agency (SARA - DTMR).

That Department provided their Referral Agency Response on 30 November 2018 which included conditions of approval which are required to be attached to any approval (**Attachment 2**).

**Internal Consultation**

Technical Services Department - Development Engineering

**PUBLIC NOTIFICATION**

The development proposal was placed on public notification from 20 November 2018 to 18 December 2018. The applicant submitted the notice of compliance on 21 December 2018 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

Two (2) properly made submissions were received. Both submissions were from adjoining/nearby landowners who indicated that they did not object to the development, however wanted to raise concerns for Council's attention. These concerns are summarised and commented on the following page.

Submitter Concerns/Queries	Comment
Light projection and nuisance from light spill	A condition will be attached to any approval requiring outdoor lighting to be sited and directed as to not cause a nuisance to neighbouring properties.
Stormwater	A condition will be attached to any approval requiring the preparation and lodgement of a Stormwater Management Plan prior to building works commencing. This plan will need to be prepared by a registered engineer and endorsed by Council's Technical Services Department.
Boundary fencing	A condition will be attached to any approval requiring boundary fencing be erected along the south-east and north-east boundaries of the site to create an effective visual screening for neighbouring properties.
Air conditioner noise	A condition will be attached to any approval requiring air-conditioning units to be located, designed, installed and maintained to achieve a maximum noise level of 3dB(A) above background levels as measured from noise sensitive locations.
Rocks picked from the property may be dumped on adjoining allotments.	Any rock removed from the property during construction of the development will need to either be re-used on site or removed from the site and be legally disposed of. Council can act for any illegal placement of rock on adjoining properties.
A suitable number of bins needs to be provided to prevent rubbish from being dumped on neighbouring properties.	It is unusual for Planning approvals to dictate a specific number of rubbish bins for a development. This is usually a caravan park management issue. If any illegal littering occurs, it can be reported to Council's Environmental Health Department.
Adequate parking should be provided so as to minimise the risk of spill over parking occurring on neighbouring properties.	The applicant/developer will be required to provide 16 sealed car parking spaces for unit guests, to be sited in proximity to the units. This is considered adequate for what is proposed and is likely to discourage the parking of vehicles on neighbouring properties, as is the availability of ample space within the confines of the caravan park for the parking of any excess vehicles. Boundary fencing that is required to be installed will also reduce the likelihood of this occurring.
The existing access to the caravan park is not up to standard and large vehicles have issues entering and exiting the park.	The proposed short-term accommodation is not likely to attract people who own caravans and motorhomes. Notwithstanding this, a condition has been attached to the approval requiring the upgrade of the site access to a commercial/industrial standard.
The car parking at the entrance to the caravan park is inadequate. Under previous approval MCU/06/0031 (for backpacker accommodation) the developer was required to install 14 parking spaces for the approved backpacker accommodation. This requirement should be maintained and included in this approval.	The parking at the entrance to the caravan park is considered adequate and is required to be upgraded which will provide additional hardstand areas for vehicle queuing. Development approval MCU/06/0031 was never acted upon and has since lapsed, therefore the developer is not required to install the 14 parking spaces required for the backpacker accommodation covered under this approval. The access crossover servicing the site is required to be upgraded to a commercial/industrial standard.
Signpost and line marking should be installed along Kenneally Road to highlight the unsuitability of parking on the verge in this location.	This is considered an unreasonable requirement considering Council officers have not received any previous complaints regarding vehicles queuing along Kenneally Road, and that the short-term accommodation proposed is not likely to attract guests that own motor homes or caravans.

**Submitters**

Name of Principal submitter	Address
1. Steve Hogan	7 Kenneally Road, Mareeba QLD 4880
2. A & L Amante	PO Box 1049 Mareeba QLD 4880

**PLANNING DISCUSSION**

Noncompliance with the relevant acceptable outcomes of the following development codes is discussed below. Where the development cannot comply with an acceptable outcome, it is considered compliance with the higher order performance outcome can be achieved.

**6.2.6 Low density residential zone code*****Accommodation density******PO4***

*The density of Accommodation activities:*

- (a) contributes to the house choice an affordability;*
- (b) respects the nature and density of surrounding land use;*
- (c) does not cause amenity impacts beyond the reasonable expectation of accommodation density for the zone; and*
- (d) is commensurate to the scale and frontage of the site.*

***AO4***

*Development provides a maximum density for Accommodation activities in compliance with Table 6.2.6.3B.*

**Comment**

Table 6.2.6.3B does not dictate a maximum density for short-term accommodation development within the Low density residential zone.

The application proposes the siting of 4 x 4 bedroom short-term accommodation "donga" style units within the confines of a long established caravan park (Mareeba Tropical Caravan Park). The site is on the fringe of an established residential area and the development is unlikely to cause amenity impacts on surrounding residential uses as reasonable separation from the development is achieved due to the larger lot sizes on the eastern side of Kenneally Road. Notwithstanding this, the development will be conditioned to require boundary treatments, window screening and driveway sealing to further minimise the likelihood of amenity impact.

Although not specifically conflicting with AO4, the development is considered to comply with higher order PO4.

***Gross floor area******PO5***

*Buildings and structures occupy the site in a manner that:*

- (a) makes efficient use of land;*
- (b) is consistent with the bulk and scale of surrounding buildings; and*
- (c) appropriately balances built and natural features.*

**AO5**

*Gross floor area does not exceed 600m<sup>2</sup>.*

**Comment**

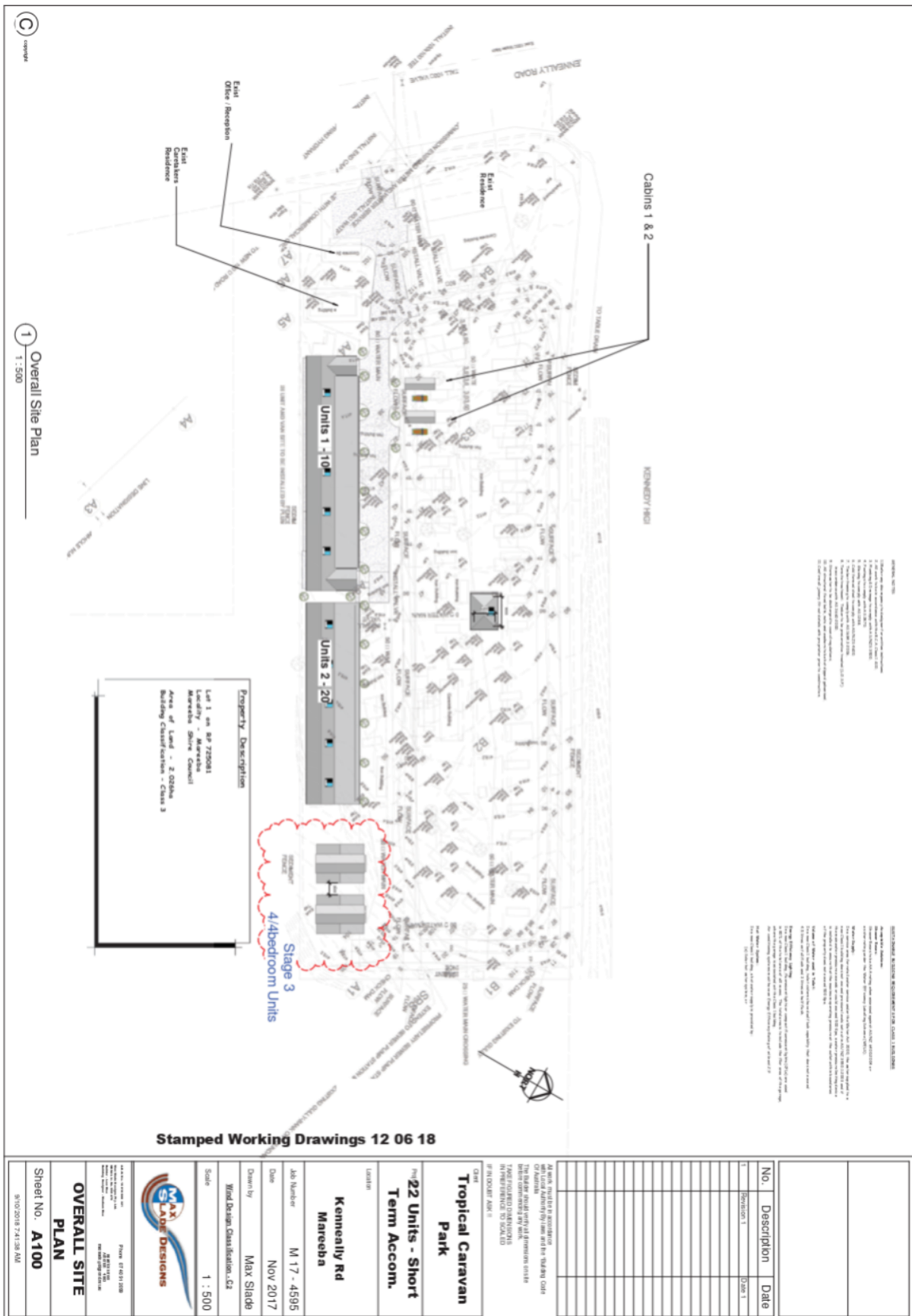
The proposed development, which will include the four (4) proposed "donga" structures as well as a raised floor for the common area in between each set of two (2) dongas and a roof constructed overhead. The development will add approximately 330m<sup>2</sup> of GFA to the sites existing cumulative GFA footprint which far exceeds 600m<sup>2</sup> and is therefore non-compliant with AO5.

The intention of AO5 (600m<sup>2</sup> GFA limit) is to limit the cumulative GFA of structures on standard residential sized allotments (700 - 1,000m<sup>2</sup>). In this instance, the subject site has a total area of 20,260m<sup>2</sup>, or 2.026 hectares (or approximately 20 - 28 times the size of standard residential allotment in Mareeba).

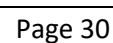
The proposed short-term accommodation units will be sited in the north-east corner of the site so as to make efficient use of an underutilised portion of the land and to not compromise the sites existing long established caravan park use. Furthermore, the proposed accommodation units are not inconsistent in scale with other development already established or approved on the property or on surrounding lots.

The development is not considered to conflict with PO5.

***Date Prepared: 6 February 2019***







GE78-N



Department of  
**State Development,  
Manufacturing,  
Infrastructure and Planning**

# Department of State Development, Manufacturing, Infrastructure and Planning

## Statement of reasons for application 1810-8166 SRA

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

Departmental role: Referral agency

### Applicant details

Applicant name: G & R Tatti  
C/- Max Slade Designs Pty Ltd

Applicant contact details: PO Box 834  
Tolga QLD 4882  
maxslade@bigpond.net.au

### Location details

Street address: 3 Kenneally Road, Mareeba

Real property description: Lot 1 on RP725081

Local government area: Mareeba Shire Council

### Development details

Development permit: Material change of use for Short term accommodation - 4 x 4 bedroom units

### Assessment matters

Aspect of development requiring code assessment	Applicable codes
Material change of use	State Development Assessment Provisions, version 2.3, effective 2 July 2018, State code 1: Development in a state-controlled road environment

### Reasons for the department's decision

The reasons for the decision are:

- The department carried out an assessment of the material change of use application against State code 1 of the State Development Assessment Provisions and has found the proposal complies with the relevant performance outcomes.
- The proposed development does not require access to the state-controlled road (Kennedy Highway).
- Access to the proposed development is via a local government-controlled road (Kenneally Road).
- The proposed development does not impact on the safety, function and efficiency of the state-controlled road.
- The proposed development is appropriately setback from the Kennedy Highway and noise impacts will be minimised.

1810-8166 SRA

**Decision**

<b>Nature of approval</b>	<b>Nature of response</b>	<b>Date of decision</b>
Concurrence agency response	Attach conditions to any approval	30 November 2018

**Relevant material**

- Development application material and submitted plans including
- State Development Assessment Provisions published by the Department of State Development, Manufacturing, Infrastructure and Planning (v2.3)
- *Planning Act 2016*
- Planning Regulation 2017
- SARA Development Assessment Mapping
- Development Assessment Rules version 1.1

RA6-N



Department of  
**State Development,  
Manufacturing,  
Infrastructure and Planning**

SARA reference: 1810-8166 SRA  
Council reference: MCU/18/0026

30 November 2018

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

Attention: Carl Ewin

Dear Sir/Madam

**Referral agency response—with conditions**(Given under section 56 of the *Planning Act 2016*)

The development application described below was properly referred to the Department of State Development, Manufacturing, Infrastructure and Planning on 31 October 2018.

**Applicant details**

---

Applicant name:	G & R Tatti C/- Max Slade Designs Pty Ltd
Applicant contact details:	PO Box 834 Tolga QLD 4882 maxslade@bigpond.net.au

**Location details**

---

Street address:	3 Kenneally Road, Mareeba
Real property description:	Lot 1 on RP725081
Local government area:	Mareeba Shire Council

**Application details**

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Development permit	Material change of use for Short term accommodation - 4 x 4 bedroom units
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1810-8166 SRA

**Referral triggers**

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

- 10.9.4.2.4.1 State transport corridors and future State transport corridors

**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**

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

**Advice to the applicant**

The department offers advice about the application to the applicant—see Attachment 3.

**Approved plans and specifications**

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

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
<b>Aspect of development: Material change of use</b>				
Site Plan	Max Slade Designs	9/10/2018	M17 – 4595 Sheet No A101	1

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

For further information please contact Belinda Jones, Senior Planning Officer, SARA Far North QLD, on 40373239 or via email CairnsSARA@dsdmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Tony Croke  
Acting Manager

cc G & R Tatti C/- Max Slade Designs Pty Ltd, maxslade@bigpond.net.au

enc Attachment 1—Conditions to be imposed  
Attachment 2—Reasons for decision to impose conditions  
Attachment 3—Advice to the applicant  
Attachment 4—Approved plans and specifications

1810-8166 SRA

**Attachment 1—Conditions to be imposed**

No.	Conditions	Condition timing
<b>Material change of use</b>		
<b>Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 – State transport corridor (state-controlled road)—</b> The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the <b>Department of Transport and main Roads</b> 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.	The Stage 3 short term accommodation units must be located generally in accordance with the following plan, outside Category 2 and Category 3 transport noise corridor areas: <ul style="list-style-type: none"> <li>Site Plan prepared by Max Slade Designs, dated 9/10/2018, Reference M17 – 4595, Sheet No A101 and Revision 1 as amended in red by SARA on 30 November 2018.</li> </ul>	Prior to the commencement of use and to be maintained at all times.
2.	Direct access is not permitted between the Kennedy Highway and the subject site.	At all times.

1810-8166 SRA

**Attachment 2—Reasons for decision to impose conditions**

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The reasons for this decision are:

- To minimise noise intrusions on a development from a state-controlled transport corridor.
- To ensure access to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled road. Direct access to the state-controlled road is prohibited where not required

1810-8166 SRA

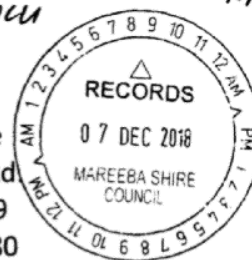
**Attachment 3—Advice to the applicant**

General advice	
Ref.	Transport noise corridor
1.	<p>Mandatory Part (MP) 4.4 of the Queensland Development Code (QDC) commenced on 1 September 2010 and applies to building work for the construction or renovation of a residential building in a designated <i>transport noise corridor</i>. MP4.4 seeks to ensure that the habitable rooms of Class 1, 2, 3 and 4 buildings located in a <i>transport noise corridor</i> are designed and constructed to reduce transport noise. <i>Transport noise corridor</i> means land designated under Chapter 8B of the <i>Building Act 1975</i> as a <i>transport noise corridor</i>. Information about <i>transport noise corridors</i> is available at state and local government offices. A free online search tool can be used to find out whether a property is located in a designated <i>transport noise corridor</i>. This tool is available on the departments website: <a href="https://planning.dsdmip.qld.gov.au/maps">https://planning.dsdmip.qld.gov.au/maps</a> and allows searches on a registered lot number and/or property address to determine whether and how the QDC applies to the land. Transport Noise Corridors are located under Information Purposes layers within the State Planning Policy (SPP) mapping system.</p>



Assessment Manager  
Mareeba Shire Council  
P.O. Box 154  
Mareeba 4880

*urp-mcu* *N/A*  
A & L Amante  
5 Kenneally Rd  
P.O. Box 1049  
Mareeba 4880



Mareeba, 4<sup>th</sup> of December 2018

Dear Sir,

We refer to the proposed development.

"Development application for material change of use – Short Term  
Accommodation (4 x 4 Bedroom units), at 3 Kenneally Road Mareeba on  
Lot 1 R P 725081"

Application No: MCU/18/0026.

Whilst we are in no way against the development, we have listed below a few concerns.

Mayor Concern:

- (1) All stormwater drainage be collected from site and discharged, so as to not damage our road entrance to property and house, and damage our adjoining property. No cost is to be incurred on us.
- (2) Will the development include the continuation of the same fencing as being built along the South-Eastern boundary (Stage 1&2) on the Rear Boundary to the main Road Boundary?
- (3) Within reason outdoor lighting, including any possible future additions, eg Tennis Court, does not spill towards our house and property.
- (4) Adequate parking be provided, to prevent possible parking on the entrance strip to our property.
- (5) Noise from air conditioners is controlled by suitable screening.
- (6) No dumping of rocks on our property (clean up on our side of the fence).
- (7) Suitable number of refuse bins is provided to prevent rubbish such as bottles, cans, cartons, being dumped on our property as has been the case to date.

Could we please ask that these concerns be addressed?  
Looking forward to correspondence on these matters.

As a footnote we do not object to the removal of branches or trees close to the boundary if they interfere with the development. We would appreciate to be advised beforehand.

Yours Sincerely,  
Angelo and Letizia Amante

The image shows two handwritten signatures in black ink. The top signature is 'A. Amante' and the bottom signature is 'L. Amante'. Both are written in a cursive, flowing style.

**Proposed development**

**Have your say**

**Development application for material change of use – Short term accommodation ( 4 x 4 bedroom units)**

**At 3 Kenneally Road Mareeba**

**ON Lot 1 RP 725081**

**By - Max Slade Designs Pty Ltd**  
**Ph: 07 40 91 2099**  
**Web – not applicable**

**Approval sought:** Development Permit – material change of use  
**Application no.:** MCU / 18 / 0026

**Comment period:** 21<sup>st</sup> Nov 2018 to 17<sup>th</sup> Dec 2018

**Written comments to:**  
 The assessment manager  
 Mareeba Shire Council  
 PO Box 154 Mareeba QLD 4880  
 info@msc.qld.gov.au  
 1300 308 461  
 www.msc.qld.gov.au

Copies of the full application can be viewed or obtained from the assessment manager Marteeba Shire offices 65 Rankin St Mareeba

**Public notification requirement per Queensland Government—  
 Sustainable Planning Act 2009 Form 5 version 2.0**

**From:** Stephen Hogan  
**Sent:** 17 Dec 2018 14:18:14 +1000  
**To:** Info (Shared)  
**Cc:** Stephen Hogan  
**Subject:** MCU/18/0026 - Stephen Hogan submits concern with proposed development - Lot 1 RP725081 - 3 Kenneally Road Mareeba

Good afternoon Carl,

RE: MCU/18/0026

Thankyou for the opportunity to provide feedback on the proposed development.

As with the previous proposed development we have no objection to the proposal and our comments are made without prejudice.

The biggest potential impact we perceive from the further expansion of the accommodation at the caravan park is the impact on road traffic and the ability of the entrance to the caravan park to safely manage a further potential 16 daily vehicle movements each way through the single entry point. The previous proposal included the addition of 22 new fixed accommodation buildings, which in addition to the most recent application makes for a total of 38 additional accommodation sites.

Our estimate of the previous usage of the space which has been and is proposed for both of these developments, is that there were approximately 10 accommodation sites, including 2 sets of previous donga's. This new proposal has the potential to increase this by 28 additional sites, and subsequently, another potential 28 vehicle movements, each way, on a daily basis, potentially magnifying existing short comings of the site.

Our concerns are that the entrance and parking facilities at the main office are grossly inadequate to accommodate these vehicles, and that there is a real risk to traffic flow on Kenneally Road due to vehicles not being able to safely enter the van park. This perception is based on the existing experience of seeing multiple cars and caravans lined up from the entrance point, back to the Kennedy Highway waiting for the entrance to clear of other vehicles waiting to be checked in to their accommodation sites.

This is of particular concern due to the location of the Bailey St intersection adjacent to the entrance point, which sees traffic from 3 directions potentially verging on one point, with cars and caravans not allowing for safe passing due to the narrowness of the lane and the proximity to the two intersections.

We believe that the entrance to the caravan park needs to provide for the ability of two way traffic which allows for a large four wheel drive to be able to enter the caravan park whilst turning off Kenneally rd, whilst allowing for other vehicles to exit the caravan park. We also believe that there needs to be adequate parking for multiple numbers of these car and caravan combinations adjacent to the main office of the caravan park to allow for them to move off the roadway and reduce the potential for accidents.

At present there are approximately 5 single vehicle parking spots adjacent to the main office, and two vehicle parking spots adjacent to the dormitory style accommodation. It is our understanding that in a previous development approval (MCU/06/0031) there was a condition required to provide 14 on site parking spaces to provide for the dormitory accommodation, and for a commercial access be constructed to the caravan park. To our understanding, only two car parking spaces have been provided and there has been no commercial access constructed.

We believe that in addition to a car parking space for each of the proposed units, that the developer be required to satisfy the conditions of MCU/06/0031 to provide a total of 14 car parking spaces solely for the dormitory accommodation to ensure that the parking required for the main office is not burdened by cars associated with the dorms. We also believe that the developer needs to construct a commercial access from Kenneally Road which is fit for purpose of allowing adequate off street parking for multiple car and caravan combinations and for large vehicle combinations to be able to safely turn off Kenneally Rd whilst allowing for other vehicles to leave the premises.

To further support the reduction in risk to safety of vehicles and pedestrians, we would request that signage and road markings be put in place along Kenneally Rd between the Kennedy Highway and the South East boundary of the Caravan park on Kenneally Rd to highlight to drivers the unsuitability of parking on the verge in this location.

Many thanks for your consideration of our feedback

Kind Regards

Steve Hogan

7 Kenneally Rd  
Mareeba QLD 4880  
PH: 0439 601 380

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**8.2 G & L CARR - RECONFIGURING A LOT - SUBDIVISION (1 INTO 2 LOTS) - LOT 7 ON RP733904 - 3 COOLSPRINGS CLOSE, KURANDA - RAL/18/0034**

**Date Prepared:** 6 February 2019

**Author:** Senior Planner

**Attachments:** 1. Proposal Plan [↓](#)

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**APPLICATION DETAILS**

APPLICATION		PREMISES	
APPLICANT	G & L Carr	ADDRESS	3 Coolsprings Close, Kuranda
DATE LODGED	13 November 2018	RPD	Lot 7 on RP733904
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 2 lots)		
FILE NO	RAL/18/0034	AREA	10,640m <sup>2</sup>
LODGED BY	Freshwater Planning Pty Ltd	OWNER	G & L Carr
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Rural Residential zone (Precinct A)		
LEVEL OF ASSESSMENT	Code Assessment		
SUBMISSIONS	n/a		

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**EXECUTIVE SUMMARY**

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

The application is code assessable and was not required to undergo public notification.

It has been assessed against the relevant statutory planning instruments, including the Regional Plan and the Planning Scheme and does not conflict with any relevant planning instrument.

The applicant has raised concerns regarding draft Condition 4.2.1, in particular the requirement for kerb and channel along the site frontage. Further discussion can be found at the end of this report; however, Council officers have maintained their recommendation that kerb and channel be installed as part of this development.

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	
<b>APPLICANT</b>	G & L Carr	<b>ADDRESS</b>	3 Coolsprings Close, Kuranda
<b>DATE LODGED</b>	13 November 2018	<b>RPD</b>	Lot 7 on RP733904
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	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
• 8205-LL1 Rev A	• Proposed Reconfiguration of a Lot (1 lot into 2 lots)	• Twine Surveys Pty Ltd	• 19.7.2 018

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

## 3. General

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

### 3.9 Slope Stability

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

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

## 4. Infrastructure Services and Standards

### 4.1 Access

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

### 4.2 Frontage Works - Coolsprings Close

4.2.1 Prior to the endorsement of a plan of survey, the applicant/developer must widen the development side of Coolsprings Close, by 1.25 metres, including kerb and channel, for the full frontage of Lot 7 on RP733904, designed in accordance with the FNQROC Development Manual (Access Street standard - Table D1.1), to the satisfaction of Council's delegated officer.

Included in the abovementioned works, the applicant/developer must ensure that any stormwater collected and channelled by the works is discharged to an approved lawful point of discharge, to the satisfaction of Council's delegated officer. All stormwater channels through private property must be covered by easement/s for drainage purposes in favour of Council. All documentation leading to the registration of the easement/s must be completed at no cost to Council.

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

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

#### 4.3 Stormwater Drainage

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

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

#### 4.4 Water Supply

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

#### 4.5 On-Site Wastewater Management

Any future on-site effluent disposal system on either lot must be constructed in compliance with the latest version On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of the Council's delegated officer.

#### 4.6 Electricity Provision/Supply

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

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

#### 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.

### 5. Additional Payment Condition/s (section 130 of the Planning Act 2016)

5.1 The additional payment condition has been imposed as the development will create additional demand on trunk infrastructure which will create additional trunk infrastructure costs for council.

- 5.2 The developer must pay **\$14,845.00** (per additional lot) as a contribution toward trunk infrastructure with the amount of the contribution increased on 1 July each year in accordance with the increase for the PPI index for the period starting on the day the development approval takes effect, adjusted by reference to the 3-yearly PPI index average to the date of payment.
- 5.3 The trunk infrastructure for which the payment is required is:
- The trunk water supply infrastructure servicing the land (\$5,675.00 per additional lot)
  - The trunk transport infrastructure servicing the land (\$4,585.00 per additional lot)
  - The trunk open space infrastructure servicing the land (\$4,585.00 per additional lot)
- 5.4 The developer may elect to provide part of the trunk infrastructure instead of making the payment.
- 5.5 If the developer elects to provide part of the trunk infrastructure the developer must:
- Discuss with Council's delegated officer the part of the works to be undertaken;
  - Obtain the necessary approvals for the part of the works;
  - Indemnify the Council in relation to any actions, suits or demands relating to or arising from the works;
  - Take out joint insurance in the name of the Council and the developer in the sum of \$20,000,000 in relation to the undertaking of the works;
  - Comply with the reasonable direction of Council officers in relation to the completion of the works;
  - Complete the works to the standards required by the Council; and
  - Complete the works prior to endorsement of the plan of subdivision.

(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) Water Meters/Water Service Connection

Prior to the water service connection works commencing, a Water Quotation, Connection, Disconnection Request must be lodged with Council. The cost of the required water connection will be determined based upon the assessment of the Water Quotation Request. The Water Quotation Request must be lodged and the required connection fee paid prior to the signing of the survey plan.

(c) Endorsement Fees

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

(d) Compliance with applicable codes/policies

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

(e) Notation on Rates Record

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

- conditions regarding future building works on sloped land
- conditions regarding on-site wastewater disposal

(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](http://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](http://www.datsip.qld.gov.au).

(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

- Development Permit for Operational Works

**(G) OTHER APPROVALS REQUIRED FROM COUNCIL**

- Nil

**THE SITE**

The subject site is situated at 3 Coolsprings Close, Kuranda, and is more particularly described as Lot 7 on RP733904. The site is irregular in shape with a total area of 10,640m<sup>2</sup> (1.064 ha) and is zoned Rural Residential (4,000m<sup>2</sup> Precinct) under the Mareeba Shire Council Planning Scheme 2016.

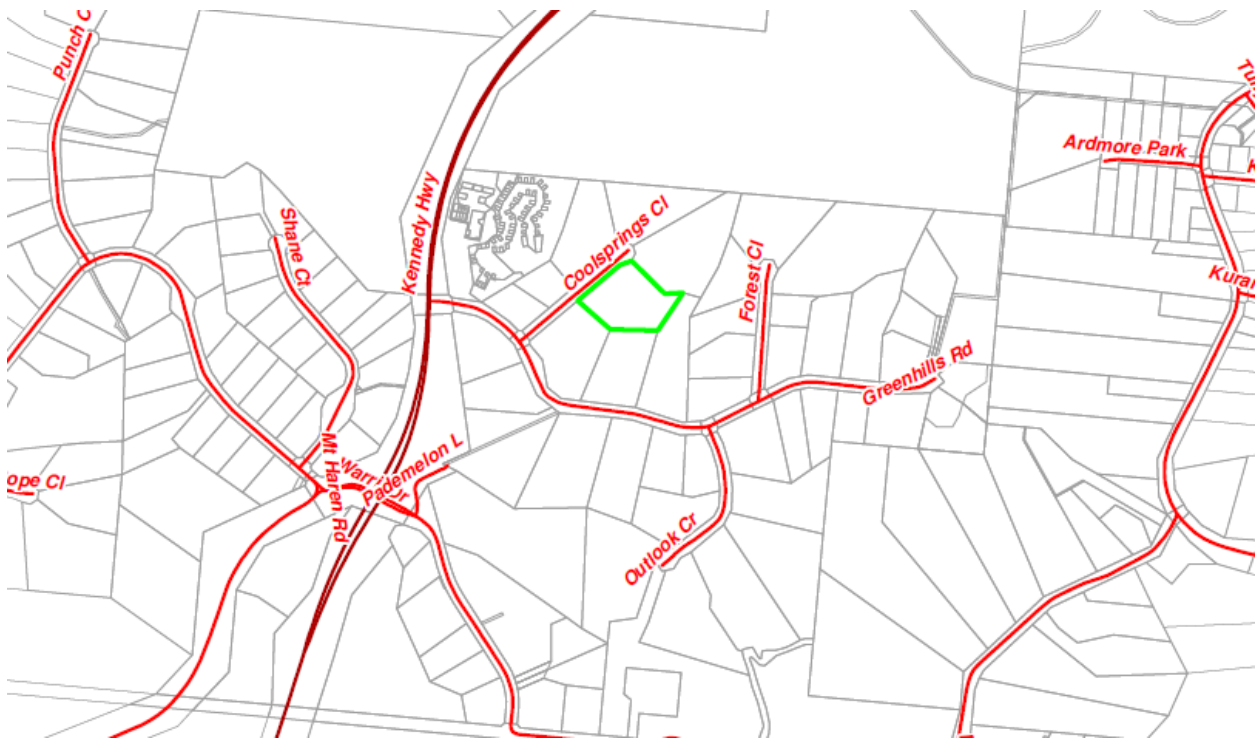
The site contains approximately 107.1 metres of frontage to Coolsprings Close which is constructed to a bitumen sealed standard approximately 4-4.5 metres in width.

The site is improved by a single dwelling house which is situated in the north-western corner, setback approximately nine (9) metres from Coolsprings Close. Approximately 20-25 metres of lawn area extends around the dwelling, before the site reverts to mature vegetation along a steep undefined drainage feature. The site is serviced by all urban services apart from town sewer, instead relying on on-site wastewater disposal.

All surrounding lots are zoned Rural Residential and are primarily used as lifestyle lots, containing single detached dwellings. The Kuranda Resort is situated a short distance to the west of the site and a small herb farm/nursery is established on a lot at the start of Coolsprings Close.

**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 proposed allotments are:

- Lot 71, area of 4,000m<sup>2</sup>, frontage of approximately 39.15 metres to Coolsprings Close;
- Lot 72, area of 6,638m<sup>2</sup>, frontage of approximately 67.953 metres to Coolsprings Close;

Lot 72 will contain the site's existing dwelling whilst Lot 71 will be created vacant.

Each lot will be connected to Council's reticulated water supply network as well as telecommunications and electricity infrastructure. The existing dwelling on Lot 72 will continue to be serviced by the existing septic system with on-site wastewater disposal achievable for any future dwelling on proposed Lot 71.

## REGIONAL PLAN DESIGNATION

The subject site is included within the Rural Living 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 General Ecological Significance*

## PLANNING SCHEME DESIGNATIONS

Strategic Framework:	<b>Land Use Categories</b> <ul style="list-style-type: none"><li>• <i>Rural Residential Area</i></li></ul>
Zone:	Rural Residential zone
Precinct:	4,000m2 Precinct
Overlays:	Hill and Slope Overlay Code Scenic Amenity Overlay Code

## RELEVANT PLANNING INSTRUMENTS

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

### (a) Far North Queensland Regional Plan 2009-2031

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

### (b) State Planning Policy

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

### (c) Mareeba Shire Council Planning Scheme 2016

#### Relevant Development Codes

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

- 6.2.10 Rural residential zone code
- 8.2.8 Hill and slope overlay code
- 8.2.11 Scenic amenity overlay code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access code
- 9.4.4 Reconfiguring a lot code

## 9.4.5 Works, services and infrastructure code

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

Relevant Codes	Comments
Rural residential zone code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Hill and slope overlay code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Scenic amenity overlay code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Landscaping code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Parking and access code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Reconfiguring a lot code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided) apart from the following: <ul style="list-style-type: none"> <li>▪ Acceptable Outcome AO1.1</li> </ul> Refer to planning discussion section of report.
Works, services and infrastructure code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).

**(e) 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.

**(f) Additional Trunk Infrastructure Condition**

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

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

In accordance with Council's Adopted Infrastructure Charges Resolution (No. 1) 2017, a maximum charge of \$18,340.00 applies to each additional allotment created (residential infrastructure charges category).

The \$18,340.00 maximum charge covers infrastructure charges for the following four (4) trunk infrastructure networks:

- Transport network (roads);
- Public parks and land for community facilities network;
- Water supply network; and
- Sewerage network

The application proposed the creation of one (1) additional allotment which is serviced by only 3 of the above trunk infrastructure networks, excluding the sewerage network.

The following infrastructure charge will therefore apply to the development:

- Transport network (roads) - \$4,585.00;
- Public parks and land for community facilities network - \$4,585.00; and
- Water supply network - \$5,675.00 (Kuranda Low Level Zone)

**Total - \$14,845.00**

## REFERRALS

This application did not trigger referral to a Referral Agency.

## Internal Consultation

Technical Services

## PLANNING DISCUSSION

Non-compliance with the relevant acceptable outcomes contained within the relevant development codes are summarised below. Where the development does not comply with an acceptable outcome, compliance with the higher order performance outcome can be achieved as discussed below:

### 9.4.4 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

Both proposed Lots 71 and 72 comply with the desired minimum reconfigured lot size of 4,000m<sup>2</sup>, however, proposed Lot 71 does not comply with the desired minimum frontage requirement of 40 metres, with the proposed lot having a frontage of only 39.15 metres.

The lesser frontage proposed is not inconsistent with existing lots in Coolsprings Close and is not likely to compromise the future intended use of the lot for rural residential purposes. Despite this minor non-compliance with AO1.1, it is considered that the proposed development complies with higher order PO1.

**Draft Conditions - Applicant's Representations**

The draft conditions contained in the officers recommendation section of this report were circulated to the applicant for comment in line with Council's standard procedure.

The applicant has made representations in respect to proposed Condition 4.2.1. Proposed Condition 4.2.1 is as follows:

**4.2 Frontage Works - Coolsprings Close**

- 4.2.1 Prior to the endorsement of a plan of survey, the applicant/developer must widen the development side of Coolsprings Close, by 1.25 metres, including kerb and channel, for the full frontage of Lot 7 on RP733904, designed in accordance with the FNQROC Development Manual (Access Street standard - Table D1.1), to the satisfaction of Council's delegated officer.

Included in the abovementioned works, the applicant/developer must ensure that any stormwater collected and channelled by the works is discharged to an approved lawful point of discharge, to the satisfaction of Council's delegated officer. All stormwater channels through private property must be covered by easement/s for drainage purposes in favour of Council. All documentation leading to the registration of the easement/s must be completed at no cost to Council.

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

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

### **Applicants Comments**

*"The main point of contention is the requirement to provide Kerb and Channelling to Coolsprings Close removing the current working Open Grassed Swale Drain. There has been over 4-5 professional contractors/consultants that have visited the site with each person strongly noting that the provision of Kerb and Channelling for this and the adjoining Development is not the best option and that the existing drainage is. Suggestions have been offered to provide widening and a concrete edging whilst keeping the existing drainage would be by far the best option. It is understood that these have been rejected by Council's Officers.*

*It is further noted that the requirement to ensure that any stormwater collected and channelled by the works is discharged to a lawful point of discharge. Council has not provided any lawful points of discharge and unless this point is Coolsprings Close then in this instance the existing point is within the adjoining property to the north-east which is not included within this Development Application. The existing topography and formation of Coolsprings Close does not allow for the Conditioned Requirements to be provided without creating a worsening affect to the adjoining neighbours.*

*It is requested that the requirement for Stormwater collection, being (Included in the abovementioned works, the applicant/developer must ensure that any stormwater collected and channelled by the works is discharged to an approved lawful point of discharge, to the satisfaction of Councils delegated officer. All stormwater channels through private property must be covered by easement/s for drainage purposes in favour of Council. All documentation leading to the registration of the easement/s must be completed at no cost to Council) be deleted. It is additionally requested that the requirement for Kerb and Channelling also be deleted and that the provision of a widening of 1.25 metres be accepted inclusive of a concreted edging/pad."*

### **Comment**

The works required by Condition 4.2.1, specifically the installation of layback kerb and channel for the entire frontage of the subject land, is a standard requirement for the subdivision of allotments in Precinct A of the Rural Residential zone.

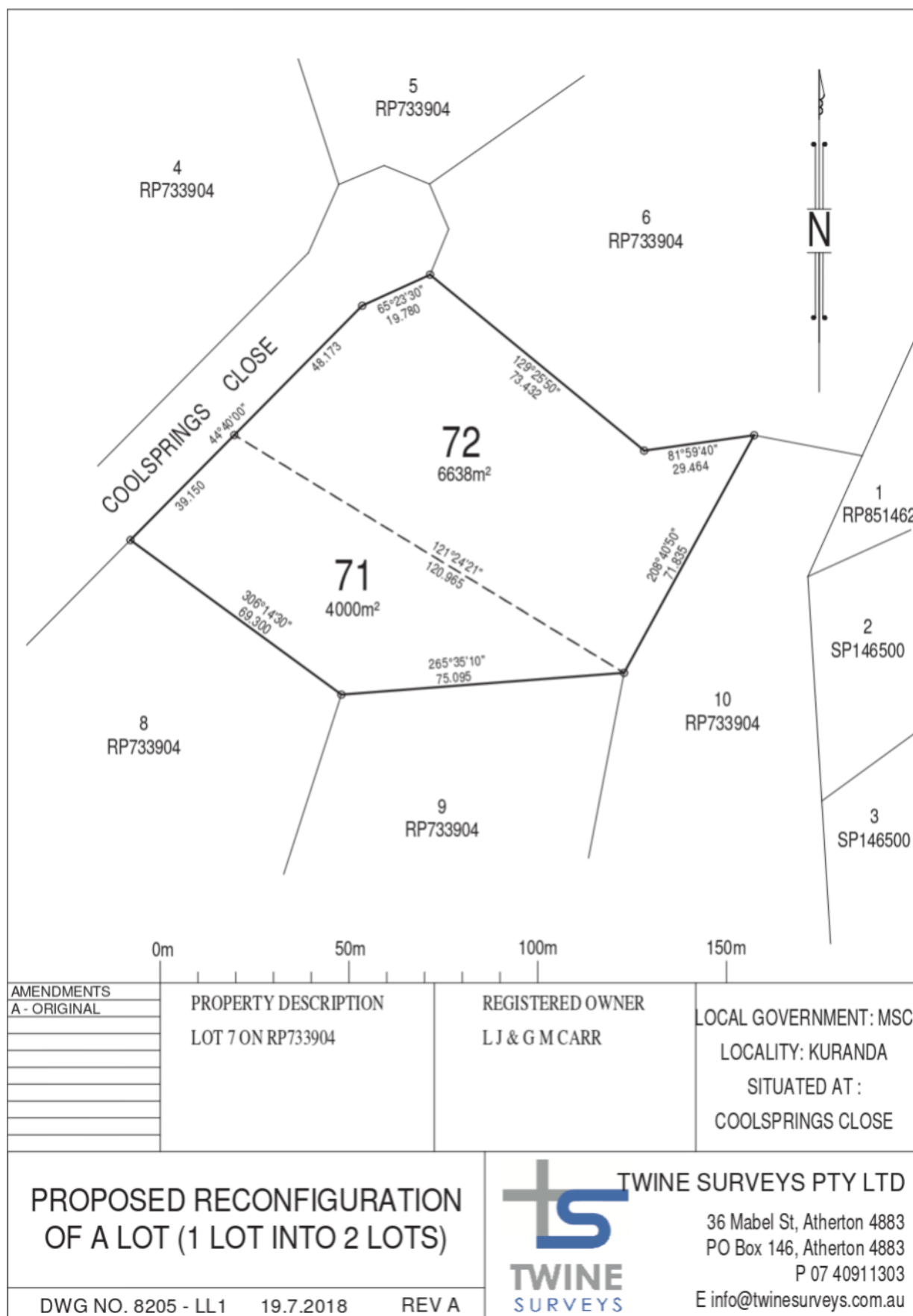
Since the commencement of the Mareeba Shire Council Planning Scheme 2016 in July 2016, there have been two (2) subdivision approvals granted in the immediate vicinity of the subject land. Both of these approvals have been conditioned to require kerb and channel. One (1) of the approvals (corner of Greenhills Road & Forrest Close) has completed the conditioned kerb and channel.

The second approval is located on Coolsprings Close directly opposite the subject land has not been acted on. It is acknowledged that this second approval is the subject of a current negotiated decision notice request seeking to remove the requirement for kerb and channel.

The requirement for kerb and channel is not a new requirement brought about by the Mareeba Shire Council Planning Scheme 2016. It has been a standard requirement for developments in the Greenhills Road area since at least 1985 (Kuranda Development Control Plan).

Council's Manager Technical Services and Planning Officers met with Freshwater Planning to discuss the applicant's concerns that the installation of kerb and channel may lead to a worsening effect on local stormwater management. The Manager Technical Services maintained that practical engineering solutions were available to ensure a positive stormwater management outcome.

Condition 4.2.1 has been maintained as per originally drafted by Council officers.



**8.3 CHANGE OF DEVELOPMENT APPROVAL & EXTENSION TO CURRENCY PERIOD - BRIGHT ACQUISITIONS PTY LTD - MATERIAL CHANGE OF USE - ACCOMMODATION UNITS, CARAVAN PARK, DWELLING HOUSE, EDUCATIONAL ESTABLISHMENT, HOST FARM, MOTOR HOME PARK, RESIDENTIAL UNITS, SHOP, TOURIST FACILITY AND ANCILLARY USES - LOT 42 ON SP300440 AND EASEMENT A - 186 TINAROO CREEK ROAD, MAREEBA - DA/14/0064**

**Date Prepared:** 6 February 2019

**Author:** Senior Planner

**Attachments:**

1. Decision Notice dated 18 April 2018 [↓](#)
2. Applicant's request to change development approval and to extend - 13 December 2018 [↓](#)

APPLICATION		PREMISES	
<b>APPLICANT</b>	Bright Acquisitions Pty Ltd	<b>ADDRESS</b>	186 Tinaroo Creek Road, Mareeba
<b>DATE REQUESTS LODGED</b>	14 December 2018	<b>RPD</b>	Lot 42 on SP300440 and Easement A on SP300440
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use - Accommodation Units, Caravan Park, Dwelling House, Educational Establishment, Host Farm, Motor Home Park, Residential Units, Shop, Tourist Facility and Ancillary and Associated Uses and the retention of Existing Rural Activities or Pursuits		
<b>FILE NO</b>	DA/14/0064	<b>AREA</b>	50.7 hectares
<b>LODGED BY</b>	Victor G Feros Town Planning Consultants	<b>OWNER</b>	Bright Acquisitions Pty Ltd
<b>PLANNING SCHEME</b>	Mareeba Shire Planning Scheme 2004 (amendment no. 01/11)		
<b>ZONE</b>	Rural zone		
<b>LEVEL OF ASSESSMENT</b>	Impact Assessment		
<b>SUBMISSIONS</b>	Two (2)		

### EXECUTIVE SUMMARY

Council approved a development application described in the above application details at its meeting held on 4 March 2015, subject to conditions.

The application was impact assessable and two (2) submissions were received during the public notification period.

A previous minor change to the development approval was approved by Council at its Ordinary Meeting held on 18 April 2018 and Stage 1 of the approved use (Trinity Plains) has commenced on the subject land.

Victor G Feros Town Planning Consultants on behalf of Bright Acquisitions Pty Ltd have applied for a further minor change and to extend the currency period. The purpose of the minor change application and extension application is as follows:

- a) to change the references to the property descriptions and easement to be consistent with the registered Plan of Survey as a consequence of the Reconfiguring a Lot (Boundary Realignment) Approval dated 13 April 2017;
- b) to modify the approved layout plans in accordance with the proposed changes and relocation of the existing approved uses; and
- c) to extend the period of approval by a further six (6) years to allow the uncompleted approved works and the proposed changes to be undertaken.

It is recommended that the application be approved in full.

### OFFICER'S RECOMMENDATION

It is recommended that:

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

APPLICATION		PREMISES	
<b>APPLICANT</b>	Bright Acquisitions Pty Ltd	<b>ADDRESS</b>	186 Tinaroo Creek Road, Mareeba
<b>DATE REQUESTS LODGED</b>	14 December 2018	<b>RPD</b>	Lot 42 on SP300440 and Easement A on SP300440
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use - Accommodation Units, Caravan Park, Dwelling House, Educational Establishment, Host Farm, Motor Home Park, Residential Units, Shop, Tourist Facility and Ancillary and Associated Uses and the retention of Existing Rural Activities or Pursuits		

and in accordance with the Planning Act 2016,

- (A) The approved plan/s of Council's Decision Notice dated 18 April 2018 be amended as follows:

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

<b>Plan/Document Number</b>	<b>Plan/Document Title</b>	<b>Prepared by</b>	<b>Dated</b>
Figure 16	Setback and Buffer Considerations	Victor G Feros Town Planning Consultants	11 December 2018
Sheet 1	Proposed Master Plan	Victor G Feros Town Planning Consultants	11 December 2018
Sheet 2	Proposed Master Plan - Northern Precinct	Victor G Feros Town Planning Consultants	11 December 2018
Sheet 3	Proposed Master Plan - Northern Precinct Detail	Victor G Feros Town Planning Consultants	11 December 2018
Sheet 4	Proposed Master Plan - Western Precinct	Victor G Feros Town Planning Consultants	11 December 2018
Sheet 5	Proposed Master Plan - Southern Precinct	Victor G Feros Town Planning Consultants	11 December 2018
Sheet 6	Proposed Ground Floor Plan	Victor G Feros Town Planning Consultants	11 December 2018
Sheet 7	Proposed First Floor Plan	Victor G Feros Town Planning Consultants	11 December 2018
n/a	Staging Plan	Victor G Feros Town Planning Consultants	11 December 2018
n/a	Staging Schedule	Victor G Feros Town Planning Consultants	11 December 2018
n/a	Access Plan	Victor G Feros Town Planning Consultants	11 December 2018
Sheet 8	Eastern Precinct	Victor G Feros Town Planning Consultants	11 December 2018

(B) Condition 2.1 of Council's Decision Notice dated 18 April 2018 be amended as follows:

- 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 in accordance with the Staging Plan dated 11 December 2018 and the Staging Schedule dated 11 December 2018 except where specified otherwise in these conditions of approval.

2. The relevant period be extended for six (6) years from 4 March 2019 to 4 March 2025.
3. A Notice of Decision on Request to Change a Development Approval and Extension to the currency period be issued to the applicant and the State Assessment and Referral Agency (SARA) via email CairnsSARA@dilgp.gov.au advising of Council's decision.

## THE SITE

The subject site is situated at 186 Tinaroo Creek Road, Mareeba and described as Lot 42 on SP300440, Parish of Tinaroo, County of Nares. The site is irregular in shape with a total area of 50.68 hectares and is zoned Rural under the Mareeba Shire Council Planning Scheme 2016.

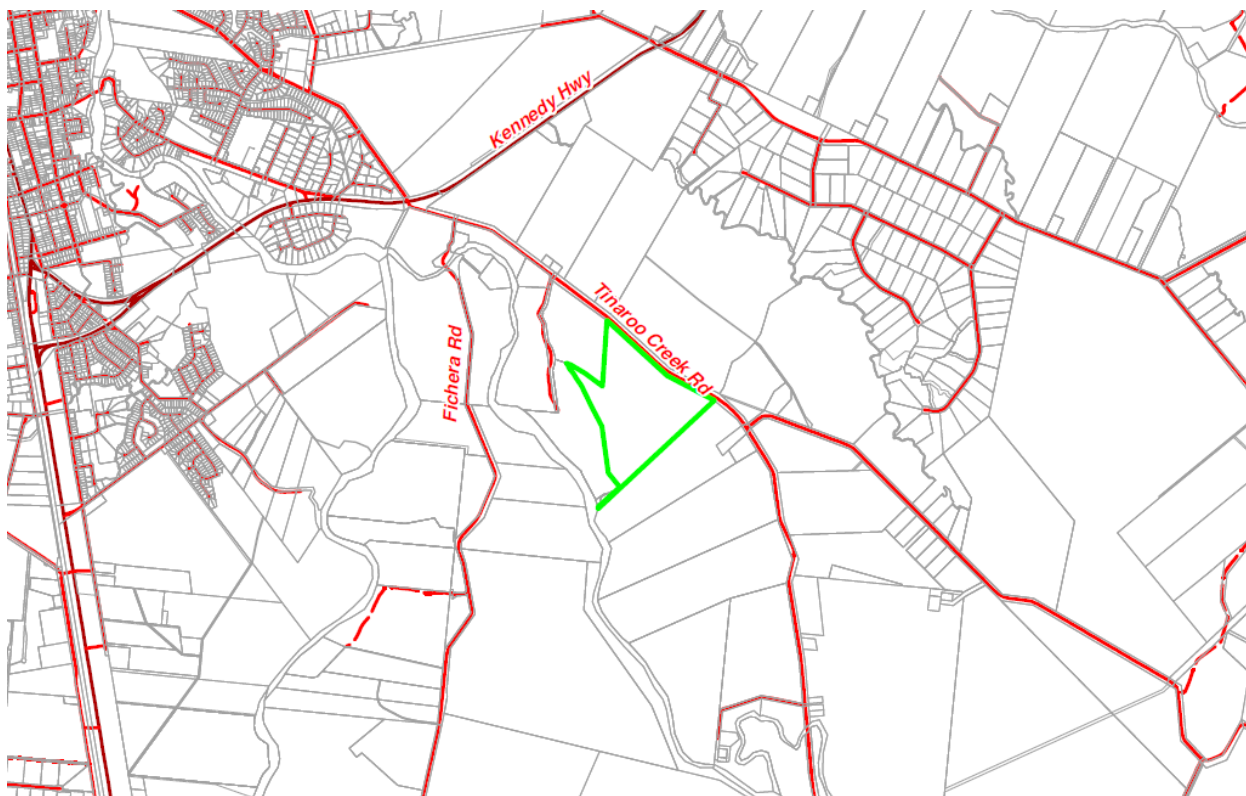
The site is presently developed as the Trinity Plains Tourist Park and was formerly used as the Mareeba Farm Technical and Further Education (TAFE) College.

The site contains approximately 940 metres of frontage to Tinaroo Creek Road which is constructed to bitumen sealed standard for this entire frontage and back to its intersection with the Kennedy Highway. The site is improved by a variety of buildings associated with the Trinity Plains Tourist Park and the former TAFE use.



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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.

**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.

**BACKGROUND AND CONTEXT****Material Change of Use - DA/14/0064**

On 4 March 2015, Council approved an application for Material Change of Use - Accommodation Units, Caravan Park, Dwelling House, Educational Establishment, Host Farm, Motor Home Park, Residential Units, Shop, Tourist Facility and Ancillary and Associated Uses and the retention of Existing Rural Activities or Pursuits over land described as Lot 560 on NR6544, situated at 186 Tinaroo Creek Road, Mareeba.

The application was approved subject to conditions and the decision notice was issued on 10 March 2015. A minor change to this approval was granted by Council on 18 April 2018 (**Attachment 1**). Stage 1 of the development (Trinity Plains) has commenced.

**Reconfiguring a Lot - DA/16/0057**

On 13 April 2017, a development permit was issued for reconfiguring a lot application DA/16/0057, authorising the realignment of the common boundary between Lot 4 on SP108027 and Lot 560 on NR6544 and allowing the creation of an easement for water supply purposes.

Under the realignment, 3.23 hectares of land would be transferred from each allotment into the other allotment. There would be no nett change to the total area of either allotment. The boundary realignment does not alter the frontage or access arrangements of either existing allotment.

The areas to be transferred represent logical additions to the final allotments and improve the agricultural viability of each. The proposed easement will allow continued access to Tinaroo Creek for water supply purposes.

The boundary realignment process has been finalised and the property description of the subject land is now Lot 42 on SP300440 and Easement A in SP300440.

### Current Change and Extension Request

Victor G Feros Town Planning Consultants on behalf of Bright Acquisitions Pty Ltd have applied for a further minor change and to extend the currency period (**Attachment 2**). The purpose of the minor change application and extension application is as follows:

- (a) to change the references to the property descriptions and easement to be consistent with the registered Plan of Survey as a consequence of the Reconfiguring a Lot (Boundary Realignment) Approval dated 13 April 2017;
- (b) to modify the approved layout plans in accordance with the proposed changes and relocation of the existing approved uses; and
- (c) to extend the period of approval by a further six (6) years to allow the uncompleted approved works and the proposed changes to be undertaken.

### ASSESSMENT AND DECISION REQUIREMENTS

Section 81 of the *Planning Act 2016* sets out the relevant matters for Council to consider when determining whether a proposed change is a minor change.

A **minor change** for a development approval means a change that-

- (b)
  - (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 to the chief executive; or*
    - (D) *a referral agency to assess the application against, or have regard to, matters prescribed by regulation under section 55(2), other than matters the referral agency must have assessed the application against, or have had regard to, when the application was made; or*
    - (E) *public notification if public notification was not required for the development application.*

- *result in a substantially different development*

Guidance is available to assist the assessment manager in determining if a proposed change constitutes a substantially different development. A change may result in a *substantially different development* if the proposed change:

- Involves a new use with different or additional impacts;
- Results in the application applying to a new parcel of land;
- Dramatically changes the built form in terms of scale, bulk and appearance;
- Changes the ability of the proposal to operate as intended;
- Removes a component that is integral to the operation of the development;
- Significantly impacts on traffic flow and the transport network, such as increasing traffic to the site;
- Introduces new impacts or increases the severity of known impacts;
- Removes an incentive or offset component that would have balanced a negative impact of the development;
- Impacts on infrastructure provision, location or demand.

It is considered that the change proposed by the applicant does not include any of the aspects outlined above, and accordingly, will not result in a substantially different development.

- *the change application would not cause the inclusion of prohibited development in the application;*

The change application does not propose the inclusion of prohibited development.

- *the change application would not cause referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application;*

Not applicable. The original development application was referable to the State Assessment and Referral Agency.

- *the change application would not cause referral to extra referral agencies, other than to the chief executive;*

Complies. The change application does not cause referral to extra referral agencies.

- *the change application would not cause a referral agency to assess the application against, or have regard to, matters prescribed by regulation under section 55(2), other than matters the referral agency must have assessed the application against, or have had regard to, when the application was made;*

Complies. The change application does not require the referral agency to assess the development against other matters, beyond those originally considered.

- *the change application would not cause public notification if public notification was not required for the development application.*

Not applicable. Development application DA/14/0064 was impact assessable and underwent public notification as part of its original assessment.

The proposed change to the development approval satisfies the criteria for a *minor change*.

## REQUEST TO CHANGE THE DEVELOPMENT APPROVAL

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

- *The information the applicant included with the application*

### Comment

The details of the request to change the approval were provided by the applicant in a letter to Council dated 13 December 2018 (**Attachment 2**). The proposed changes and responses are addressed in the body of this report.

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

### Comment

The original development application was impact assessable and two (2) submissions were received opposing the development.

The proposed change is minor and will not change the approved development to the extent where it would be likely to have generated additional submitter concerns.

- *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 received.

- *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 changes and responses are addressed in the body of this report.

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

### Comment

No other matter is considered relevant.

**Specific changes sought to development approval/decision notice****8. Approved Plans**

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

<b><i>Plan/Document Number</i></b>	<b><i>Plan/Document Title</i></b>	<b><i>Prepared by</i></b>	<b><i>Dated</i></b>
Figure 16	Setback and Buffer Considerations	Victor G Feros Town Planning Consultants	16 March 2018
Sheet 1	Proposed Master Plan	Victor G Feros Town Planning Consultants	16 March 2018
Sheet 2	Proposed Master Plan - Northern Precinct	Victor G Feros Town Planning Consultants	18 October 2017
Sheet 3	Proposed Master Plan - Northern Precinct Detail	Victor G Feros Town Planning Consultants	18 October 2017
Sheet 4	Proposed Master Plan - Western Precinct	Victor G Feros Town Planning Consultants	18 October 2017
Sheet 5	Proposed Master Plan - Southern Precinct	Victor G Feros Town Planning Consultants	18 October 2017
Sheet 6	Proposed Ground Floor Plan	Victor G Feros Town Planning Consultants	20 November 2014
Sheet 7	Proposed First Floor Plan	Victor G Feros Town Planning Consultants	20 November 2014
n/a	Staging Plan	Victor G Feros Town Planning Consultants	16 March 2018
n/a	Staging Schedule	Victor G Feros Town Planning Consultants	18 October 2017
n/a	Access Plan	Victor G Feros Town Planning Consultants	16 March 2018

**Request by Applicant**

*The applicant seeks to modify the approved plans so that the ultimate development achieves the following:*

- a) improves operational arrangements and guest amenity;*
- b) responds to the changing requirements of the caravan and camper trailer market within Mareeba and Far North Queensland;*
- c) the operators of the Trinity Plains Caravan Park have received numerous inquiries from guests on the capability of the caravan park to provide the following services:*

- i) *to provide toilet / shower ensuite adjacent to caravan spaces;*
  - ii) *to receive larger "5 wheel" camper trailers;*
  - iii) *individually sewerer caravan park sites that allow larger vehicles with on-board toilet and shower facilities to remove black and grey water directly from their vehicles into on-site sewer infrastructure rather than requiring the vehicle to be "packed up" and driven to the on-site dump point. This allows guests with larger "5 wheel" camper trailers and vehicles to stay within their allocated space for longer periods of time; and*
  - iv) *to accommodate visitors traveling with horses with the provision of individually fenced areas adjoining on-site campsites;*
- d) *the proposed changes will not result in an increase of the site population and that the proposed changes generally involve the reallocation of the approved site population and uses within the site; and*
- e) *the area subject to the approval will not change. It is noted that the previous Change Application confirmed that the area subject to the approval is described as Lot 42 on SP300440 and Easement A on SP300440.*

*In this regard, the following specific modifications are proposed to the approved uses:*

- a) *Entrance*
  - i) *the Reception Building will not be constructed. This component has been incorporated into the ground floor of the L-Shaped Building of the Northern Precinct; and*
  - ii) *no other modifications are proposed.*
- b) *Northern Precinct*
  - i) *the L-Shaped Building;*
    - a. *Ground Floor*
      - *reduce the number of 1 bedroom units from ten (10) to four (4). The 1 bedroom unit uses are to be relocated to be within the proposed accommodation buildings located in the Western Precinct and the South Eastern Precinct;*
      - *establish three (3) recreation rooms to replace three (3) 1 bedroom units;*
      - *establish the reception use (relocated from the Entrance) to replace the area approved for three (3) 1 bedroom units; and*
      - *establish the Showroom use within the staff lunchroom.*
    - b. *First Floor*
      - *reduce the number of 2 bedrooms units from five (5) to three (3);*
      - *establish an administration Office; and*
      - *no other modifications are proposed on the first floor.*
  - ii) *relocate the caravans from the Temporary Construction Camp to be adjacent to the L-Shaped Building; and*

- iii) *no other modifications are proposed.*
- c) *Northern Campsite*
  - i) *relocate the camp kitchen and a caravan ensuite block to the Western Precinct; and*
  - ii) *no other modifications are proposed.*
- d) *Southern Campsite*
  - i) *modify the boundary of the Southern Campsite to exclude an area of approximately 0.25ha to establish a new Precinct, the South Eastern Precinct;*
  - ii) *relocate small amenity block to the South Eastern Precinct;*
  - iii) *no other modifications are proposed.*
- e) *South Eastern Precinct*
  - i) *establish a new Precinct, the South Eastern Precinct, to comprise approved uses reallocated from the Western Precinct and the L-Shaped Building;*
  - ii) *establish five (5) caravan sites with shared ensuites. Four (4) caravan site are reallocated from the Western Precinct and one (1) caravan site is reallocated from the Southern Caravan Sites,*
  - iii) *establish a four (4) single room accommodation building with verandah and car parking. The four (4) single room allocations are reallocated from the L-Shaped Building;*
  - iv) *establish a camp kitchen and amenities block; and*
  - v) *no other modifications are proposed.*
- f) *Western Precinct*
  - i) *reduce the number of caravan sites from eleven (11) to two (2) sites with a double ensuite.*  
*The remaining nine (9) caravan space are to be reallocated to the proposed South Eastern Precinct and the Eastern Precinct;*
  - ii) *establish a four (4) single room accommodation building with verandah and car parking. The four (4) single room allocations are reallocated from the L-Shaped Building;*
  - iii) *establish a camp kitchen (reallocated from the Northern Campsite); and*
  - iv) *no other modifications are proposed.*
- g) *Eastern Precinct*
  - i) *establish a new Precinct, the Eastern Precinct, to comprise reallocated uses from the L-Shaped Building and the Western Precinct, containing an area of 0.75ha;*
  - ii) *establish five (5) fenced caravan sites with an area of 30m x 50m;*
  - iii) *each caravan site will contain a 6m x 6m shade structure and is capable of accommodating horses transported to the site by the guests; and*
  - iv) *establish an amenity building; and*
  - v) *no other modifications are proposed.*

- h) *Cabins*
  - i) *no modifications are proposed.*
- i) *Southern Precinct*
  - i) *the Showroom and Shop uses are to be established within ground floor of the L Shaped Building; and*
  - ii) *no other modifications are proposed.*
- j) *Southern Caravan Sites*
  - i) *reduce the number of Caravan Sites from nine (9) to eight (8) to reallocate one (1) caravan site to the South Eastern Precinct; and*
  - ii) *no other modifications are proposed.*
- k) *Dwelling*
  - i) *no modifications are proposed.*
- l) *Residential Units*
  - i) *no modifications are proposed.*
- m) *Temporary Construction Camp*
  - i) *relocate the caravans to be within the Northern Precinct; and*
  - ii) *no modifications are proposed.*

### Response

The applicant's proposed plan changes are considered to be in accordance with the material change of use approval. The proposed changes do not increase the scale of the approved development.

Section 8 of the decision notice should be amended as follows:

#### 8. *Approved Plans -*

*The approved plans and/or documents for this development approval area listed in the following table:*

<b>Plan/Document Number</b>	<b>Plan/Document Title</b>	<b>Prepared by</b>	<b>Dated</b>
Figure 16	Setback and Buffer Considerations	Victor G Feros Town Planning Consultants	<del>16 March 2018</del> <b>11 December 2018</b>

Sheet 1	Proposed Master Plan	Victor G Feros Town Planning Consultants	<del>16 March 2018</del> <b>11 December 2018</b>
Sheet 2	Proposed Master Plan - Northern Precinct	Victor G Feros Town Planning Consultants	<del>18 October 2017</del> <b>11 December 2018</b>
Sheet 3	Proposed Master Plan - Northern Precinct Detail	Victor G Feros Town Planning Consultants	<del>18 October 2017</del> <b>11 December 2018</b>
Sheet 4	Proposed Master Plan - Western Precinct	Victor G Feros Town Planning Consultants	<del>18 October 2017</del> <b>11 December 2018</b>
Sheet 5	Proposed Master Plan - Southern Precinct	Victor G Feros Town Planning Consultants	<del>18 October 2017</del> <b>11 December 2018</b>
Sheet 6	Proposed Ground Floor Plan	Victor G Feros Town Planning Consultants	<del>20 November 2014</del> <b>11 December 2018</b>
Sheet 7	Proposed First Floor Plan	Victor G Feros Town Planning Consultants	<del>20 November 2014</del> <b>11 December 2018</b>
n/a	Staging Plan	Victor G Feros Town Planning Consultants	<del>16 March 2018</del> <b>11 December 2018</b>
n/a	Staging Schedule	Victor G Feros Town Planning Consultants	<del>18 October 2017</del> <b>11 December 2018</b>
n/a	Access Plan	Victor G Feros Town Planning Consultants	<del>16 March 2018</del> <b>11 December 2018</b>
<b>Sheet 8</b>	<b>Eastern Precinct</b>	<b>Victor G Feros Town Planning Consultants</b>	<b>11 December 2018</b>

**Condition 2.1**

- 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 in accordance with the Staging Plan dated 16 March 2018 and the Staging Schedule dated 18 October 2017 except where specified otherwise in these conditions of approval.*

Request by Applicant

*An amendment to Condition 2.1 is required to reflect the changes in plan date.*

Response

It is recommended that Condition 2.1 be amended as follows:

- 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 in accordance with the Staging Plan dated ~~16 March 2018~~ **11 December 2018** and the Staging Schedule dated ~~18 October 2017~~ **11 December 2018** except where specified otherwise in these conditions of approval.*

**Assessing and deciding extension applications**

Section 87(1) of the Planning Act 2016:

**87 Assessing and deciding extension applications**

- (1) *When assessing an extension application, the assessment manager may consider any matter that the assessment manager considers relevant, even if the matter was not relevant to assessing the development application.*

Comment

If a new application was lodged for this proposal it would be assessed under the new Mareeba Shire Council Planning Scheme 2016. The development remains consistent with the planning intent for the locality.

The conditions of development approval DA/14/0064 remain comprehensive and any new development approval would not be expected to have significantly different requirements.

The original development application was impact assessable and was therefore subject to public notification. The proposed change is minor and will not change the approved development to the extent where it would be likely to have generated additional submitter concerns.

The original application triggered a referral to the Department of Transport and Main Roads as a Concurrence Agency. A concurrence agency is no longer required to consent to an extension of the relevant period.

The current approval has a "life" of four (4) years from the original approval date of 4 March 2015 to 4 March 2019. To date, the proponents have completed the following aspects of the development:

- i) completion of construction of the entrance precinct, including car parking area and entry lanes;

- ii) completion of Northern Camp Site, including 50 caravan / camping sites, “Wisconsin Mounds” sewerage system and other site infrastructure;
- iii) establishment of the reception component within the L-Shaped Building;
- iv) construction of 5 cabins in the Cabin Precinct;

The remaining stages will be progressively developed in response to demand for specific accommodation options.

Under the Planning Act 2016, the standard currency period for a material change of use approval is now six (6) years.

As the approved development has substantially commenced, an extension of six (6) years to 4 March 2025 is recommended.

65 Rankin Street  
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~~10 March 2015~~ amended on 18 April 2018

Council Ref: DA/14/0064

Our Ref: BM:nj

SARA Ref: SDA-1114-016334

Bright Acquisitions Pty Ltd  
C/- Victor G Feros Town Planning Consultants  
PO Box 1256  
CAIRNS QLD 4870

## Decision Notice Approval

*Sustainable Planning Act 2009 s334 and s335*

Dear Applicant/s

***APPLICATION FOR MATERIAL CHANGE OF USE - ACCOMMODATION UNITS, CARAVAN PARK, DWELLING HOUSE, EDUCATIONAL ESTABLISHMENT, HOST FARM, MOTOR HOME PARK, RESIDENTIAL UNITS, SHOP, TOURIST FACILITY AND ANCILLARY & ASSOCIATED USES AND THE RETENTION OF EXISTING RURAL ACTIVITIES OR PURSUITS  
LOT 560 ON NR6544 PART OF LOT 560 ON NR6544  
SITUATED AT 186 TINAROO CREEK ROAD, MAREEBA***

I wish to advise that, at Council's Ordinary Meeting held on 4 March 2015, the above development application was -

- Approved in full with conditions.

The conditions relevant to this approval are detailed in **section 6** of this notice. These conditions are clearly identified to indicate whether the Assessment Manager or a Concurrence Agency imposed them.

### **Approval under Section 331**

This application **has not** been deemed to be approved under Section 331 of the Sustainable Planning Act 2009 (SPA).

#### **1. Details of the approval –**

Development Permit for Material Change of Use - Accommodation Units, Caravan Park, Dwelling House, Educational Establishment, Host Farm, Motor Home Park, Residential Units, Shop, Tourist Facility and Ancillary and Associated Uses and the retention of Existing Rural Activities or Pursuits

**2. Other necessary development permits and/or compliance permits–**

Listed below are other development permits and/or compliance permits that are necessary to allow the development to be carried out –

- Development Permit for Building Work
- Development Permit for Operational Works

**3. Other approvals required from Council**

- Compliance Permit for Plumbing and Drainage Work

**4. Submissions -**

There **were two (2)** properly made submissions about the application. In accordance with s 335(l) of the SPA, the name and address of the principal submitter for each properly made submission are as follows —

Name of principal submitter	Address
1. J & DK Caamano-Bermudez	22 Leonardi Road, Mareeba (PO Box 1509, Mareeba)
2. D Cochrane & C Roberts	144 Cobra Road, Mareeba (PO Box 162, Mareeba)

**5. Conflict with a relevant instrument and reasons for the decision despite the conflict -**

The assessment manager does consider that the assessment manager's decision conflicts with a relevant instrument.

Details of the conflict with the relevant instrument	Reason for the decision, including a statement about the sufficient grounds to justify the decision despite the conflict
Residential Units are listed as an inconsistent land use in the Rural zone.	Both dwelling houses to be used as residential units already exist on the subject land. The application simply seeks to lawfully continue the occupation of both dwelling houses as was previously permitted during the operation of the former Mareeba TAFE/Agricultural College.

**6. Conditions –**

**(A) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)**

- (a) Development assessable against the Planning Scheme
1. Development must be carried out substantially in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:

## DECISION NOTICE - APPROVAL

3  
10 March 2015

- 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 in accordance with the Staging Plan dated November 2014 and the Staging Schedule dated November 2014 except where specified otherwise in these conditions of approval.~~

**At Council's Ordinary Meeting held on 18 April 2018, condition 2.1 was amended to the extent below:**

- 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 in accordance with the Staging Plan dated 16 March 2018 and the Staging Schedule dated 18 October 2017 except where specified otherwise in these conditions of approval.
- 2.2 Prior to the commencement of use for each stage, the applicant must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.
3. General
- 3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure within the conditions of approval.
- 3.2 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
- 3.3 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to commencement of the use and at the rate applicable at the time of payment.
- 3.4 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.
- 3.5 Noise Nuisance
- Refrigeration equipment, pumps, compressors and mechanical ventilation systems must be located, designed, installed and maintained to achieve a maximum noise level of 3dB(A) above background levels as measured from noise sensitive locations.

### 3.6 Waste Management

The applicant shall ensure there is no on site disposal of refuse associated with the development use unless such refuse is disposed of in refuse bins provided in accordance with the following:

- (i) No refuse is to be stored on site outside the refuse bins at any time.
- (ii) On site refuse storage area for all refuse bins must be provided and be screened from view from adjoining properties and road reserve by a 1 metre wide landscaped screening buffer, 1.8m high solid fence or building.

### 3.7 Flood Immunity

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

### 3.8 Bushfire Management

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

### 3.8 Length of Stay

The maximum length of stay for the accommodation units, caravan park, host farm, motor home park and tourist facility aspect of the development must not exceed 3 consecutive months.

### 3.9 Signage

- (i) No more than 2 advertising signs for the approved development are permitted on the subject site.
- (ii) Signs must not exceed 4.2 metres x 1.5 metres or a maximum area of 6.3m<sup>2</sup>.
- (iii) The sign/s must be kept clean, in good order and safe repair for the life of the approval.
- (iv) The sign/s must be removed when no longer required.
- (v) The erection and use of the advertisement must comply with the Building Act and all other relevant Acts, Regulations and these approval conditions.

### 3.10 Notification of Potential Rural Zone Impacts

The applicant is to erect a sign at or near the reception building advising guests that the subject land is zoned Rural under the Mareeba Shire Planning Scheme 2004 and is in a Rural zoned locality. Guest should take note:

- The locality may be used for intensive rural uses;
- The land and its occupants may experience off site rural activity effects, including noise, sprays and dust that may cause a loss of residential amenity. Existing and/or self-assessable agricultural and rural uses in the locality have a 'right to farm' or a right to legally continue the use.

## 4. Infrastructure Services and Standards

### 4.1 Access

Prior to the commencement of the use, the applicant, or the applicants Engineer, shall lodge an engineering plan of the proposed intersection of the developments access with Tinaroo Creek Road for approval by Council or its delegated officer.

The proposed intersection and access design will incorporate provision for traffic coming from the Kennedy Highway to perform safe right hand turns into the property whilst catering for through (non turning) traffic movements. The intersection design shall generally comply with the requirements of a BAR (basic right turn treatment) and linemarked in accordance with MUTCD and the Road Planning and Design Manual. The design will incorporate a sealed access from the existing sealed pavement to the property boundary with provision for drainage if required in accordance with the requirements of the FNQROC Development Manual.

Prior to the commencement of the use, the applicant shall construct the proposed intersection of the development's access with Tinaroo Creek Road in accordance with the approved engineering plan and to the satisfaction of Council's delegated officer.

### 4.2 Roadworks – External Construction

Prior to the commencement of the use of the Western Precinct, Southern Caravan Precinct or the acceptance of caravans (excluding temporary construction camp) or motorhomes on the subject land, the applicant shall widen 130 metres of Tinaroo Creek Road on its northern side by 0.5 metres commencing at a point approximately 135 metres east of Fichera Road.

These works must be carried out in accordance with FNQROC Manual standard to the satisfaction of Council's delegated officer, OR

Pay to Council a road construction contribution of \$6175.00 and indexed in accordance with Council's Policy towards the upgrading of Tinaroo Creek Road. This contribution can be utilised by Council as and when Council considers that

such upgrading works are required on Tinaroo Creek Road or as part of other upgrading works on this road.

#### 4.3 Stormwater Drainage/Water Quality

- 4.3.1 The applicant 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 the development commencing, the applicant must develop a Stormwater Quality Management Plan, including an Erosion and Sediment Control Plan. The plan must detail what measures will be implemented to prevent erosion in the event any unsealed surfaces within the development deteriorate due to wet weather and/or high traffic.
- 4.3.3 All stormwater must be discharged to a legal point of discharge.
- 4.3.4 The applicant must ensure that the Stormwater Quality Management Plan is complied with for the life of the development.

#### 4.4 Car Parking/Internal Driveways

The applicant must ensure that the development is provided with on-site car parking spaces which are available solely for the parking of vehicles associated with the use of the premises.

The car parking numbers for each aspect/stage of the development shall be in accordance with Table 2 - Car Parking Requirements of the Town Planning Report (VGF-C970) prepared by Victor G Feros Town Planning Consultants.

All car parking spaces and internal roads for the respective stage/s must be surfaced to at least the standard identified on the Access Plan Dated November 2014 and appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer. The existing main access drive must be maintained in a sealed condition.

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

- Compliance with Australian Standard AS2890:1 Off Street Parking – Car Parking Facilities;
- Compliance with Australian Standard AS2890.3 Bicycle Parking Facilities (if required);
- Compliance with Australian Standard AS1428:2001 – Design for Access and Mobility.

#### 4.5 Landscape and Fencing

Prior to the commencement of the use, the applicant / developer must prepare and submit a landscape plan for consideration and approval by Council's Delegated Officer.

The landscape plan must illustrate, at minimum:-

- (i) A 5-10 metre wide landscape buffer along Tinaroo Creek Road frontage of the Campsite Precinct. Such landscape works shall be undertaken prior to the commencement of the development phase incorporating the Campsite Precinct and shall be carried out in accordance with the endorsed landscape plan.
- (ii) A 2.2 metre high steel sheeting fence along 50 metres of the common boundary with Lot 5 on SP149571, immediately to the west of the northern precinct / temporary construction camp and a 3 to 5m wide landscape buffer located on the subject site side of the fence. Such fencing and landscape works shall be undertaken prior to the commencement of the first stage of the use and shall be carried out in accordance with the endorsed landscape plan.

The landscape buffers should include shrubs and trees that will grow to form an effective visual buffer of no less than three (3) metres in height and shall be mulched irrigated and maintained for the life of the approved development to the satisfaction of Council's Delegated Officer.

#### 4.6 Lighting

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

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

NOTE: The design is to integrate the principles of Crime Prevention through Environmental Design (CPTED) theory. Lighting design is to illuminate potential areas of concealment and is to project illumination so that a human face is easily discernible from 15 metres and there is to be sufficient night lighting, which renders people, colours, vegetation and objects correctly. i.e. 'white' light. Particular attention should be given to pathways, driveways and common external spaces.

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**4.7 Water Supply**

- (i) The development must be provided with a potable water supply that satisfies 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).
- (ii) All non-potable water supplied to visitors must be clearly labelled at each tap - Non Potable Water - not safe for Human Consumption.

**4.8 On-Site Wastewater Management**

All on site effluent disposal associated with the approved use must be in compliance with the latest version of On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of the Council's delegated officer.

**(B) ASSESSMENT MANAGER'S ADVICE**

- (a) A number of 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) 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.

- (c) The change in the use of the building may also require a change in the classification of the building under the Building Act. You are advised to contact a Building Certifier to establish if a change in the classification of the building is required.

**(d) Compliance with applicable codes/policies**

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

**(e) Compliance with Acts and Regulations**

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

**(f) Environmental Protection and Biodiversity Conservation Act 1999**

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

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(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.datsima.qld.gov.au](http://www.datsima.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 Mareeba Shire Council *Local Law No 1 (Administration) 2011* is required prior to the commencement of the motor home park/caravan park/camping ground.

(C) CONCURRENCE AGENCY CONDITIONS

Department of State Development, Infrastructure and Planning conditions dated 17 December 2014 and 4 April 2018.

7. IDAS referral agencies –

The IDAS Referral Agencies applicable to this application are –

For an application involving	Name of technical agency	Status	Address	
MATERIAL CHANGE OF USE				
<p><b>All State Transport Infrastructure</b></p> <p>An aspect of development identified in schedule 9 that—</p> <p>(a) is for a purpose mentioned in schedule 9, column 1; and</p> <p>(b) meets or exceeds the threshold—</p> <p>(i) for development in LGA population 1—mentioned in schedule 9, column 2 for the purpose; or</p> <p>(ii) for development in LGA population 2—mentioned in schedule 9, column 3 for the purpose.</p> <p>However, if the development is for a combination of purposes mentioned in the same item of schedule 9, the threshold is for the combination of purposes and not for each purpose individually.</p>	Sch 7, Table 3, item 2	Department of Transport & Main Roads	Concurrence	<p>State Assessment &amp; Referral Agency (SARA) Department of State Development, Infrastructure &amp; Planning PO Box 2358 Cairns Qld 4870</p> <p><a href="mailto:CairnsSARA@dsdip.qld.gov.au">CairnsSARA@dsdip.qld.gov.au</a></p> <p>SARA is supported by MyDAS—a new online system that allows an applicant to prepare and lodge or refer applications to DSDIP, as the single state assessment and referral agency.</p> <p>MyDAS can be accessed at <a href="http://www.dsdip.qld.gov.au/sara">www.dsdip.qld.gov.au/sara</a></p>

**8. Approved Plans**

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

Plan/Document Number	Plan/Document Title	Prepared by	Dated
Figure 16	Setback and Buffer Considerations	Victor G Feros Town Planning Consultants	November 2014
Sheet 1	Proposed Master Plan	Victor G Feros Town Planning Consultants	20 November 2014
Sheet 2	Proposed Master Plan - Northern Precinct	Victor G Feros Town Planning Consultants	20 November 2014
Sheet 3	Proposed Master Plan - Northern Precinct Detail	Victor G Feros Town Planning Consultants	20 November 2014
Sheet 4	Proposed Master Plan - Western Precinct	Victor G Feros Town Planning Consultants	20 November 2014
Sheet 5	Proposed Master Plan - Southern Precinct	Victor G Feros Town Planning Consultants	20 November 2014
Sheet 6	Proposed Ground Floor Plan	Victor G Feros Town Planning Consultants	20 November 2014
Sheet 7	Proposed First Floor Plan	Victor G Feros Town Planning Consultants	20 November 2014
n/a	Staging Plan	Victor G Feros Town Planning Consultants	November 2014
n/a	Staging Schedule	Victor G Feros Town Planning Consultants	n/a
n/a	Access Plan	Victor G Feros Town Planning Consultants	November 2014

At Council's Ordinary Meeting held on 18 April 2018, the Approved Plans were amended to the extent below:

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

Plan/Document Number	Plan/Document Title	Prepared by	Dated
Figure 16	Setback and Buffer Considerations	Victor G Feros Town Planning Consultants	16 March 2018
Sheet 1	Proposed Master Plan	Victor G Feros Town Planning Consultants	16 March 2018
Sheet 2	Proposed Master Plan - Northern Precinct	Victor G Feros Town Planning Consultants	18 October 2017
Sheet 3	Proposed Master Plan - Northern Precinct Detail	Victor G Feros Town Planning Consultants	18 October 2017
Sheet 4	Proposed Master Plan - Western Precinct	Victor G Feros Town Planning Consultants	18 October 2017

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Sheet 5	Proposed Master Plan - Southern Precinct	Victor G Feros Town Planning Consultants	18 October 2017
Sheet 6	Proposed Ground Floor Plan	Victor G Feros Town Planning Consultants	20 November 2014
Sheet 7	Proposed First Floor Plan	Victor G Feros Town Planning Consultants	20 November 2014
n/a	Staging Plan	Victor G Feros Town Planning Consultants	16 March 2018
n/a	Staging Schedule	Victor G Feros Town Planning Consultants	18 October 2017
n/a	Access Plan	Victor G Feros Town Planning Consultants	16 March 2018

**9. When approval lapses if development not started (s341)**

This development approval will lapse in accordance with Section 341 of the Sustainable Planning Act 2009 if development does not start within relevant period as stated below:

- Material Change of Use – four (4) years (starting the day the approval takes effect);

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

**10. Appeal rights –**

***Applicant may make representations about decision***

The applicant may make written representations to the assessment manager about: -

- a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or
- the standard conditions applying to a deemed approval.

However, the applicant can not make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

**Attachment 3** is an extract from SPA which contains details regarding making representations about the decision.

***Appeals by applicants***

An applicant for a development application may appeal to the Planning and Environment Court against the following:

- the refusal, or refusal in part of the development application
- any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242 of SPA

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- the decision to give a preliminary approval when a development permit was applied for
- the length of a period mentioned in section 341
- a deemed refusal of the development application.

The timeframes for starting an appeal in the Planning and Environment Court are set out in section 461(2) of SPA.

Applicants may also have a right to appeal to the Building and Development Dispute Resolution Committee. For more details, see SPA, chapter 7, part 2.

***Appeals by submitters***

A submitter for a development application may appeal to the Planning and Environment Court against:

- the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment
- the part of the approval relating to the assessment manager's decision under section 327.

Details about submitter appeal rights for the Planning and Environment Court are set out in sections 462, 463 and 464 of SPA.

Submitters may also have a right to appeal to the Building and Development Dispute Resolution Committee. For more details, see SPA, chapter 7, part 2.

**Attachment 4** is an extract from SPA which details the applicant's appeal rights and the appeal rights of any submitters regarding this decision.

**11. When the development approval takes effect –**

This development approval takes effect –

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

**OR**

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

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10 March 2015

Should you require any further information please contact Council's **Senior Planner, Brian Millard** on the above telephone number.

Yours faithfully

**BRIAN MILLARD  
SENIOR PLANNER**

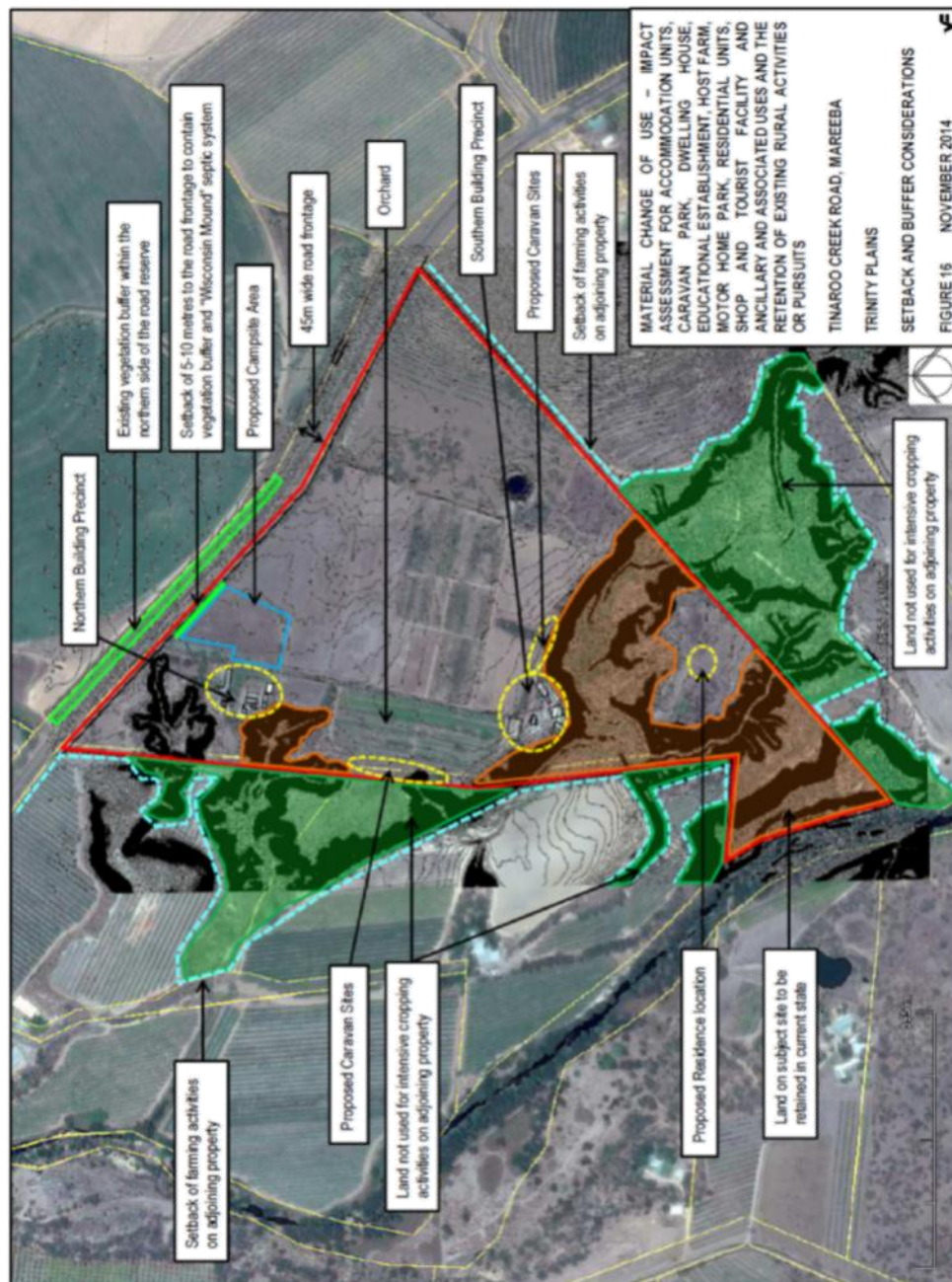
**Enclosures:**    **Attachment 1 - Approved Plans of Development**  
                         **Attachment 2 - Concurrence Agency Conditions**  
                         **Attachment 3 - SPA Extract - Making Representations about Decision**  
                         **Attachment 4 - SPA Extract on Appeal Rights**

**Copy:**            **Department of State Development, Infrastructure and Planning**  
                         [CairnsSARA@dsdip.qld.gov.au](mailto:CairnsSARA@dsdip.qld.gov.au)

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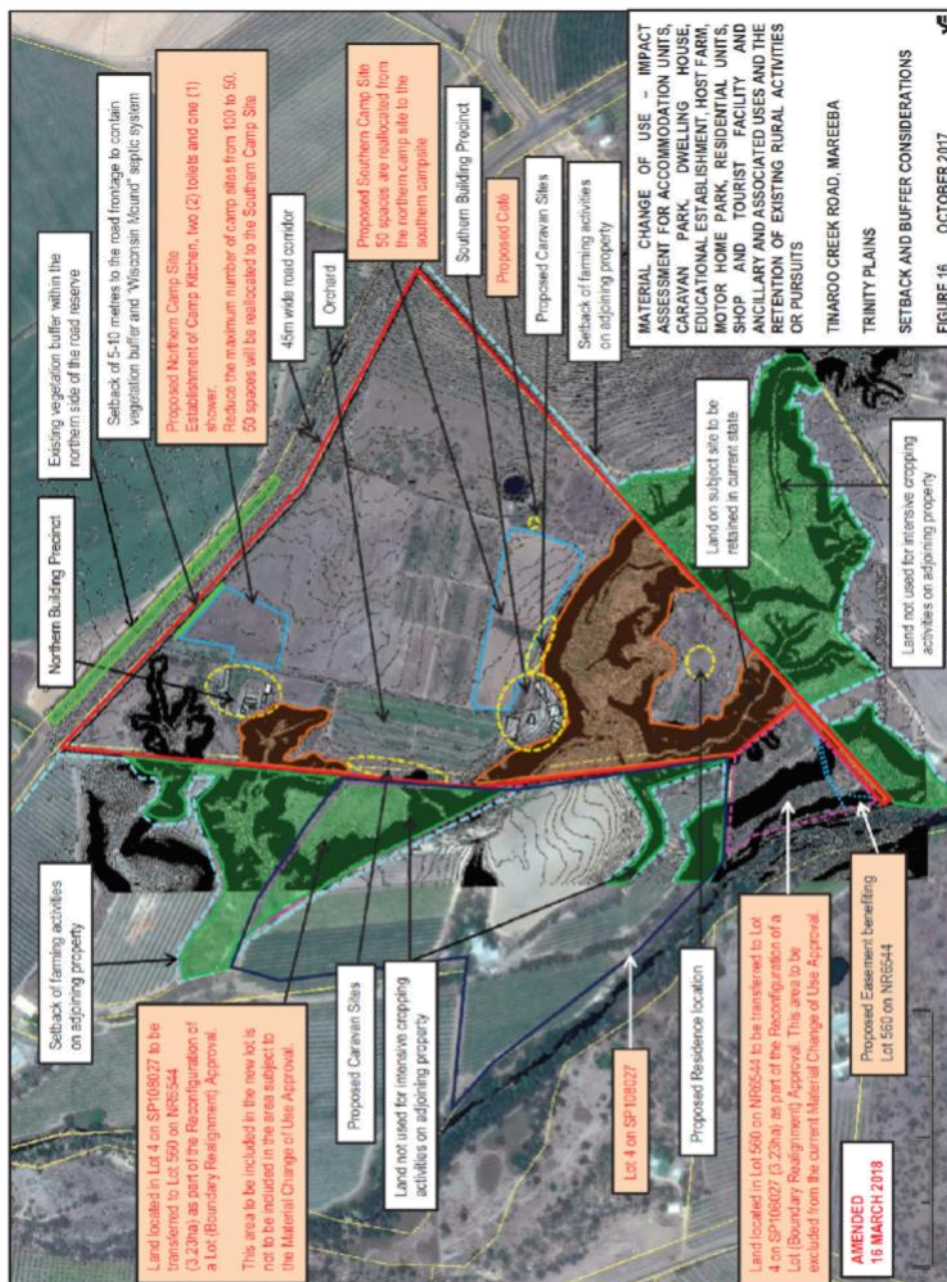
Mareeba Shire Council

ATTACHMENT 1 - APPROVED PLANS OF DEVELOPMENT (ECM VS 3615356)



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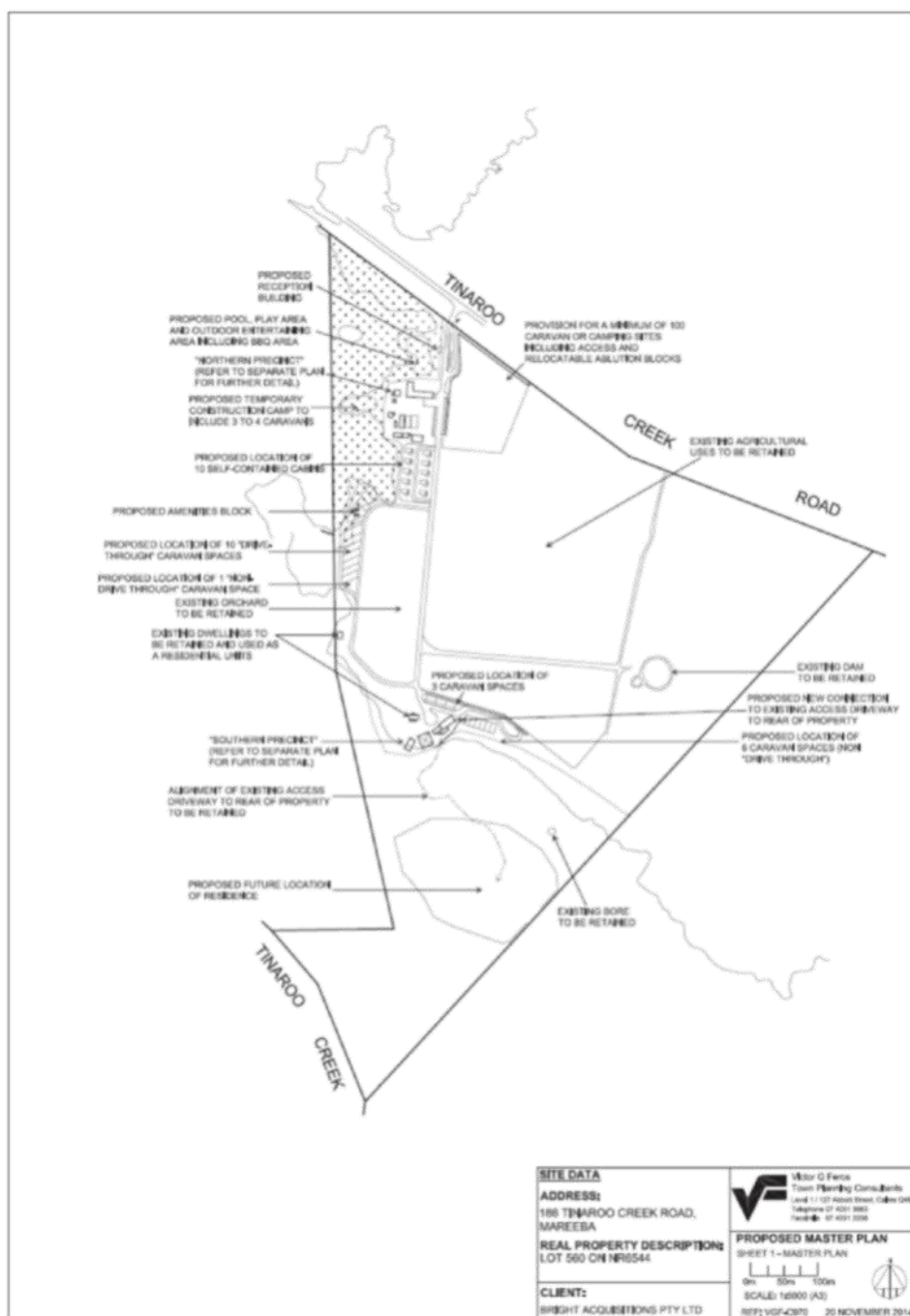


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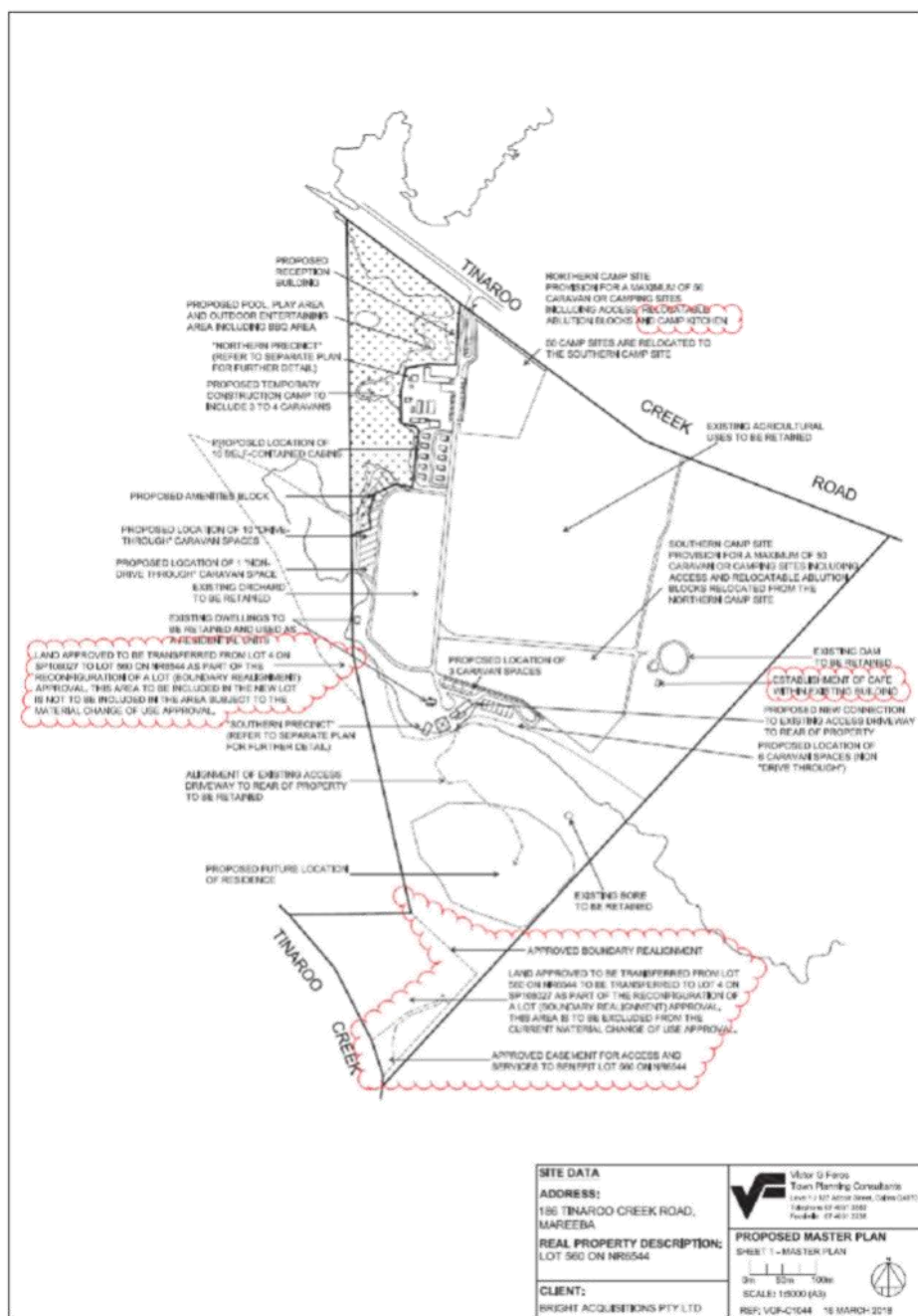
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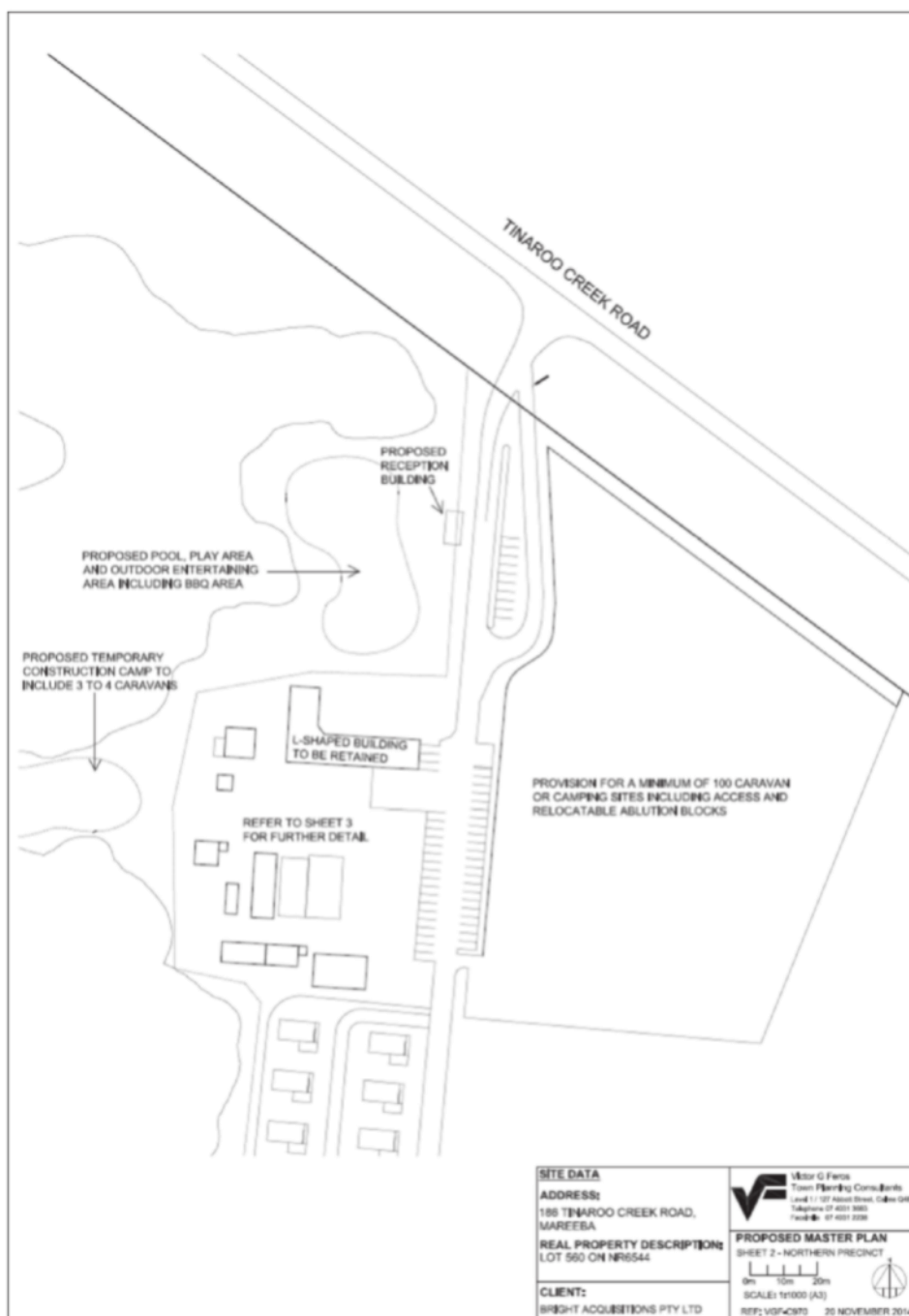
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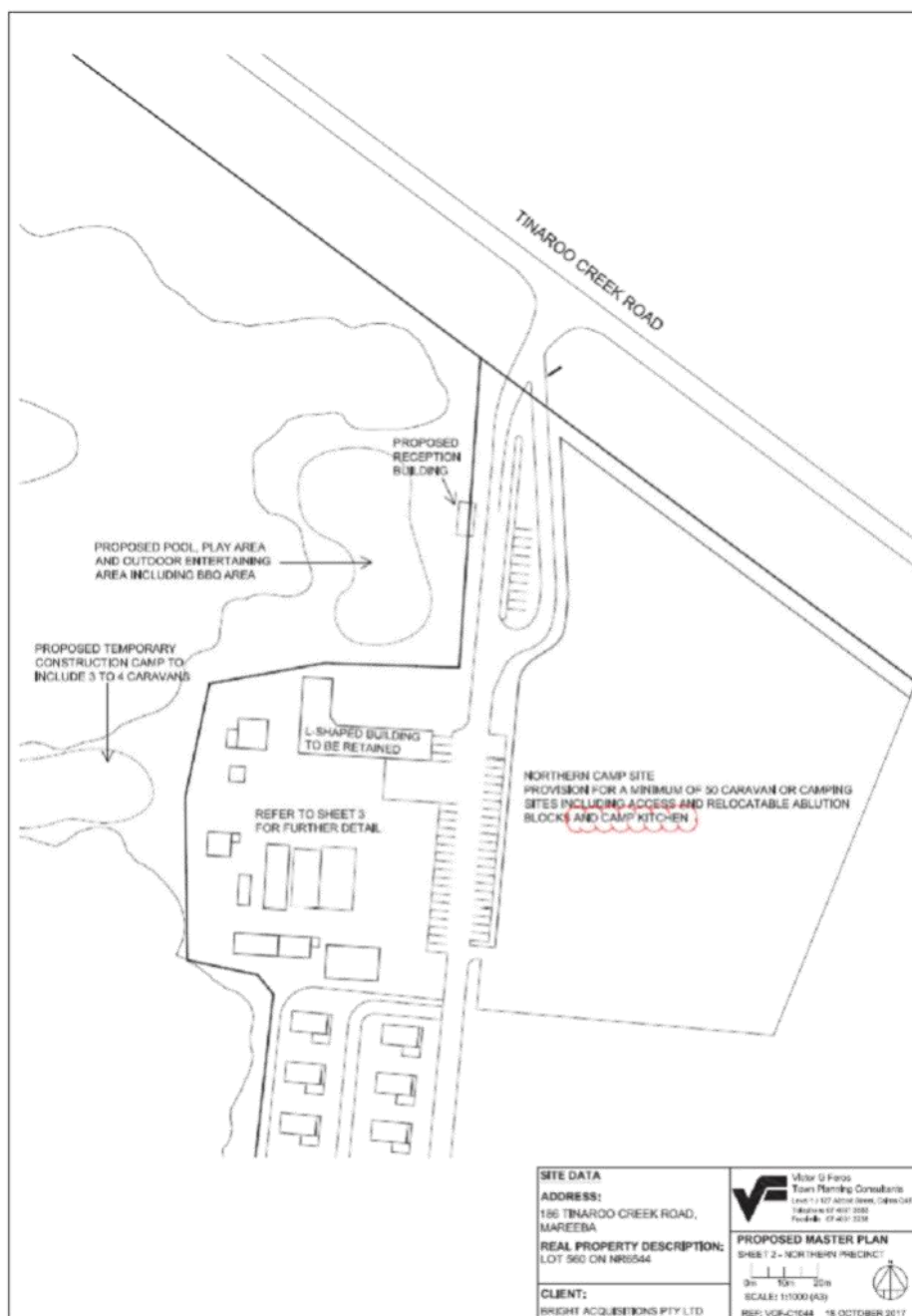
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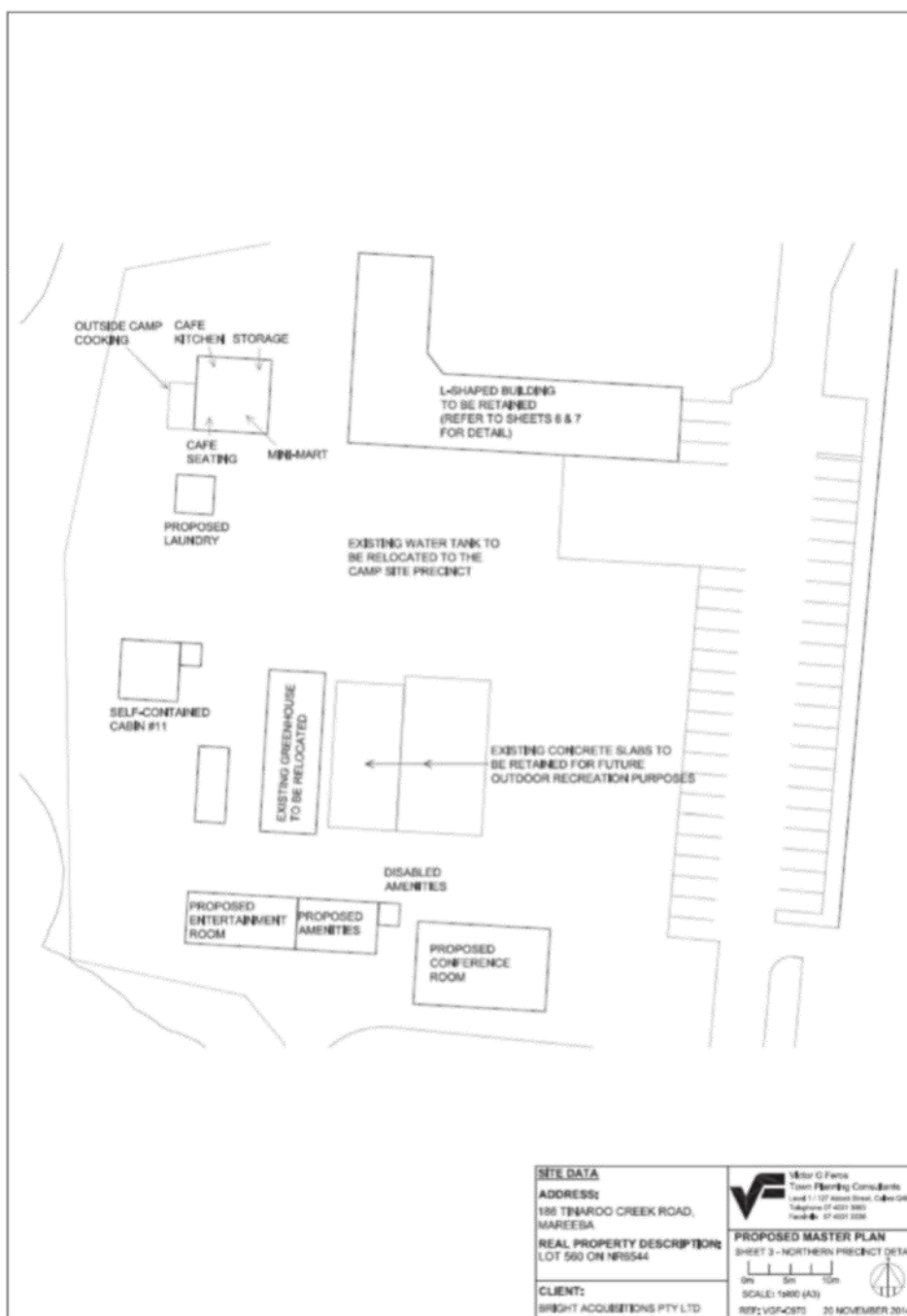
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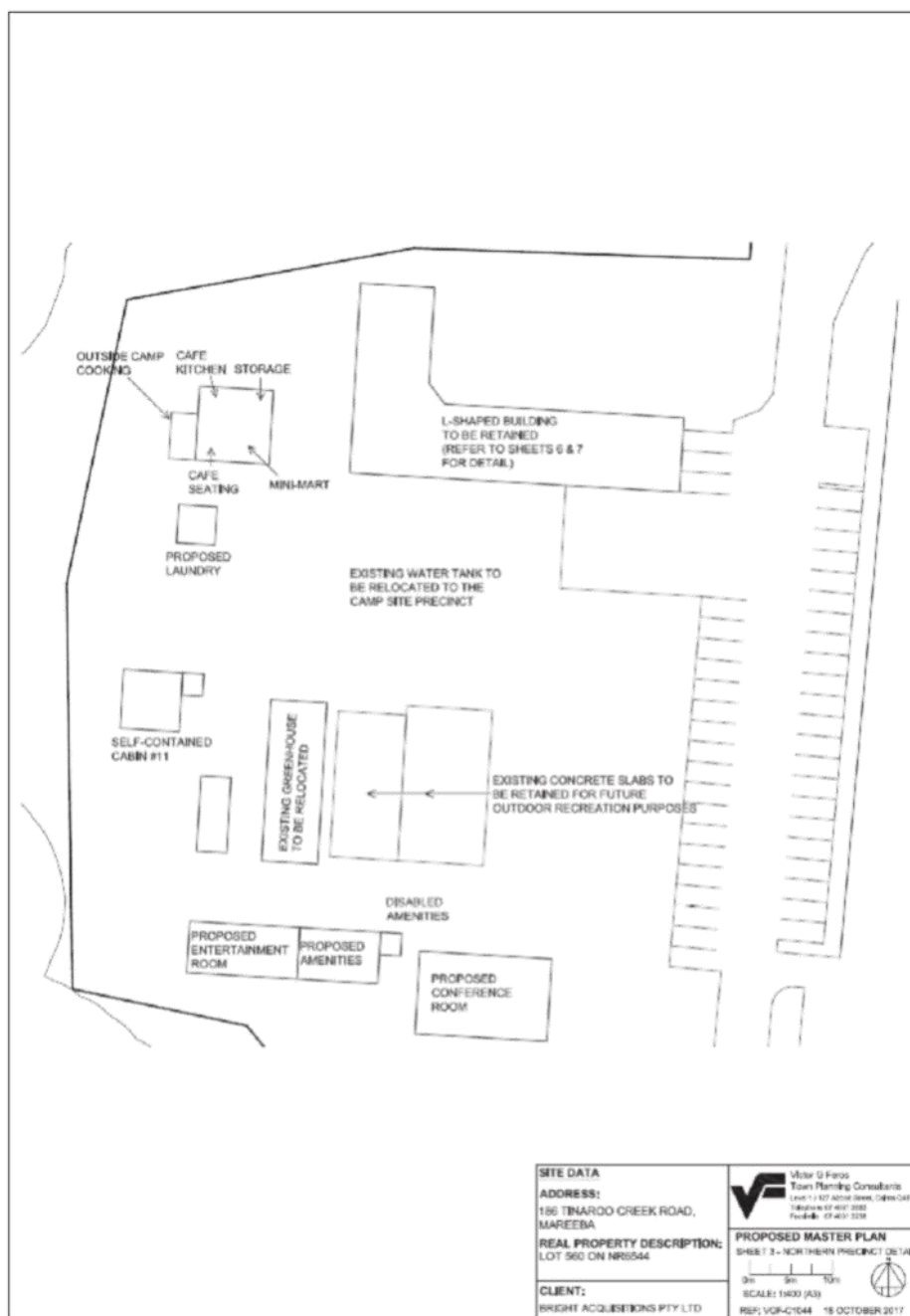
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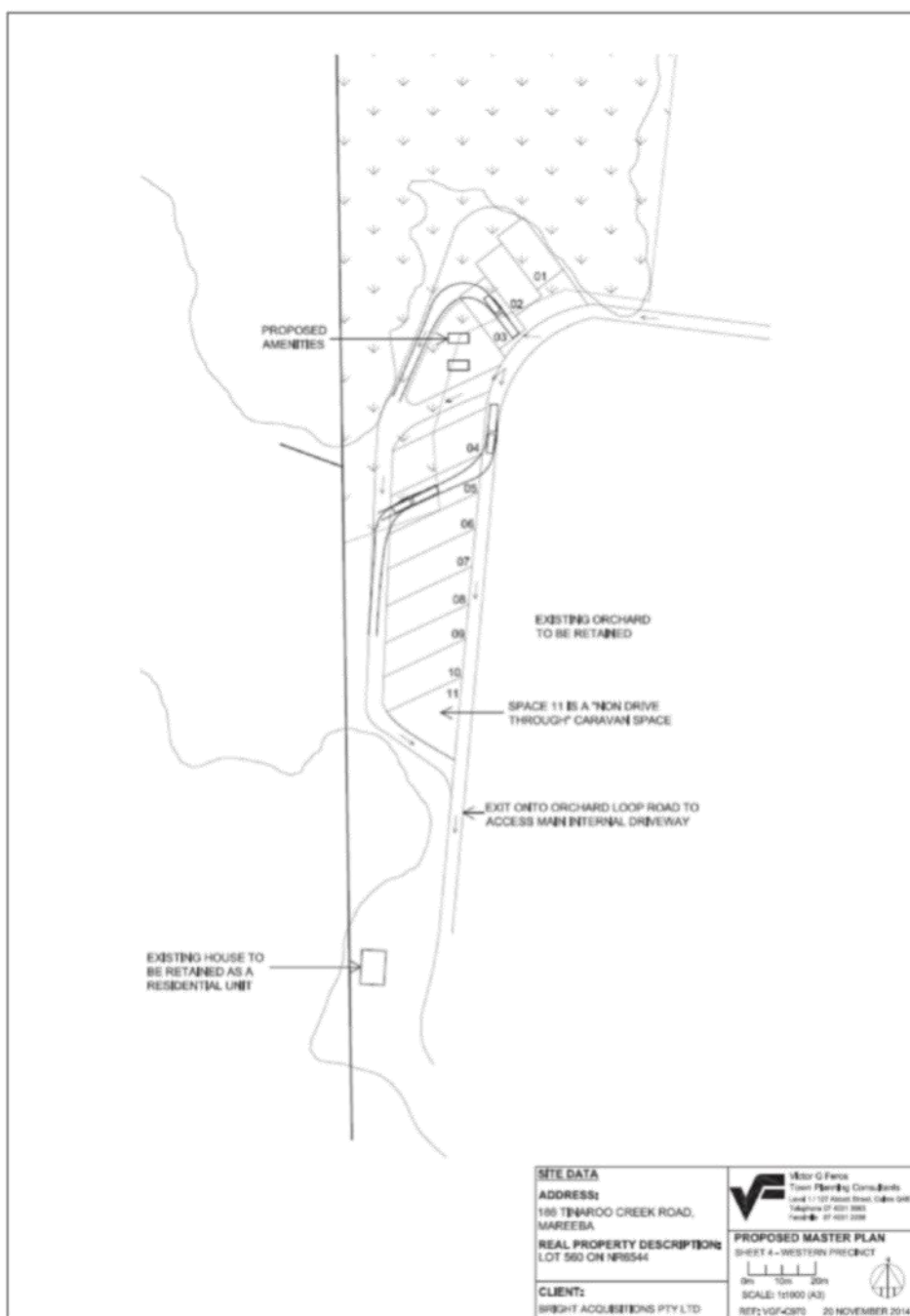
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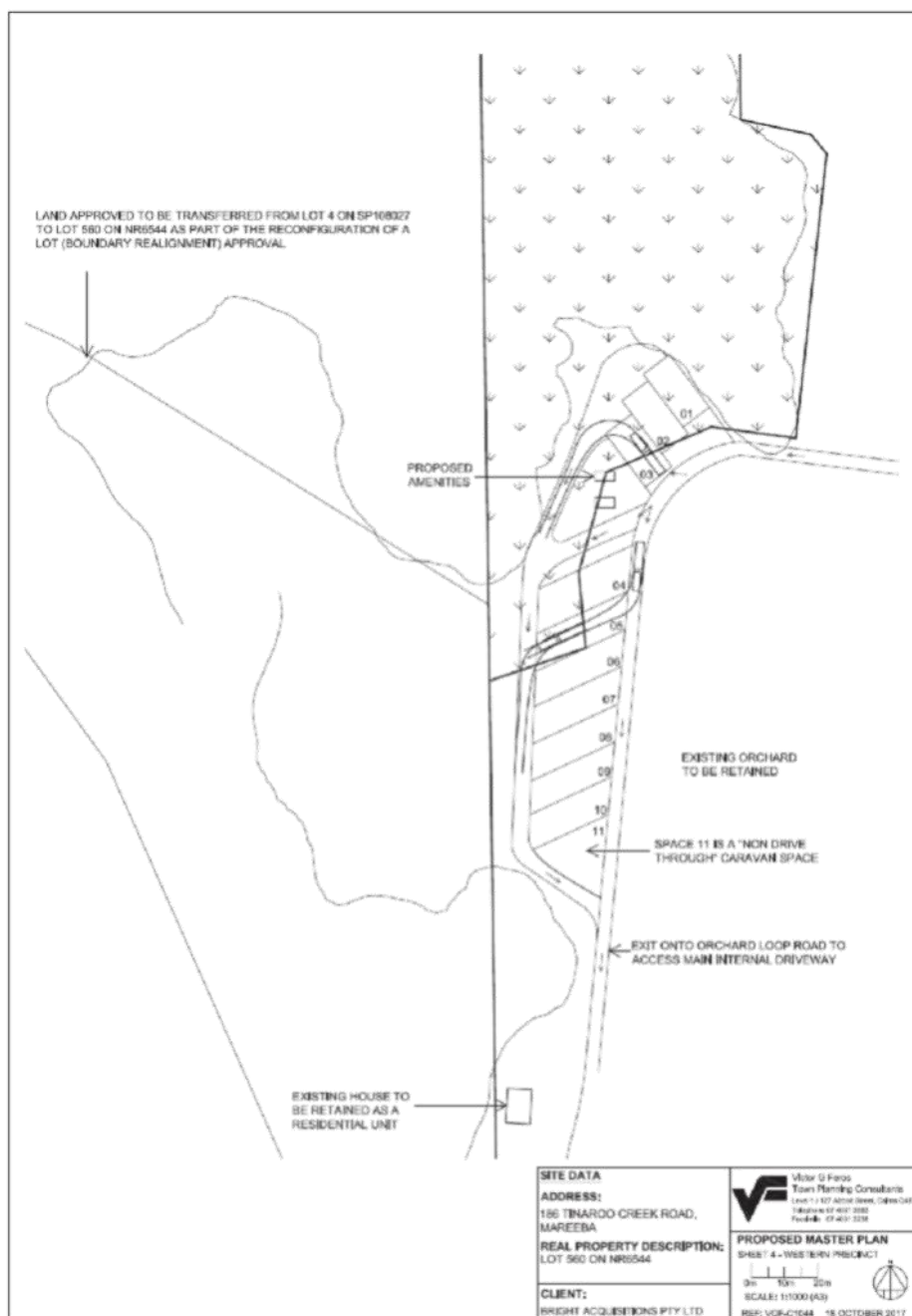
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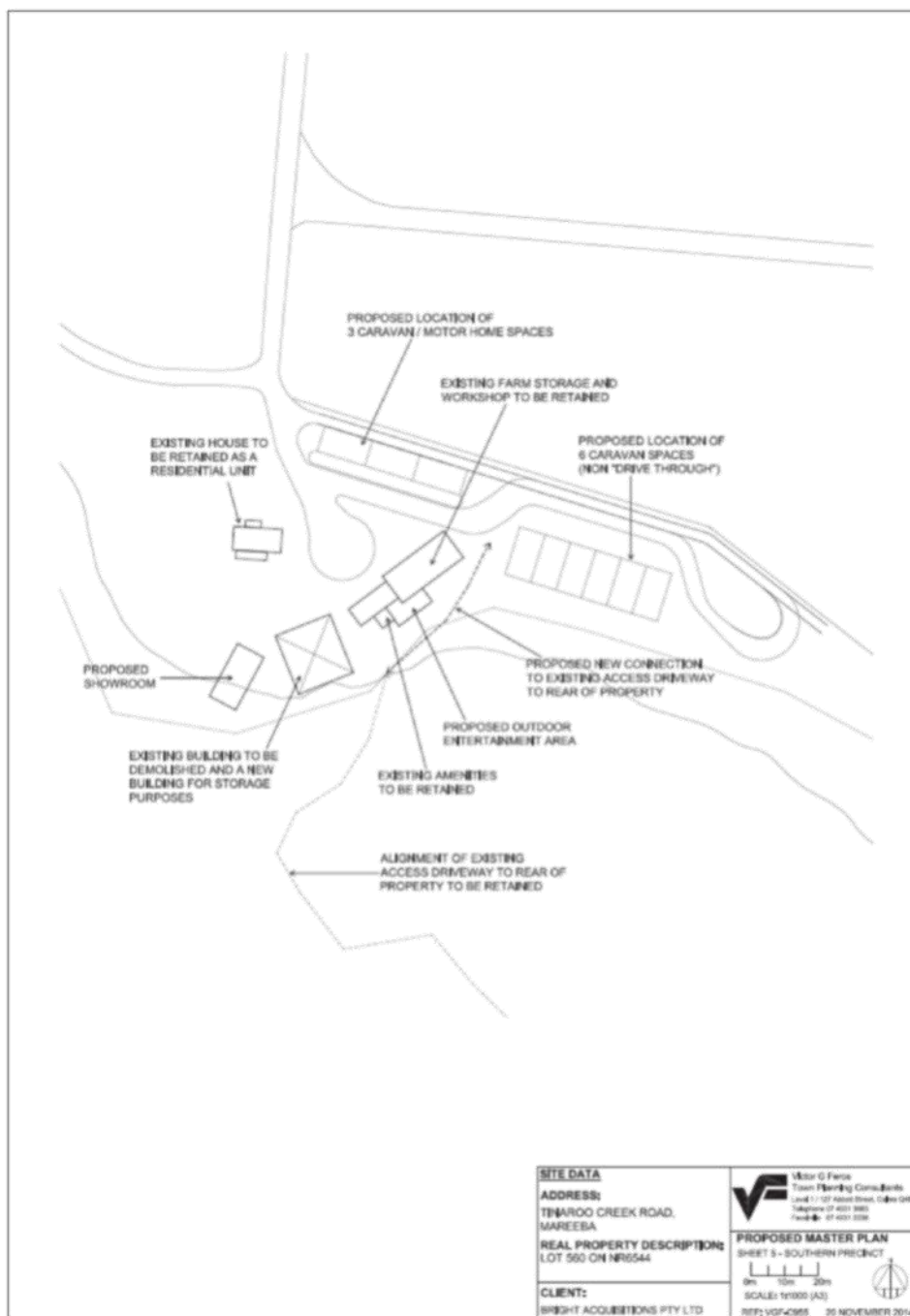
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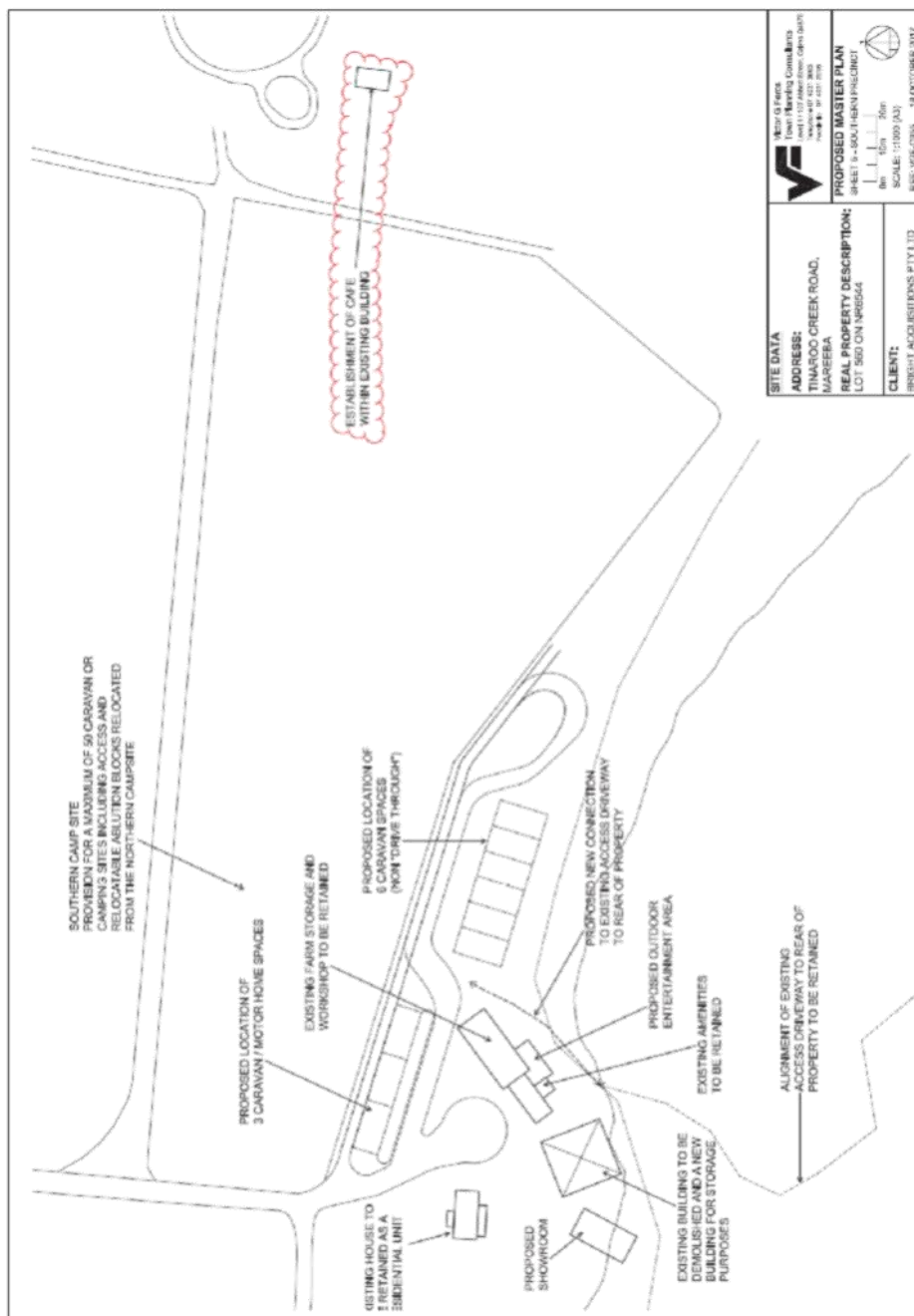
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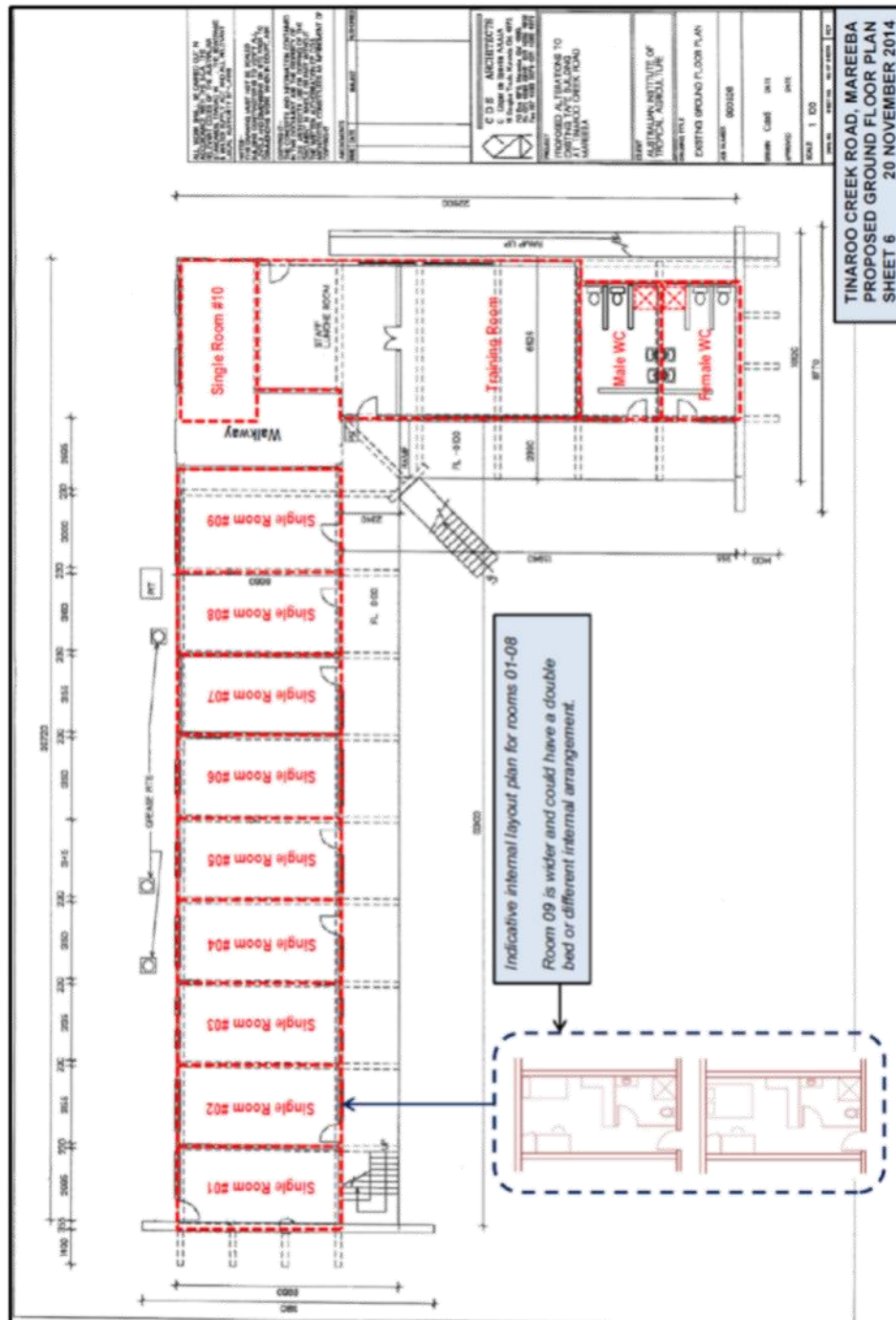
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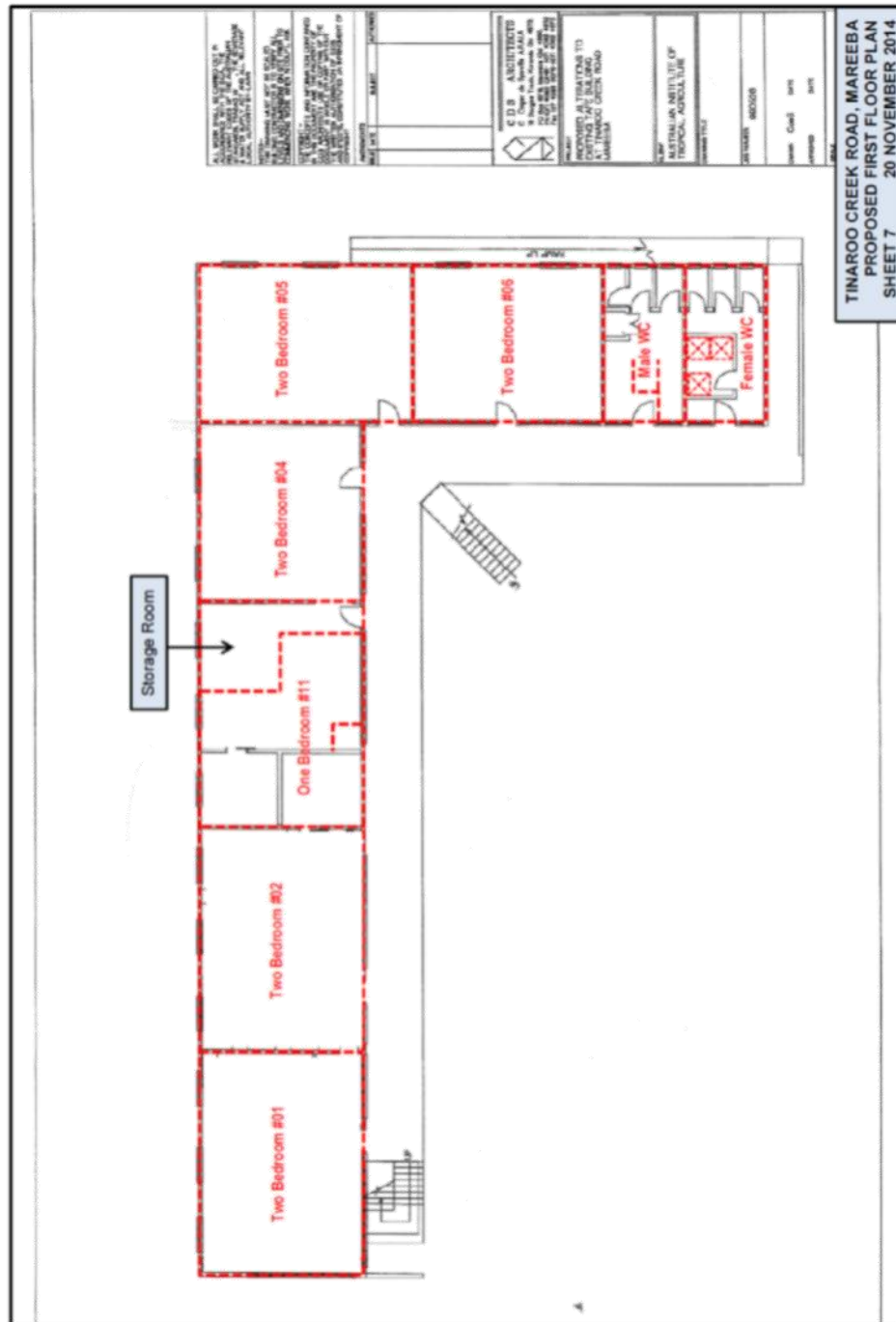
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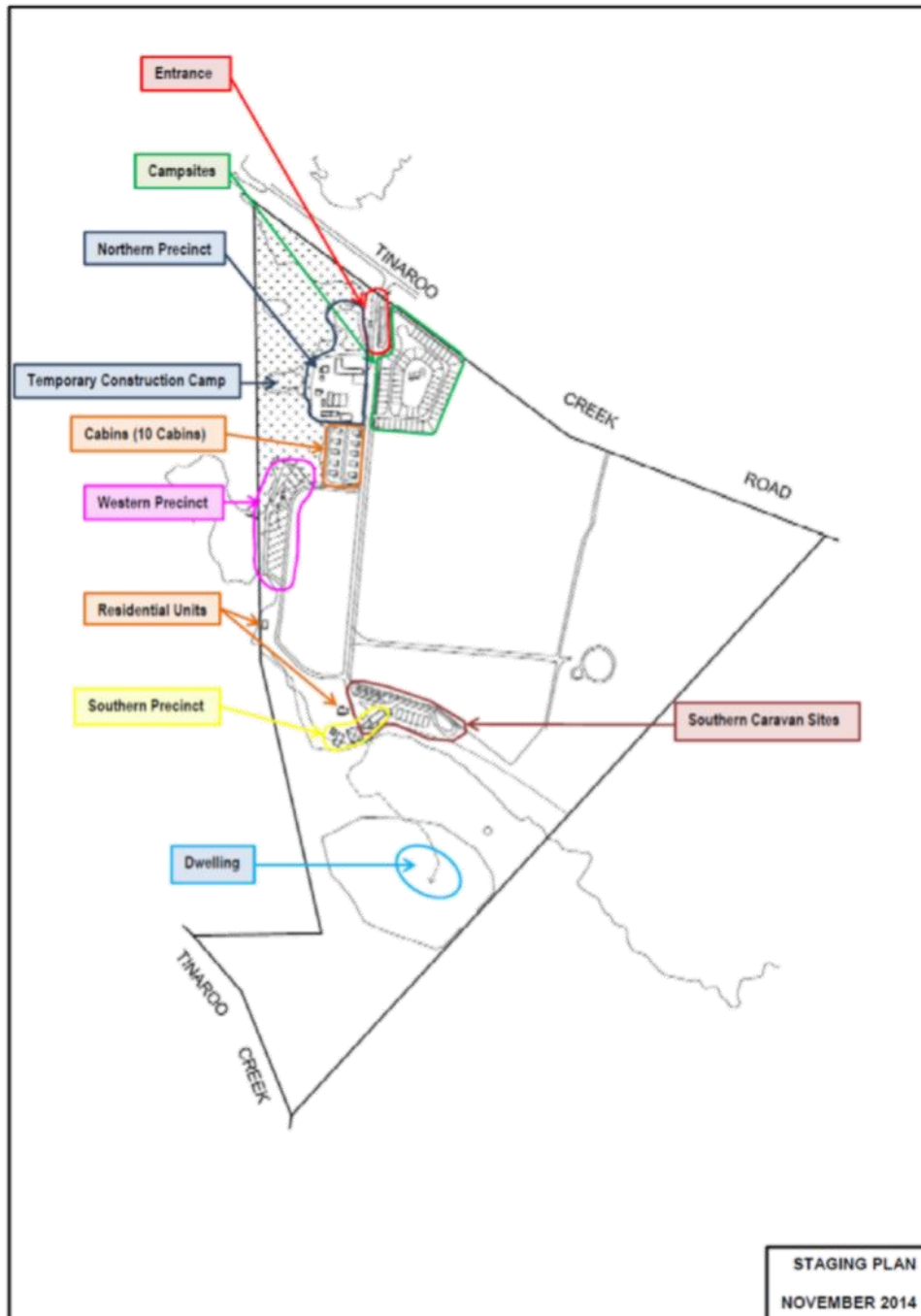
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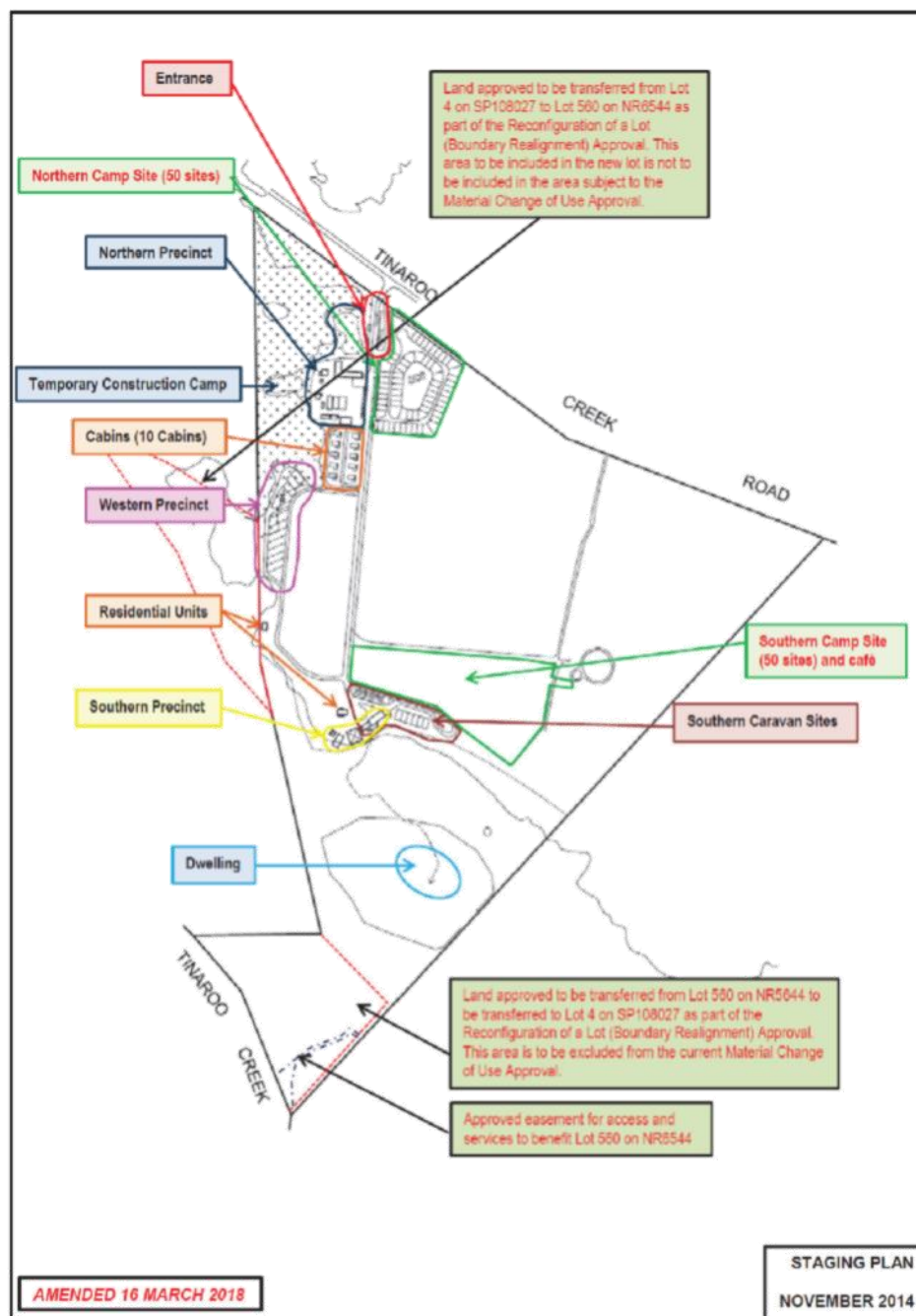


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**STAGING SCHEDULE**

STAGE DESCRIPTION	STAGING ELEMENTS
Entrance	<ul style="list-style-type: none"> <li>Construct new entrance and passing lane</li> <li>Construct new parking area and reception building</li> </ul>
Campsite	<ul style="list-style-type: none"> <li>Establish up to 50 campsites and required amenities</li> <li>Establish balance 50 campsites and required amenities</li> </ul>
Cabins (10 Cabins)	<ul style="list-style-type: none"> <li>Establish cabins 1 and 2</li> <li>Establish cabins 3 to 5</li> <li>Establish cabins 6 to 10</li> </ul>
Northern Precinct	<ul style="list-style-type: none"> <li>Create 5 x 2 bedroom and 1 x 1 bedroom accommodation units within the first level of the "L-Building"</li> <li>Create 10 x 1 bedroom accommodation units within the ground level of the "L-Building"</li> <li>Training room within existing "L-Building"</li> <li>Establish entertainment room and amenities</li> <li>Conference / Classroom within existing building</li> <li>Kiosk / Café within existing building</li> <li>One (1) self-contained cabin</li> <li>Swimming pool</li> <li>Playground</li> </ul>
Western Precinct	<ul style="list-style-type: none"> <li>Eleven (11) caravan sites</li> <li>Amenities and upgraded access</li> </ul>
Southern Precinct	<ul style="list-style-type: none"> <li>New storage building</li> <li>Shop within existing building</li> </ul>
Southern Caravan Sites	<ul style="list-style-type: none"> <li>Nine (9) caravan sites including amenities and upgraded access</li> </ul>
Dwelling	<ul style="list-style-type: none"> <li>Construction of a new family dwelling and upgraded access</li> </ul>
Residential Units	<ul style="list-style-type: none"> <li>Re-use of the two existing buildings as dwellings</li> </ul>
Temporary Construction Camp	<ul style="list-style-type: none"> <li>Location of four (4) caravans for occupation during the construction phase</li> </ul>

## DECISION NOTICE - APPROVAL

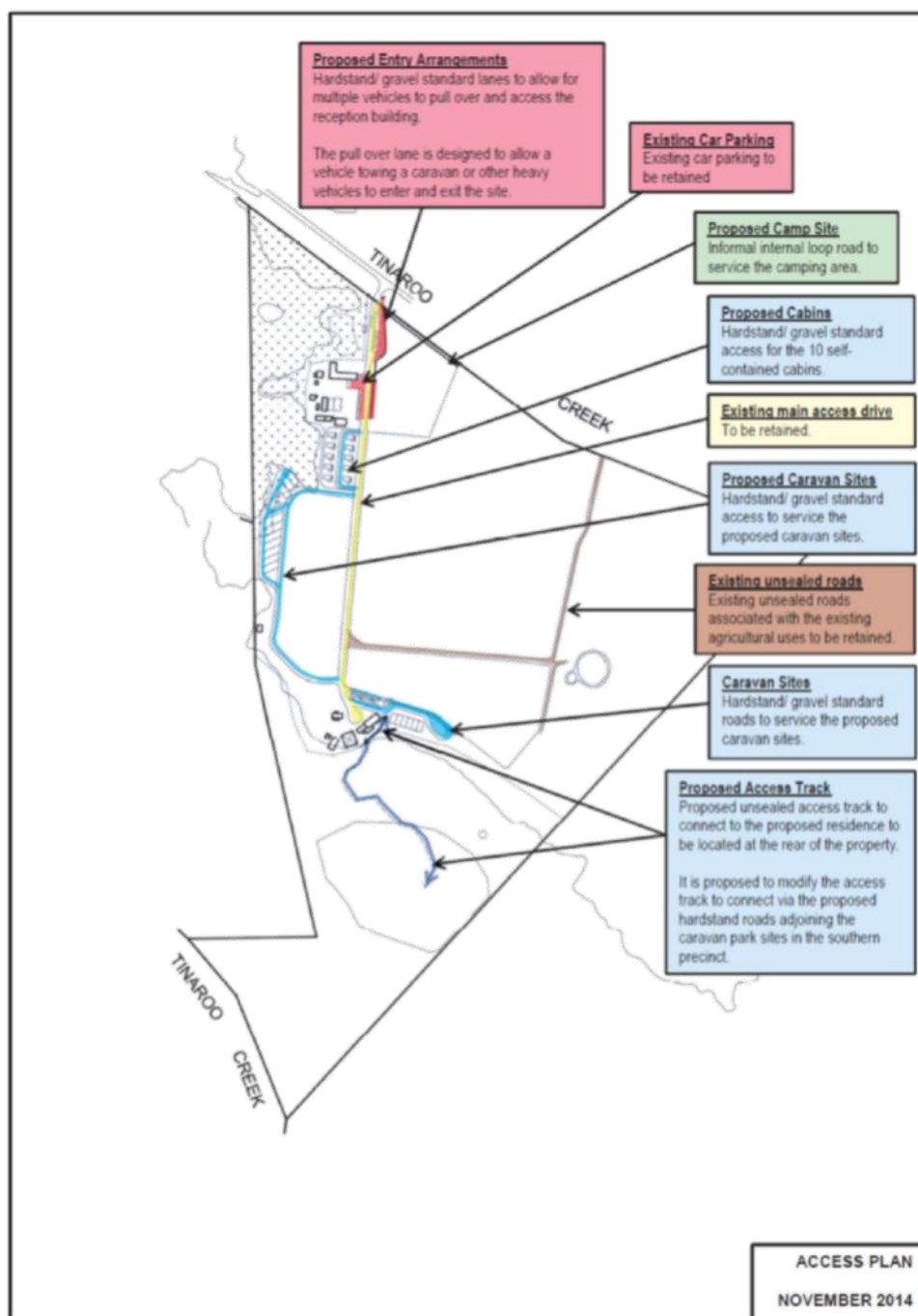
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## STAGING SCHEDULE – 18 OCTOBER 2017

STAGE DESCRIPTION	STAGING ELEMENTS
Entrance	<ul style="list-style-type: none"> <li>Construct new entrance and passing lane</li> <li>Construct new parking area and reception building</li> </ul>
Northern Camp Site	<ul style="list-style-type: none"> <li>Establish up to 50 campsites and required amenities</li> <li>Establish camp kitchen and covered eating area (including two (2) toilets and one (1) shower) to have a roofed area of 100m<sup>2</sup></li> </ul>
Southern Camp Site	<ul style="list-style-type: none"> <li>Establish up to 50 campsites and required amenities</li> <li>Establish a café within an existing building (60m<sup>2</sup>) located adjacent to the dam</li> </ul>
Cabins (10 Cabins)	<ul style="list-style-type: none"> <li>Establish cabins 1 and 2</li> <li>Establish cabins 3 to 5</li> <li>Establish cabins 6 to 10</li> </ul>
Northern Precinct	<ul style="list-style-type: none"> <li>Create 5 x 2 bedroom and 1 x 1 bedroom accommodation units within the first level of the "L-Building"</li> <li>Create 10 x 1 bedroom accommodation units within the ground level of the "L-Building"</li> <li>Training room within existing "L-Building"</li> <li>Establish entertainment room and amenities</li> <li>Conference / Classroom within existing building</li> <li>Kiosk / Café within existing building</li> <li>One (1) self-contained cabin</li> <li>Swimming pool</li> <li>Playground</li> </ul>
Western Precinct	<ul style="list-style-type: none"> <li>Eleven (11) caravan sites</li> <li>Amenities and upgraded access</li> </ul>
Southern Precinct	<ul style="list-style-type: none"> <li>New storage building</li> <li>Shop within existing building</li> </ul>
Southern Caravan Sites	<ul style="list-style-type: none"> <li>Nine (9) caravan sites including amenities and upgraded access</li> </ul>
Dwelling	<ul style="list-style-type: none"> <li>Construction of a new family dwelling and upgraded access</li> </ul>
Residential Units	<ul style="list-style-type: none"> <li>Re-use of the two existing buildings as dwellings</li> </ul>
Temporary Construction Camp	<ul style="list-style-type: none"> <li>Location of four (4) caravans for occupation during the construction phase</li> </ul>

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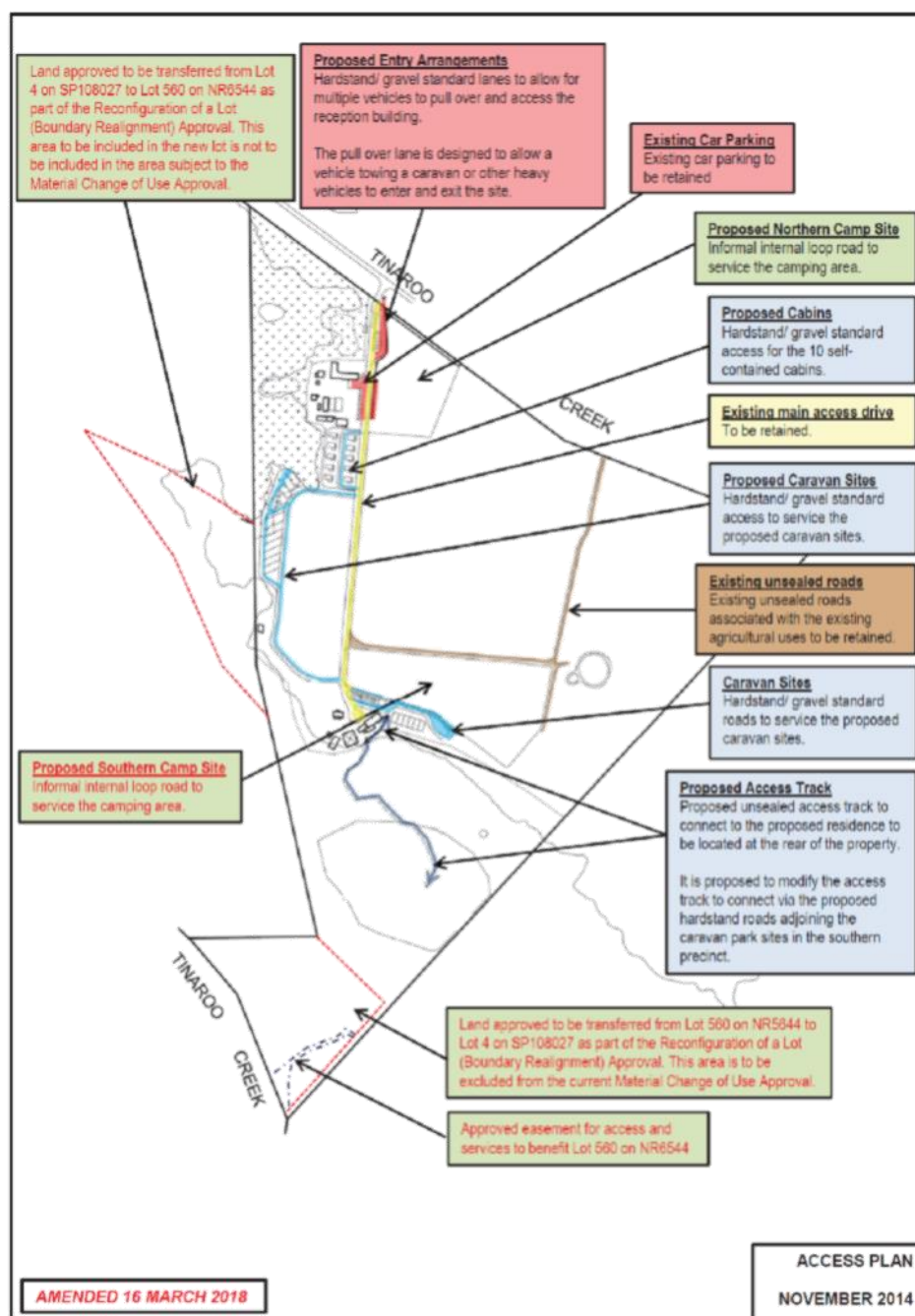
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## ATTACHMENT 2 - CONCURRENCE AGENCY CONDITIONS

Department of  
State Development,  
Infrastructure and PlanningOur reference: SDA-1114-016334  
Your reference: DA/14/0064

17 December 2014

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

Attn: Brian Millard

Dear Mr Franks

Concurrence agency response—with conditions  
186 Tinaroo Creek Road Mareeba, known as Lot 560 on NR6544  
(Given under section 285 of the *Sustainable Planning Act 2009*)The referral agency material for the development application described below was received by the Department of State Development, Infrastructure and Planning under section 272 of the *Sustainable Planning Act 2009* on 25 November 2014.**Applicant details**

Applicant name:	Bright Acquisitions Pty Ltd
Applicant contact details:	c/- Victor G Feros Town Planning PO BOX 1256 Cairns QLD 4870 cairns@ferosplanning.com.au

**Site details**

Street address:	186 Tinaroo Creek Road Mareeba
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Page 1	Far North Queensland Regional Office Ground Floor, Cairns Port Authority PO Box 2358 Cairns QLD 4870
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DDA-1114-016334

Lot on plan: Lot 560 on NR6544  
 Local government area: Mareeba Shire

**Application details**

Proposed development: Development permit material change of use (integrated tourist accommodation, training and conference facilities)

**Aspects of development and type of approval being sought**

Nature of Development	Approval Type	Brief Proposal of Description	Level of Assessment
Material Change of Use	Development permit	Establish integrated tourist accommodation, training and conference facilities on site, to be known as 'Trinity Plains'	Impact Assessment

**Referral triggers**

The development application was referred to the department under the following provisions of the *Sustainable Planning Regulation 2009*:

Referral trigger Schedule 7, Table 3 Item 2—State transport infrastructure

**Conditions**

Under section 287(1)(a) of the *Sustainable Planning Act 2009*, the conditions set out in Attachment 1 must be attached to any development approval.

**Reasons for decision to impose conditions**

Under section 289(1) of the *Sustainable Planning Act 2009*, the department must set out the reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

**Relevant period**

Under section 287(1)(d) of the *Sustainable Planning Act 2009*, the relevant period for any development approval is to be four years from the date this approval takes effect.

**Further advice**

Under section 287(6) of the *Sustainable Planning Act 2009*, the department offers advice about the application to the assessment manager—see Attachment 3.

**Approved plans and specifications**

The department requires that the following plans and specifications set out below and in Attachment 4 must be attached to any development approval.

Drawing/Report Title	Prepared by	Date	Reference no.	Version/Issue
<b>Aspect of development: material change of use</b>				
Proposed Master Plan	Victor G Feros	20 November 2014	VGF-C970	

Department of State Development, Infrastructure and Planning

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Staging Plan including Staging Schedule		November 2014		
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A copy of this response has been sent to the applicant for their information.

For further information, please contact Michele Creecy, Planning Officer, SARA Far North QLD on 4037 3206, or email [michele.creecy@dsdip.qld.gov.au](mailto:michele.creecy@dsdip.qld.gov.au) who will be pleased to assist.

Yours sincerely



Robin Clark  
Manager (Planning)

cc: Bright Acquisitions Pty Ltd, C/- Victor Feros Town Planning Pty Ltd

enc: Attachment 1—Conditions to be imposed  
Attachment 2—Reasons for decision to impose conditions  
Attachment 3—Further advice  
Attachment 4—Approved plans and specifications

## DECISION NOTICE - APPROVAL

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10 March 2015

SDA-1114-016334

Our reference: SDA-1114-016334  
Your reference: DA/14/0064.Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Development permit for material change of use		
Schedule 7, Table 3, Item 2 – State transport infrastructure—Pursuant to section 255D of the Sustainable Planning Act 2009, the chief executive administering the Act nominates the Director-General of Department of Transport and Main Roads to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	The development must be carried out generally in accordance with the following plans: <ul style="list-style-type: none"> <li>Proposed Master Plan, prepared by Victor G Feros, dated 20 November 2014, Ref: VGF-C970.</li> <li>Staging Plan including Staging Schedule, dated November 2014.</li> </ul>	At all times.
2.	The development must be in accordance with PDR Engineers Traffic Analysis and Report for the Tourist Accommodation and Associated Facilities, dated 17 November 2014, prepared by PDR Engineers and in particular: <ul style="list-style-type: none"> <li>The proposed development must not generate an increase in traffic numbers on Tinaroo Creek Road that will exceed the projected total annual generation for the development.</li> </ul>	At all times.

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SDA-1114-016334

Our reference: SDA-1114-016334  
Your reference: DA/14/0064

**Attachment 2—Reasons for decision to impose conditions**

The reasons for this decision are:

- The proposed development is the re-use of the former Mareeba Technical and Further Education (TAFE) facility
- The proposed development will provide tourism, training and conference facilities using the existing buildings, providing camping and other accommodation facilities; lecture facilities, conference facilities, a shop and other ancillary uses as well as utilising and expanding the existing infrastructure onsite
- The proposed development is located on Tinaroo Creek Road (a local council road)
- Tinaroo Creek Road intersects with a state-controlled road (Kennedy Highway)
- The intersection was designed to accommodate the traffic generated by the Mareeba TAFE
- A traffic analysis report by PDR Engineers does not anticipate that the traffic generated by the new use will equal the former level due to the nature of the new use
- Conditions are applied to ensure the development proceeds generally in accordance with the plans provided with the development application and to ensure that traffic generation does not exceed that indicated by the traffic analysis report prepared by PDR Engineers.

Department of State Development, Infrastructure and Planning

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Mareeba Shire Council

**DECISION NOTICE - APPROVAL**

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SDA-1114-016334

Our reference: SDA-1114-016334  
Your reference: DA/14/0064

**Attachment 3—Further advice**

General advice	
Ref	Advertising device
1.	Under section 43 of the <i>Transport Infrastructure Act 1994</i> , a local government must obtain <b>Department of Transport and Main Roads</b> approval if it intends to approve the erection, alteration or operation of an advertising sign or other advertising device that would be visible from a state-controlled road, and beyond the boundaries of the state-controlled road, and reasonably likely to create a traffic hazard for the state-controlled road.

Department of State Development, Infrastructure and Planning

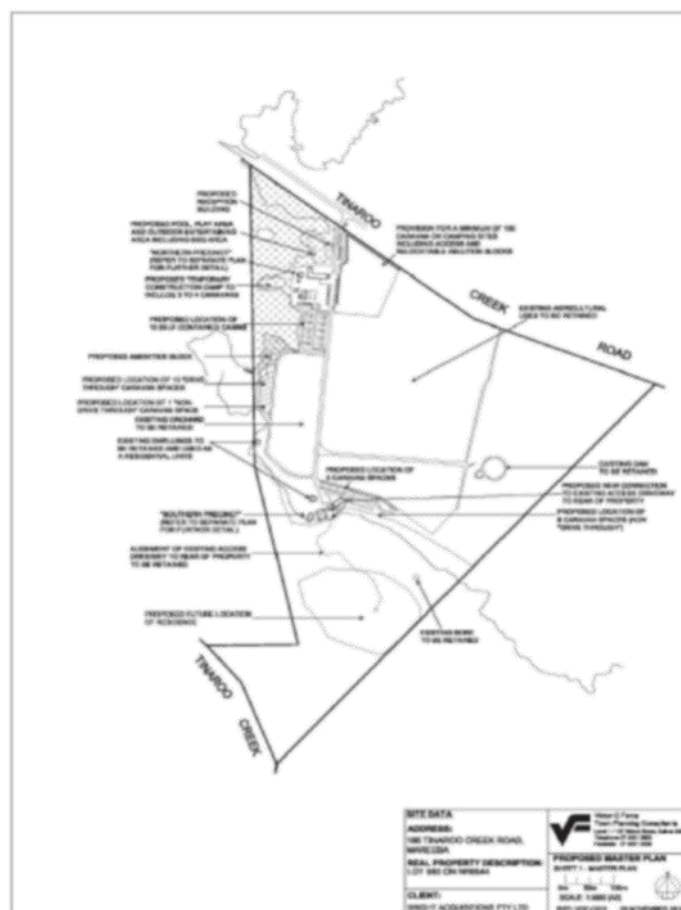
Page 6

Mareeba Shire Council

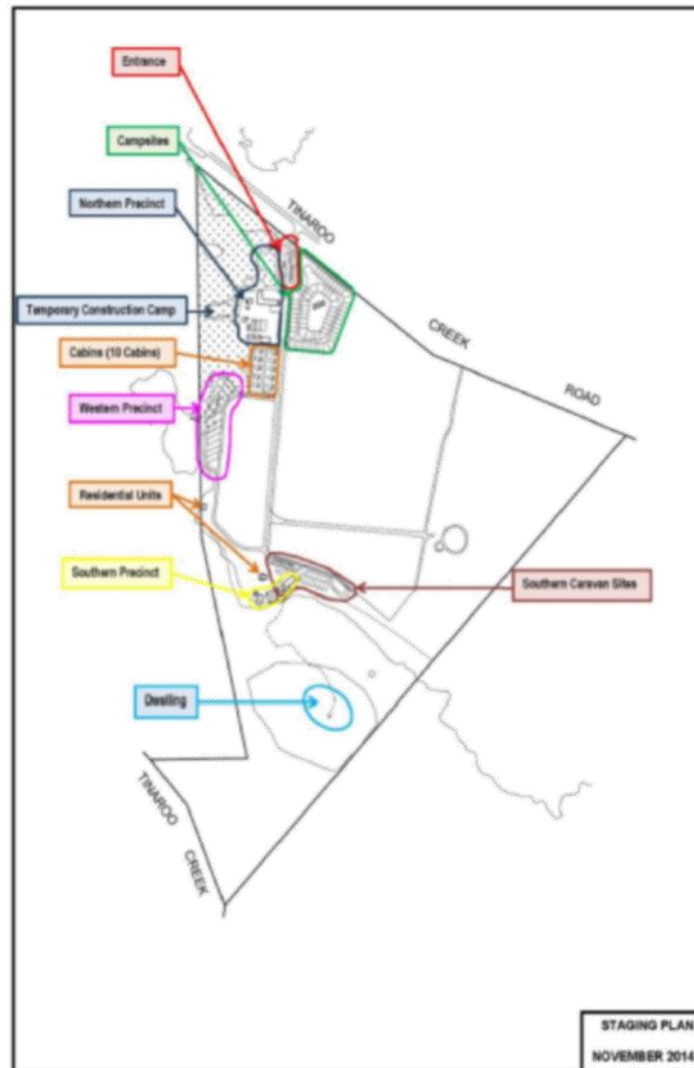
40  
10 March 2015

SOA-1114-016334

Attachment 4—Approved plans and specifications



DDA-1114-016334



**DECISION NOTICE - APPROVAL**

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10 March 2015

DDA-1114-016334

**STAGING SCHEDULE**

STAGE DESCRIPTION	STAGING ELEMENTS
Entrance	<ul style="list-style-type: none"> <li>Construct new entrance and passing lane</li> <li>Construct new parking area and reception building</li> </ul>
Campsite	<ul style="list-style-type: none"> <li>Establish up to 50 campsites and required amenities</li> <li>Establish balance 50 campsites and required amenities</li> </ul>
Cabins (10 Cabins)	<ul style="list-style-type: none"> <li>Establish cabins 1 and 2</li> <li>Establish cabins 3 to 5</li> <li>Establish cabins 6 to 10</li> </ul>
Northern Precinct	<ul style="list-style-type: none"> <li>Create 5 x 2 bedroom and 1 x 1 bedroom accommodation units within the first level of the 'L-Building'</li> <li>Create 10 x 1 bedroom accommodation units within the ground level of the 'L-Building'</li> <li>Training room within existing 'L-Building'</li> <li>Establish entertainment room and amenities</li> <li>Conference / Classroom within existing building</li> <li>Kiosk / Café within existing building</li> <li>One (1) self-contained cabin</li> <li>Swimming pool</li> <li>Playground</li> </ul>
Western Precinct	<ul style="list-style-type: none"> <li>Eleven (11) caravan sites</li> <li>Amenities and upgraded access</li> </ul>
Southern Precinct	<ul style="list-style-type: none"> <li>New storage building</li> <li>Shop within existing building</li> </ul>
Southern Caravan Sites	<ul style="list-style-type: none"> <li>Nine (9) caravan sites including amenities and upgraded access</li> </ul>
Dwelling	<ul style="list-style-type: none"> <li>Construction of a new family dwelling and upgraded access</li> </ul>
Residential Units	<ul style="list-style-type: none"> <li>Re-use of the two existing buildings as dwellings</li> </ul>
Temporary Construction Camp	<ul style="list-style-type: none"> <li>Location of four (4) caravans for occupation during the construction phase</li> </ul>

## DECISION NOTICE - APPROVAL

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10 March 2015

PAS-L

Department of  
**State Development,  
Manufacturing,  
Infrastructure and Planning**Our reference: 1803-4641 SPL  
Your reference: VGF-C1044

4 April 2018

Bright Aquisitions Pty Ltd  
C/- Victor G Feros Town Planning  
PO Box 1256  
Cairns QLD 4870  
cairns@ferosplanning.com.au

Attention: Nick Hardy

Dear Sir / Madam

**Pre-lodgement advice**

Thank you for your correspondence received on 16 March 2018 in which you sought pre-lodgement advice from the Department of State Development, Manufacturing, Infrastructure and Planning regarding the proposed development described below.

**Reference**

Departmental role:	Referral agency
Departmental jurisdiction:	State transport infrastructure Clearing vegetation
Assessment manager reference:	DA/14/0064

**Location details**

Street address:	99 Leonardi Road, Mareeba; 186 Tinaroo Creek Road, Mareeba
Real property description:	4SP108027; 560NR6544
Local government area:	Mareeba Shire Council
Existing use:	Partially developed caravan park and camp ground and rural activities on the old Mareeba TAFE site
Relevant site history:	10 March 2015 Development Permit granted over Lot 560 on NR6544 for MCU issued for (Accommodation units, caravan park, dwelling house, educational establishment, host farm, motor home park, residential

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

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Mareeba Shire Council

## DECISION NOTICE - APPROVAL

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10 March 2015

1803-4541 SPL

units, shop, tourist facility and ancillary and associated uses and the retention of existing rural activities or pursuits). (DA/14/0064 and SDA-1114-016334)

13 April 2017

Mareeba Shire Council Development Permit was granted for boundary realignment between Lot 560 on NR6544 and Lot 4 on SP108027 (DA/16/0057 & SDA1116-034903)

1 February 2016

Mareeba Shire Council advised that the proposed change to move 50 of the proposed 100 campsites away from the Tinaroo Creek Road frontage is considered minor and substantially in accordance with the approved plans. (DA/14/0064 and SDA-1114-016334)

It is noted that the permissible change request to council did not include the additional café, additional ancillary amenities nor request that the permissible change includes the boundary realignment (the original application was approved over only Lot 560 on NR6544)

## Details of proposal

Development type:	Development Permit for Material change of use
Development description:	Application for a minor change - Mareeba Shire council development permit DA/14/0064.
	The purpose of the application is to align the MCU approval with the ReL (boundary re-alignment) approval.
	In particular, it is proposed to remove the area identified by the easement from the area subject to the Minor Change Application so that only Lot 42 is subject to the MCU Approval.

## Supporting information

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
Letter to the Department of State Development Manufacturing Infrastructure and Planning	Victor G Feros Town Planning Consultants (Nick Hardy)	16 March 2018	VGF-C1044	
Proposed Reconfiguration of a Lot (2 lots into 2 lots)	Twine Surveys as modified by Victor G Feros	9 May 2016 and 16 March 2018	7402-LL1	F

After consideration of the material attached to your letter of 16 March 2018, the department confirms that the proposed changes to the development are generally in accordance with the plans approved as part of the concurrence agency response SDA-1114-016334 for the material change of use.

Please note that the conditions in the referral agency response SDA-1116-034903 continue to have effect and limit any vegetation clearing.

**DECISION NOTICE - APPROVAL**

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For further information please contact Tony Croke, Principal Planner, on 40373205 or via email [CaimsSARA@dilgp.qld.gov.au](mailto:CaimsSARA@dilgp.qld.gov.au) who will be pleased to assist.

Yours sincerely

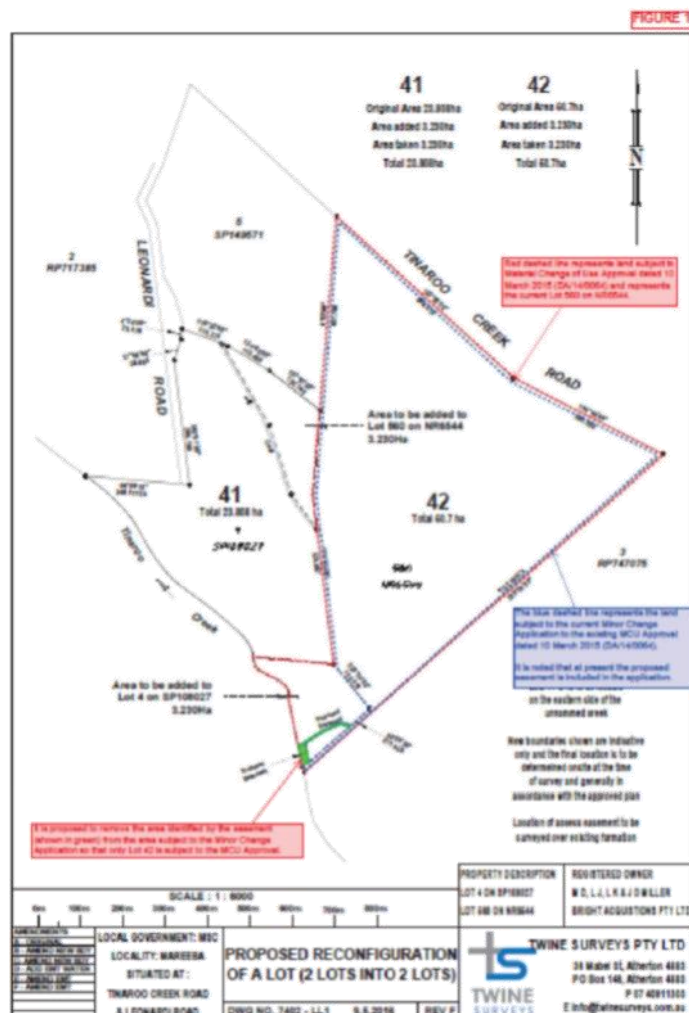


Brett Nancarrow  
Manager (Planning)

DECISION NOTICE - APPROVAL

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**ATTACHMENT 3 - MAKING REPRESENTATIONS ABOUT DECISION****PART 8 - DEALING WITH DECISION NOTICES AND APPROVALS****DIVISION 1 CHANGING DECISION NOTICES AND APPROVALS DURING APPLICANT'S APPEAL PERIOD****360 APPLICATION OF DIV 1**

This division applies only during the applicant's appeal period.

**361 APPLICANT MAY MAKE REPRESENTATIONS ABOUT DECISION**

- (1) The applicant may make written representations to the assessment manager about—
  - (a) a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or
  - (b) the standard conditions applying to a deemed approval.
- (2) However, the applicant can not make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

**362 ASSESSMENT MANAGER TO CONSIDER REPRESENTATIONS**

The assessment manager must consider any representations made to the assessment manager under section 361.

**363 DECISION ABOUT REPRESENTATIONS**

- (1) If the assessment manager agrees with any of the representations about a decision notice or a deemed approval, the assessment manager must give a new decision notice (***the negotiated decision notice***) to—
  - (a) the applicant; and
  - (b) each principal submitter; and
  - (c) each referral agency; and
  - (d) if the assessment manager is not the local government and the development is in a local government area—the local government.
- (2) Before the assessment manager agrees to a change under this section, the assessment manager must consider the matters the assessment manager was required to consider in assessing the application, to the extent the matters are relevant.
- (3) Only 1 negotiated decision notice may be given.
- (4) The negotiated decision notice—
  - (a) must be given within 5 business days after the day the assessment manager agrees with the representations; and
  - (b) must comply with section 335; and
  - (c) must state the nature of the changes; and
  - (d) replaces—
    - (i) the decision notice previously given; or

**DECISION NOTICE - APPROVAL**

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10 March 2015

- (ii) if a decision notice was not previously given and the negotiated decision notice relates to a deemed approval—the standard conditions applying to the deemed approval.
- (5) If the assessment manager does not agree with any of the representations, the assessment manager must, within 5 business days after the day the assessment manager decides not to agree with any of the representations, give written notice to the applicant stating the decision about the representations.

**364 GIVING NEW INFRASTRUCTURE CHARGES NOTICE OR REGULATED INFRASTRUCTURE CHARGES NOTICE**

- (1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of an infrastructure charge or regulated infrastructure charge.
- (2) The local government may give the applicant a new infrastructure charges notice under section 633 or regulated infrastructure charges notice under section 643 to replace the original notice.

**365 GIVING NEW REGULATED STATE INFRASTRUCTURE CHARGES NOTICE**

- (1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of a regulated State infrastructure charge.
- (2) The relevant State infrastructure provider may give the applicant a new regulated State infrastructure charges notice under section 669 to replace the original notice.

**366 APPLICANT MAY SUSPEND APPLICANT'S APPEAL PERIOD**

- (1) If the applicant needs more time to make the representations, the applicant may, by written notice given to the assessment manager, suspend the applicant's appeal period.
- (2) The applicant may act under subsection (1) only once.
- (3) If the representations are not made within 20 business days after the day written notice was given to the assessment manager, the balance of the applicant's appeal period restarts.
- (4) If the representations are made within 20 business days after the day written notice was given to the assessment manager—
  - (a) if the applicant gives the assessment manager a notice withdrawing the notice under subsection (1)—the balance of the applicant's appeal period restarts the day after the assessment manager receives the notice of withdrawal; or
  - (b) if the assessment manager gives the applicant a notice under section 363(5)—the balance of the applicant's appeal period restarts the day after the applicant receives the notice; or
  - (c) if the assessment manager gives the applicant a negotiated decision notice—the applicant's appeal period starts again the day after the applicant receives the negotiated decision notice.

**ATTACHMENT 4 - APPEAL RIGHTS****DIVISION 8 APPEALS TO COURT RELATING TO DEVELOPMENT APPLICATIONS AND APPROVALS****461 APPEALS BY APPLICANTS**

- (1) An applicant for a development application may appeal to the court against any of the following—
  - (a) the refusal, or the refusal in part, of the development application;
  - (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
  - (c) the decision to give a preliminary approval when a development permit was applied for;
  - (d) the length of a period mentioned in section 341;
  - (e) a deemed refusal of the development application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after—
  - (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
  - (b) otherwise—the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

**462 APPEALS BY SUBMITTERS—GENERAL**

- (1) A submitter for a development application may appeal to the court only against—
  - (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) the part of the approval relating to the assessment manager's decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
  - (a) the giving of a development approval;
  - (b) any provision of the approval including—
    - (i) a condition of, or lack of condition for, the approval; or
    - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
  - (a) withdraws the submission before the application is decided; or
  - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the **submitter's appeal period**) after the decision notice or negotiated decision notice is given to the submitter.

**463 ADDITIONAL AND EXTENDED APPEAL RIGHTS FOR SUBMITTERS FOR PARTICULAR DEVELOPMENT APPLICATIONS**

- (1) This section applies to a development application to which chapter 9, part 7 applies.
- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency's response made by a prescribed concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency's response to the extent it relates to—
  - (a) if the prescribed concurrence agency is the chief executive (environment)—development for an aquacultural ERA; or
  - (b) if the prescribed concurrence agency is the chief executive (fisheries)—development that is—
    - (i) a material change of use of premises for aquaculture; or
    - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (4) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
  - (a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive (fisheries);
  - (b) a referral agency's response mentioned in subsection (2).

**464 APPEALS BY ADVICE AGENCY SUBMITTERS**

- (1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.
- (2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
  - (a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) any part of the approval relating to the assessment manager's decision under section 327.
- (3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

13 December 2018

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

# **Victor G Feros Town Planning Consultants**

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corner Gladstone Road  
Highgate Hill Brisbane 4101  
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Telephone 07 3844 2882  
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Level 1  
127 Abbott Street  
PO Box 1256 Cairns 4870  
Queensland Australia  
Telephone 07 4031 3663  
Facsimile 07 4031 2238  
cairns@ferosplanning.com.au

Our Reference VGF – C1136

Attention: Brian Millard

Dear Sir,

RE: APPLICATION TO THE MAREEBA SHIRE COUNCIL FOR A MINOR CHANGE APPLICATION AND EXTENSION APPLICATION FOR A DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE – ACCOMMODATION UNITS, CARAVAN PARK, DWELLING HOUSE, EDUCATIONAL ESTABLISHMENT, HOST FARM, MOTOR HOME PARK, RESIDENTIAL UNITS, SHOP, TOURIST FACILITY AND ANCILLARY AND ASSOCIATED USES AND THE RETENTION OF EXISTING RURAL ACTIVITIES OR PURSUITS ON LAND DESCRIBED AS LOT 560 ON NR6544 AND LOT 4 ON SP108027 PARISH OF TINAROO COUNTY OF NARES AND LOCATED AT 186 TINAROO CREEK ROAD  
(COUNCIL REFERENCE: DA/14/0064)

We act on behalf of Bright Acquisitions Pty Ltd, the applicant, in relation to the above matter.

We also refer to Council's email dated 12 November 2018 advising that the above matter can be dealt with by way of a Minor Change Application and Extension Application.

In this regard please find attached one (1) digital copy of the following documents:-

- a) Supporting Town Planning Report dated December 2018;
- b) Planning Act Form 5 – Change Application; and
- c) Extension Application under Section 86 of the Planning Act Form.

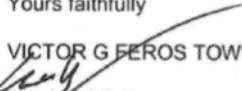
We advise that the application fee is \$500.00 as confirmed by Council's email dated 12 November 2018. This fee will be paid to Council by the applicant to allow the Application to be considered properly made.

We would be pleased to co-ordinate a site inspection with Council Officers and project consultants to assist with the assessment of the Application, if required.

We await Council's further advice in relation to the attached documents.

Yours faithfully

**VICTOR G FEROS TOWN PLANNING CONSULTANTS**

  
Stephen Walker  
Town Planner

cc: Bright Acquisitions Pty Ltd

cc: Department of State Development Manufacturing Infrastructure and Planning

## IN CONTINUOUS PRACTICE SINCE 1976

Principal  
**Victor G Feros**  
GCSJ BA MUS FPA CMILT LGTR(Q) CPP

Adjunct Professor  
School of Geography, Planning  
and Environmental Management  
University of Queensland

US Bicentennial Fellowship Award 1976

Administrative Director  
**Marion C Feros**  
B Pharm MBA MPS ASA AFACP  
Associate & Office Manager, Cairns  
**Nick Hardy**  
BRTP (Hons) MPA LGTR(Q)  
Senior Consultant Planner  
**Ken Todd**  
DGR(T&CP) Dip.Soc.PL UPPA LGTR(Q)

**Victor G Feros**  
Town Planning  
Consultant Pty Ltd  
ABN 51 010 417 302  
[www.ferosplanning.com.au](http://www.ferosplanning.com.au)

**TOWN PLANNING REPORT**

**MINOR CHANGE APPLICATION**

**and**

**EXTENSION APPLICATION**

**to the MAREEBA SHIRE COUNCIL**

**for**

**DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE  
– ACCOMMODATION UNITS, CARAVAN PARK, DWELLING  
HOUSE, EDUCATIONAL ESTABLISHMENT, HOST FARM,  
MOTOR HOME PARK, RESIDENTIAL UNITS, SHOP,  
TOURIST FACILITY AND ANCILLARY AND ASSOCIATED  
USES AND THE RETENTION OF EXISTING RURAL  
ACTIVITIES OR PURSUITS  
(COUNCIL REFERENCE: DA/14/0064)**

**located at**

**186 TINAROO CREEK ROAD, MAREEBA, Q4880**

**described as**

**LOT 42 ON SP300440 AND EASEMENT A ON SP300440**

**for**

**BRIGHT ACQUISITIONS PTY LTD**

**VGF-C1136  
DECEMBER 2018**



**Victor G Feros Town Planning Consultants**

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## Change application form

**Planning Act Form 5 (version 1.1 effective 22 JUNE 2018) 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

<b>1) Applicant details</b>	
Applicant name(s) (individual or company full name)	<b>Bright Acquisitions Pty Ltd</b>
Contact name (only applicable for companies)	<b>Nick Hardy</b>
Postal address (P.O. Box or street address)	<b>c/- Victor G Feros Town Planning Consultants PO Box 1256</b>
Suburb	<b>CAIRNS</b>
State	<b>QLD</b>
Postcode	<b>4870</b>
Country	<b>AUSTRALIA</b>
Email address (non-mandatory)	<a href="mailto:cairns@ferosplanning.com.au">cairns@ferosplanning.com.au</a>
Mobile number (non-mandatory)	
Applicant's reference number(s) (if applicable)	<b>C1136</b>

<b>2) Owner's consent - Is written consent of the owner required for this change application?</b>	
<b>Note: section 79(1A) of the Planning Act 2016 states the requirements in relation to owner's consent.</b>	
<input checked="" type="checkbox"/> <b>Yes – the written consent of the owner(s) is attached to this change application</b>	
<input type="checkbox"/> No	

### PART 2 – LOCATION DETAILS

<b>3) Location of the premises (complete 3.1) or 3.2, and 3.3) as applicable)</b>				
<b>3.1) Street address and lot on plan</b>				
<input checked="" type="checkbox"/> <b>Street address AND lot on plan (all lots must be listed), or</b>				
<input type="checkbox"/> <b>Street address AND lot on plan for an adjoining or adjacent property of the premises (appropriate for development in water but adjoining or adjacent to land e.g. jetty, pontoon; all lots must be listed).</b>				
a)	Unit No.	Street No.	Street Name and Type	Suburb
		<b>186</b>	<b>Tinaroo Creek Road</b>	<b>Mareeba</b>
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	<b>4880</b>	<b>42</b>	<b>SP300440</b>	<b>Mareeba Shire Council</b>
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)

<b>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)</b>			
<b>Note: Place each set of coordinates in a separate row. Only one set of coordinates is required for this part.</b>			
<input type="checkbox"/> <b>Coordinates of premises by longitude and latitude</b>			
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:	
<b>3.3) Additional premises</b>				
<input type="checkbox"/> Additional premises relevant to the original development approval and their details have been attached in a schedule to this application				
<input checked="" type="checkbox"/> <b>Not required</b>				

### PART 3 – RESPONSIBLE ENTITY DETAILS

**4) Identify the responsible entity that will be assessing this change application**

*Note: see section 78(3) of the Planning Act 2016*

**Mareeba Shire Council**

### PART 4 – CHANGE DETAILS

<b>5) Provide details of the existing development approval subject to this change application</b>			
Approval type	Reference number	Date issued	Assessment manager/approval entity
<input checked="" type="checkbox"/> <b>Development permit</b> <input type="checkbox"/> Preliminary approval	<b>DA/14/0064</b>	19 April 2018 Change Approval for existing Development Permit dated 10 March 2015	<b>Mareeba Shire Council</b>
<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):

**Refer to Section 3.00 of the attached Town Planning Report dated December 2018**

6.2) What type of change does this application propose?

☒ **Minor change application – proceed to Part 5**

☐ Other change application – proceed to Part 6

### PART 5 – MINOR CHANGE APPLICATION REQUIREMENTS

<b>7) Are there any affected entities for this change application</b>		
<input type="checkbox"/> No – proceed to Part 7		
<input checked="" type="checkbox"/> <b>Yes – list all affected entities below and proceed to Part 7</b>		
<i>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.</i>		
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)
<b>Department of State Development Manufacturing Infrastructure and Planning (acting in the executive role for the Planning Act (2016))</b>	<input checked="" 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 and in some instances parts of DA Form 2, 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?

- ☒ **No**  
☐ Yes – complete Part 2 (Location details) of DA Form 1 as it relates to the additional premises is completed and provided with this application.

9) Development details

9.1) Is there any change to the type of development, approval type, or level of assessment in this change application?

- ☒ **No – proceed to 11)**  
☐ Yes – the completed Sections 1 and 2 of Part 3 (Development details) of DA Form 1 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?

- ☐ No  
☐ Yes – the completed Part 5 (Building work details) of DA Form 2 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.

- ☐ No  
☐ Yes – the completed Part 5 (Referral details) of DA Form 1 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

☒ **I agree to receive an information request if determined necessary for this change application**

☐ 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 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

for an 'other' change all relevant referral requirement(s) in 10)

**Note:** See the *Planning Regulation 2017* for referral requirements

☒ **Yes**

For an 'other' change application, the relevant sections of <a href="#">DA Form 1 – Development application details</a> have been completed and is attached to this application	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> <b>Not applicable</b>
For an 'other' change application, where building work is associated with the change application, the relevant sections of <a href="#">DA Form 2 – Building work details</a> have been completed and is attached to this application	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> <b>Not applicable</b>
Supporting information addressing any applicable assessment benchmarks is attached to this application <i>Note: This includes any templates provided under 23.6 and 23.7 of DA Form 1 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 <a href="#">DA Forms Guide: Planning report template</a>.</i>	<input checked="" type="checkbox"/> <b>Yes</b>
Relevant plans of the development are attached to this development application <i>Note: Relevant plans are required to be submitted for all relevant aspects of this change application. For further information, see <a href="#">DA Forms Guide: Relevant plans</a>.</i>	<input checked="" type="checkbox"/> <b>Yes</b>

**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 OFFICE USE ONLY**

Date received:  Reference number(s):

**QLeave notification and payment***Note: For completion by assessment manager if applicable*

Description of the work	
QLeave project number	
Amount paid (\$)	
Date paid	
Date receipted form sighted by assessment manager	
Name of officer who sighted the form	

## Extension application under section 86 of the *Planning Act 2016*

This template may be used for giving notice to make an extension application under section 86 of the *Planning Act 2016*. If the assessment manager for the extension application has a form for the application, the application must be made using that form.

Additional pages may be attached if there is insufficient space on the template to complete any question.

**Note:** All terms used within this template 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) (individual or company full name)	1) Applicant details
Contact name (only applicable for companies)	Bright Acquisitions Pty Ltd
Postal address (P.O. Box or street address)	Nick Hardy
Suburb	c/- Victor G Feros Town Planning Consultants PO Box 1256
State	CAIRNS
Postcode	QLD
Country	4870
Email address (non-mandatory)	AUSTRALIA
Contact number	<a href="mailto:cairns@ferosplanning.com.au">cairns@ferosplanning.com.au</a>
Applicant's reference number(s) (if applicable)	C1136

2) Owner's consent – Is written consent of the owner required for this extension application?	
<b>Note:</b> section 86(2)(b)(ii) of the <i>Planning Act 2016</i> , states owner's consent requirements.	
<input checked="" type="checkbox"/> <b>Yes – the written consent of the owner(s) is attached to this extension application</b> <input type="checkbox"/> No – proceed to question 3	

### PART 2 – ASSESSMENT MANAGER DETAILS

3) Identify the assessment manager who will be assessing this extension application.
Mareeba Shire Council

### PART 3 –DETAILS OF APPLICATION

4) Provide details of the existing development approval subject to this extension application.			
Approval type	Reference number	Date issued	Entity that gave the development approval
<input checked="" type="checkbox"/> <b>Development permit</b> <input type="checkbox"/> Preliminary approval	DA/14/0064	19 April 2018 Change Approval for existing Development Permit dated 10 March 2015	Mareeba Shire Council

**5) Further details**

5.1) Provide the currency period for this development approval.

**4 March 2019**

5.2) Identify how long this application seeks to extend the currency period of this development approval.

*Note: reasoning to support the proposed extension should also be provided***Further six (6) years to 4 March 2025. Refer to Section 4.00 of the attached Town Planning Report****PART 4 – FOR OFFICE USE ONLY**

Date received:

Reference number(s):

The *Planning Act 2016*, the *Planning Regulation 2017* and the DA Rules are administered by the Department of Infrastructure, Local Government and Planning. This template (or the assessment manager's form) and any additional materials supporting this extension application must be sent to the assessment manager.

**TOWN PLANNING REPORT**

**MINOR CHANGE APPLICATION**

**and**

**EXTENSION APPLICATION**

**to the MAREEBA SHIRE COUNCIL**

**for**

**DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE  
– ACCOMMODATION UNITS, CARAVAN PARK, DWELLING  
HOUSE, EDUCATIONAL ESTABLISHMENT, HOST FARM,  
MOTOR HOME PARK, RESIDENTIAL UNITS, SHOP,  
TOURIST FACILITY AND ANCILLARY AND ASSOCIATED  
USES AND THE RETENTION OF EXISTING RURAL  
ACTIVITIES OR PURSUITS  
(COUNCIL REFERENCE: DA/14/0064)**

**located at**

**186 TINAROO CREEK ROAD, MAREEBA, Q4880**

**described as**

**LOT 42 ON SP300440 AND EASEMENT A ON SP300440**

**for**

**BRIGHT ACQUISITIONS PTY LTD**

**VGF-C1136  
DECEMBER 2018**



**Victor G Feros Town Planning Consultants**

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Queensland Australia  
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Facsimile 07 4031 2238  
cairnse@ferosplanning.com.au

**TOWN PLANNING REPORT  
MINOR CHANGE APPLICATION AND EXTENSION APPLICATION TO THE MAREEBA SHIRE  
COUNCIL FOR DEVELOPMENT PERMIT FOR LAND LOCATED AT 186 TINAROO CREEK  
ROAD, MAREEBA, Q4880 AND DESCRIBED AS LOT 42 ON SP300440**

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**FIGURES**

FIGURE 1	Location
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**APPENDICES**

APPENDIX A	Land Owners Consent
APPENDIX B	Decision Notice for Change Application for Material Change of Use dated 19 April 2018
APPENDIX C	Decision Notice for Reconfiguring a Lot – Boundary Realignment dated 13 April 2017
APPENDIX D	Survey Plan
APPENDIX E	DSDMIP Pre-lodgement Advice dated 11 December 2018
APPENDIX F	Amended Plans

**Amended 11 December 2018**

**TOWN PLANNING REPORT  
MINOR CHANGE APPLICATION AND EXTENSION APPLICATION TO THE MAREEBA SHIRE  
COUNCIL FOR DEVELOPMENT PERMIT FOR LAND LOCATED AT 186 TINAROO CREEK  
ROAD, MAREEBA, Q4880 AND DESCRIBED AS LOT 42 ON SP300440**

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**1.00 INTRODUCTION**

This Minor Change Application and Extension Application was commissioned by Bright Acquisitions Pty Ltd, the applicant and land owner in relation to an existing Development Permit (Council Reference: DA/14/0064) on land located at 186 Tinaroo Creek Road, Mareeba and described as Lot 42 on SP300440 (formerly described as Lot 560 on NR6544).

A copy of the Land Owner's Consent is attached as **Appendix A**.

The subject site is shown by **Figure 1 – Location** and **Figure 2 – Locality**.

It is noted that the original approval is a Decision Notice for Material Change of Use – Accommodation Units, Caravan Park, Dwelling House, Educational Establishment, Host Farm, Motor Home Park, Residential Units, Shop, Tourist Facility and Ancillary and Associated Uses and the retention of Existing Rural Activities or Pursuits dated 10 March 2015 (Decision Date: 4 March 2015).

It is further noted that a previous Change Application was approved by Council Decision Notice dated 19 April 2018 (Decision Date: 18 April 2018) to change the approval to be consistent with previous Council advices since the original approval was issued and so that the Material Change of Use Approval is consistent with the Decision Notice for the Reconfiguring a Lot (Boundary Realignment) Approval (Decision Date: 13 April 2017).

The lodgement of this Minor Change Application and Extension Application is a consequence of the need to respond to changing guest expectations in the caravan and campervan market and to generally improve guest amenity and infrastructure and to allow additional time for these changes to be implemented.

The purpose of the Minor Change Application and Extension Application is as follows:-

- a) to change the references to the property descriptions and easement to be consistent with the registered Plan of Survey as a consequence of the Reconfiguring a Lot (Boundary Realignment) Approval dated 13 April 2017;
- b) to modify the approved layout plans in accordance with the proposed changes and relocation of the existing approved uses as detailed in **Section 3.00** of this Report; and
- c) to extend the period of approval to allow the uncompleted approved works and the proposed changes to be undertaken as detailed in **Section 3.00** of this Report.

It is confirmed that Minor Change Application component is lodged with Council in accordance with *Section 81* of the *Planning Act 2016* and that the Extension Application component is lodged with Council in accordance with *Section 86* of the *Planning Act 2016*.

## **2.00 RELEVANT BACKGROUND DOCUMENTS**

It is submitted that the relevant documents in relation to this Minor Change Application and Extension Application are as follows:-

- a) Decision Notice for Material Change of Use – Accommodation Units, Caravan Park, Dwelling House, Educational Establishment, Host Farm, Motor Home Park, Residential Units, Shop, Tourist Facility and Ancillary and Associated Uses and the retention of Existing Rural Activities or Pursuits dated 10 March 2015 (Decision Date: 4 March 2015);
- b) Decision Notice for Change Application for Material Change of Use – Accommodation Units, Caravan Park, Dwelling House, Educational Establishment, Host Farm, Motor Home Park, Residential Units, Shop, Tourist Facility and Ancillary and Associated Uses and the retention of Existing Rural Activities or Pursuits dated 19 April 2018 (Decision Date: 18 April 2018) (copy attached as **Appendix B**);

Having regard to item a) and b), the following approved plans forming part of the Decision Notice for the Change Application for the Material Change of Use are relevant to the current Minor Change Application:-

**Material Change of Use Approved Drawing(s) List**

Plan/Document Number	Plan/Document Title	Dated
Figure 16	Setback and Buffer Considerations	16 March 2018
Sheet 1	Proposed Master Plan	16 March 2018
Sheet 2	Proposed Master Plan – Northern Precinct	18 October 2017
Sheet 3	Proposed Master Plan – Northern Precinct Detail	18 October 2017
Sheet 4	Proposed Master Plan – Western Precinct	18 October 2017
Sheet 5	Proposed Master Plan – Southern Precinct	18 October 2017
Sheet 6	Proposed Ground Floor Plan	20 November 2014
Sheet 7	Proposed First Floor Plan	20 November 2014
n/a	Staging Plan	16 March 2018
n/a	Staging Schedule	18 October 2017
n/a	Access Plan	16 March 2018

- c) Decision Notice for Reconfiguration of a Lot (Boundary Realignment) dated 13 April 2017 (Decision Date: 13 April 2017) (copy attached as **Appendix C**)
- d) Survey Plan for Lots 41 and 42 on SP300440 (copy attached as **Appendix D**)
- e) Department of State Development Manufacturing Infrastructure and Planning letter dated 11 December 2018 (copy attached as **Appendix E**) responding to our letter dated 28 November 2018. The Department's letter confirmed that the proposed changes are generally in accordance with the plans approved as part of the concurrence agency response.

### 3.00 PROPOSED MODIFICATIONS

The following general aspects are noted in relation to the proposed changes to the approved uses:-

- a) to improve operational arrangements and guest amenity;
- b) to respond to the changing requirements of the caravan and camper trailer market within Mareeba and Far North Queensland;
- c) the operators of the Trinity Plains Caravan Park have received numerous inquiries from guests on the capability of the caravan park to provide the following services:-
  - i) to provide toilet / shower ensuite adjacent to caravan spaces;
  - ii) to receive larger "5 wheel" camper trailers;
  - iii) individually sewerer caravan park sites that allow larger vehicles with on-board toilet and shower facilities to remove black and grey water directly from their vehicles into on-site sewer infrastructure rather than requiring the vehicle to be "packed up" and driven to the on-site dump point. This allows guests with larger "5 wheel" camper trailers and vehicles to stay within their allocated space for longer periods of time; and
  - iv) to accommodate visitors traveling with horses with the provision of individually fenced areas adjoining on-site campsites;
- d) the proposed changes will not result in an increase of the site population and that the proposed changes generally involve the reallocation of the approved site population and uses within the site; and
- e) the area subject to the approval will not change. It is noted that the previous Change Application confirmed that the area subject to the approval is described as Lot 42 on SP300440 and Easement A on SP300440.

In this regard, the following specific modifications are proposed to the approved uses:-

a) Entrance

- i) the Reception Building will not be constructed. This component has been incorporated into the ground floor of the L-Shaped Building of the Northern Precinct; and
- ii) no other modifications are proposed.

b) Northern Precinct

i) the L-Shaped Building ;

a. Ground Floor

- reduce the number of 1 bedroom units from ten (10) to four (4).

The 1 bedroom unit uses are to be relocated to be within the proposed accommodation buildings located in the Western Precinct and the South Eastern Precinct;

- establish three (3) recreation rooms to replace three (3) 1 bedroom units;
- establish the reception use (relocated from the Entrance) to replace the area approved for three (3) 1 bedroom units; and
- establish the Showroom use within the staff lunchroom.

b. First Floor

- reduce the number of 2 bedrooms units from five (5) to three (3);
- establish an administration Office; and
- no other modifications are proposed on the first floor.

- ii) relocate the caravans from the Temporary Construction Camp to be adjacent to the L-Shaped Building; and

- iii) no other modifications are proposed.

c) Northern Campsite

- i) relocate the camp kitchen and a caravan ensuite block to the Western Precinct; and

- ii) no other modifications are proposed.

d) Southern Campsite

- i) modify the boundary of the Southern Campsite to exclude an area of approximately 0.25ha to establish a new Precinct, the South Eastern Precinct;

- ii) relocate small amenity block to the South Eastern Precinct;

- iii) no other modifications are proposed.

e) South Eastern Precinct

- i) establish a new Precinct, the South Eastern Precinct, to comprise approved uses reallocated from the Western Precinct and the L-Shaped Building;

- ii) establish five (5) caravan sites with shared ensuites. Four (4) caravan site are reallocated from the Western Precinct and one (1) caravan site is reallocated from the Southern Caravan Sites,

- iii) establish a four (4) single room accommodation building with verandah and car parking. The four (4) single room allocations are reallocated from the L-Shaped Building;

- iv) establish a camp kitchen and amenities block; and

- v) no other modifications are proposed.

## f) Western Precinct

- i) reduce the number of caravan sites from eleven (11) to two (2) sites with a double ensuite.

The remaining nine (9) caravan space are to be reallocated to the proposed South Eastern Precinct and the Eastern Precinct;

- ii) establish a four (4) single room accommodation building with verandah and car parking. The four (4) single room allocations are reallocated from the L-Shaped Building;
- iii) establish a camp kitchen (reallocated from the Northern Campsite); and
- iv) no other modifications are proposed.

## g) Eastern Precinct

- i) establish a new Precinct, the Eastern Precinct, to comprise reallocated uses from the L-Shaped Building and the Western Precinct, containing an area of 0.75ha;
- ii) establish five (5) fenced caravan sites with an area of 30m x 50m;
- iii) each caravan site will contain a 6m x 6m shade structure and is capable of accommodating horses transported to the site by the guests; and
- iv) establish an amenity building; and
- v) no other modifications are proposed.

## h) Cabins

- i) no modifications are proposed.

- i) Southern Precinct
  - i) the Showroom and Shop uses are to be established within ground floor of the L-Shaped Building; and
  - ii) no other modifications are proposed.
- j) Southern Caravan Sites
  - i) reduce the number of Caravan Sites from nine (9) to eight (8) to reallocate one (1) caravan site to the South Eastern Precinct; and
  - ii) no other modifications are proposed.
- k) Dwelling
  - i) no modifications are proposed.
- l) Residential Units
  - i) no modifications are proposed.
- m) Temporary Construction Camp
  - i) relocate the caravans to be within the Northern Precinct; and
  - ii) no modifications are proposed.
- n) Temporary Construction Camp

The matters described above are depicted in **Figure 3 – Proposed Modifications and area subject to the Application.**

#### 4.00 EXTENSION TO PERIOD OF APPROVAL

This Request to extend the period of approval is in relation to the previous Change Application for Development Permit for Material Change of Use (Ref DA/14/0064) dated 19 April 2018. The relevant Decision Date for this Change Application is 18 April 2018.

On this basis the current approval has a "life" of four (4) years from the original approval date of 4 March 2015 to 4 March 2019.

Given that elements of the previous approval have not been completed and also allow for the proposed changes it is requested that Council approve a six (6) year extension to the period of approval to 4 March 2025.

Since the issue of the original Decision Notice in March 2015 and the Change Application in April 2018, the following considerations are relevant to the extension request:-

- a) the proponents have progressively developed the site stages as follows:-
  - i) completion of construction of the entrance precinct, including car parking area and entry lanes;
  - ii) completion of Northern Camp Site, including 50 caravan / camping sites, "Wisconsin Mounds" sewerage system and other site infrastructure;
  - iii) establishment of the reception component within the L-Shaped Building;
  - iv) construction of 5 cabins in the Cabin Precinct;
- b) increased guest expectations and changes to the caravan and camper trailer market in Mareeba and Far North Queensland have necessitated changes to on-site infrastructure and guest options;
- c) the proponent has been in continuous liaison with Council Officers in relation to related approvals for the on-going construction and approvals for sewerage and other necessary site infrastructure; and
- d) the remaining stages will be progressively developed in response to demand for specific accommodation options;

It is considered reasonable and appropriate for Council to extend the period of approval for the Decision Notice for six (6) years to 4 March 2025.

**5.00 CHANGES TO CONDITIONS OF APPROVAL**

It is submitted that the following conditions should be amended as detailed below in response to the matters raised in **Section 3.00** of this Request.

It is further submitted that the area subject to the approval is described as part of Lot 42 on SP300440 and Easement A on SP300440 as shown by **Figure 3**.

**Current Condition***"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 in accordance with the Staging Plan dated 16 March 2018 and the Staging Schedule dated 18 October 2017 except where specified otherwise in these conditions of approval."*

**Requested Change**

It is requested that Council amend this Condition to make reference to the amended Staging Plan dated 11 December 2018 and the Staging Schedule dated 11 December 2018 detailed in the requested changes to Council's Material Change of Use Approved Drawing(s) List.

**Current Condition****8. Approved Plans****Material Change of Use Approved Drawing(s) List**

<b>Plan/Document Number</b>	<b>Plan/Document Title</b>	<b>Dated</b>
Figure 16	Setback and Buffer Considerations	16 March 2018
Sheet 1	Proposed Master Plan	16 March 2018
Sheet 2	Proposed Master Plan – Northern Precinct	18 October 2017
Sheet 3	Proposed Master Plan – Northern Precinct Detail	18 October 2017
Sheet 4	Proposed Master Plan – Western Precinct	18 October 2017
Sheet 5	Proposed Master Plan – Southern Precinct	18 October 2017
Sheet 6	Proposed Ground Floor Plan	20 November 2014
Sheet 7	Proposed First Floor Plan	20 November 2014
n/a	Staging Plan	16 March 2018
n/a	Staging Schedule	18 October 2017
n/a	Access Plan	16 March 2018

**Requested Change**

It is requested that Council amend the Material Change of Use Approved Drawing(s) List on the basis of the following:-

- a) the proposed changes to the approval plans detailed in **Section 3.00** of this Request and the inclusion of Sheet 8 – Eastern Precinct dated 3 December 2018;

<b>Plan/Document Number</b>	<b>Plan/Document Title</b>	<b>Dated</b>
<i>Figure 16</i>	<i>Setback and Buffer Considerations</i>	<del>16 March 2018</del> <b>11 December 2018</b>
<i>Sheet 1</i>	<i>Proposed Master Plan</i>	<del>16 March 2018</del> <b>11 December 2018</b>
<i>Sheet 2</i>	<i>Proposed Master Plan – Northern Precinct</i>	<del>18 October 2017</del> <b>11 December 2018</b>
<i>Sheet 3</i>	<i>Proposed Master Plan – Northern Precinct Detail</i>	<del>18 October 2017</del> <b>11 December 2018</b>
<i>Sheet 4</i>	<i>Proposed Master Plan – Western Precinct</i>	<del>18 October 2017</del> <b>11 December 2018</b>
<i>Sheet 5</i>	<i>Proposed Master Plan – Southern Precinct</i>	<del>18 October 2017</del> <b>11 December 2018</b>
<i>Sheet 6</i>	<i>Proposed Ground Floor Plan</i>	<del>20 November 2014</del> <b>11 December 2018</b>
<i>Sheet 7</i>	<i>Proposed First Floor Plan</i>	<del>20 November 2014</del> <b>11 December 2018</b>
<i>n/a</i>	<i>Staging Plan</i>	<del>16 March 2018</del> <b>11 December 2018</b>
<i>n/a</i>	<i>Staging Schedule</i>	<del>18 October 2017</del> <b>11 December 2018</b>
<i>n/a</i>	<i>Access Plan</i>	<del>16 March 2018</del> <b>11 December 2018</b>
<u><i>Sheet 8</i></u>	<u><i>Eastern Precinct</i></u>	<b>11 December 2018</b>

- b) Plan of Survey for Lot 42 on SP300440; and
- c) any other changes identified by Council as a consequence of items a) to b) above such as a change in the property description and agreed to by the applicant.

The proposed modifications are detailed by the amended plans attached as **Appendix F**.

**6.00 STATUTORY CONSIDERATIONS****6.01 General**

On the basis that this is a Minor Change Application in accordance with Section 81 of the Planning Act (2016) and an Extension Application in accordance with Section 86 of the Planning Act (2016), it is submitted that this proposal does not require any other specific or separate planning approval.

**6.02 Concurrence Agency Response**

As detailed in the Decision Notice, the Department of Transport and Main Roads was the Concurrence Agency for the original Approval.

It is noted that the Referral Agency role of the Department of Transport and Main Roads is now under the jurisdiction of the Department of State Development Manufacturing Infrastructure and Planning (formerly the Department of Infrastructure, Local Government and Planning).

This Request will be provided to the Department in accordance with Section 81 and Section 86 of the Planning Act (2016).

A copy of the response from the Department of State Development Manufacturing Infrastructure and Planning (formerly the Department of Infrastructure, Local Government and Planning) will be provided to Council when available.

**6.03 Consideration of the Mareeba Shire Council Planning Scheme (2016)**

It is submitted that the original application was lodged on 21 November 2014 under the provisions of the Mareeba Shire Planning Scheme (2004). It is noted that the Mareeba Shire Planning Scheme (2004) was "superseded" by the adoption of the Mareeba Shire Council Planning Scheme (2016) on 1 July 2016. It is submitted that the previous Change Application was lodged after the adoption of the Mareeba Shire Council Planning Scheme (2016) on 2 March 2018.

It is noted that Section 81(2) of the Planning Act (2016) notes that *“the Responsible Entity must consider the information the applicant included with the application; and if the response entity is the assessment manager – any properly made submissions about the development application or another change application was approved; and any pre-request response notice or response notice given in relation to change application”*

In this regard the following comments are made:-

- a) the Mareeba Shire Council Planning Scheme (2016) is the current planning instrument in effect within the Mareeba Shire Council area;
- b) it is submitted that the proposed changes to the Decision Notice for Material Change of Use is a consequence of the Reconfiguration of a Lot (Boundary Realignment) approval issued by Council under the Mareeba Shire Council Planning Scheme (2016) and the proposed reallocation of on-site approved uses as detailed by **Section 3.00** and the plans attached as **Appendix F**;
- c) the purpose of this Request is also to ensure that the land subject to the Material Change of Use approval issued under the Mareeba Shire Planning Scheme (2004) is consistent with the registered Survey Plan; and

On the basis of the above it is submitted that Council's consideration of this Minor Change Application and the Extension Application in relation to the provisions of the current Mareeba Shire Council Planning Scheme (2016) is not required this instance.

**6.04 Consideration of matters raised in the Submissions to the Original Application**

It is noted that the two (2) properly made submissions were lodged with the Mareeba Shire Council during the public notification period of the original Application.

It is further noted that neither of the two (2) submitters lodged an appeal of Council's Decision Notice dated 10 March 2015 during the submitter appeal period.

In this regard it is submitted that as no additional uses are proposed as part of this Request that further consideration of the grounds of objection raised by the two (2) properly made submissions is not required.

**6.05 Infrastructure Charges**

On the basis that this Minor Change Application and Extension Application is limited to the reallocation of uses within the subject that the Infrastructure Charges should be adjusted proportionally to reflect the reallocation of approved uses within the existing approved stages.

**7.00 RECOMMENDATIONS AND CONCLUSION**

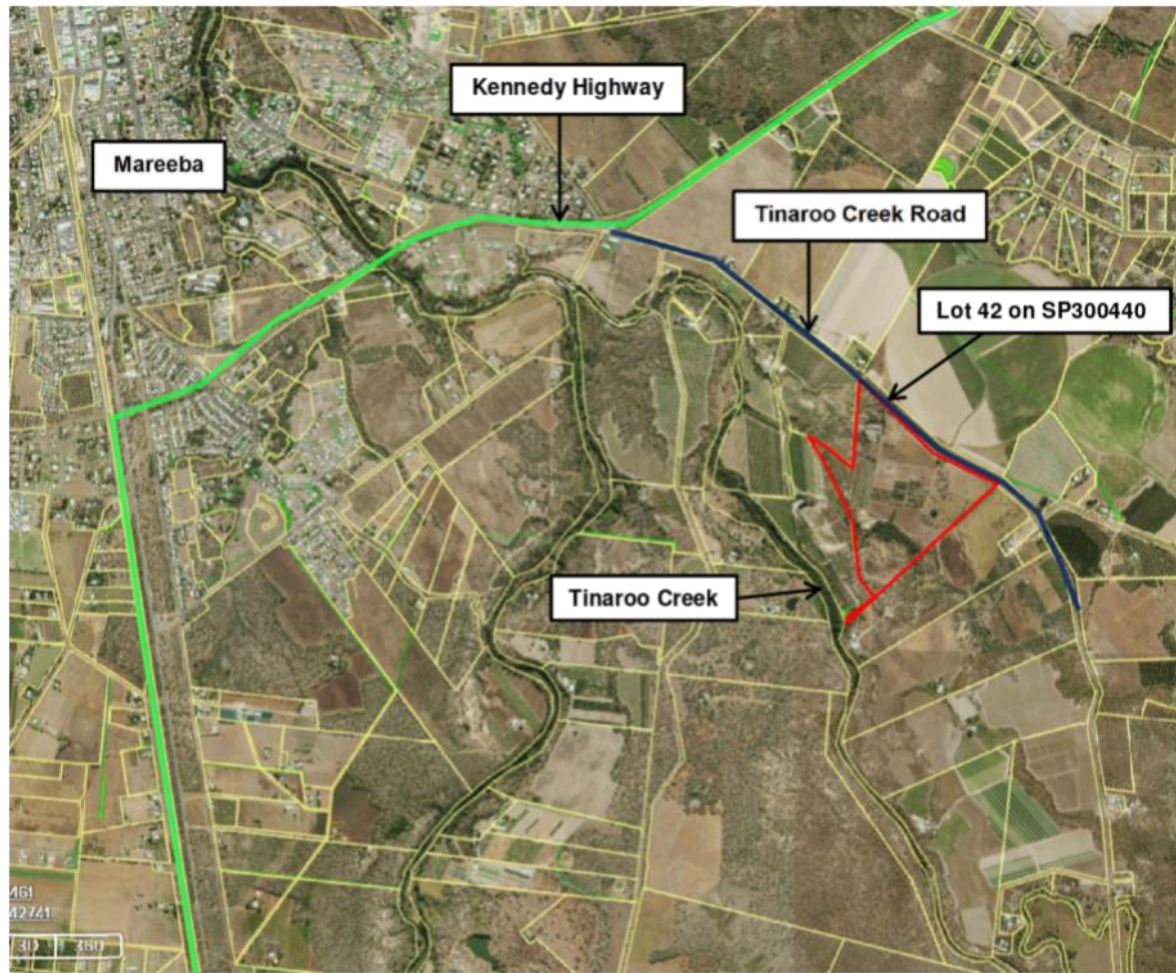
The following conclusions are drawn in relation to the Minor Change Application and Extension Application for the existing Development Permit on land at 186 Tinaroo Creek Road, Mareeba and described as Lot 42 on SP300440 and Easement A on SP300440:-

- a) approval for this Minor Change Application and Extension Application is sought on the grounds detailed in **Section 3.00** and **Section 4.00** of this Request;
- b) no changes are proposed to any Referral Agency Conditions attached with the Decision Notice dated 17 December 2014;
- c) the Minor Change Application component is made in accordance with Section 81 of the Planning Act (2016); and
- d) the Extension Application component is made in accordance with Section 86 of the Planning Act (2016).

Council's favourable consideration of this submission is commended.

**VICTOR G FEROS TOWN PLANNING CONSULTANTS**  
**DECEMBER 2018**

## **FIGURES**



**MINOR CHANGE APPLICATION  
AND EXTENSION APPLICATION**

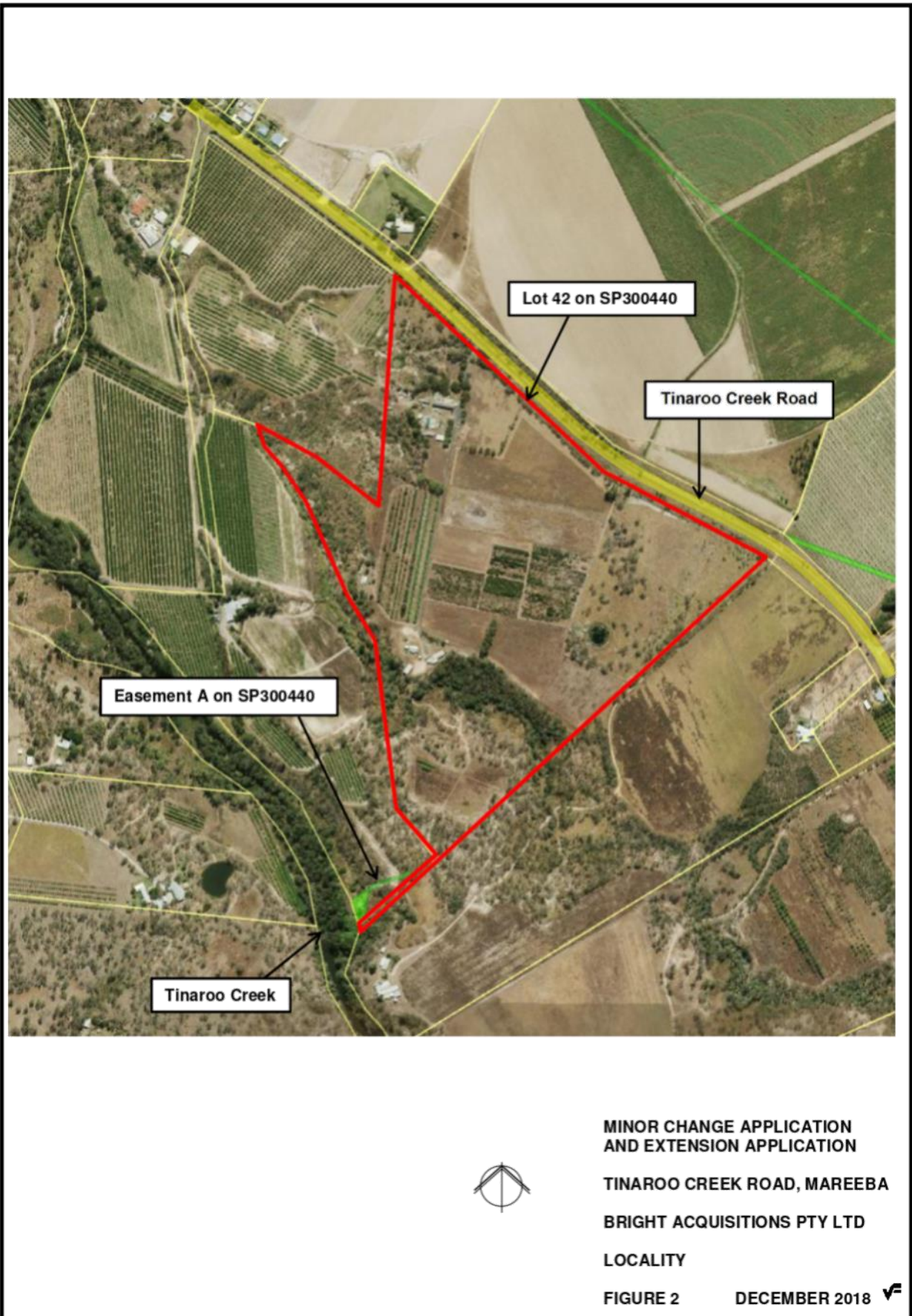
**TINAROO CREEK ROAD, MAREEBA**

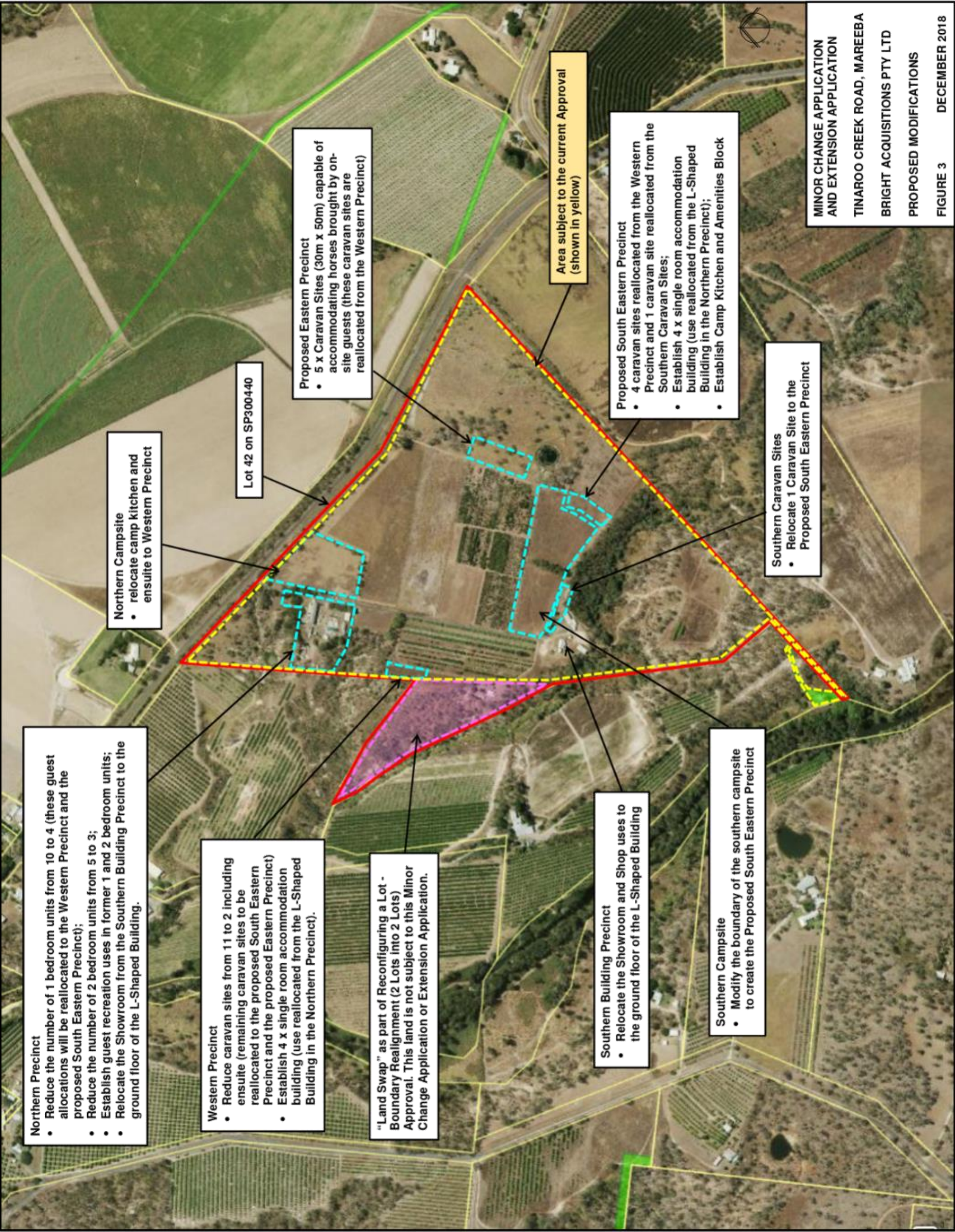
**BRIGHT ACQUISITIONS PTY LTD**

**LOCATION**

**FIGURE 1 DECEMBER 2018**







## **APPENDIX A**

# Bright Acquisitions

ABN: 75 661 018 174

PO Box 1566  
Mareeba QLD 4880  
Australia

**Mob:** 0422 863 025

admin@brightacquisitions.com.au  
www.brightacquisitions.com.au

12<sup>th</sup> December 2018

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

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**Re: MINOR CHANGE APPLICATION AND EXTENSION APPLICATION TO MAREEBA SHIRE COUNCIL FOR EXISTING APPROVAL ON LAND DESCRIBED AS LOT 42 ON SP300440 AND SITUATED AT 186 TINAROO CREEK ROAD, MAREEBA**

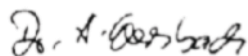
**COUNCIL FILE REFERENCE: DA/14/0064**

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Dear Sir,

I, the undersigned, for and on behalf of Bright Acquisitions Pty Ltd as the trustee for the Bright Acquisitions Trust, as registered owner of Lot 42 on SP300440, consent to the lodgement of the attached applications and supporting documents prepared by Victor G Feros Town Planning Consultants.

Yours faithfully,



Dr Andreas Seck-Ebersbach  
Director

**Bright Acquisitions**  
ABN: 75 661 018 174

## **APPENDIX B**



65 Rankin Street  
PO Box 154 MAREEBA QLD 4880

P: 07 4086 4657  
F: 07 4092 3323

W: [www.msc.qld.gov.au](http://www.msc.qld.gov.au)  
E: [info@msc.qld.gov.au](mailto:info@msc.qld.gov.au)

19 April 2018

Council Ref: DA/14/0064

Our Ref: BM:nj

Your Ref: 1803-4641 SPL

Bright Acquisitions Pty Ltd  
C/- Victor G Feros Town Planning Consultants  
PO Box 1256  
CAIRNS QLD 4870



by email: 19/4/18

## Notice of Decision on Request to Change a Development Approval

*Sustainable Planning Act s376*

Dear Applicant/s

**DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE - ACCOMMODATION UNITS, CARAVAN PARK, DWELLING HOUSE, EDUCATIONAL ESTABLISHMENT, HOST FARM, MOTOR HOME PARK, RESIDENTIAL UNITS, SHOP, TOURIST FACILITY AND ANCILLARY & ASSOCIATED USES AND THE RETENTION OF EXISTING RURAL ACTIVITIES OR PURSUITS  
PART OF LOT 560 ON NR6544  
SITUATED AT 186 TINAROO CREEK ROAD, MAREEBA**

I wish to advise that, at Council's Ordinary Meeting held on 18 April 2018, the request dated 5 March 2018 and amended 16 March 2018 to change Development Approval DA/14/0064, was approved to the extent detailed below:

- Approved to the extent detailed below –

- (A) The approved plan/s of Council's Decision Notice issued on 10 March 2015 be amended as follows:

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

Plan/Document Number	Plan/Document Title	Prepared by	Dated
Figure 16	Setback and Buffer Considerations	Victor G Feros Town Planning Consultants	16 March 2018
Sheet 1	Proposed Master Plan	Victor G Feros Town Planning Consultants	16 March 2018
Sheet 2	Proposed Master Plan - Northern Precinct	Victor G Feros Town Planning Consultants	18 October 2017

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

*Notice of Decision on Request to Change a Development Approval*

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19 April 2018

Sheet 3	Proposed Master Plan - Northern Precinct Detail	Victor G Feros Town Planning Consultants	18 October 2017
Sheet 4	Proposed Master Plan - Western Precinct	Victor G Feros Town Planning Consultants	18 October 2017
Sheet 5	Proposed Master Plan - Southern Precinct	Victor G Feros Town Planning Consultants	18 October 2017
Sheet 6	Proposed Ground Floor Plan	Victor G Feros Town Planning Consultants	20 November 2014
Sheet 7	Proposed First Floor Plan	Victor G Feros Town Planning Consultants	20 November 2014
n/a	Staging Plan	Victor G Feros Town Planning Consultants	16 March 2018
n/a	Staging Schedule	Victor G Feros Town Planning Consultants	18 October 2017
n/a	Access Plan	Victor G Feros Town Planning Consultants	16 March 2018

(B) Condition 2.1 of Council's Decision Notice issued on 10 March 2015 be amended as follows:

- 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 in accordance with the Staging Plan dated 16 March 2018 and the Staging Schedule dated 18 October 2017 except where specified otherwise in these conditions of approval.

The attached decision notice replaces the decision notice previously decided by Council on 4 March 2015 and dated 10 March 2015.

In accordance with the *Sustainable Planning Act 2009* you may appeal to the Planning and Environment Court. For more information about your appeal rights and how to commence an appeal, see the *Sustainable Planning Act 2009*, chapter 7, parts 1 and 2.

If you wish to discuss this matter further, please contact Council's Senior Planner, Brian Millard, on the above telephone number.

Yours faithfully



**BRIAN MILLARD**  
SENIOR PLANNER

Enclosure: Decision Notice

Copy: Department of State Development, Manufacturing, Infrastructure and Planning  
[CairnsSARA@dsdmip.qld.gov.au](mailto:CairnsSARA@dsdmip.qld.gov.au)

Mareeba Shire Council



65 Rankin Street  
PO Box 154 MAREEBA QLD 4880

P: 07 4086 4657  
F: 07 4086 4733

W: [www.msc.qld.gov.au](http://www.msc.qld.gov.au)  
E: [info@msc.qld.gov.au](mailto:info@msc.qld.gov.au)

~~10 March 2015~~ amended on 18 April 2018

Council Ref: DA/14/0064

Our Ref: BM:nj

SARA Ref: SDA-1114-016334

Bright Acquisitions Pty Ltd  
C/- Victor G Feros Town Planning Consultants  
PO Box 1256  
CAIRNS QLD 4870

## Decision Notice Approval

*Sustainable Planning Act 2009 s334 and s335*

Dear Applicant/s

**APPLICATION FOR MATERIAL CHANGE OF USE - ACCOMMODATION UNITS, CARAVAN PARK, DWELLING HOUSE, EDUCATIONAL ESTABLISHMENT, HOST FARM, MOTOR HOME PARK, RESIDENTIAL UNITS, SHOP, TOURIST FACILITY AND ANCILLARY & ASSOCIATED USES AND THE RETENTION OF EXISTING RURAL ACTIVITIES OR PURSUITS  
LOT 560 ON NR6544 PART OF LOT 560 ON NR6544  
SITUATED AT 186 TINAROO CREEK ROAD, MAREEBA**

I wish to advise that, at Council's Ordinary Meeting held on 4 March 2015, the above development application was -

- Approved in full with conditions.

The conditions relevant to this approval are detailed in section 6 of this notice. These conditions are clearly identified to indicate whether the Assessment Manager or a Concurrence Agency imposed them.

### Approval under Section 331

This application has not been deemed to be approved under Section 331 of the Sustainable Planning Act 2009 (SPA).

#### 1. Details of the approval –

Development Permit for Material Change of Use - Accommodation Units, Caravan Park, Dwelling House, Educational Establishment, Host Farm, Motor Home Park, Residential Units, Shop, Tourist Facility and Ancillary and Associated Uses and the retention of Existing Rural Activities or Pursuits

## DECISION NOTICE - APPROVAL

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10 March 2015

## 2. Other necessary development permits and/or compliance permits–

Listed below are other development permits and/or compliance permits that are necessary to allow the development to be carried out –

- Development Permit for Building Work
- Development Permit for Operational Works

## 3. Other approvals required from Council

- Compliance Permit for Plumbing and Drainage Work

## 4. Submissions -

There were **two (2)** properly made submissions about the application. In accordance with s 335(l) of the SPA, the name and address of the principal submitter for each properly made submission are as follows –

Name of principal submitter	Address
1. J & DK Caamano-Bermudez	22 Leonardi Road, Mareeba (PO Box 1509, Mareeba)
2. D Cochrane & C Roberts	144 Cobra Road, Mareeba (PO Box 162, Mareeba)

## 5. Conflict with a relevant instrument and reasons for the decision despite the conflict -

The assessment manager does consider that the assessment manager's decision conflicts with a relevant instrument.

Details of the conflict with the relevant instrument	Reason for the decision, including a statement about the sufficient grounds to justify the decision despite the conflict
Residential Units are listed as an inconsistent land use in the Rural zone.	Both dwelling houses to be used as residential units already exist on the subject land. The application simply seeks to lawfully continue the occupation of both dwelling houses as was previously permitted during the operation of the former Mareeba TAFE/Agricultural College.

## 6. Conditions –

## (A) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

## (a) Development assessable against the Planning Scheme

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

## DECISION NOTICE - APPROVAL

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10 March 2015

- 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 in accordance with the Staging Plan dated November 2014 and the Staging Schedule dated November 2014 except where specified otherwise in these conditions of approval.~~

At Council's Ordinary Meeting held on 18 April 2018, condition 2.1 was amended to the extent below:

- 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 in accordance with the Staging Plan dated 16 March 2018 and the Staging Schedule dated 18 October 2017 except where specified otherwise in these conditions of approval.
- 2.2 Prior to the commencement of use for each stage, the applicant must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.
- ## 3. General
- 3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure within the conditions of approval.
- 3.2 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
- 3.3 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to commencement of the use and at the rate applicable at the time of payment.
- 3.4 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.
- 3.5 Noise Nuisance

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

### 3.6 Waste Management

The applicant shall ensure there is no on site disposal of refuse associated with the development use unless such refuse is disposed of in refuse bins provided in accordance with the following:

- (i) No refuse is to be stored on site outside the refuse bins at any time.
- (ii) On site refuse storage area for all refuse bins must be provided and be screened from view from adjoining properties and road reserve by a 1 metre wide landscaped screening buffer, 1.8m high solid fence or building.

### 3.7 Flood Immunity

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

### 3.8 Bushfire Management

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

### 3.8 Length of Stay

The maximum length of stay for the accommodation units, caravan park, host farm, motor home park and tourist facility aspect of the development must not exceed 3 consecutive months.

### 3.9 Signage

- (i) No more than 2 advertising signs for the approved development are permitted on the subject site.
- (ii) Signs must not exceed 4.2 metres x 1.5 metres or a maximum area of 6.3m<sup>2</sup>.
- (iii) The sign/s must be kept clean, in good order and safe repair for the life of the approval.
- (iv) The sign/s must be removed when no longer required.
- (v) The erection and use of the advertisement must comply with the Building Act and all other relevant Acts, Regulations and these approval conditions.

### 3.10 Notification of Potential Rural Zone Impacts

The applicant is to erect a sign at or near the reception building advising guests that the subject land is zoned Rural under the Mareeba Shire Planning Scheme 2004 and is in a Rural zoned locality. Guest should take note:

- The locality may be used for intensive rural uses;
- The land and its occupants may experience off site rural activity effects, including noise, sprays and dust that may cause a loss of residential amenity. Existing and/or self-assessable agricultural and rural uses in the locality have a 'right to farm' or a right to legally continue the use.

## 4. Infrastructure Services and Standards

### 4.1 Access

Prior to the commencement of the use, the applicant, or the applicants Engineer, shall lodge an engineering plan of the proposed intersection of the developments access with Tinaroo Creek Road for approval by Council or its delegated officer.

The proposed intersection and access design will incorporate provision for traffic coming from the Kennedy Highway to perform safe right hand turns into the property whilst catering for through (non turning) traffic movements. The intersection design shall generally comply with the requirements of a BAR (basic right turn treatment) and linemarked in accordance with MUTCD and the Road Planning and Design Manual. The design will incorporate a sealed access from the existing sealed pavement to the property boundary with provision for drainage if required in accordance with the requirements of the FNQROC Development Manual.

Prior to the commencement of the use, the applicant shall construct the proposed intersection of the development's access with Tinaroo Creek Road in accordance with the approved engineering plan and to the satisfaction of Council's delegated officer.

### 4.2 Roadworks – External Construction

Prior to the commencement of the use of the Western Precinct, Southern Caravan Precinct or the acceptance of caravans (excluding temporary construction camp) or motorhomes on the subject land, the applicant shall widen 130 metres of Tinaroo Creek Road on its northern side by 0.5 metres commencing at a point approximately 135 metres east of Fichera Road.

These works must be carried out in accordance with FNQROC Manual standard to the satisfaction of Council's delegated officer, OR

Pay to Council a road construction contribution of \$6175.00 and indexed in accordance with Council's Policy towards the upgrading of Tinaroo Creek Road. This contribution can be utilised by Council as and when Council considers that

## DECISION NOTICE - APPROVAL

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such upgrading works are required on Tinaroo Creek Road or as part of other upgrading works on this road.

#### 4.3 Stormwater Drainage/Water Quality

- 4.3.1 The applicant 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 the development commencing, the applicant must develop a Stormwater Quality Management Plan, including an Erosion and Sediment Control Plan. The plan must detail what measures will be implemented to prevent erosion in the event any unsealed surfaces within the development deteriorate due to wet weather and/or high traffic.
- 4.3.3 All stormwater must be discharged to a legal point of discharge.
- 4.3.4 The applicant must ensure that the Stormwater Quality Management Plan is complied with for the life of the development.

#### 4.4 Car Parking/Internal Driveways

The applicant must ensure that the development is provided with on-site car parking spaces which are available solely for the parking of vehicles associated with the use of the premises.

The car parking numbers for each aspect/stage of the development shall be in accordance with Table 2 - Car Parking Requirements of the Town Planning Report (VGF-C970) prepared by Victor G Feros Town Planning Consultants.

All car parking spaces and internal roads for the respective stage/s must be surfaced to at least the standard identified on the Access Plan Dated November 2014 and appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer. The existing main access drive must be maintained in a sealed condition.

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

- Compliance with Australian Standard AS2890:1 Off Street Parking – Car Parking Facilities;
- Compliance with Australian Standard AS2890.3 Bicycle Parking Facilities (if required);
- Compliance with Australian Standard AS1428:2001 – Design for Access and Mobility.

#### 4.5 Landscape and Fencing

Prior to the commencement of the use, the applicant / developer must prepare and submit a landscape plan for consideration and approval by Council's Delegated Officer.

The landscape plan must illustrate, at minimum:-

- (i) A 5-10 metre wide landscape buffer along Tinaroo Creek Road frontage of the Campsite Precinct. Such landscape works shall be undertaken prior to the commencement of the development phase incorporating the Campsite Precinct and shall be carried out in accordance with the endorsed landscape plan.
- (ii) A 2.2 metre high steel sheeting fence along 50 metres of the common boundary with Lot 5 on SP149571, immediately to the west of the northern precinct / temporary construction camp and a 3 to 5m wide landscape buffer located on the subject site side of the fence. Such fencing and landscape works shall be undertaken prior to the commencement of the first stage of the use and shall be carried out in accordance with the endorsed landscape plan.

The landscape buffers should include shrubs and trees that will grow to form an effective visual buffer of no less than three (3) metres in height and shall be mulched irrigated and maintained for the life of the approved development to the satisfaction of Council's Delegated Officer.

#### 4.6 Lighting

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

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

NOTE: The design is to integrate the principles of Crime Prevention through Environmental Design (CPTED) theory. Lighting design is to illuminate potential areas of concealment and is to project illumination so that a human face is easily discernible from 15 metres and there is to be sufficient night lighting, which renders people, colours, vegetation and objects correctly. I.e. 'white' light. Particular attention should be given to pathways, driveways and common external spaces.

## DECISION NOTICE - APPROVAL

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10 March 2015

## 4.7 Water Supply

- (i) The development must be provided with a potable water supply that satisfies 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).
- (ii) All non-potable water supplied to visitors must be clearly labelled at each tap - Non Potable Water - not safe for Human Consumption.

## 4.8 On-Site Wastewater Management

All on site effluent disposal associated with the approved use must be in compliance with the latest version of On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of the Council's delegated officer.

## (B) ASSESSMENT MANAGER'S ADVICE

- (a) A number of 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) 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.
- (c) The change in the use of the building may also require a change in the classification of the building under the Building Act. You are advised to contact a Building Certifier to establish if a change in the classification of the building is required.
- (d) Compliance with applicable codes/policies  

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

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

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

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## (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.datsima.qld.gov.au](http://www.datsima.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 Mareeba Shire Council *Local Law No 1 (Administration) 2011* is required prior to the commencement of the motor home park/caravan park/camping ground.

## (C) CONCURRENCE AGENCY CONDITIONS

Department of State Development, Infrastructure and Planning conditions dated 17 December 2014 and 4 April 2018.

## 7. IDAS referral agencies –

The IDAS Referral Agencies applicable to this application are –

For an application involving	Name of technical agency	Status	Address
<b>MATERIAL CHANGE OF USE</b>			
<u>All State Transport Infrastructure</u> An aspect of development identified in schedule 9 that— (a) is for a purpose mentioned in schedule 9, column 1; and (b) meets or exceeds the threshold— (i) for development in LGA population 1—mentioned in schedule 9, column 2 for the purpose; or (ii) for development in LGA population 2—mentioned in schedule 9, column 3 for the purpose. However, if the development is for a combination of purposes mentioned in the same item of schedule 9, the threshold is for the combination of purposes and not for each purpose individually.	Sch 7, Table 3, item 2	Department of Transport & Main Roads	Concurrence State Assessment & Referral Agency (SARA) Department of State Development, Infrastructure & Planning PO Box 2358 Cairns Qld 4870 <a href="mailto:CairnsSARA@dsdip.qld.gov.au">CairnsSARA@dsdip.qld.gov.au</a> SARA is supported by MyDAS—a new online system that allows an applicant to prepare and lodge or refer applications to DSDIP, as the single state assessment and referral agency. MyDAS can be accessed at <a href="http://www.dsdip.qld.gov.au/sara">www.dsdip.qld.gov.au/sara</a>

## DECISION NOTICE - APPROVAL

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10 March 2015

## 8. Approved Plans

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

Plan/Document Number	Plan/Document Title	Prepared by	Dated
Figure 16	Setback and Buffer Considerations	Victor G Feros Town Planning Consultants	November 2014
Sheet 1	Proposed Master Plan	Victor G Feros Town Planning Consultants	20 November 2014
Sheet 2	Proposed Master Plan - Northern Precinct	Victor G Feros Town Planning Consultants	20 November 2014
Sheet 3	Proposed Master Plan - Northern Precinct Detail	Victor G Feros Town Planning Consultants	20 November 2014
Sheet 4	Proposed Master Plan - Western Precinct	Victor G Feros Town Planning Consultants	20 November 2014
Sheet 5	Proposed Master Plan - Southern Precinct	Victor G Feros Town Planning Consultants	20 November 2014
Sheet 6	Proposed Ground Floor Plan	Victor G Feros Town Planning Consultants	20 November 2014
Sheet 7	Proposed First Floor Plan	Victor G Feros Town Planning Consultants	20 November 2014
n/a	Staging Plan	Victor G Feros Town Planning Consultants	November 2014
n/a	Staging Schedule	Victor G Feros Town Planning Consultants	n/a
n/a	Access Plan	Victor G Feros Town Planning Consultants	November 2014

At Council's Ordinary Meeting held on 18 April 2018, the Approved Plans were amended to the extent below:

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

Plan/Document Number	Plan/Document Title	Prepared by	Dated
Figure 16	Setback and Buffer Considerations	Victor G Feros Town Planning Consultants	16 March 2018
Sheet 1	Proposed Master Plan	Victor G Feros Town Planning Consultants	16 March 2018
Sheet 2	Proposed Master Plan - Northern Precinct	Victor G Feros Town Planning Consultants	18 October 2017
Sheet 3	Proposed Master Plan - Northern Precinct Detail	Victor G Feros Town Planning Consultants	18 October 2017
Sheet 4	Proposed Master Plan - Western Precinct	Victor G Feros Town Planning Consultants	18 October 2017

## DECISION NOTICE - APPROVAL

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10 March 2015

Sheet 5	Proposed Master Plan - Southern Precinct	Victor G Feros Town Planning Consultants	18 October 2017
Sheet 6	Proposed Ground Floor Plan	Victor G Feros Town Planning Consultants	20 November 2014
Sheet 7	Proposed First Floor Plan	Victor G Feros Town Planning Consultants	20 November 2014
n/a	Staging Plan	Victor G Feros Town Planning Consultants	16 March 2018
n/a	Staging Schedule	Victor G Feros Town Planning Consultants	18 October 2017
n/a	Access Plan	Victor G Feros Town Planning Consultants	16 March 2018

#### 9. When approval lapses if development not started (s341)

This development approval will lapse in accordance with Section 341 of the Sustainable Planning Act 2009 if development does not start within relevant period as stated below:

- Material Change of Use – four (4) years (starting the day the approval takes effect);

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

#### 10. Appeal rights –

##### *Applicant may make representations about decision*

The applicant may make written representations to the assessment manager about: -

- a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or
- the standard conditions applying to a deemed approval.

However, the applicant can not make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

**Attachment 3** is an extract from SPA which contains details regarding making representations about the decision.

##### *Appeals by applicants*

An applicant for a development application may appeal to the Planning and Environment Court against the following:

- the refusal, or refusal in part of the development application
- any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242 of SPA

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*DECISION NOTICE - APPROVAL*12  
10 March 2015

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- the decision to give a preliminary approval when a development permit was applied for
- the length of a period mentioned in section 341
- a deemed refusal of the development application.

The timeframes for starting an appeal in the Planning and Environment Court are set out in section 461(2) of SPA.

Applicants may also have a right to appeal to the Building and Development Dispute Resolution Committee. For more details, see SPA, chapter 7, part 2.

***Appeals by submitters***

A submitter for a development application may appeal to the Planning and Environment Court against:

- the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment
- the part of the approval relating to the assessment manager's decision under section 327.

Details about submitter appeal rights for the Planning and Environment Court are set out in sections 462, 463 and 464 of SPA.

Submitters may also have a right to appeal to the Building and Development Dispute Resolution Committee. For more details, see SPA, chapter 7, part 2.

**Attachment 4** is an extract from SPA which details the applicant's appeal rights and the appeal rights of any submitters regarding this decision.

**11. When the development approval takes effect –**

This development approval takes effect –

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

**OR**

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

DECISION NOTICE - APPROVAL

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10 March 2015

Should you require any further information please contact Council's **Senior Planner, Brian Millard** on the above telephone number.

Yours faithfully

 18/4/2018  
BRIAN MILLARD  
SENIOR PLANNER

Enclosures: Attachment 1 - Approved Plans of Development  
Attachment 2 - Concurrence Agency Conditions  
Attachment 3 - SPA Extract - Making Representations about Decision  
Attachment 4 - SPA Extract on Appeal Rights

Copy: Department of State Development, Infrastructure and Planning  
[CairnsSARA@dsdip.qld.gov.au](mailto:CairnsSARA@dsdip.qld.gov.au)

Mareeba Shire Council

ATTACHMENT 1 - APPROVED PLANS OF DEVELOPMENT (ECM VS 3615356)



DECISION NOTICE - APPROVAL

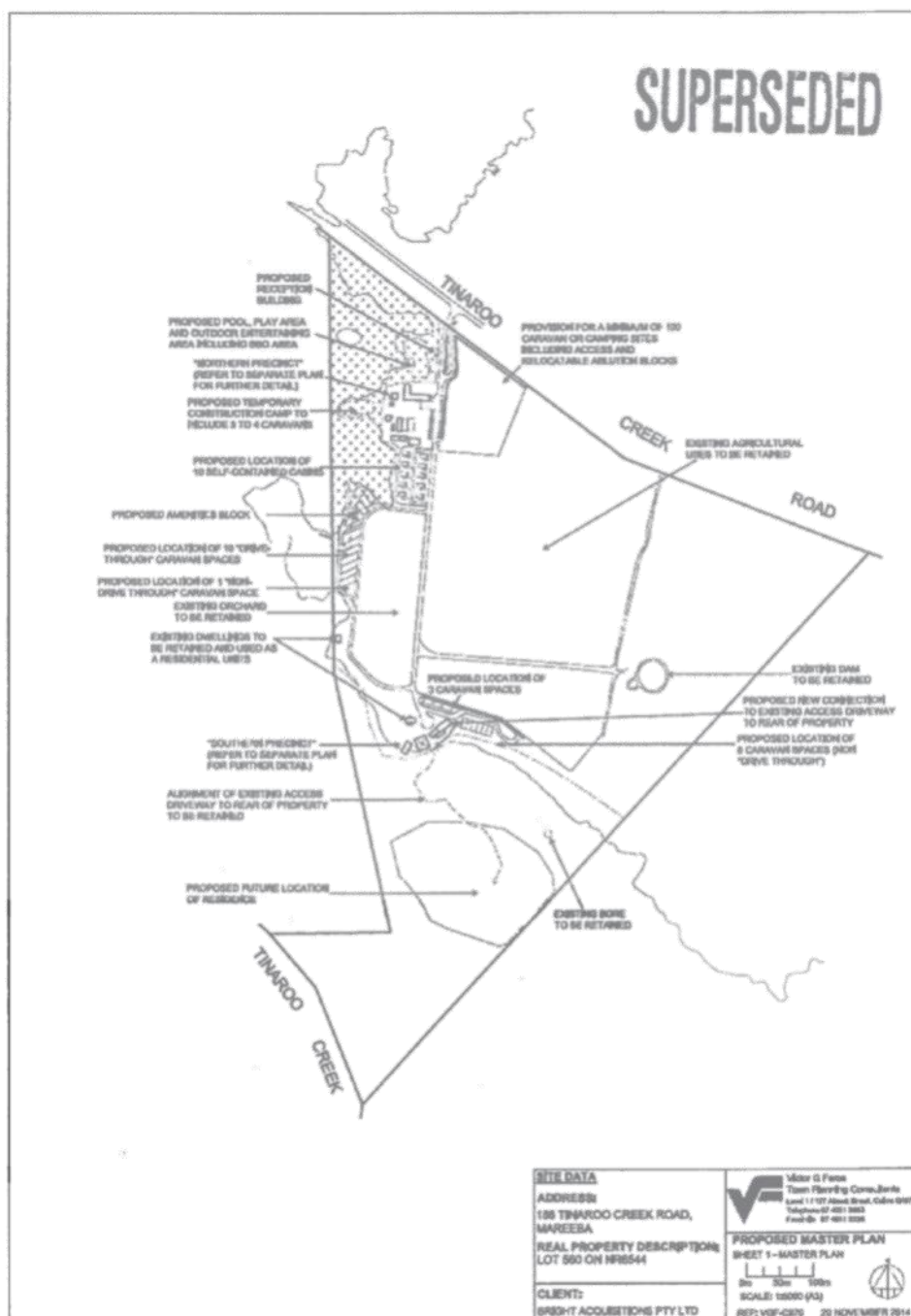
15  
10 March 2015



Mareeba Shire Council

DECISION NOTICE - APPROVAL

16  
10 March 2015

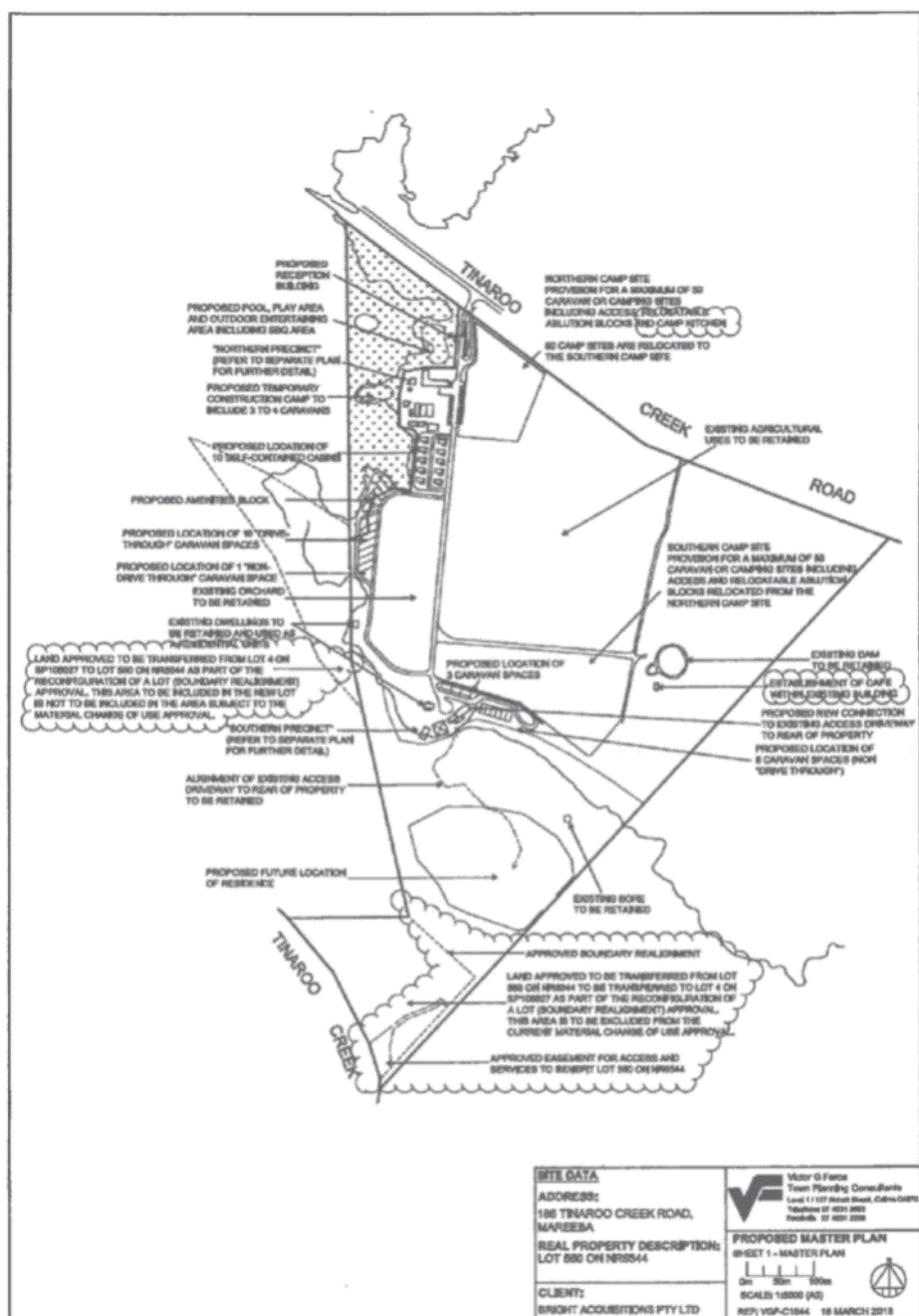


Mareeba Shire Council

## DECISION NOTICE - APPROVAL

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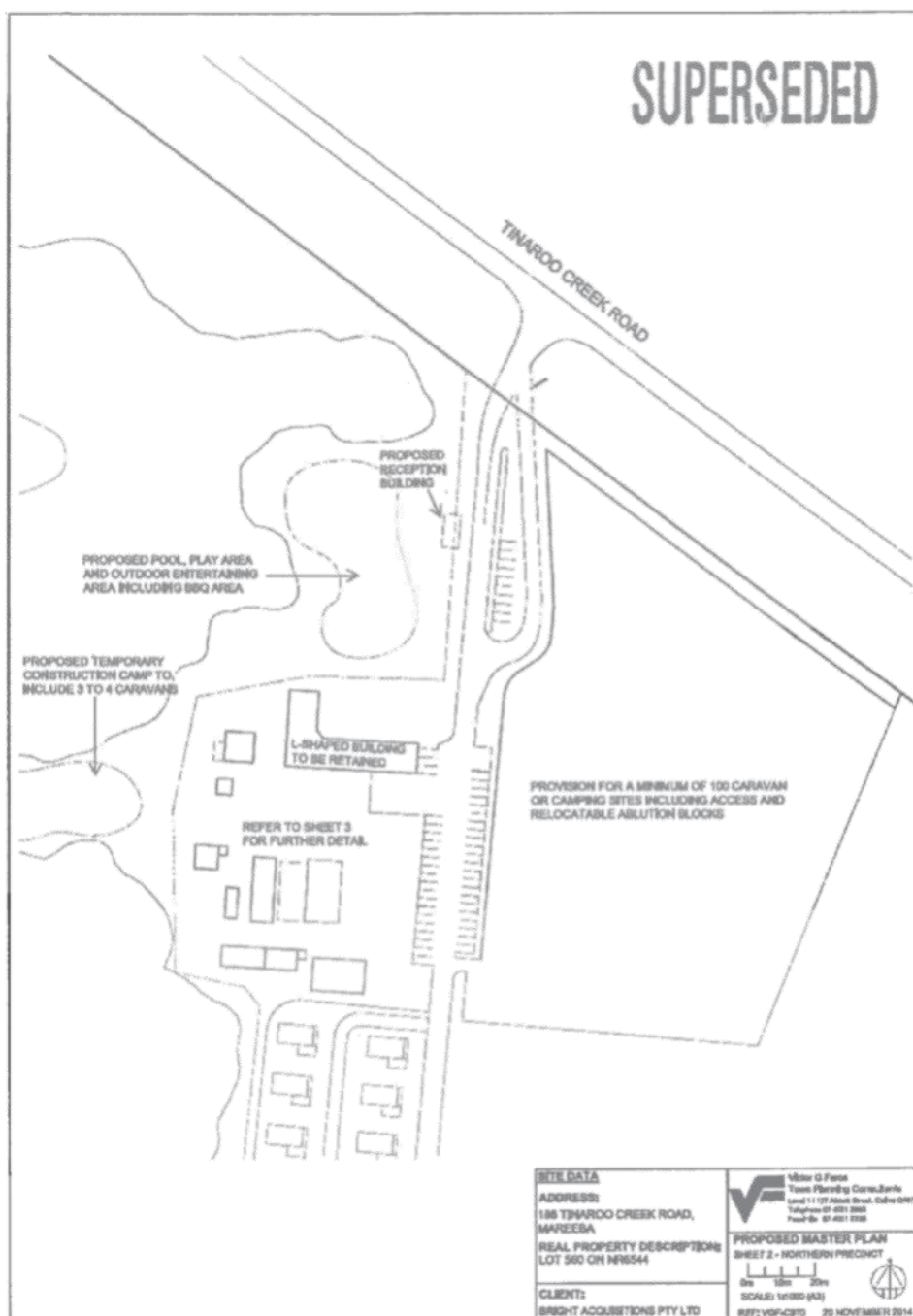
10 March 2015



Mareeba Shire Council

DECISION NOTICE - APPROVAL

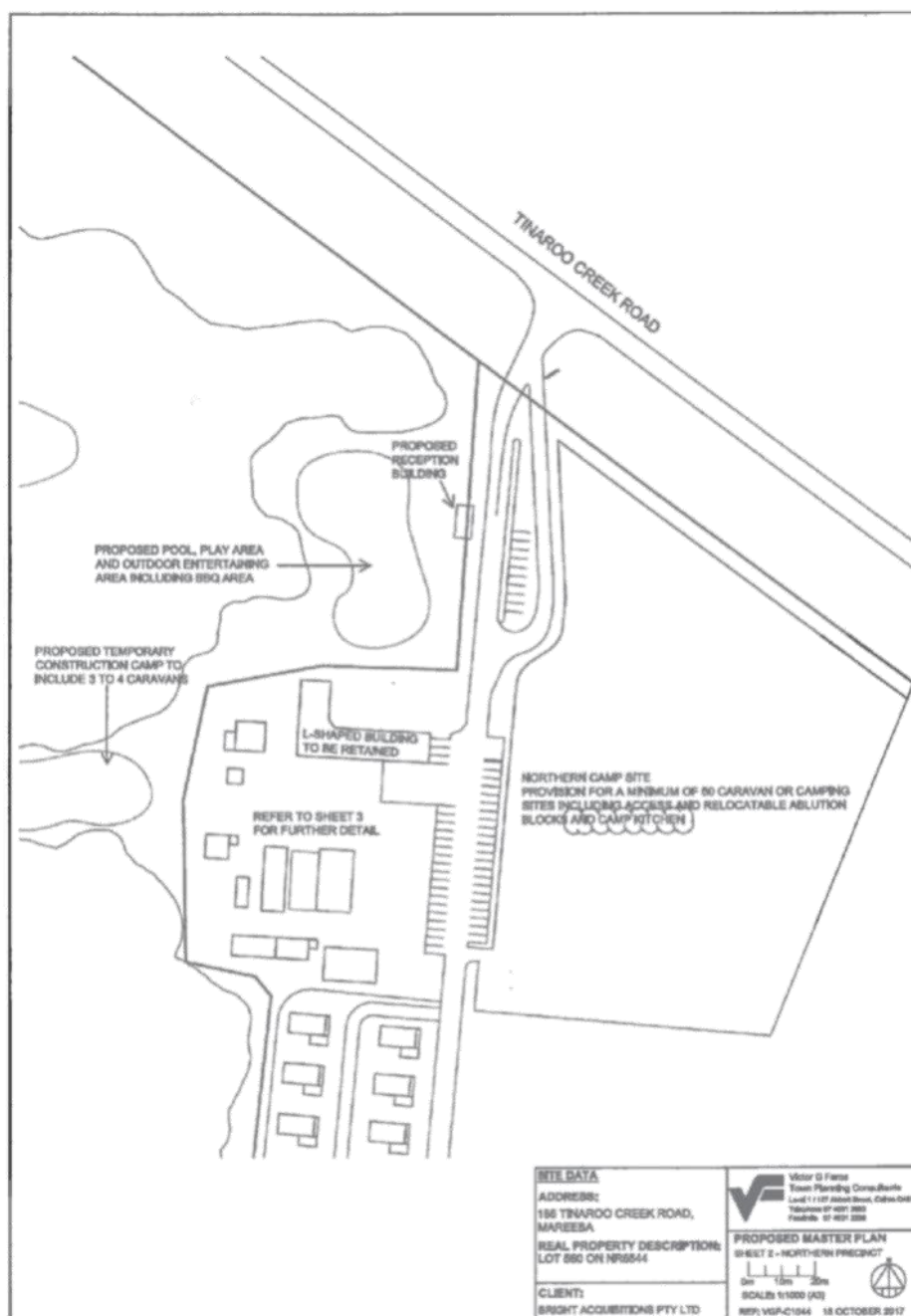
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10 March 2015



Mareeba Shire Council

DECISION NOTICE - APPROVAL

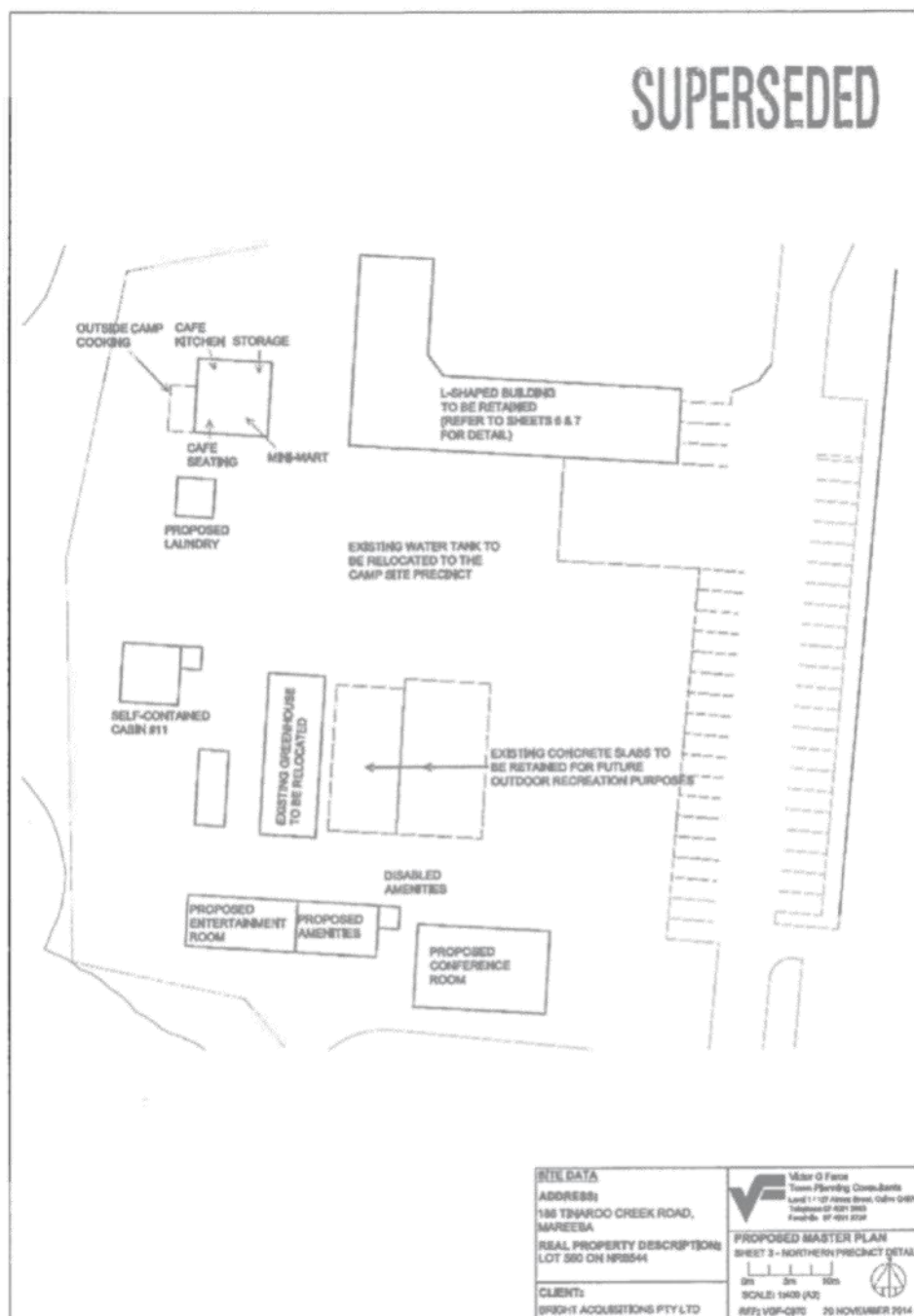
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10 March 2015



Mareeba Shire Council

DECISION NOTICE - APPROVAL

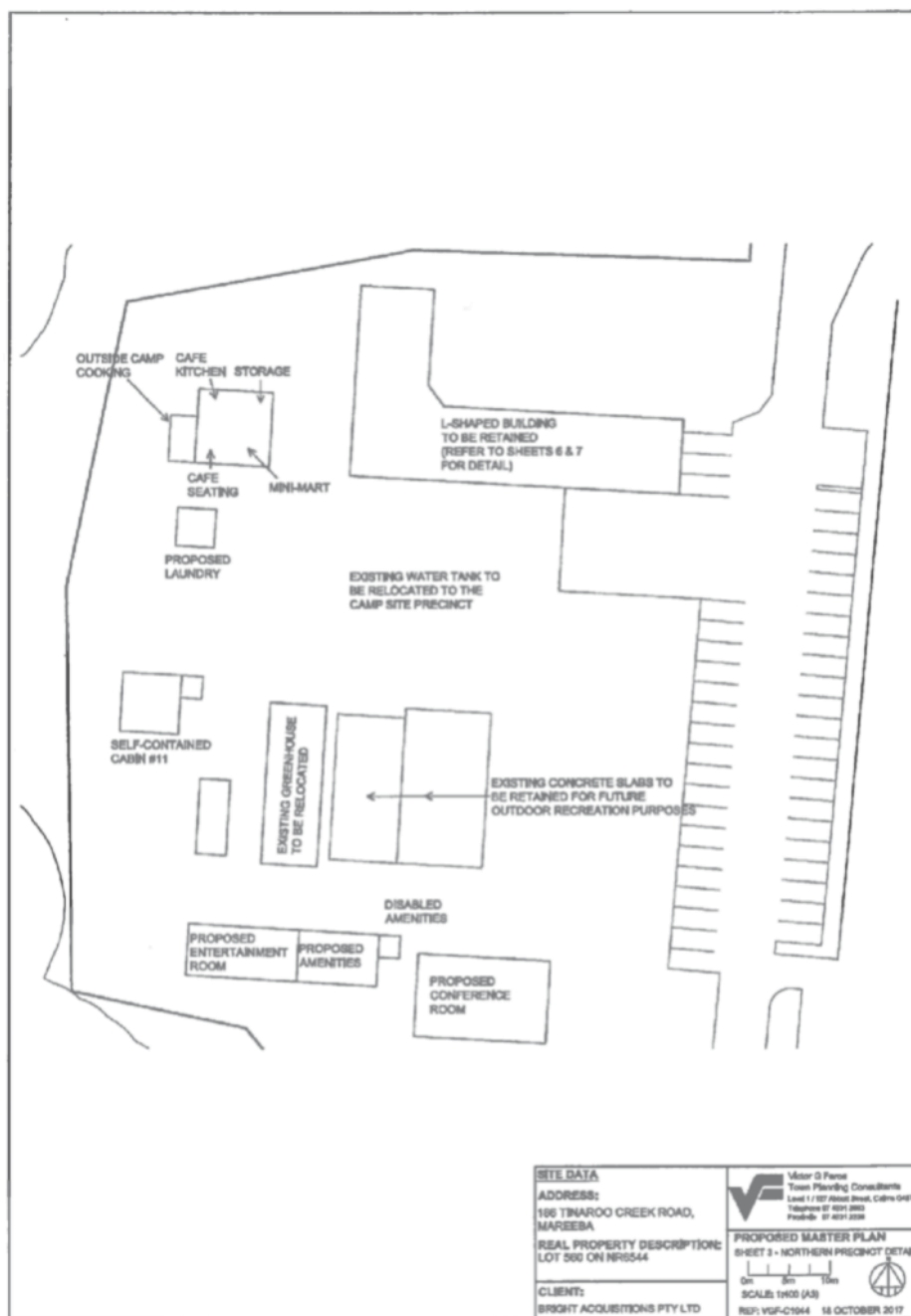
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10 March 2015



Mareeba Shire Council

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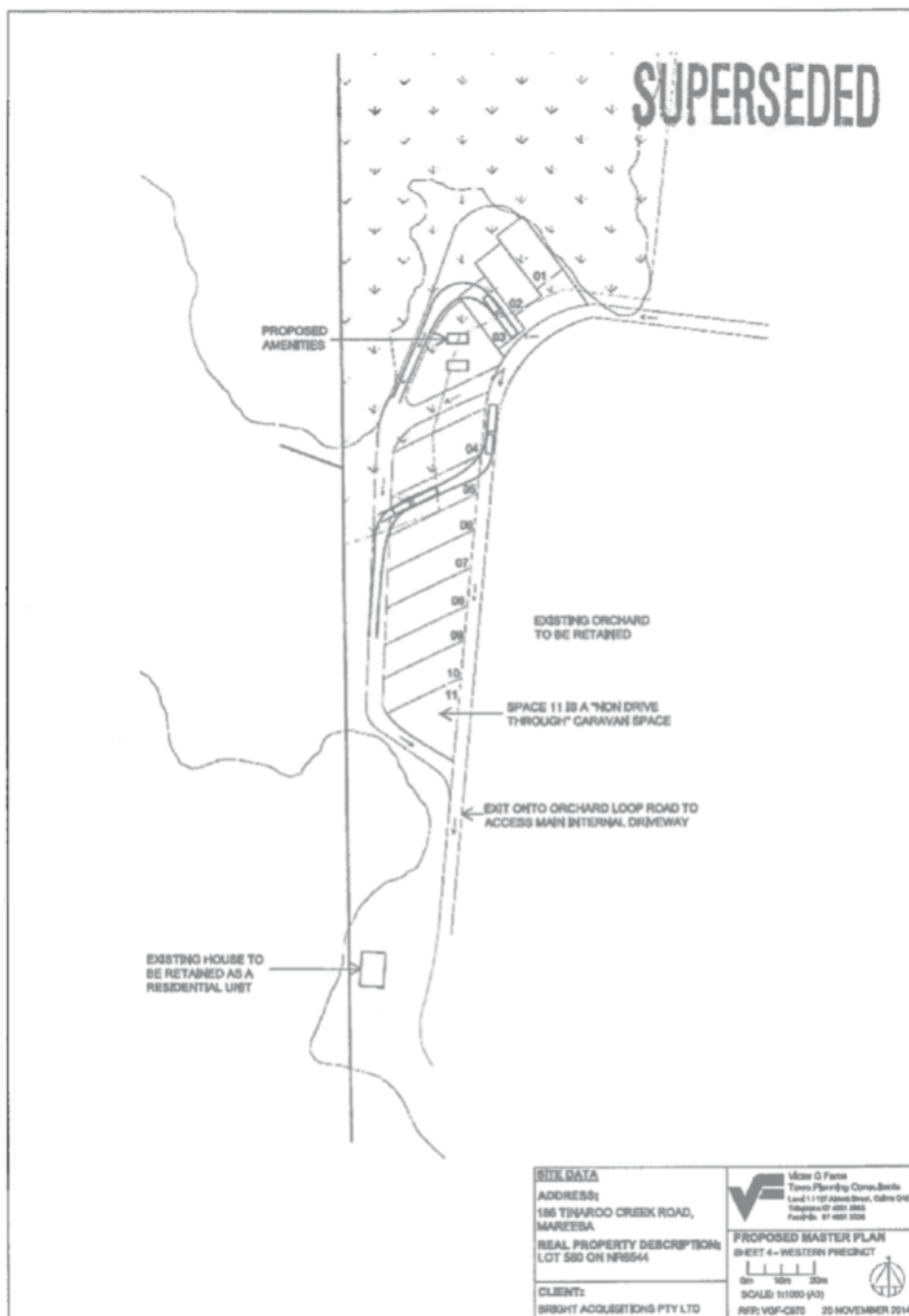
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10 March 2015



Mareeba Shire Council

DECISION NOTICE - APPROVAL

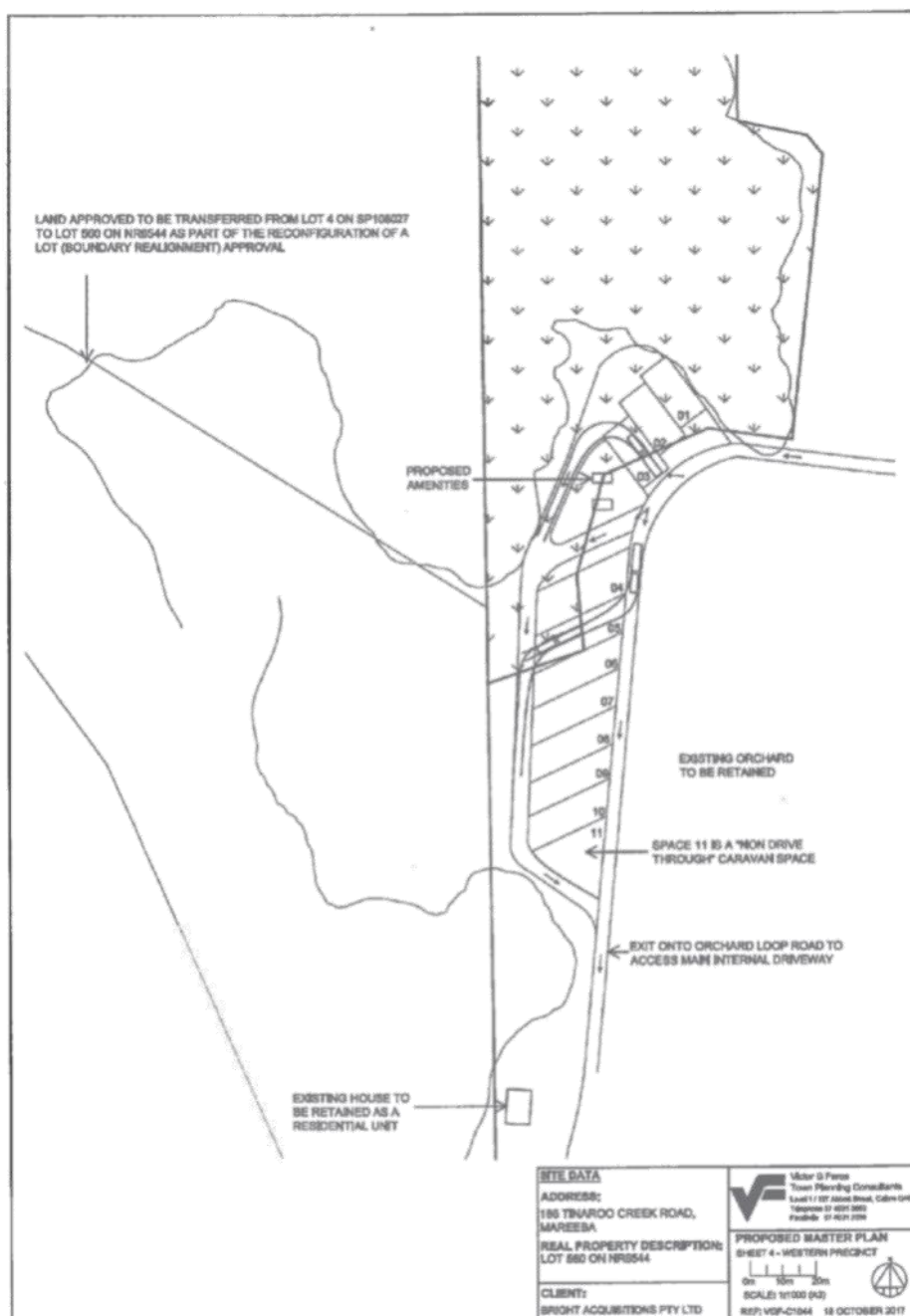
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10 March 2015



Mareeba Shire Council

DECISION NOTICE - APPROVAL

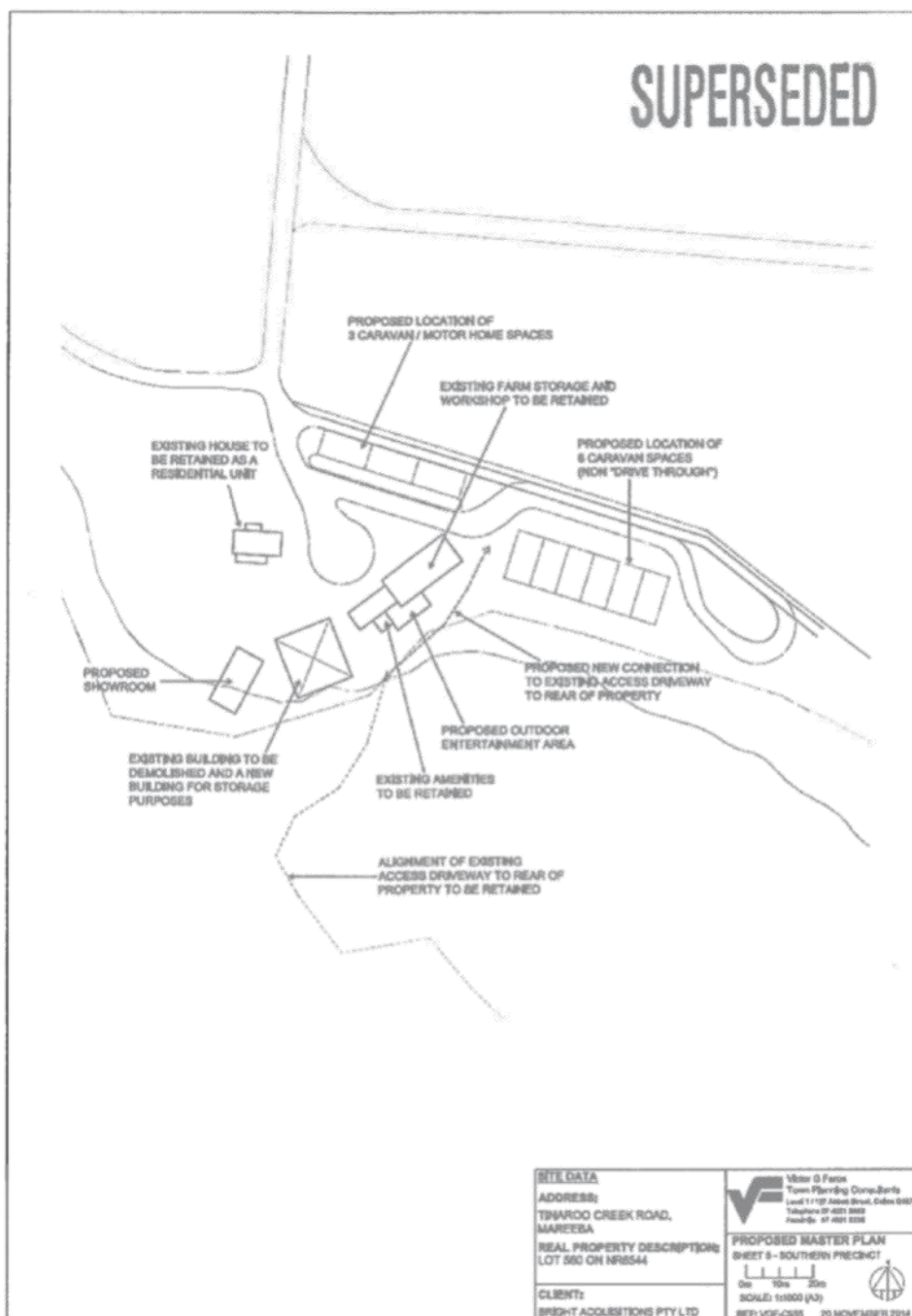
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10 March 2015



Mareeba Shire Council

DECISION NOTICE - APPROVAL

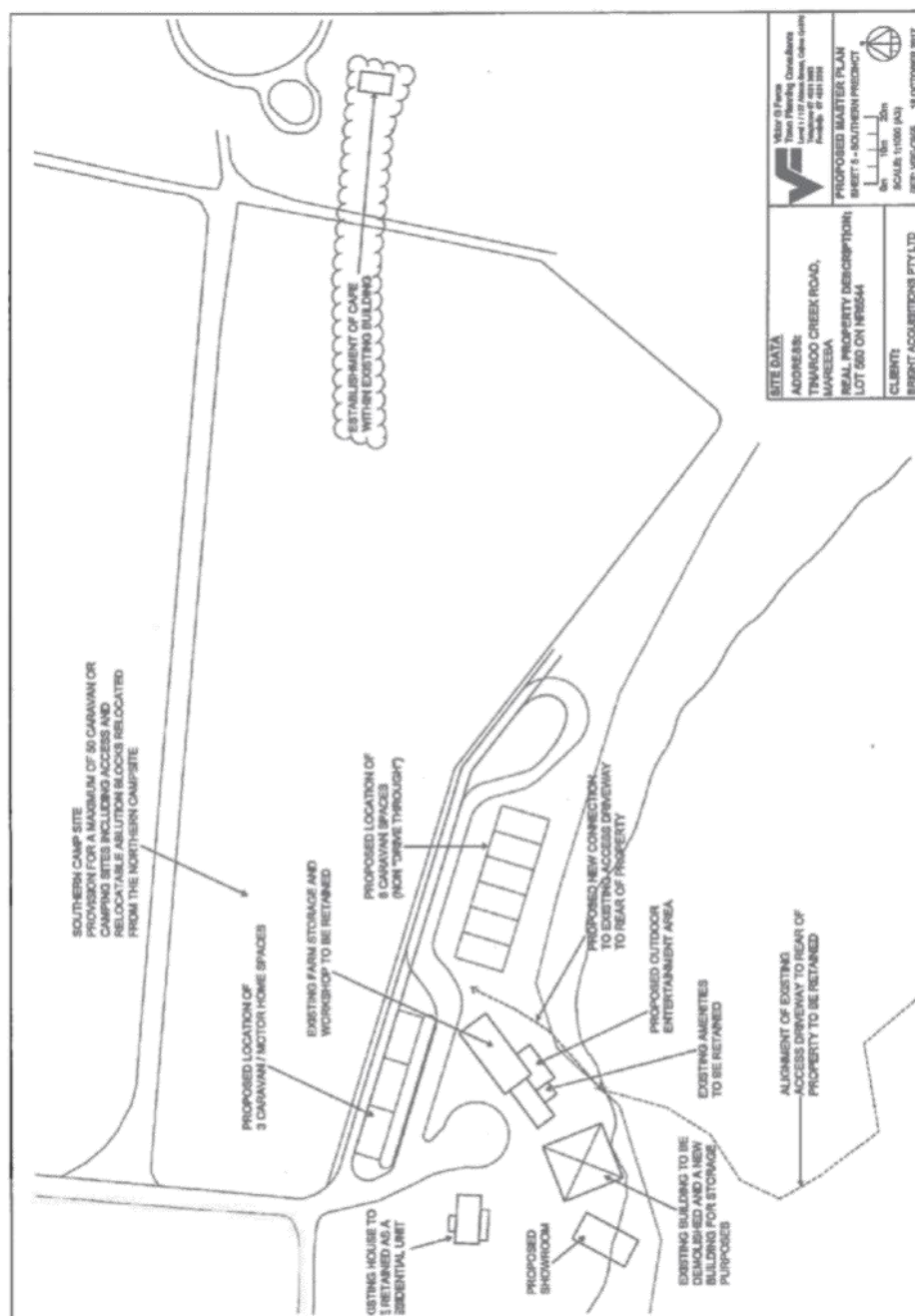
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10 March 2015



Mareeba Shire Council

DECISION NOTICE - APPROVAL

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10 March 2015

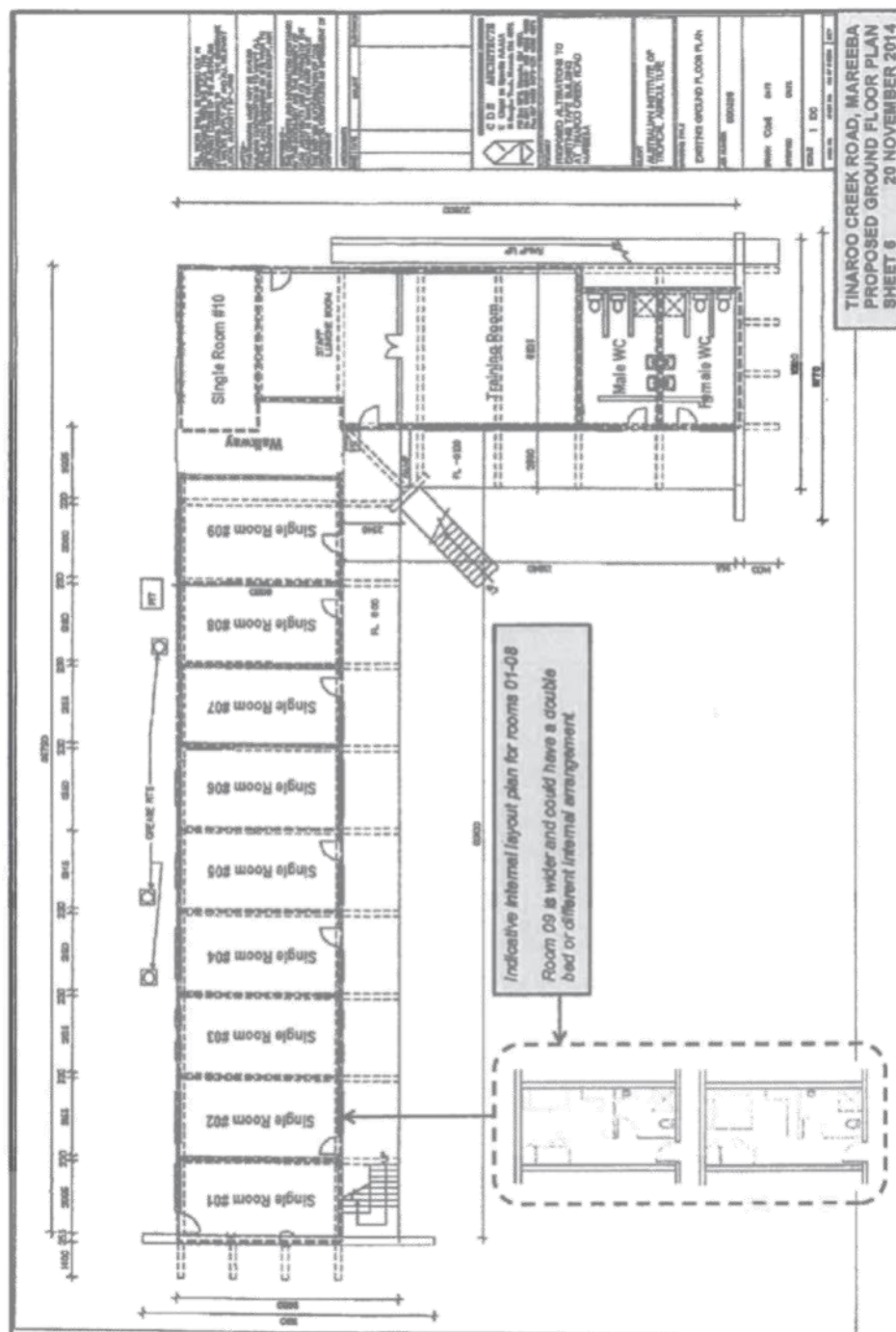


Mareeba Shire Council

## DECISION NOTICE - APPROVAL

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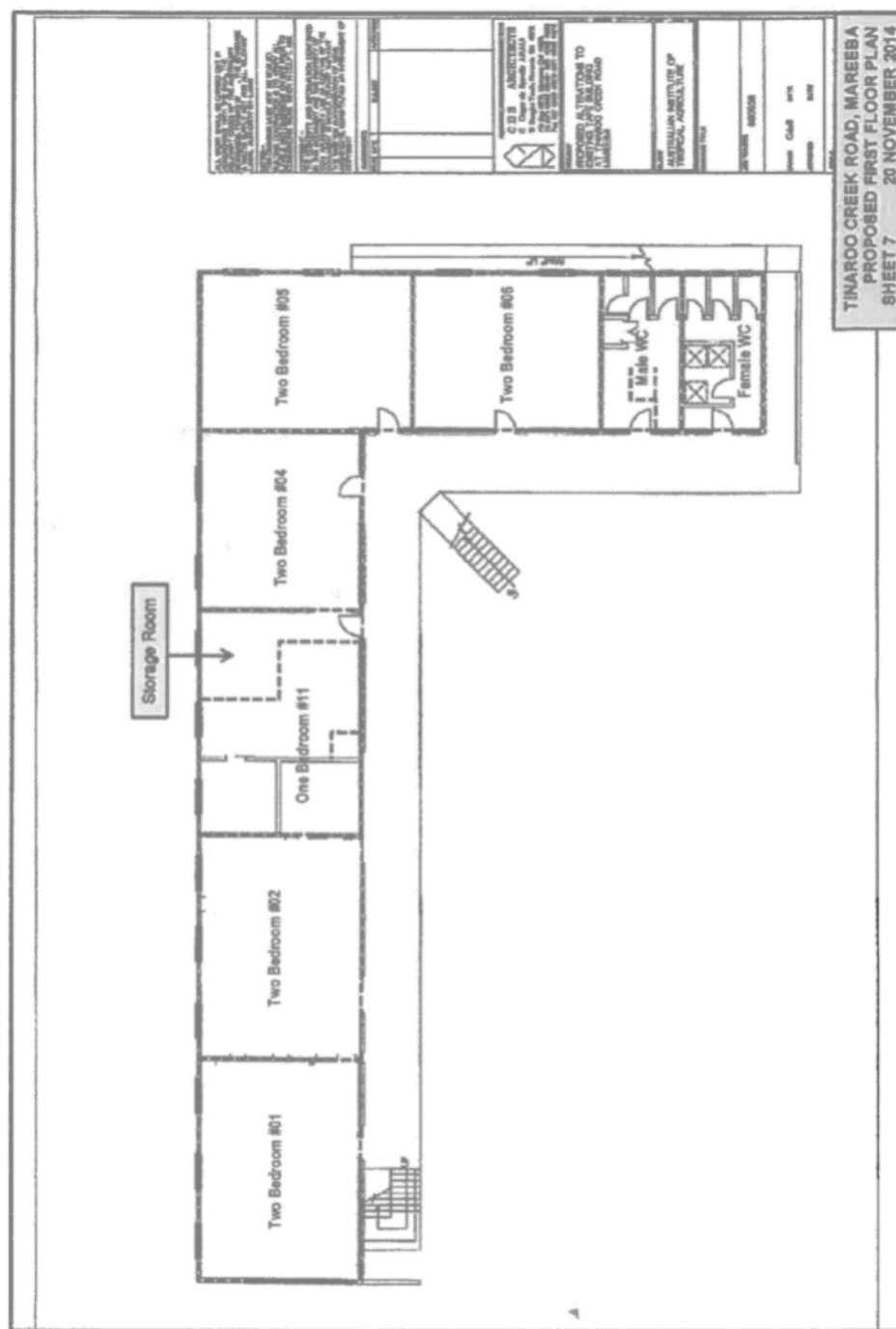
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Mareeba Shire Council

DECISION NOTICE - APPROVAL

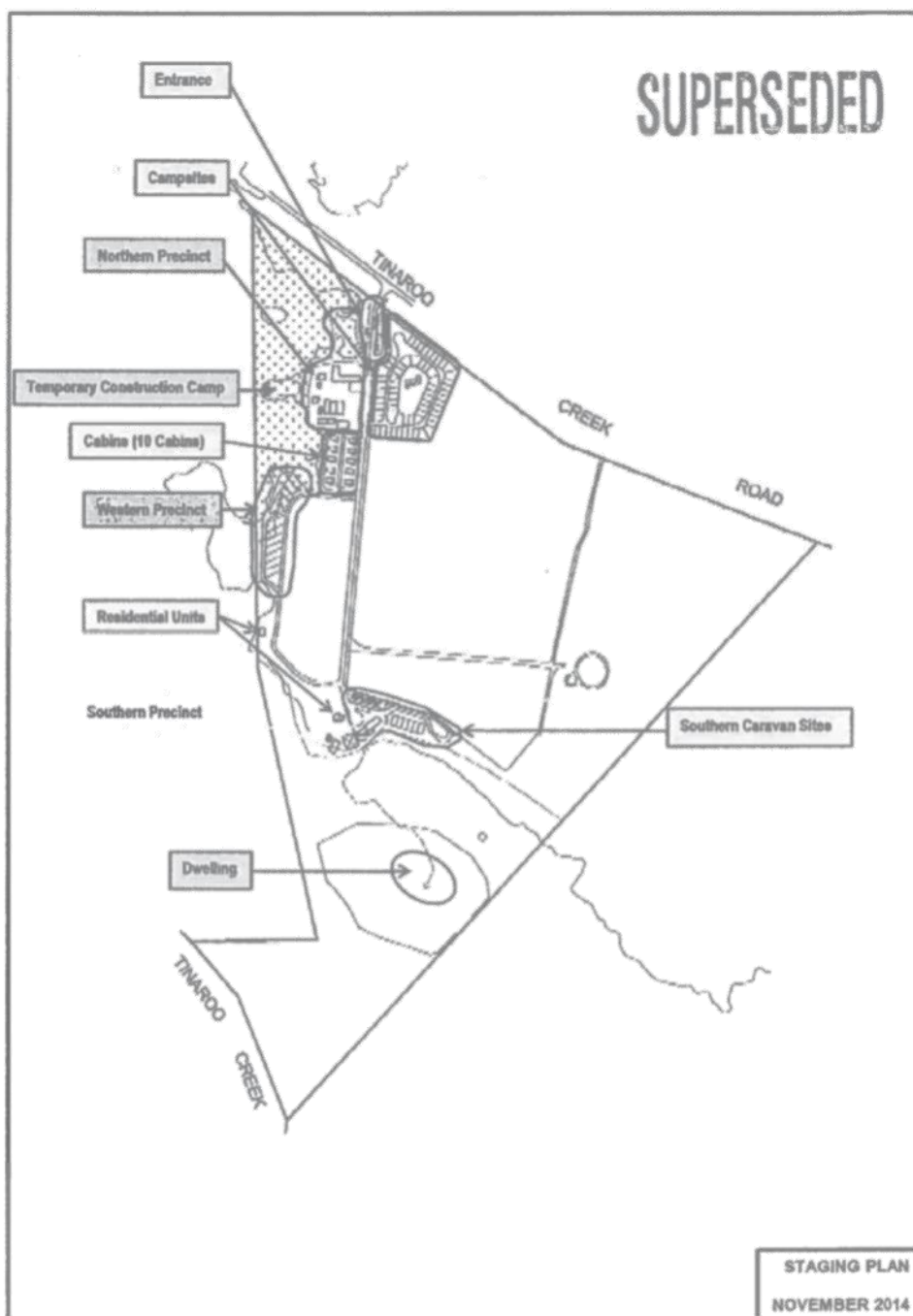
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10 March 2015



Mareeba Shire Council

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10 March 2015

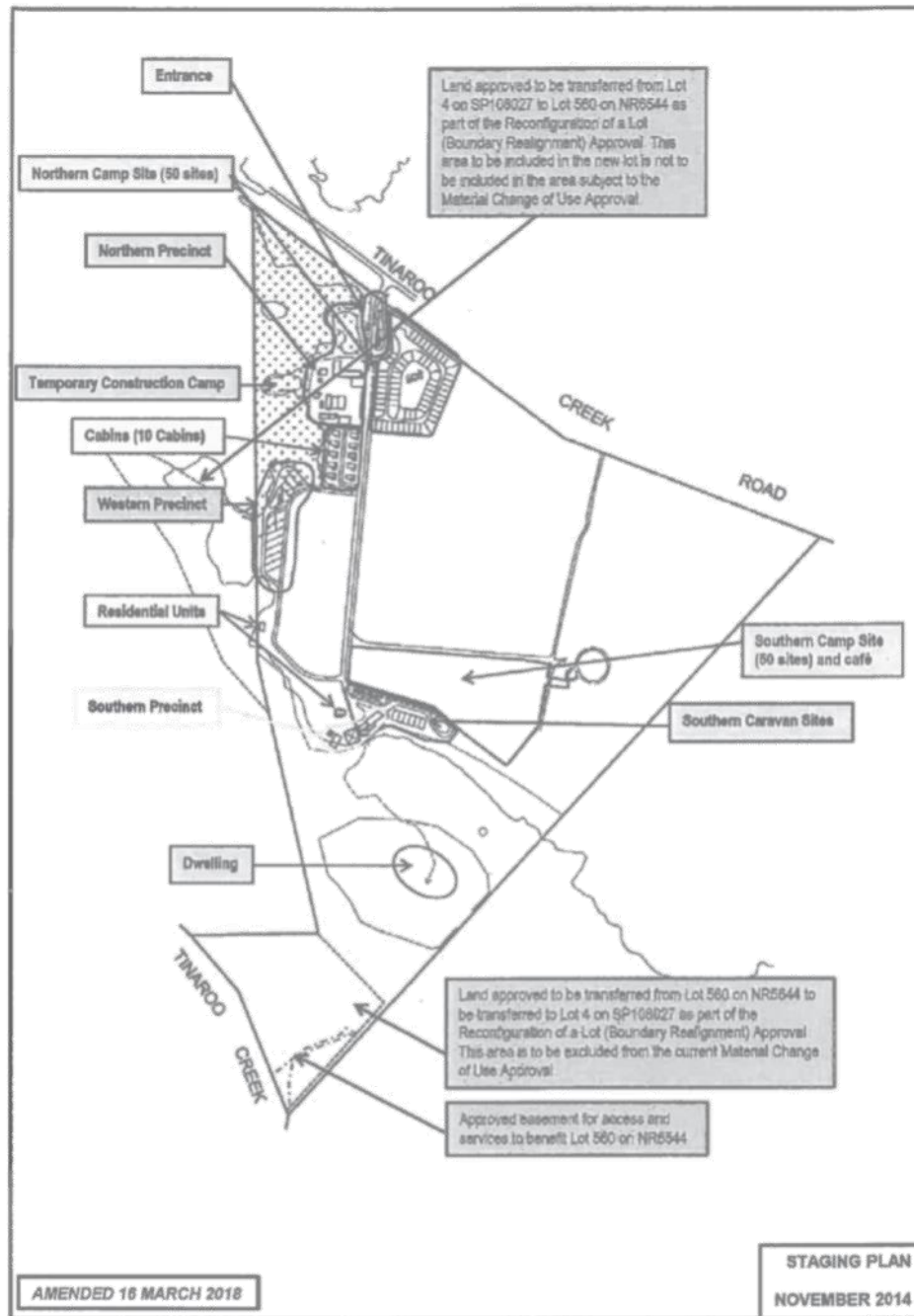


Mareeba Shire Council

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10 March 2015

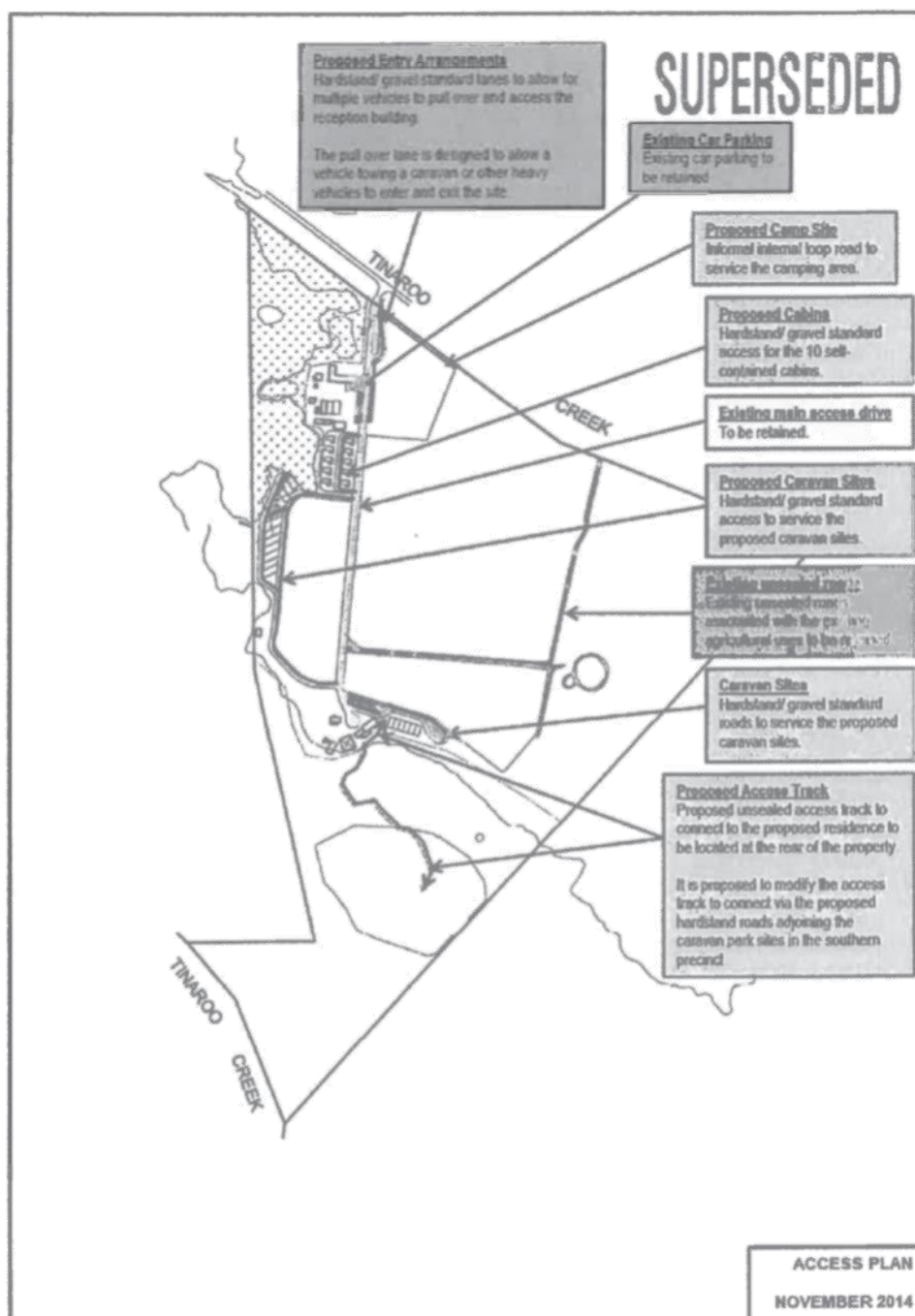
## STAGING SCHEDULE

STAGE DESCRIPTION	STAGING ELEMENTS
Entrance	<ul style="list-style-type: none"> <li>Construct new entrance and passing lane</li> <li>Construct new parking area and reception building</li> </ul>
Campsite	<ul style="list-style-type: none"> <li>Establish up to 50 campsites and required amenities</li> <li>Establish balance 50 campsites and required amenities</li> </ul>
Cabins (10 Cabins)	<ul style="list-style-type: none"> <li>Establish cabins 1 and 2</li> <li>Establish cabins 3 to 5</li> <li>Establish cabins 6 to 10</li> </ul>
Northern Precinct	<ul style="list-style-type: none"> <li>Create 5 x 2 bedroom and 1 x 1 bedroom accommodation units within the first level of the "L-Building"</li> <li>Create 10 x 1 bedroom accommodation units within the ground level of the "L-Building"</li> <li>Training room within existing "L-Building"</li> <li>Establish entertainment room and amenities</li> <li>Conference / Classroom within existing building</li> <li>Kiosk / Café within existing building</li> <li>One (1) self-contained cabin</li> <li>Swimming pool</li> <li>Playground</li> </ul>
Western Precinct	<ul style="list-style-type: none"> <li>Eleven (11) caravan sites</li> <li>Amenities and upgraded access</li> </ul>
Southern Precinct	<ul style="list-style-type: none"> <li>New storage building</li> <li>Shop within existing building</li> </ul>
Southern Caravan Sites	<ul style="list-style-type: none"> <li>Nine (9) caravan sites including amenities and upgraded access</li> </ul>
Dwelling	<ul style="list-style-type: none"> <li>Construction of a new family dwelling and upgraded access</li> </ul>
Residential Units	<ul style="list-style-type: none"> <li>Re-use of the two existing buildings as dwellings</li> </ul>
Temporary Construction Camp	<ul style="list-style-type: none"> <li>Location of four (4) caravans for occupation during the construction phase</li> </ul>

SUPERSEDED

## STAGING SCHEDULE – 18 OCTOBER 2017

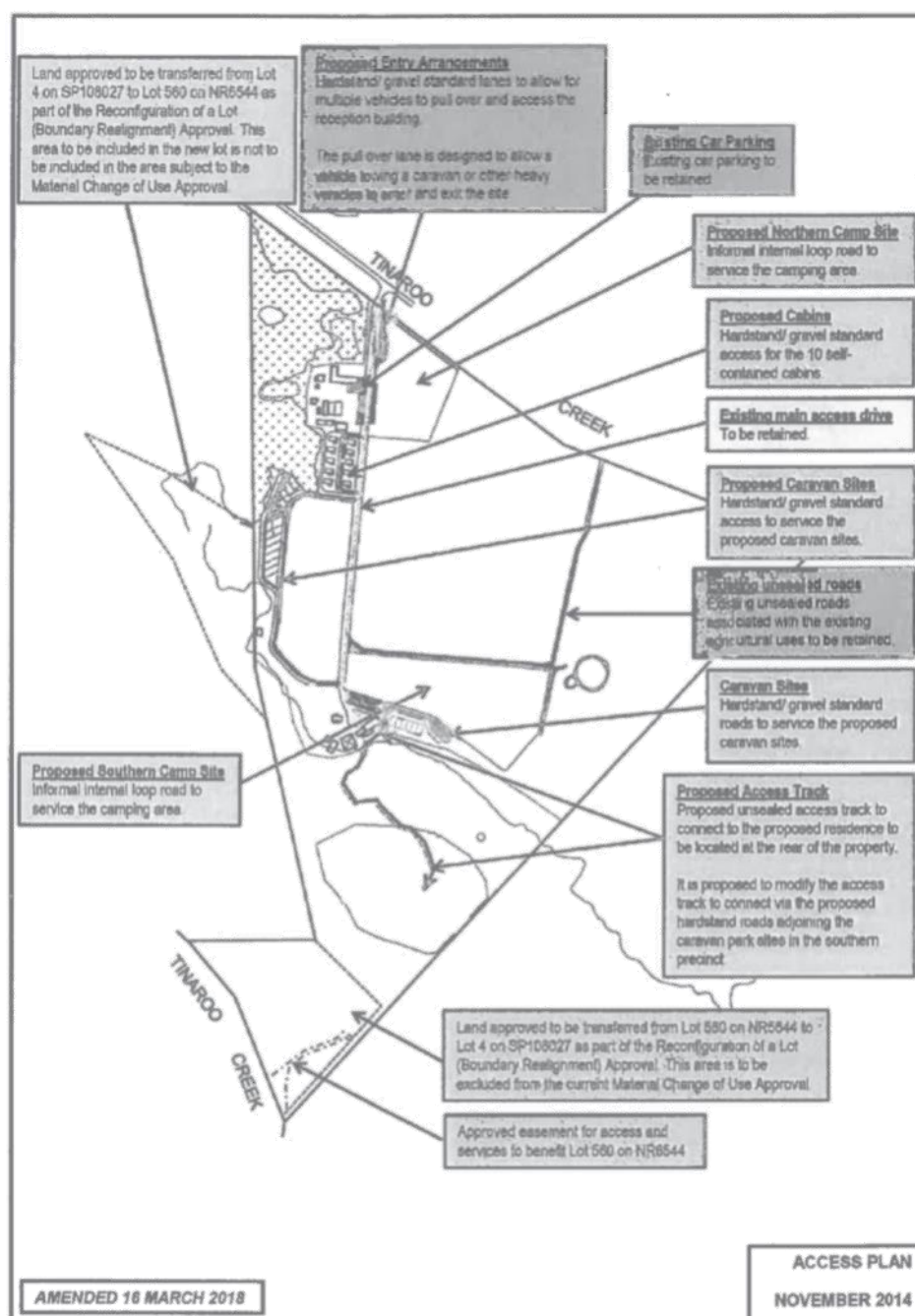
STAGE DESCRIPTION	STAGING ELEMENTS
Entrance	<ul style="list-style-type: none"> <li>Construct new entrance and passing lane</li> <li>Construct new parking area and reception building</li> </ul>
Northern Camp Site	<ul style="list-style-type: none"> <li>Establish up to 50 campsites and required amenities</li> <li>Establish camp kitchen and covered eating area (including two (2) toilets and one (1) shower) to have a roofed area of 100m<sup>2</sup></li> </ul>
Southern Camp Site	<ul style="list-style-type: none"> <li>Establish up to 50 campsites and required amenities</li> <li>Establish a café within an existing building (60m<sup>2</sup>) located adjacent to the dam</li> </ul>
Cabins (10 Cabins)	<ul style="list-style-type: none"> <li>Establish cabins 1 and 2</li> <li>Establish cabins 3 to 5</li> <li>Establish cabins 6 to 10</li> </ul>
Northern Precinct	<ul style="list-style-type: none"> <li>Create 5 x 2 bedroom and 1 x 1 bedroom accommodation units within the first level of the "L-Building"</li> <li>Create 10 x 1 bedroom accommodation units within the ground level of the "L-Building"</li> <li>Training room within existing "L-Building"</li> <li>Establish entertainment room and amenities</li> <li>Conference / Classroom within existing building</li> <li>Kiosk / Café within existing building</li> <li>One (1) self-contained cabin</li> <li>Swimming pool</li> <li>Playground</li> </ul>
Western Precinct	<ul style="list-style-type: none"> <li>Eleven (11) caravan sites</li> <li>Amenities and upgraded access</li> </ul>
Southern Precinct	<ul style="list-style-type: none"> <li>New storage building</li> <li>Shop within existing building</li> </ul>
Southern Caravan Sites	<ul style="list-style-type: none"> <li>Nine (9) caravan sites including amenities and upgraded access</li> </ul>
Dwelling	<ul style="list-style-type: none"> <li>Construction of a new family dwelling and upgraded access</li> </ul>
Residential Units	<ul style="list-style-type: none"> <li>Re-use of the two existing buildings as dwellings</li> </ul>
Temporary Construction Camp	<ul style="list-style-type: none"> <li>Location of four (4) caravans for occupation during the construction phase</li> </ul>



## DECISION NOTICE - APPROVAL

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10 March 2015



DECISION NOTICE - APPROVAL

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10 March 2015

## ATTACHMENT 2 - CONCURRENCE AGENCY CONDITIONS



Department of  
State Development,  
Infrastructure and Planning

Our reference: SDA-1114-016334  
Your reference: DA/14/8084

17 December 2014

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

Attn: Brian Millard

Dear Mr Franks

Concurrence agency response—with conditions  
186 Tinaroo Creek Road Mareeba, known as Lot 560 on NR6544  
(Given under section 285 of the Sustainable Planning Act 2009)

The referral agency material for the development application described below was received by the Department of State Development, Infrastructure and Planning under section 272 of the Sustainable Planning Act 2009 on 25 November 2014.

Applicant details

Applicant name: Bright Acquisitions Pty Ltd  
Applicant contact details: c/- Victor G Feros Town Planning  
PO BOX 1256  
Cairns QLD 4870  
caims@ferosplanning.com.au

Site details

Street address: 186 Tinaroo Creek Road Mareeba

Page 1	Far North Queensland Regional Office Ground Floor, Cairns Port Authority PO Box 2356 Cairns QLD 4870
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Mareeba Shire Council

## DECISION NOTICE - APPROVAL

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10 March 2015

SDA-1110-BW334

Lot on plan: Lot 560 on NR6544

Local government area: Mareeba Shire

## Application details

Proposed development: Development permit material change of use (integrated tourist accommodation, training and conference facilities)

## Aspects of development and type of approval being sought

Nature of Development	Approval Type	Brief Proposal of Description	Level of Assessment
Material Change of Use	Development permit	Establish integrated tourist accommodation, training and conference facilities on site, to be known as 'Trinity Plains'	Impact Assessment

## Referral triggers

The development application was referred to the department under the following provisions of the *Sustainable Planning Regulation 2009*:

Referral trigger Schedule 7, Table 3 Item 2—State transport infrastructure

## Conditions

Under section 287(1)(a) of the *Sustainable Planning Act 2009*, the conditions set out in Attachment 1 must be attached to any development approval.

## Reasons for decision to impose conditions

Under section 289(1) of the *Sustainable Planning Act 2009*, the department must set out the reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

## Relevant period

Under section 287(1)(d) of the *Sustainable Planning Act 2009*, the relevant period for any development approval is to be four years from the date this approval takes effect.

## Further advice

Under section 287(6) of the *Sustainable Planning Act 2009*, the department offers advice about the application to the assessment manager—see Attachment 3.

## Approved plans and specifications

The department requires that the following plans and specifications set out below and in Attachment 4 must be attached to any development approval.

Drawing/Report Title	Prepared by	Date	Reference no.	Version/Issue
Aspect of development: material change of use				
Proposed Master Plan	Victor G Feros	20 November 2014	VGF-C970	

Department of State Development, Infrastructure and Planning

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DECISION NOTICE - APPROVAL

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10 March 2015

SDA-1114-016334

Staging Plan including Staging Schedule		November 2014		
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A copy of this response has been sent to the applicant for their information.

For further information, please contact Michele Creecy, Planning Officer, SARA Far North QLD on 4037 3206, or email [michele.creecy@dsdip.qld.gov.au](mailto:michele.creecy@dsdip.qld.gov.au) who will be pleased to assist.

Yours sincerely



Robin Clark  
Manager (Planning)

cc: Bright Acquisitions Pty Ltd, Cl-Victor Feros Town Planning Pty Ltd

enc: Attachment 1—Conditions to be imposed  
Attachment 2—Reasons for decision to impose conditions  
Attachment 3—Further advice  
Attachment 4—Approved plans and specifications

## DECISION NOTICE - APPROVAL

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10 March 2015

SDA-1114-016334

Our reference: SDA-1114-016334  
 Your reference: DA/14/0004.

## Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Development permit for material change of use		
Schedule 7, Table 3, Item 2 – State transport infrastructure—Pursuant to section 255D of the Sustainable Planning Act 2009, the chief executive administering the Act nominates the Director-General of Department of Transport and Main Roads to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	The development must be carried out generally in accordance with the following plans: <ul style="list-style-type: none"> <li>Proposed Master Plan, prepared by Victor G Feros, dated 20 November 2014, Ref: VGF-CS70.</li> <li>Staging Plan including Staging Schedule, dated November 2014.</li> </ul>	At all times.
2.	The development must be in accordance with PDR Engineers Traffic Analysis and Report for the Tourist Accommodation and Associated Facilities, dated 17 November 2014, prepared by PDR Engineers and in particular: <ul style="list-style-type: none"> <li>The proposed development must not generate an increase in traffic numbers on Tinsaroo Creek Road that will exceed the projected total annual generation for the development.</li> </ul>	At all times.

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10 March 2015

SDA-1114-016334

Our reference: SDA-1114-016334  
Your reference: DA/14/0064

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- The proposed development is the re-use of the former Mareeba Technical and Further Education (TAFE) facility
- The proposed development will provide tourism, training and conference facilities using the existing buildings, providing camping and other accommodation facilities; lecture facilities, conference facilities, a shop and other ancillary uses as well as utilising and expanding the existing infrastructure onsite
- The proposed development is located on Tinaroo Creek Road (a local council road)
- Tinaroo Creek Road intersects with a state-controlled road (Kennedy Highway)
- The intersection was designed to accommodate the traffic generated by the Mareeba TAFE
- A traffic analysis report by PDR Engineers does not anticipate that the traffic generated by the new use will equal the former level due to the nature of the new use
- Conditions are applied to ensure the development proceeds generally in accordance with the plans provided with the development application and to ensure that traffic generation does not exceed that indicated by the traffic analysis report prepared by PDR Engineers.

## DECISION NOTICE - APPROVAL

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10 March 2015

SDA-1114-016334

Our reference: SDA-1114-016334  
Your reference: DA/14/0084

**Attachment 3—Further advice**

General advice	
Ref	Advertising device
1.	Under section 43 of the <i>Transport Infrastructure Act 1994</i> , a local government must obtain Department of Transport and Main Roads approval if it intends to approve the erection, alteration or operation of an advertising sign or other advertising device that would be visible from a state-controlled road, and beyond the boundaries of the state-controlled road, and reasonably likely to create a traffic hazard for the state-controlled road.

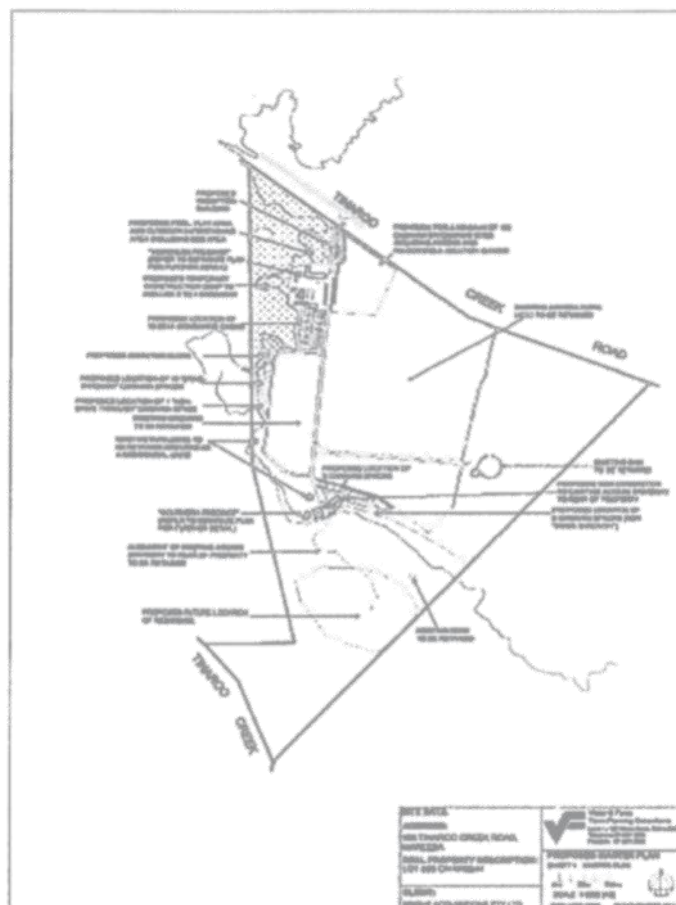
DECISION NOTICE - APPROVAL

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10 March 2015

SDA-1114-010334

Our reference: SDA-1114-010334  
Your reference: DA/14/0004

**Attachment 4—Approved plans and specifications**



Department of State Development, Infrastructure and Planning

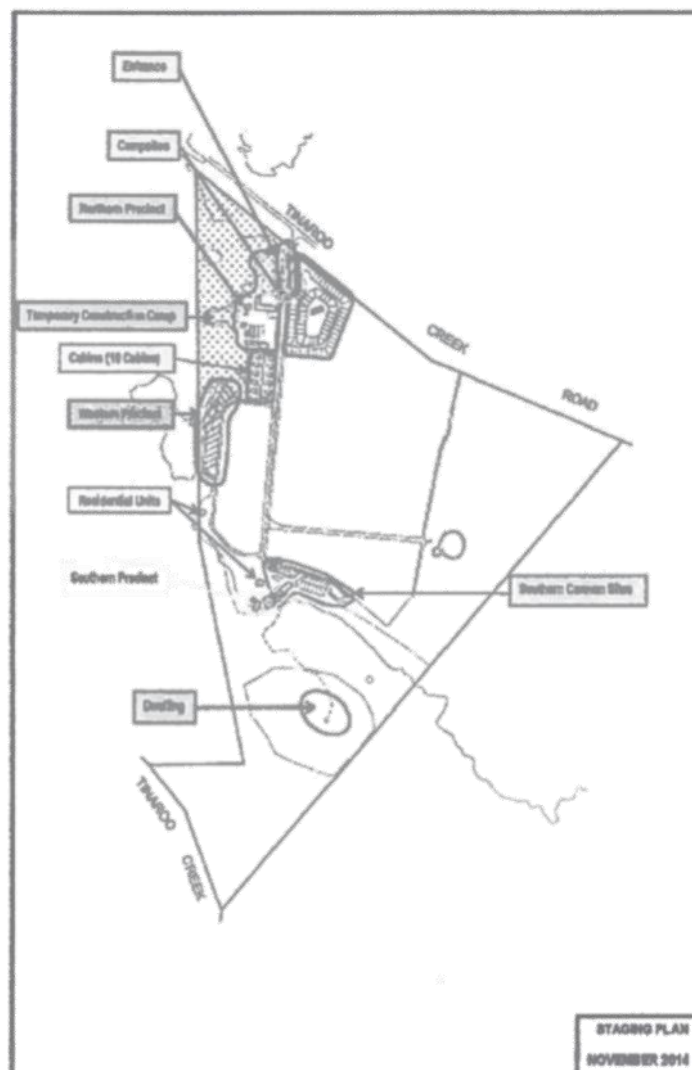
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Mareeba Shire Council

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10 March 2015

SDA-1114-095334



Department of State Development, Infrastructure and Planning

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DECISION NOTICE - APPROVAL

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10 March 2015

SDA-1114-016334

STAGING SCHEDULE

STAGE DESCRIPTION	STAGING ELEMENTS
Entrance	<ul style="list-style-type: none"> <li>Construct new entrance and parking lane</li> <li>Construct new parking area and reception building</li> </ul>
Campsite	<ul style="list-style-type: none"> <li>Establish up to 50 campsites and required amenities</li> <li>Establish balance 50 campsites and required amenities</li> </ul>
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Temporary Construction Camp	<ul style="list-style-type: none"> <li>Location of four (4) caravans for occupation during the construction phase</li> </ul>

## DECISION NOTICE - APPROVAL

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10 March 2015

PAS-L



Department of  
State Development,  
Manufacturing,  
Infrastructure and Planning

Our reference: 1803-4641 SPL  
Your reference: VGF-C1044

4 April 2018

Bright Aquisitions Pty Ltd  
C/- Victor G Feros Town Planning  
PO Box 1256  
Calms QLD 4870  
calms@ferosplanning.com.au

Attention: Nick Hardy

Dear Sir / Madam

## Pre-lodgement advice

Thank you for your correspondence received on 16 March 2018 in which you sought pre-lodgement advice from the Department of State Development, Manufacturing, Infrastructure and Planning regarding the proposed development described below.

## Reference

Departmental role:	Referral agency
Departmental jurisdiction:	State transport infrastructure Clearing vegetation
Assessment manager reference:	DA/14/0064

## Location details

Street address:	99 Leonardi Road, Mareeba; 186 Tinaroo Creek Road, Mareeba
Real property description:	4SP108027; 560NR6544
Local government area:	Mareeba Shire Council
Existing use:	Partially developed caravan park and camp ground and rural activities on the old Mareeba TAFE site
Relevant site history:	10 March 2015 Development Permit granted over Lot 560 on NR6544 for MCU issued for (Accommodation units, caravan park, dwelling house, educational establishment, host farm, motor home park, residential

Far North Queensland regional office  
Ground Floor, Cnr Grafton and Hartley  
Street, Calms  
PO Box 2356, Calms QLD 4870

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10 March 2015

1803-4641 SPL

units, shop, tourist facility and ancillary and associated uses and the retention of existing rural activities or pursuits). (DA/14/0064 and SDA-1114-016334)

13 April 2017

Mareeba Shire Council Development Permit was granted for boundary realignment between Lot 560 on NR6544 and Lot 4 on SP108027 (DA/16/0057 & SDA1116-034903)

1 February 2016

Mareeba Shire Council advised that the proposed change to move 50 of the proposed 100 campsites away from the Tinaroo Creek Road frontage is considered minor and substantially in accordance with the approved plans. (DA/14/0064 and SDA-1114-016334)

It is noted that the permissible change request to council did not include the additional café, additional ancillary amenities nor request that the permissible change includes the boundary realignment (the original application was approved over only Lot 560 on NR6544)

## Details of proposal

Development type:	Development Permit for Material change of use
Development description:	Application for a minor change - Mareeba Shire council development permit DA/14/0064.
	The purpose of the application is to align the MCU approval with the RAL (boundary re-alignment) approval.
	In particular, it is proposed to remove the area identified by the easement from the area subject to the Minor Change Application so that only Lot 42 is subject to the MCU Approval.

## Supporting information

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
Letter to the Department of State Development Manufacturing Infrastructure and Planning	Victor G Feros Town Planning Consultants (Nick Hardy)	16 March 2018	VGF-C1044	
Proposed Reconfiguration of a Lot (2 lots into 2 lots)	Twine Surveys as modified by Victor G Feros	9 May 2016 and 16 March 2018	7402-LL1	F

After consideration of the material attached to your letter of 16 March 2018, the department confirms that the proposed changes to the development are generally in accordance with the plans approved as part of the concurrence agency response SDA-1114-016334 for the material change of use.

Please note that the conditions in the referral agency response SDA-1116-034903 continue to have effect and limit any vegetation clearing.

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10 March 2015

1603-4641 SPL

For further information please contact Tony Croke, Principal Planner, on 40373205 or via email [CaimsSARA@dlgp.qld.gov.au](mailto:CaimsSARA@dlgp.qld.gov.au) who will be pleased to assist.

Yours sincerely



Brett Nancarrow  
Manager (Planning)

Department of State Development, Manufacturing, Infrastructure and Planning

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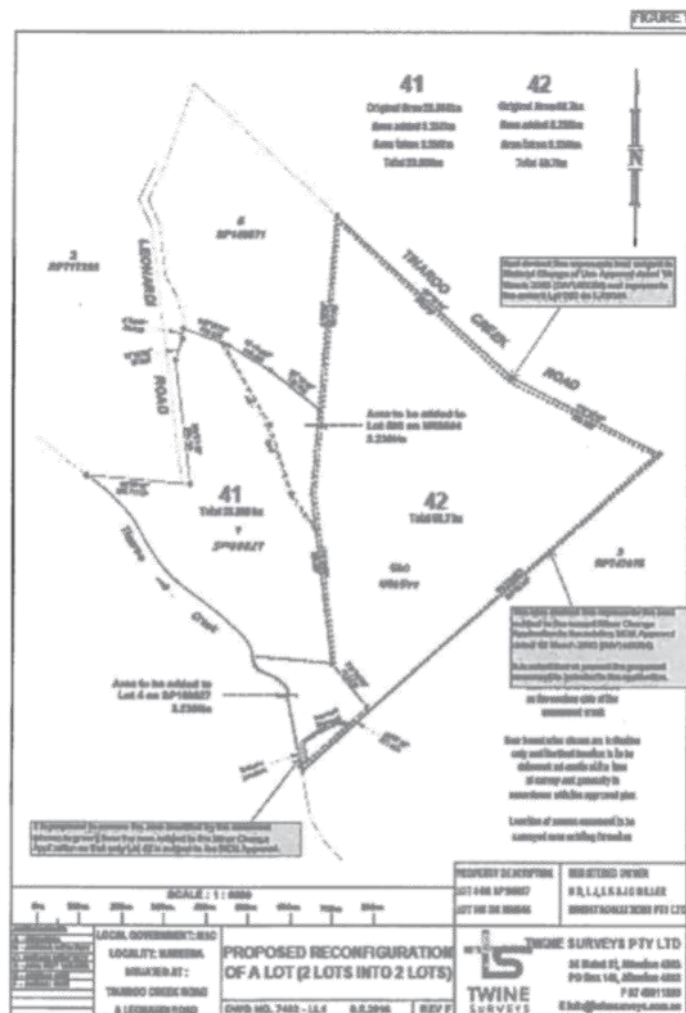
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Mareeba Shire Council

## DECISION NOTICE - APPROVAL

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10 March 2015

1803-4641 SPL



Department of State Development, Manufacturing, Infrastructure and Planning

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**ATTACHMENT 3 - MAKING REPRESENTATIONS ABOUT DECISION****PART 8 - DEALING WITH DECISION NOTICES AND APPROVALS****DIVISION 1 CHANGING DECISION NOTICES AND APPROVALS DURING APPLICANT'S APPEAL PERIOD****360 APPLICATION OF DIV 1**

This division applies only during the applicant's appeal period.

**361 APPLICANT MAY MAKE REPRESENTATIONS ABOUT DECISION**

- (1) The applicant may make written representations to the assessment manager about—
  - (a) a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or
  - (b) the standard conditions applying to a deemed approval.
- (2) However, the applicant can not make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

**362 ASSESSMENT MANAGER TO CONSIDER REPRESENTATIONS**

The assessment manager must consider any representations made to the assessment manager under section 361.

**363 DECISION ABOUT REPRESENTATIONS**

- (1) If the assessment manager agrees with any of the representations about a decision notice or a deemed approval, the assessment manager must give a new decision notice (*the negotiated decision notice*) to—
  - (a) the applicant; and
  - (b) each principal submitter; and
  - (c) each referral agency; and
  - (d) if the assessment manager is not the local government and the development is in a local government area—the local government.
- (2) Before the assessment manager agrees to a change under this section, the assessment manager must consider the matters the assessment manager was required to consider in assessing the application, to the extent the matters are relevant.
- (3) Only 1 negotiated decision notice may be given.
- (4) The negotiated decision notice—
  - (a) must be given within 5 business days after the day the assessment manager agrees with the representations; and
  - (b) must comply with section 335; and
  - (c) must state the nature of the changes; and
  - (d) replaces—
    - (i) the decision notice previously given; or

## DECISION NOTICE - APPROVAL

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10 March 2015

- (ii) if a decision notice was not previously given and the negotiated decision notice relates to a deemed approval—the standard conditions applying to the deemed approval.
- (5) If the assessment manager does not agree with any of the representations, the assessment manager must, within 5 business days after the day the assessment manager decides not to agree with any of the representations, give written notice to the applicant stating the decision about the representations.

**364 GIVING NEW INFRASTRUCTURE CHARGES NOTICE OR REGULATED INFRASTRUCTURE CHARGES NOTICE**

- (1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of an infrastructure charge or regulated infrastructure charge.
- (2) The local government may give the applicant a new infrastructure charges notice under section 633 or regulated infrastructure charges notice under section 643 to replace the original notice.

**365 GIVING NEW REGULATED STATE INFRASTRUCTURE CHARGES NOTICE**

- (1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of a regulated State infrastructure charge.
- (2) The relevant State infrastructure provider may give the applicant a new regulated State infrastructure charges notice under section 669 to replace the original notice.

**366 APPLICANT MAY SUSPEND APPLICANT'S APPEAL PERIOD**

- (1) If the applicant needs more time to make the representations, the applicant may, by written notice given to the assessment manager, suspend the applicant's appeal period.
- (2) The applicant may act under subsection (1) only once.
- (3) If the representations are not made within 20 business days after the day written notice was given to the assessment manager, the balance of the applicant's appeal period restarts.
- (4) If the representations are made within 20 business days after the day written notice was given to the assessment manager—
  - (a) if the applicant gives the assessment manager a notice withdrawing the notice under subsection (1)—the balance of the applicant's appeal period restarts the day after the assessment manager receives the notice of withdrawal; or
  - (b) if the assessment manager gives the applicant a notice under section 363(5)—the balance of the applicant's appeal period restarts the day after the applicant receives the notice; or
  - (c) if the assessment manager gives the applicant a negotiated decision notice—the applicant's appeal period starts again the day after the applicant receives the negotiated decision notice.

**ATTACHMENT 4 - APPEAL RIGHTS****DIVISION 8 APPEALS TO COURT RELATING TO DEVELOPMENT APPLICATIONS AND APPROVALS**  
**461 APPEALS BY APPLICANTS**

- (1) An applicant for a development application may appeal to the court against any of the following—
  - (a) the refusal, or the refusal in part, of the development application;
  - (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
  - (c) the decision to give a preliminary approval when a development permit was applied for;
  - (d) the length of a period mentioned in section 341;
  - (e) a deemed refusal of the development application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the *applicant's appeal period*) after—
  - (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
  - (b) otherwise—the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

**462 APPEALS BY SUBMITTERS—GENERAL**

- (1) A submitter for a development application may appeal to the court only against—
  - (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) the part of the approval relating to the assessment manager's decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
  - (a) the giving of a development approval;
  - (b) any provision of the approval including—
    - (i) a condition of, or lack of condition for, the approval; or
    - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
  - (a) withdraws the submission before the application is decided; or
  - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the *submitter's appeal period*) after the decision notice or negotiated decision notice is given to the submitter.

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10 March 2015

**463 ADDITIONAL AND EXTENDED APPEAL RIGHTS FOR SUBMITTERS FOR PARTICULAR DEVELOPMENT APPLICATIONS**

- (1) This section applies to a development application to which chapter 9, part 7 applies.
- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency's response made by a prescribed concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency's response to the extent it relates to—
  - (a) if the prescribed concurrence agency is the chief executive (environment)—development for an aquacultural ERA; or
  - (b) if the prescribed concurrence agency is the chief executive (fisheries)—development that is—
    - (i) a material change of use of premises for aquaculture; or
    - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (4) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
  - (a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive (fisheries);
  - (b) a referral agency's response mentioned in subsection (2).

**464 APPEALS BY ADVICE AGENCY SUBMITTERS**

- (1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.
- (2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
  - (a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) any part of the approval relating to the assessment manager's decision under section 327.
- (3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

## **APPENDIX C**



65 Rankin Street  
PO Box 154 MAREEBA QLD 4880

P: 07 4086 46  
F: 07 4092 3323

W: [www.msc.qld.gov.au](http://www.msc.qld.gov.au)  
E: [info@msc.qld.gov.au](mailto:info@msc.qld.gov.au)

Council Ref: DA/16/0057

Our Ref: BM:CE:nj

Your Ref: VGF - C1055

13 April 2017

Luke Miller & Bright Acquisitions Pty Ltd  
C/- Victor G Feros - Town Planning Consultants  
PO Box 1256  
CAIRNS QLD 4870

## Decision Notice Approval

*Sustainable Planning Act 2009 s334 and s335*

Dear Applicant/s

**APPLICATION FOR RECONFIGURING A LOT - BOUNDARY REALIGNMENT  
LOT 4 ON SP108027 & LOT 560 ON NR6544  
SITUATED AT 99 LEONARDI ROAD AND 186 TINAROO CREEK ROAD, MAREEBA**

I wish to advise that, under Council's delegated authority on 13 April 2017, the above development application was -

- Approved in full with conditions.

The conditions relevant to this approval are detailed in **section 5** of this notice. These conditions are clearly identified to indicate whether the Assessment Manager or a Concurrence Agency imposed them.

### Approval under Section 331

This application **has not** been deemed to be approved under Section 331 of the Sustainable Planning Act 2009 (SPA).

#### 1. Details of the approval –

Development Permit for Reconfiguring a Lot - Boundary Realignment and creation of Easement

#### 2. Other approvals required from Council

- Nil

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

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**3. Submissions -**

Not applicable

**4. Conflict with a relevant instrument and reasons for the decision despite the conflict -**

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

**5. Conditions –****(A) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)****(a) Development assessable against the Planning Scheme****1. Development must be carried out substantially in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:**

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

**2. Timing of Effect**

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

**3. General**

- 3.1 The 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 required to be made to the Council (including contributions, charges and bonds) pursuant to any condition of this approval must be made prior the endorsement of the plan of survey and at the rate applicable at the time of payment.
- 3.3 The developer must relocate (in accordance with FNQROC standards) any services such as water, sewer, drainage, telecommunications and electricity that are not wholly located within the lots that are being created/serviced where required by the relevant authority unless approved by Council's delegated officer.

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13 April 2017

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

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

3.6 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.

3.7 Flood Immunity

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

3.8 No filling is to occur below the 100 ARI flood level unless approved as part of a subsequent development permit for operational works.

3.9 Bushfire Management

3.9.1 Any new dwelling erected on each lot shall:

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

3.10 Charges

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

4. Infrastructure Services and Standards

4.1 Stormwater Drainage

The applicant must ensure a non-worsening effect on surrounding land as a consequence of the development and must take all reasonable and practicable measures to ensure discharge occurs in compliance with the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual.

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13 April 2017

## (B) ASSESSMENT MANAGER'S ADVICE

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

(b) Endorsement Fees

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

(c) Compliance with applicable codes/policies

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

(d) Notation on Rates Record

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

- conditions regarding bushfire management
- a registered easement over the subject site
- flood immunity

(e) Environmental Protection and Biodiversity Conservation Act 1999

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

(f) Cultural Heritage

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

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(C) CONCURRENCE AGENCY CONDITIONS

Department of Infrastructure, Local Government and Planning conditions dated 20 December 2016

6. IDAS referral agencies –

The IDAS Referral Agencies applicable to this application are –

For an application involving	Name of technical agency	Status	Address
<b>RECONFIGURING A LOT</b>			
<p><b>Clearing Vegetation</b></p> <p>Reconfiguring a lot that is 5ha or larger, if—</p> <p>(a) the size of any lot created is 25ha, or smaller; and</p> <p>(b) either—</p> <p>(i) The reconfiguration involves operational work made assessable under schedule 3, part 1, table 4, item 1, other than operational work that is only the clearing of regulated regrowth vegetation; or</p> <p>(ii) On any lot created, additional exempt operational work, other than operational work that is only the clearing of regulated regrowth vegetation could be carried out</p>	Sch 7, Table 2, item 4	Department of Natural Resources and Mines	<p>Concurrence</p> <p>State Assessment &amp; Referral Agency (SARA) Department of Infrastructure, Local Government &amp; Planning PO Box 2358 Cairns Qld 4870</p> <p><a href="mailto:CairnsSARA@dilgp.qld.gov.au">CairnsSARA@dilgp.qld.gov.au</a></p> <p>SARA is supported by MyDAS— a new online system that allows an applicant to prepare and lodge or refer applications to DSDIP, as the single state assessment and referral agency.</p> <p>MyDAS can be accessed at <a href="http://www.dilgp.qld.gov.au/planning/development-assessment/state-assessment-and-referral-agency-applications.html">http://www.dilgp.qld.gov.au/planning/development-assessment/state-assessment-and-referral-agency-applications.html</a></p>

7. Approved Plans

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

Plan/Document Number	Plan/Document Title	Prepared by	Dated
7402-LL1 Rev F	Proposed Reconfiguration of a Lot (2 Lots into 2 Lots)	Twine Surveys Pty Ltd	9.5.2016

8. When approval lapses if development not started (s341)

This development approval will lapse in accordance with Section 341 of the Sustainable Planning Act 2009 if development does not start within relevant period as stated below:

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- Reconfiguring a Lot not requiring Operational Works – two (2) years (starting the day the approval takes effect);

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

**9. Appeal rights –*****Applicant may make representations about decision***

The applicant may make written representations to the assessment manager about: -

- (a) a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or
- (b) the standard conditions applying to a deemed approval.

However, the applicant can not make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

**Attachment 3** is an extract from SPA which contains details regarding making representations about the decision.

***Appeals by applicants***

An applicant for a development application may appeal to the Planning and Environment Court against the following:

- the refusal, or refusal in part of the development application
- any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242 of SPA
- the decision to give a preliminary approval when a development permit was applied for
- the length of a period mentioned in section 341
- a deemed refusal of the development application.

The timeframes for starting an appeal in the Planning and Environment Court are set out in section 461(2) of SPA.

Applicants may also have a right to appeal to the Building and Development Dispute Resolution Committee. For more details, see SPA, chapter 7, part 2.

***Appeals by submitters***

A submitter for a development application may appeal to the Planning and Environment Court against:

- the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment
- the part of the approval relating to the assessment manager's decision under section 327.

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Details about submitter appeal rights for the Planning and Environment Court are set out in sections 462, 463 and 464 of SPA.

Submitters may also have a right to appeal to the Building and Development Dispute Resolution Committee. For more details, see SPA, chapter 7, part 2.

**Attachment 4** is an extract from SPA which details the applicant's appeal rights and the appeal rights of any submitters regarding this decision.

**10. When the development approval takes effect –**

This development approval takes effect –

- from the time the decision notice is given, if there is no submitter and the applicant does not appeal the decision to the court

**OR**

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

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

Yours faithfully



**BRIAN MILLARD**  
**SENIOR PLANNER**

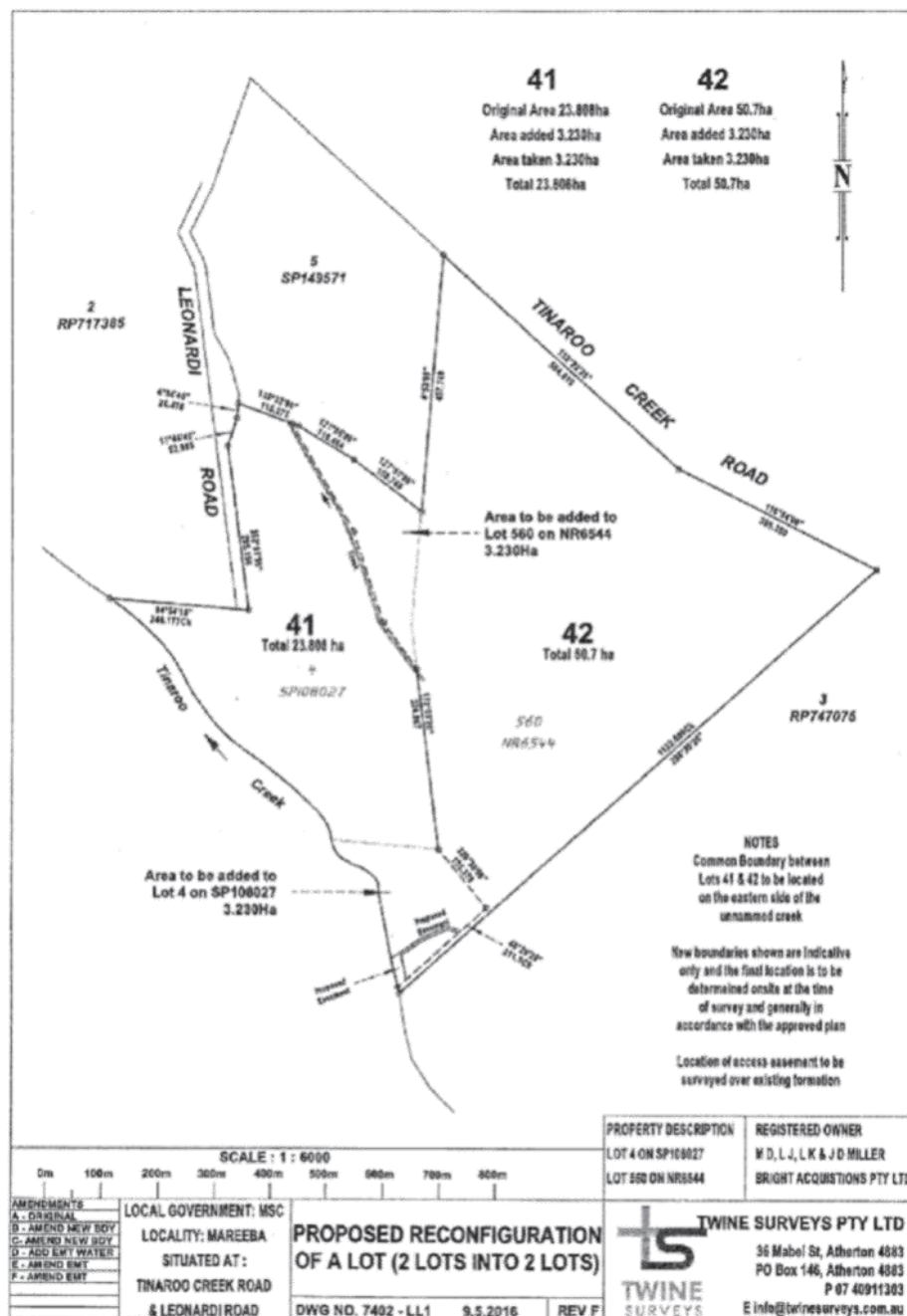
**Enclosures:**    **Attachment 1 - Approved Plans of Development**  
                      **Attachment 2 - Concurrence Agency Conditions**  
                      **Attachment 3 - SPA Extract - Making Representations about Decision**  
                      **Attachment 4 - SPA Extract on Appeal Rights**

**Copy:**            **Department of Infrastructure, Local Government and Planning**  
                      [CairnsSARA@dilgp.qld.gov.au](mailto:CairnsSARA@dilgp.qld.gov.au)

DECISION NOTICE - APPROVAL

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ATTACHMENT 1 - APPROVED PLAN OF DEVELOPMENT



13/4/2017  
B. Miller

Mareeba Shire Council

## DECISION NOTICE - APPROVAL

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## ATTACHMENT 2 - CONCURRENCE AGENCY CONDITIONS

Department of Infrastructure,  
Local Government and PlanningOur reference: SDA-1116-034903  
Your reference: DA/16/0057

20 December 2016

Chief Executive Officer  
Mareeba Shire Council  
PO Box 154  
MAREEBA QLD 4860

Attn: Brian Millard

Dear Sir

**Concurrence agency response—with conditions**Reconfiguring a lot (2 lots into 2 lots) at 99 Leonardi Road and 186 Tinaroo Creek Road Mareeba,  
described as Lot 4 on SP108027 and Lot 560 on NR6544  
(Given under section 285 of the *Sustainable Planning Act 2009*)The referral agency material for the development application described below was received by the  
Department of Infrastructure, Local Government and Planning under section 272 of the  
*Sustainable Planning Act 2009* on 28 November 2016.**Applicant details**

Applicant name:	Luke Miller & Bright Acquisitions Pty Ltd
Applicant contact details:	C/- Victor Feros Town Planning PO Box 1256 CAIRNS QLD 4870 cairns@ferosplanning.com.au

**Site details**

Street address:	99 Leonardi Road and 186 Tinaroo Creek Road Mareeba
Lot on plan:	Lot 4 on SP108027 and Lot 560 on NR6544
Local government area:	Mareeba Shire Council

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Far North Queensland Regional Office  
Ground Floor, Cairns Port Authority  
PO Box 2358  
Cairns QLD 4870

Mareeba Shire Council

## DECISION NOTICE - APPROVAL

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SDA-1116-034903

**Application details**

Proposed development: Development permit for Reconfiguring a lot (two into two lots – boundary realignment)

**Aspects of development and type of approval being sought**

Nature of Development	Approval Type	Brief Proposal of Description	Level of Assessment
Reconfiguring a Lot	Development permit	Boundary realignment – 2 lots	Code Assessment

**Referral triggers**

The development application was referred to the department under the following provisions of the *Sustainable Planning Regulation 2009*:

Referral trigger Schedule 7, Table 2, Item 4—Clearing vegetation

**Conditions**

Under section 287(1)(a) of the *Sustainable Planning Act 2009*, the conditions set out in Attachment 1 must be attached to any development approval.

**Reasons for decision to impose conditions**

Under section 289(1) of the *Sustainable Planning Act 2009*, the department must set out the reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

**Further advice**

Under section 287(6) of the *Sustainable Planning Act 2009*, the department offers advice about the application to the assessment manager—see Attachment 3.

**Approved plans and specifications**

The department requires that the following plans and specifications set out below and in Attachment 4 must be attached to any development approval.

Drawing/Report Title	Prepared by	Date	Reference no.	Version/Issue
<b>Aspect of development: reconfiguration of lot</b>				
Referral Agency Response (Vegetation) Plan – Plan of Area A and Area B (Parts B' and B'') in Lot 4 on SP108027 and Lot 560 on NR6544	Queensland Government (SAK - J5314)	13 December 2016	RARP SDA-1116-034903 Sheet 1 of 1	-

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

Department of Infrastructure, Local Government and Planning

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SDA-1116-034903

For further information, please contact Michele Creecy, Senior Planning Officer, SARA Far North QLD on 4037 3206, or email [michele.creecy@dlgp.qld.gov.au](mailto:michele.creecy@dlgp.qld.gov.au) who will be pleased to assist.

Yours sincerely



Brett Nancarrow  
Manager (Planning)

cc: Luke Miller & Bright Acquisitions Pty Ltd, [calms@ferosplanning.com.au](mailto:calms@ferosplanning.com.au)  
enc: Attachment 1—Conditions to be imposed  
Attachment 2—Reasons for decision to impose conditions  
Attachment 3—Further advice  
Attachment 4—Approved Plans and Specifications

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13 April 2017

SDA-1116-034903

Our reference: SDA-1116-034903  
Your reference: DA/16/0057

## Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
<b>Aspect of development – reconfiguring a lot</b>		
<b>Schedule 7, Table 2, Item 4</b> —Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of Department of Natural Resources and Mines to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	<p>a) Clearing of assessable vegetation is not permitted in the area identified as Area A on the attached Referral Agency Response (Vegetation) Plan – Plan of Area A and Area B (Parts B<sup>1</sup> and B<sup>2</sup>), prepared by Queensland Government (SAK – J5314), Reference RARP SDA-0116-034903 Sheet 1 of 1, dated 13 December 2016, (RARP – SDA-1116-034903 dated 13 December 2016).</p> <p>b) No infrastructure including, but not limited to buildings, fences and roads is to be established or located within Area A as shown on the attached RARP – dated 13 December 2016.</p> <p>c) No infrastructure except fences, roads and underground services is to be established or located within Area B (B1-B2) as shown on the attached RARP – dated 13 December 2016.</p>	a), b) and c): At all times.

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SDA-1116-034903

Our reference: SDA-1116-034903  
Your reference: DA/16/0057

**Attachment 2—Reasons for decision to impose conditions**

The reasons for this decision are:

- **Condition 1** – to ensure the clearing is only carried out in the location and to the extent specified on the approved plans

Department of Infrastructure, Local Government and Planning

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Mareeba Shire Council

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SDA-1116-034903

Our reference: SDA-1116-034903  
Your reference: DA/18/C057

**Attachment 3—Further advice**

General advice	
Ref.	Native vegetation clearing
1.	The permit holder is responsible for ensuring that: a) a full copy of the permit is held by; and b) that the extent of clearing authorised by this permit is properly understood by, any person(s) engaged or employed to carry out the clearing of the vegetation under this permit.
2.	Clearing of vegetation within areas mapped as Category R must occur in accordance with the Self-Assessable Vegetation Clearing Code for 'Managing Category R regrowth vegetation' or in accordance with another exemption listed in Schedule 24 of the Sustainable Planning Regulation 2009.

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13 April 2017

SDA-1116-034903

Our reference: SDA-1116-034903  
Your reference: DA/16/0057

**Attachment 4—Approved plans and specifications**

Department of Infrastructure, Local Government and Planning

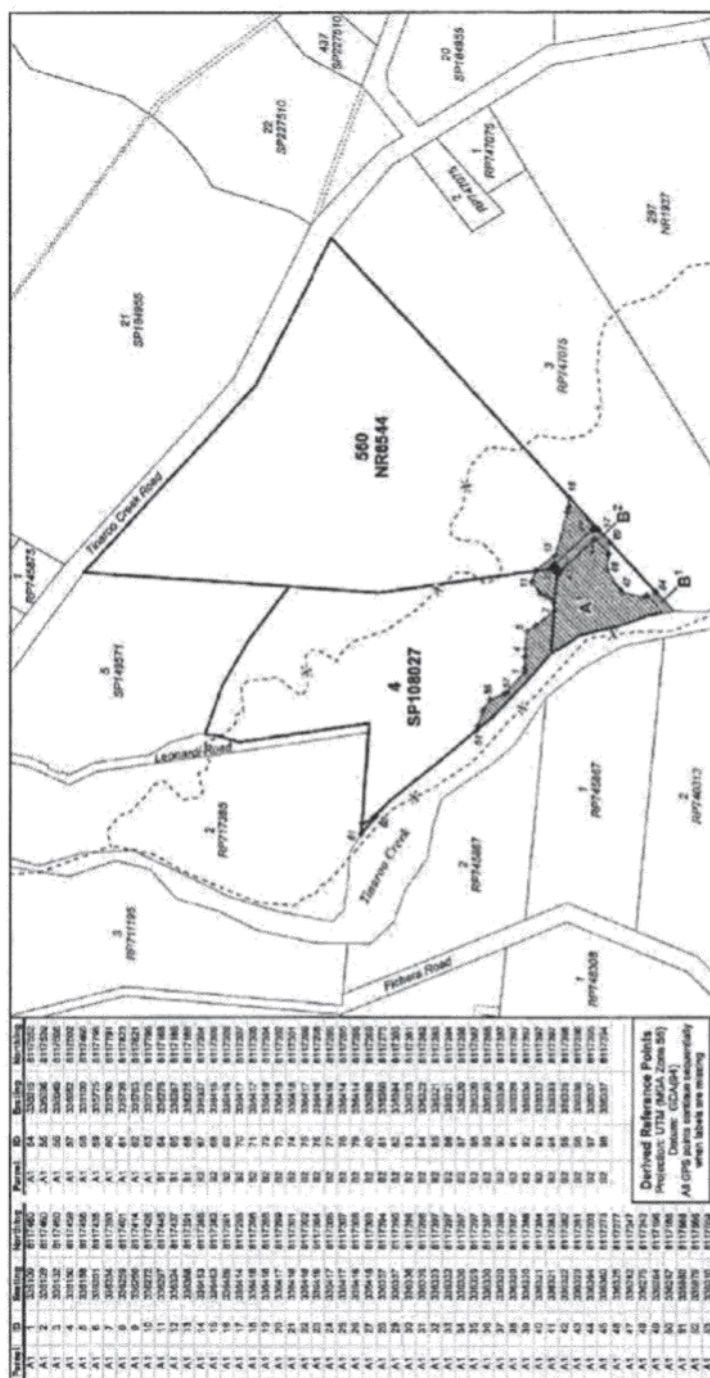
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Mareeba Shire Council

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		<b>RARP</b> <b>SDA-1116-034903</b> Sheet 1 of 1	
<b>Referral Agency Response (Vegetation) Plan</b> Plan of Area A and Area B (Parts B' and B'') in Lot 4 on SP108027 and Lot 560 on NR6544			
CENTRE: MAREEBA LOCALITY: MAREEBA		REGION: NORTH LOCAL GOVT: MAREEBA SHIRE	
Map Reference: 7903 File Reference: 40035_002000508		a/LAS Case: 2016000031 Completed: 1903 Prepared by: SAK - JBT Date: 13 December 2016	

<b>LEGEND</b> + Derived Reference Points for GPS □ Subject Lots ■ Area A (Part A') ■ Area B (Parts B' and B'') ■ Watercourse (shaded - see Decision Notice) Note: This is a colour plan and should only be reproduced in colour.		1:7500 @ A3 size 0 100 200 300 400 500 600 700 m Projection: UTM (MGA Zone 55) Datum: GDA94 Note: Derived Reference Points are provided to assist in the location of the Referral Agency Response boundaries. Responsibility for locating these boundaries lies solely with the landholder and/or the Referral Agency Response boundaries. The property boundaries shown on this plan are APPROXIMATE ONLY. They are NOT an accurate representation of the legal boundaries. Note: This plan must be read in conjunction with the Referral Agency Response SDA-1116-034903.
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Mareeba Shire Council

**ATTACHMENT 3 - MAKING REPRESENTATIONS ABOUT DECISION**

**PART 8 - DEALING WITH DECISION NOTICES AND APPROVALS**

**DIVISION 1 CHANGING DECISION NOTICES AND APPROVALS DURING APPLICANT'S APPEAL PERIOD**

**360 APPLICATION OF DIV 1**

This division applies only during the applicant's appeal period.

**361 APPLICANT MAY MAKE REPRESENTATIONS ABOUT DECISION**

- (1) The applicant may make written representations to the assessment manager about—
  - (a) a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or
  - (b) the standard conditions applying to a deemed approval.
- (2) However, the applicant can not make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

**362 ASSESSMENT MANAGER TO CONSIDER REPRESENTATIONS**

The assessment manager must consider any representations made to the assessment manager under section 361.

**363 DECISION ABOUT REPRESENTATIONS**

- (1) If the assessment manager agrees with any of the representations about a decision notice or a deemed approval, the assessment manager must give a new decision notice (*the negotiated decision notice*) to—
  - (a) the applicant; and
  - (b) each principal submitter; and
  - (c) each referral agency; and
  - (d) if the assessment manager is not the local government and the development is in a local government area—the local government.
- (2) Before the assessment manager agrees to a change under this section, the assessment manager must consider the matters the assessment manager was required to consider in assessing the application, to the extent the matters are relevant.
- (3) Only 1 negotiated decision notice may be given.
- (4) The negotiated decision notice—
  - (a) must be given within 5 business days after the day the assessment manager agrees with the representations; and
  - (b) must comply with section 335; and
  - (c) must state the nature of the changes; and
  - (d) replaces—
    - (i) the decision notice previously given; or

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13 April 2017

- (ii) if a decision notice was not previously given and the negotiated decision notice relates to a deemed approval—the standard conditions applying to the deemed approval.
- (5) If the assessment manager does not agree with any of the representations, the assessment manager must, within 5 business days after the day the assessment manager decides not to agree with any of the representations, give written notice to the applicant stating the decision about the representations.

**364 GIVING NEW INFRASTRUCTURE CHARGES NOTICE OR REGULATED INFRASTRUCTURE CHARGES NOTICE**

- (1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of an infrastructure charge or regulated infrastructure charge.
- (2) The local government may give the applicant a new infrastructure charges notice under section 633 or regulated infrastructure charges notice under section 643 to replace the original notice.

**365 GIVING NEW REGULATED STATE INFRASTRUCTURE CHARGES NOTICE**

- (1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of a regulated State infrastructure charge.
- (2) The relevant State infrastructure provider may give the applicant a new regulated State infrastructure charges notice under section 669 to replace the original notice.

**366 APPLICANT MAY SUSPEND APPLICANT'S APPEAL PERIOD**

- (1) If the applicant needs more time to make the representations, the applicant may, by written notice given to the assessment manager, suspend the applicant's appeal period.
- (2) The applicant may act under subsection (1) only once.
- (3) If the representations are not made within 20 business days after the day written notice was given to the assessment manager, the balance of the applicant's appeal period restarts.
- (4) If the representations are made within 20 business days after the day written notice was given to the assessment manager—
  - (a) if the applicant gives the assessment manager a notice withdrawing the notice under subsection (1)—the balance of the applicant's appeal period restarts the day after the assessment manager receives the notice of withdrawal; or
  - (b) if the assessment manager gives the applicant a notice under section 363(5)—the balance of the applicant's appeal period restarts the day after the applicant receives the notice; or
  - (c) if the assessment manager gives the applicant a negotiated decision notice—the applicant's appeal period starts again the day after the applicant receives the negotiated decision notice.

## DECISION NOTICE - APPROVAL

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## ATTACHMENT 4 - APPEAL RIGHTS

## DIVISION 8 APPEALS TO COURT RELATING TO DEVELOPMENT APPLICATIONS AND APPROVALS

## 461 APPEALS BY APPLICANTS

- (1) An applicant for a development application may appeal to the court against any of the following—
  - (a) the refusal, or the refusal in part, of the development application;
  - (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
  - (c) the decision to give a preliminary approval when a development permit was applied for;
  - (d) the length of a period mentioned in section 341;
  - (e) a deemed refusal of the development application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after—
  - (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
  - (b) otherwise—the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

## 462 APPEALS BY SUBMITTERS—GENERAL

- (1) A submitter for a development application may appeal to the court only against—
  - (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) the part of the approval relating to the assessment manager's decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
  - (a) the giving of a development approval;
  - (b) any provision of the approval including—
    - (i) a condition of, or lack of condition for, the approval; or
    - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
  - (a) withdraws the submission before the application is decided; or
  - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the **submitter's appeal period**) after the decision notice or negotiated decision notice is given to the submitter.

## DECISION NOTICE - APPROVAL

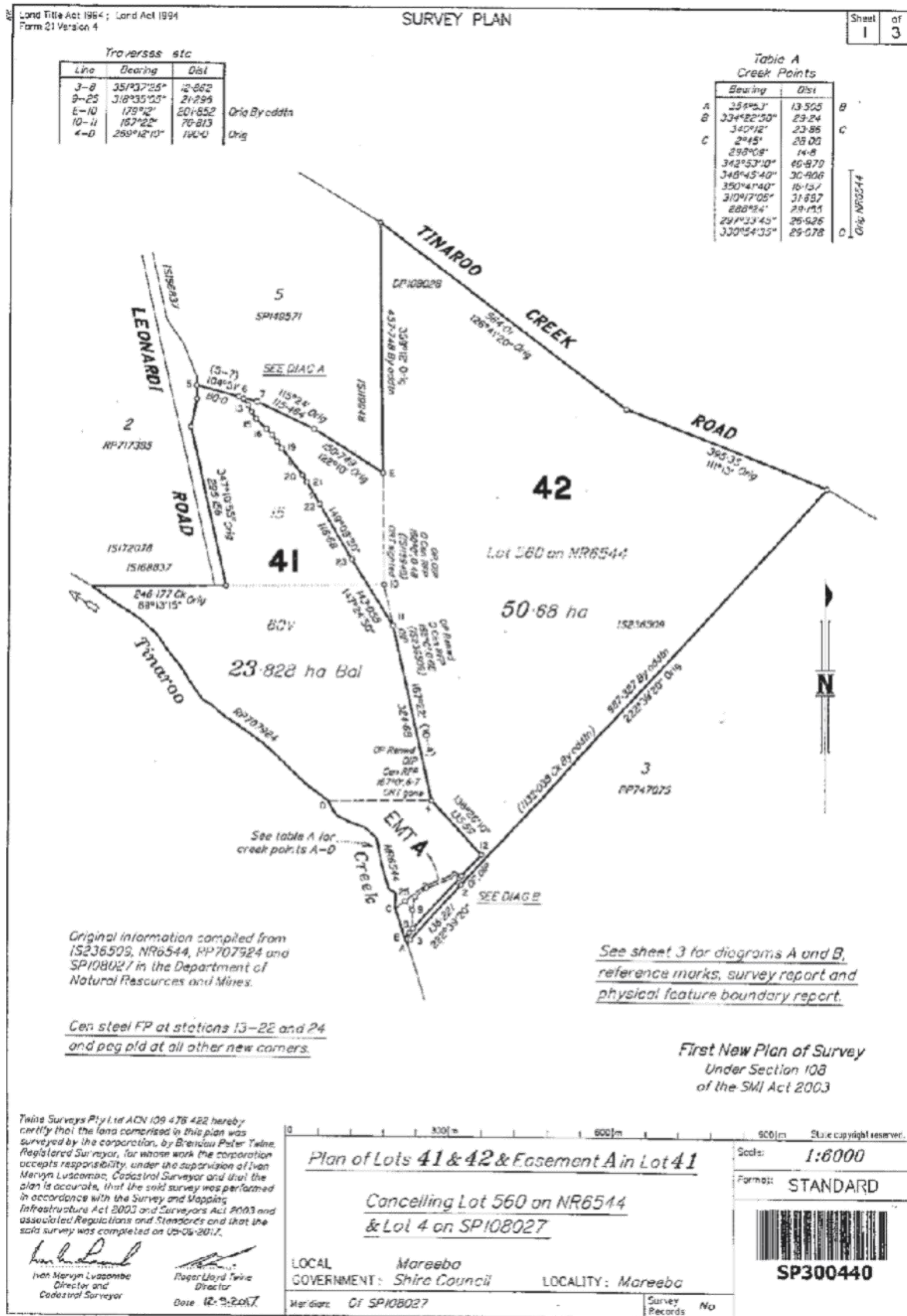
20  
13 April 2017**463 ADDITIONAL AND EXTENDED APPEAL RIGHTS FOR SUBMITTERS FOR PARTICULAR DEVELOPMENT APPLICATIONS**

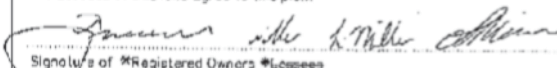
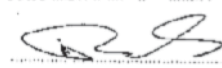

- (1) This section applies to a development application to which chapter 9, part 7 applies.
- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency's response made by a prescribed concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency's response to the extent it relates to—
  - (a) if the prescribed concurrence agency is the chief executive (environment)—development for an aquacultural ERA; or
  - (b) if the prescribed concurrence agency is the chief executive (fisheries)—development that is—
    - (i) a material change of use of premises for aquaculture; or
    - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (4) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
  - (a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive (fisheries);
  - (b) a referral agency's response mentioned in subsection (2).

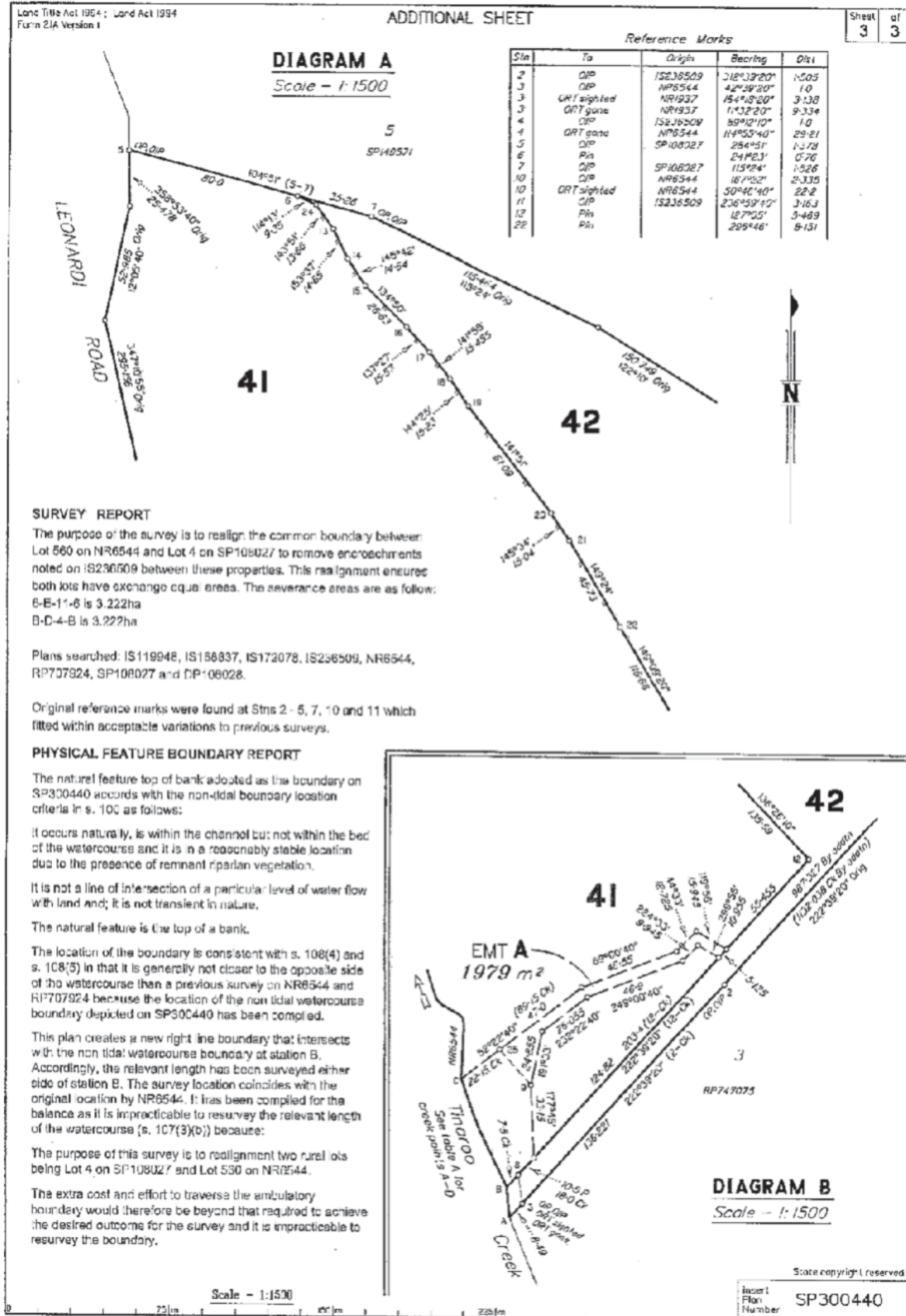
**464 APPEALS BY ADVICE AGENCY SUBMITTERS**

- (1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.
- (2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
  - (a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) any part of the approval relating to the assessment manager's decision under section 327.
- (3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

## **APPENDIX D**



Land Title Act 1994; Lonic Act 1994 Form 213 Version 1		<b>WARNING : Folded or Mutilated Plans will not be accepted.</b> Plans may be rolled. Information may not be placed in the outer margins.																					
(Dealing No.)		a. Lodged by  (include address, phone number, reference, and Ledger Code)																					
1. Certificate of Registered Owners or Lessees. I/We <u>John Douglas Miller, Lois Kay Miller,</u> <u>Luke John Miller, Mark Daniel Miller &amp;</u> <u>Bright Acquisitions Pty Ltd ACN 154 032 827</u> <u>trustee under Instrument 715456223</u>		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="2">Existing</th> <th colspan="3">Created</th> </tr> <tr> <th>Title Reference</th> <th>Description</th> <th>New Lots</th> <th>Road</th> <th>Secondary Interests</th> </tr> <tr> <td>50255505</td> <td>Lot 4 on SP108027</td> <td>41 &amp; 42</td> <td>-</td> <td>-</td> </tr> <tr> <td>50354847</td> <td>Lot 560 on NR6544</td> <td>41 &amp; 42</td> <td>-</td> <td>Emt A</td> </tr> </table>		Existing		Created			Title Reference	Description	New Lots	Road	Secondary Interests	50255505	Lot 4 on SP108027	41 & 42	-	-	50354847	Lot 560 on NR6544	41 & 42	-	Emt A
Existing		Created																					
Title Reference	Description	New Lots	Road	Secondary Interests																			
50255505	Lot 4 on SP108027	41 & 42	-	-																			
50354847	Lot 560 on NR6544	41 & 42	-	Emt A																			
(Names in full) * as Registered Owners of this land agree to this plan and dedicate the Public Use Land as shown hereon in accordance with Section 50 of the Land Title Act 1994. * as Lessees of this land agree to this plan.		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="2">Mortgage Allocations</th> </tr> <tr> <th>Mortgages</th> <th>Lots partially encumbered</th> </tr> <tr> <td>715456305</td> <td>41 &amp; 42</td> </tr> </table>		Mortgage Allocations		Mortgages	Lots partially encumbered	715456305	41 & 42														
Mortgage Allocations																							
Mortgages	Lots partially encumbered																						
715456305	41 & 42																						
Signatory of *Registered Owners *Lessees  Bright Acquisitions Pty Ltd (ACN 154 032 827) D. J. Douglas Sales Director/Secretary		9. Building Format Plans only. I certify that: * As far as it is practical to determine, no part of the building shown on this plan encroaches onto adjoining lots or roads. * Part of the building shown on this plan encroaches onto adjoining lots and road. Cadastral Surveyor/Director * Date * delete words not required																					
2. Planning Body Approval. * Moree Shire Council hereby approves this plan in accordance with the: % Sustainable Planning Act 2009		10. Lodgement Fees: <table style="width: 100%;"> <tr><td>Survey Deposit</td><td>\$</td></tr> <tr><td>Lodgement</td><td>\$</td></tr> <tr><td>..... New Titles</td><td>\$</td></tr> <tr><td>Photocopy</td><td>\$</td></tr> <tr><td>Postage</td><td>\$</td></tr> <tr><td>TOTAL</td><td>\$</td></tr> </table>		Survey Deposit	\$	Lodgement	\$	..... New Titles	\$	Photocopy	\$	Postage	\$	TOTAL	\$								
Survey Deposit	\$																						
Lodgement	\$																						
..... New Titles	\$																						
Photocopy	\$																						
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TOTAL	\$																						
Dated this <u>2nd</u> day of <u>November</u> 2017.  Peter Franks Chief Executive Officer		7. Orig Grant Allocation: <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>Lots</th> <th>Orig</th> </tr> <tr> <td>41 &amp; 42</td> <td>Portions 15 &amp; 50V &amp; Lot 560 on NR6544</td> </tr> </table>		Lots	Orig	41 & 42	Portions 15 & 50V & Lot 560 on NR6544																
Lots	Orig																						
41 & 42	Portions 15 & 50V & Lot 560 on NR6544																						
3. Plans with Community Management Statement: CMS Number: Name:		8. Passed & Endorsed: By: <u>Twine Surveys Pty Ltd</u> Date: <u>12-9-2017</u> Signed:  Designation: <u>Cadastral Surveyor</u>																					
4. References: Dept File: Local Govt: Surveyor: <u>17/7402</u>		11. Insert Plan Number <div style="text-align: right; font-size: 1.2em;">SP300440</div>																					



## **APPENDIX E**

PA6-L



Department of  
**State Development,  
Manufacturing,  
Infrastructure and Planning**

Our reference: 1803-4641 SPL  
Your reference: VGF-C1044

11 December 2018

Bright Aquisitions Pty Ltd  
C/- Victor G Feros Town Planning  
PO Box 1256  
Cairns QLD 4870  
cairns@ferosplanning.com.au

Attention: Nick Hardy, Victor G Feros Town Planning

Dear Sir / Madam

**Pre-lodgement advice**

Thank you for your correspondence received on 28 November 2018 in which you sought pre-lodgement advice from the Department of State Development, Manufacturing, Infrastructure and Planning regarding the proposed development described below.

**Reference information**

Departmental role:	Referral agency
Departmental jurisdiction:	10.9.4.2.1.1 - State transport infrastructure – State-controlled road
Assessment manager reference:	DA/14/0064

**Location details**

Street address:	99 Leonardi Road, Mareeba; 186 Tinaroo Creek Road, Mareeba
Real property description:	4SP108027; 560NR6544
Local government area:	Mareeba Shire Council
Existing use:	Partially developed caravan park and camp ground and rural activities on the old Mareeba TAFE site
Relevant site history:	<i>10 March 2015</i> Development Permit granted over Lot 560 on NR6544 for MCU issued for (Accommodation units, caravan park, dwelling house, educational establishment, host farm, motor home park, residential units, shop, tourist facility and ancillary and associated uses and the

Page 1 of 7

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

1803-4641 SPL

retention of existing rural activities or pursuits). (DA/14/0064 and SDA-1114-016334)

*13 April 2017*

Mareeba Shire Council Development Permit was granted for boundary realignment between Lot 560 on NR6544 and Lot 4 on SP108027 (DA/16/0057 & SDA1116-034903)

*1 February 2016*

Mareeba Shire Council advised that the proposed change to move 50 of the proposed 100 campsites away from the Tinaroo Creek Road frontage is considered minor and substantially in accordance with the approved plans. (DA/14/0064 and SDA-1114-016334)

It is noted that the permissible change request to council did not include the additional café, additional ancillary amenities nor request that the permissible change includes the boundary realignment (the original application was approved over only Lot 560 on NR6544)

*28 March 2018*

The purpose of the change application is to align the MCU approval with the RaL (boundary re-alignment) approval. In particular, it is proposed to remove the area identified by the easement from the area subject to the Minor Change Application so that only Lot 42 is subject to the MCU Approval.

#### Details of proposal

Development type:	Development Permit for Material change of use
Development description:	Application for a minor change - Mareeba Shire council development permit DA/14/0064
	The applicant intends to lodge a minor change application and extension request with Mareeba Shire Council to relocate the approved uses on the site. The proposed changes include:
	(a) changes to the Northern Precinct, including the L-Shaped building
	(b) changes to the Western Precinct
	(c) establishment of proposed South Eastern Precinct
	(d) establishment of proposed Eastern Precinct
	The applicant is seeking advice that the proposed changes accord with the previous pre-lodgement advice dated 2 November 2017 and 16 March 2018 and that the changes are generally in accordance with the plans approved as part of the material change of Use (Council Reference DA/14/0064) and that there is no requirement to refer the change application or extension to the department for further consideration.

#### Supporting information

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
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Department of State Development, Manufacturing, Infrastructure and Planning

Page 2 of 7

1803-4641 SPL

Letter to the Department of State Development Manufacturing Infrastructure and Planning	Victor G Feros Town Planning Consultants (Nick Hardy)	28 November 2018	VGF-C1136	
Proposed Master Plan	Victor G Feros Town Planning Consultants	28 November 2018	VGF-C1136	
Minor Change Application and Extension Application Tinaroo Creek Road, Mareeba Bright Acquisitions Pty Ltd Proposed Modifications		November 2018	Figure 3	
Staging Plan November 2018		Amended: 28 November 2018		
Staging schedule		28 November 2018		

After consideration of the material attached to your letter of 28 November 2018, the department confirms that the proposed changes to the development are generally in accordance with the approved plans part of the concurrence agency response SDA-1114-016334 for the material change of use.

Please note that the conditions attached to SDA-1114-016334 remain unchanged and are still in effect. Should you seek greater certainty, you may wish to make a minor change application to the department (as responsible entity) in relation to updating the plan references in condition 1. However, the updated plans attached to this letter are generally in accordance with the approved plans (SDA-1114-016334).

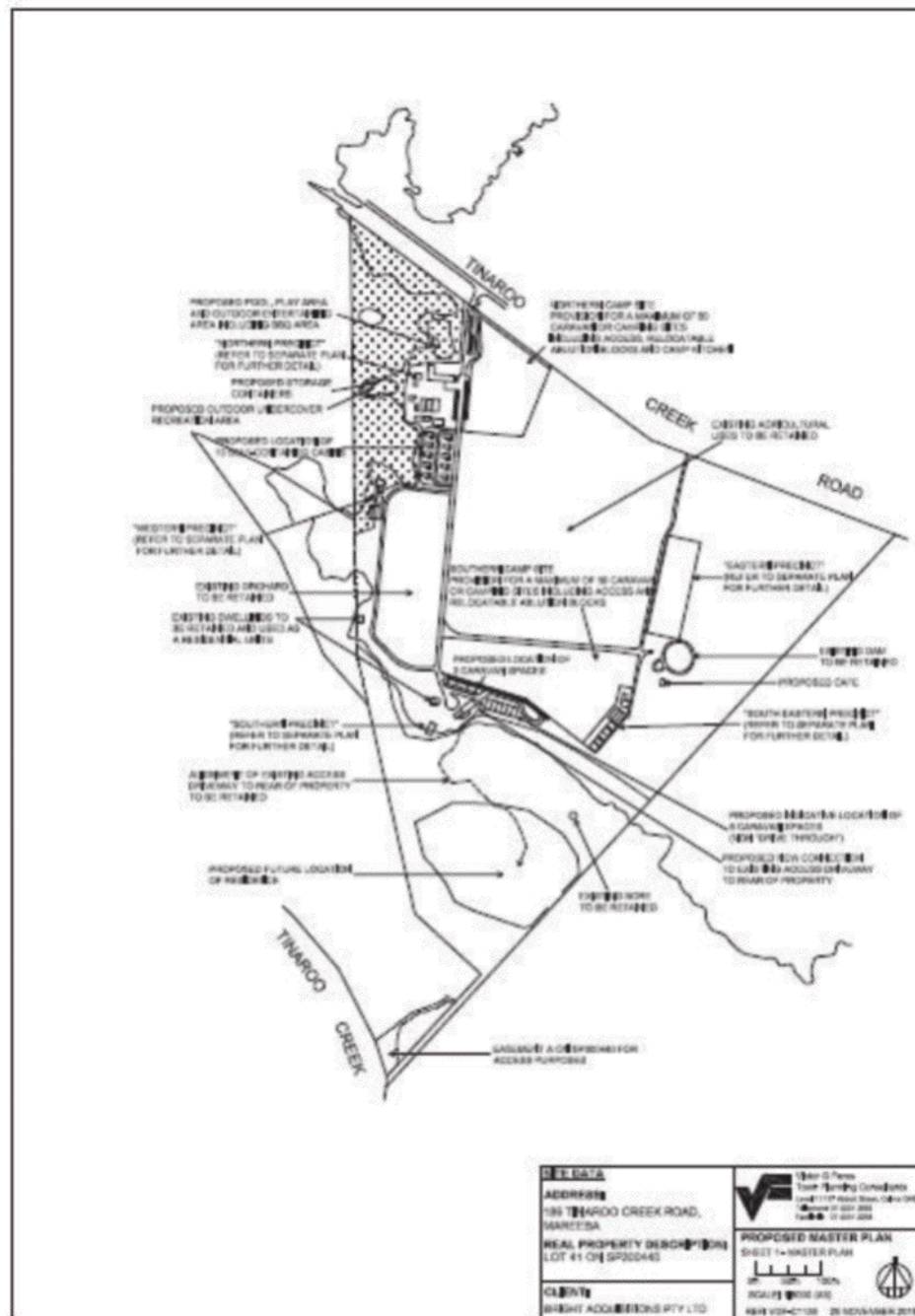
For further information please contact Tony Croke, Principal Planner, on 40373205 or via email CairnsSARA@dsdmip.qld.gov.au who will be pleased to assist.

Yours sincerely

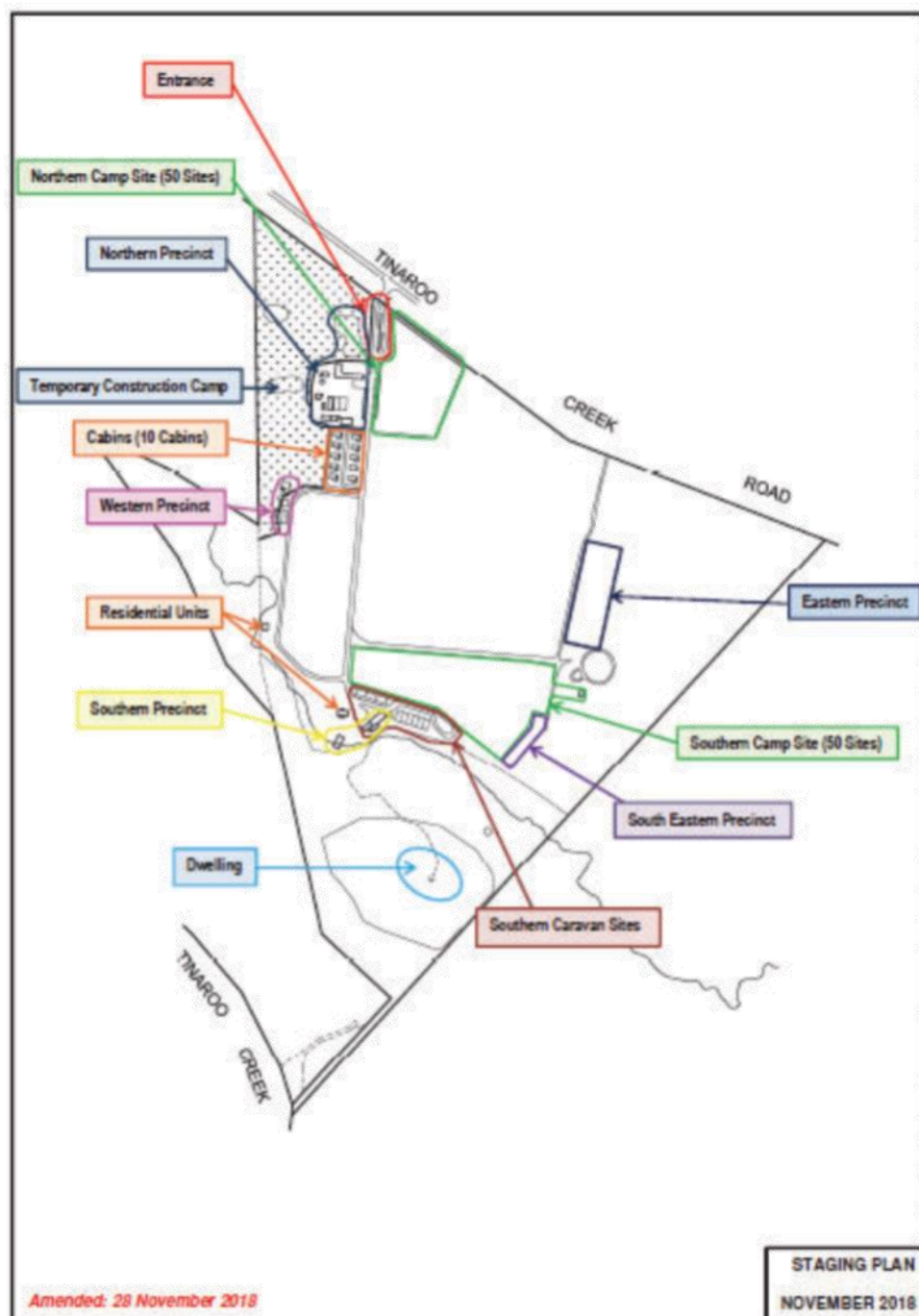


Joanne Manson  
A/Manager (Planning)

1803-4641 SPL



1803-4641 SPL



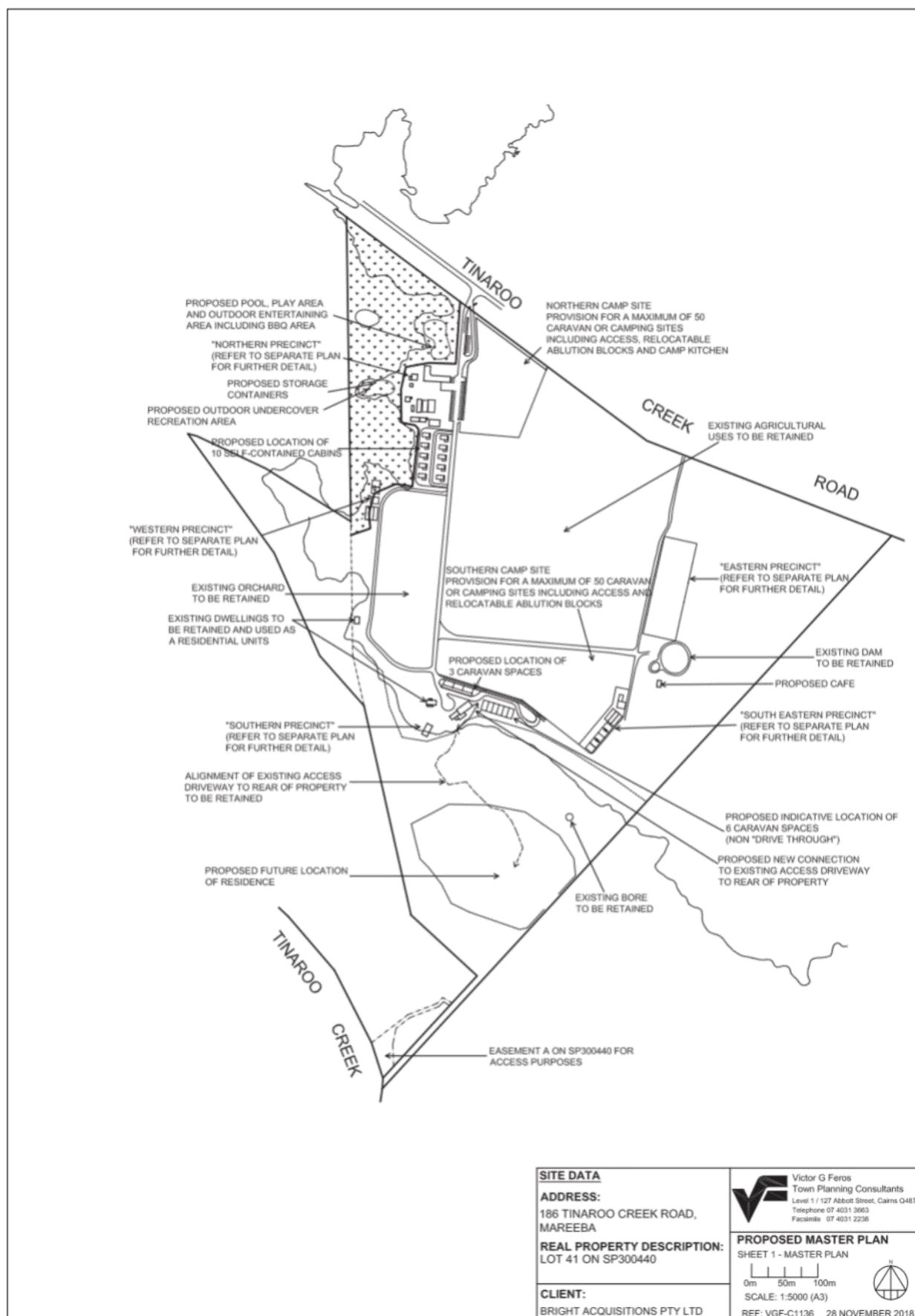
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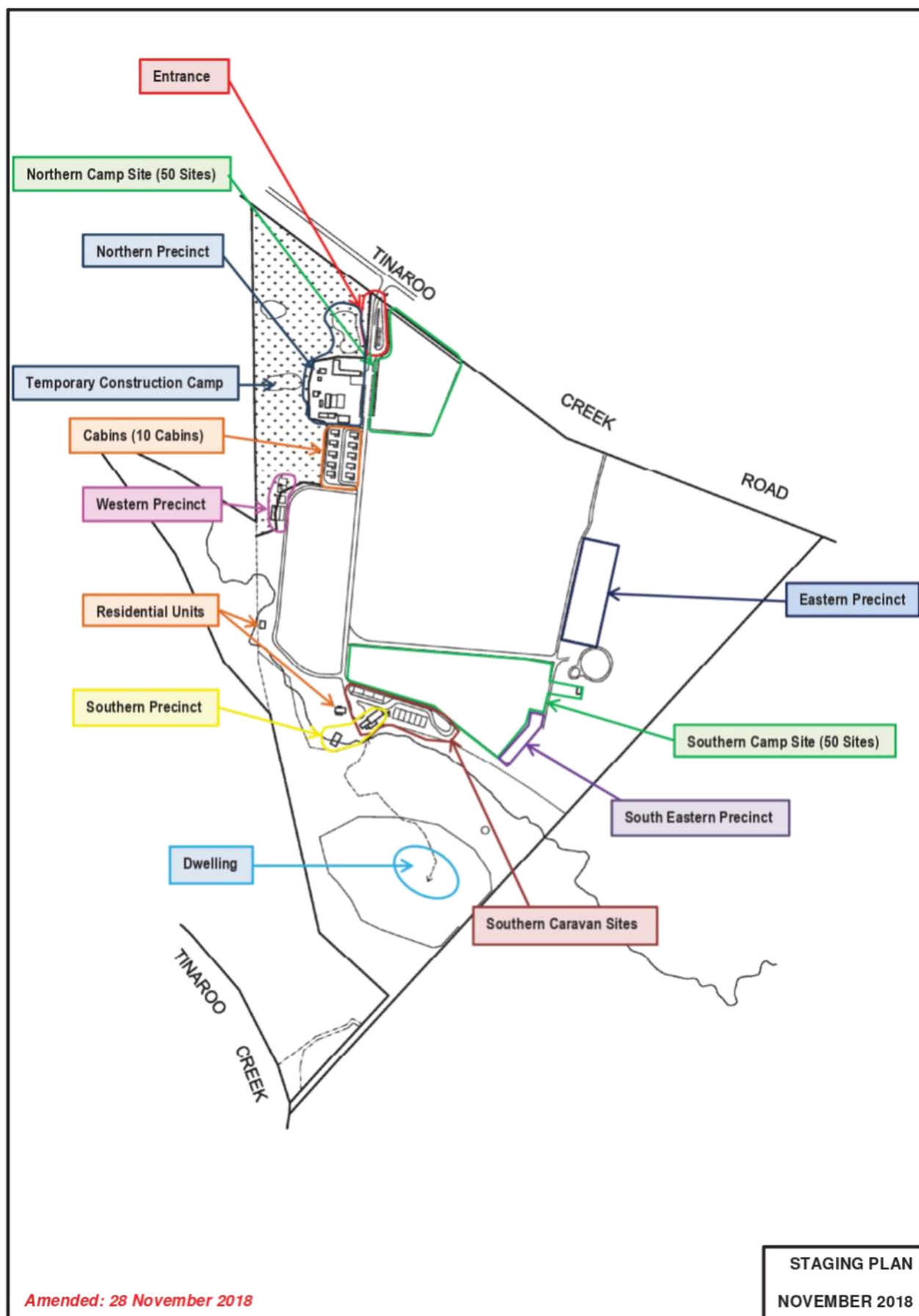
**STAGING SCHEDULE – 28 NOVEMBER 2018**

STAGE DESCRIPTION	STAGING ELEMENTS
Entrance	<ul style="list-style-type: none"> <li>Construct new entrance and passing lane - <b>constructed</b></li> <li>Construct new parking area and reception building – <b>constructed</b></li> </ul>
Northern Camp Site	<ul style="list-style-type: none"> <li>Establish up to 50 campsites and required amenities – <b>constructed and operational</b></li> </ul>
Southern Camp Site	<ul style="list-style-type: none"> <li>Establish up to 50 campsites and required amenities</li> <li>Establish a café within an existing building (60m2) located adjacent to the dam</li> <li><b>Reduce the area subject to the Southern Camp Site to allow the establishment of the Proposed South Eastern Precinct</b></li> </ul>
Proposed Eastern Precinct	<ul style="list-style-type: none"> <li>5 x -30m x -50m fenced campsites capable of holding horses (5 caravan sites reallocated from the Western Precinct)</li> <li>Amenity Block</li> </ul>
Proposed South Eastern Precinct	<ul style="list-style-type: none"> <li>5 caravan sites (reallocated from the Western Precinct);</li> <li>Establish 4 x single room accommodation building (use reallocated from the L-Shaped Building in the Northern Precinct).</li> </ul>
Cabins (10 Cabins)	<ul style="list-style-type: none"> <li>Establish cabins 1 and 2</li> <li>Establish cabins 3 to 5</li> <li>Establish cabins 6 to 10</li> <li>5 Cabins have been constructed and are operational</li> </ul>
Northern Precinct	<ul style="list-style-type: none"> <li>Create 3 x 2 bedroom and 1 x 1 bedroom accommodation units within the first level of the "L-Building"</li> <li>Create 4 x 1 bedroom accommodation units within the ground level of the "L-Building"</li> <li>Training room within existing "L-Building"</li> <li>Establish entertainment room and amenities – building being refurbished</li> <li>Conference / Classroom within existing building</li> <li>Kiosk / Café within existing building – building being refurbished</li> <li>One (1) self-contained cabin – to be constructed</li> <li>Swimming pool – to be constructed</li> <li>Playground – to be constructed</li> <li>Reception use established in ground floor of L-Shaped Building</li> <li>Showroom relocated from Southern Building Precinct and established in ground floor of L-Shaped Building</li> <li>Shop – relocated from Southern Building Precinct</li> <li>Storage Containers</li> <li>Outdoor Undercover Recreation Area</li> </ul>
Western Precinct	<ul style="list-style-type: none"> <li>Reduce from 11 to 2 caravan sites with Ensuite (remaining 9 caravan spaces to be located elsewhere on site)</li> <li>Amenities– to be constructed</li> <li>Access – constructed and operational</li> <li>4 room accommodation building (4 x 1 bedroom units "relocated" from L- Shaped Building)</li> </ul>
Southern Building Precinct	<ul style="list-style-type: none"> <li>New storage building - to be constructed</li> <li>Showroom and Shop to be relocated to the L-Shaped Building</li> </ul>

1803-4641 SPL

Southern Caravan Sites	<ul style="list-style-type: none"> <li>Nine (9) caravan sites including amenities and upgraded access – <b>to be constructed</b></li> </ul>
Dwelling	<ul style="list-style-type: none"> <li>Construction of a new family dwelling and upgraded access - <b>Not constructed at this stage, intend to construct this in the future</b></li> </ul>
Residential Units	<ul style="list-style-type: none"> <li>Re-use of the two existing buildings as dwellings – <b>operational</b></li> </ul>
Temporary Construction Camp	<ul style="list-style-type: none"> <li><b>Temporary construction camp (4 caravans) has been relocated to within the Northern precinct.</b></li> </ul>



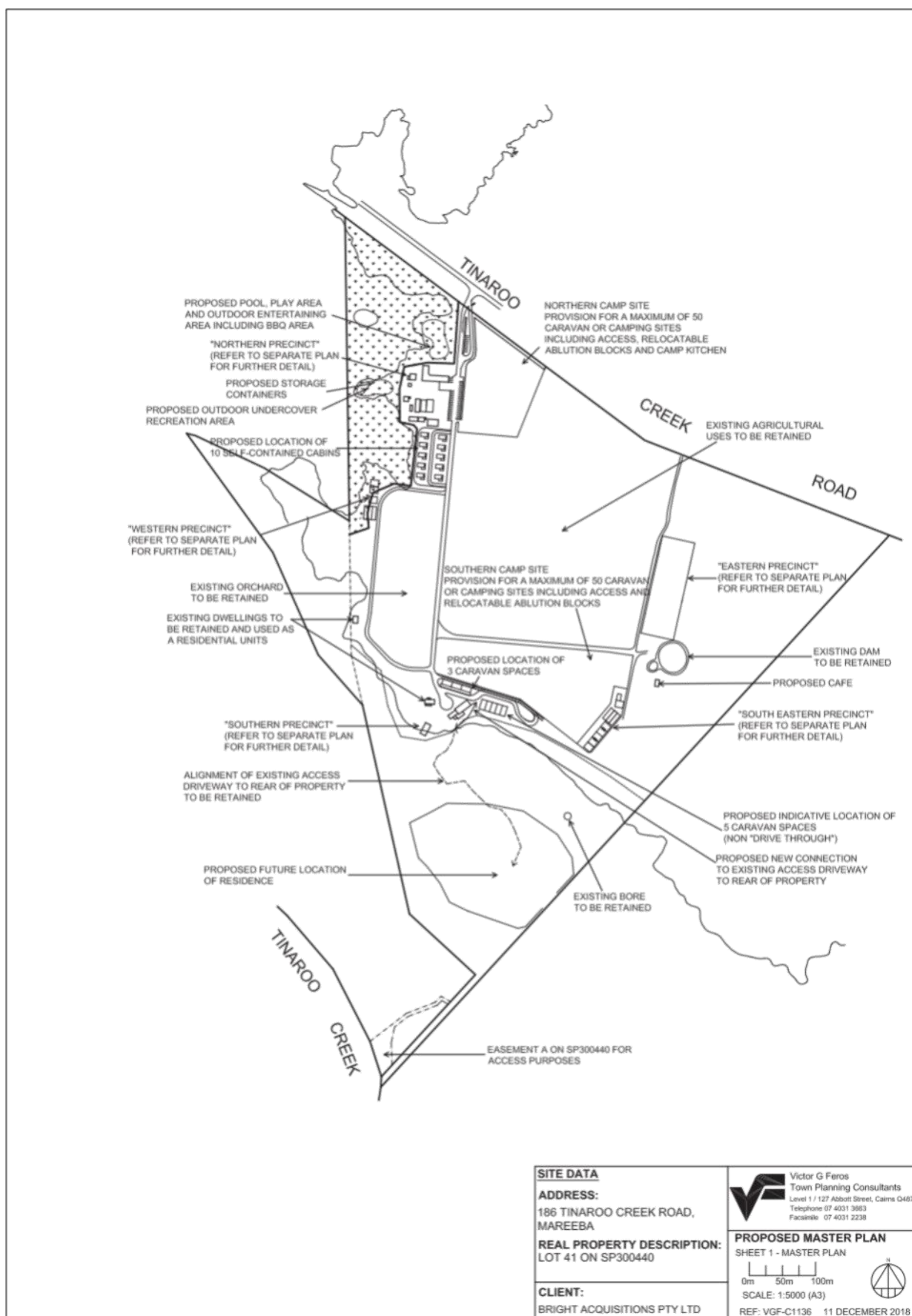


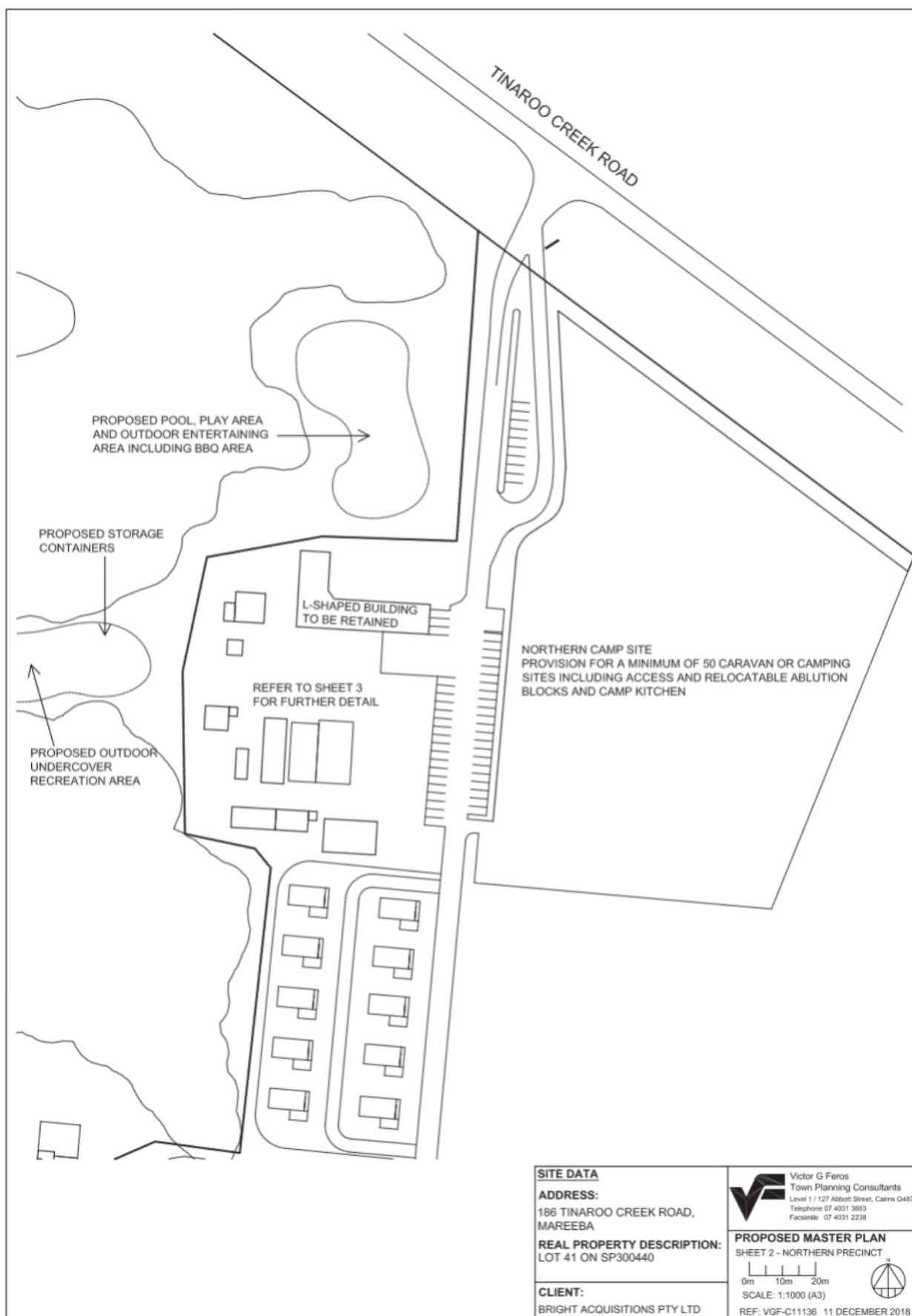
## STAGING SCHEDULE – 28 NOVEMBER 2018

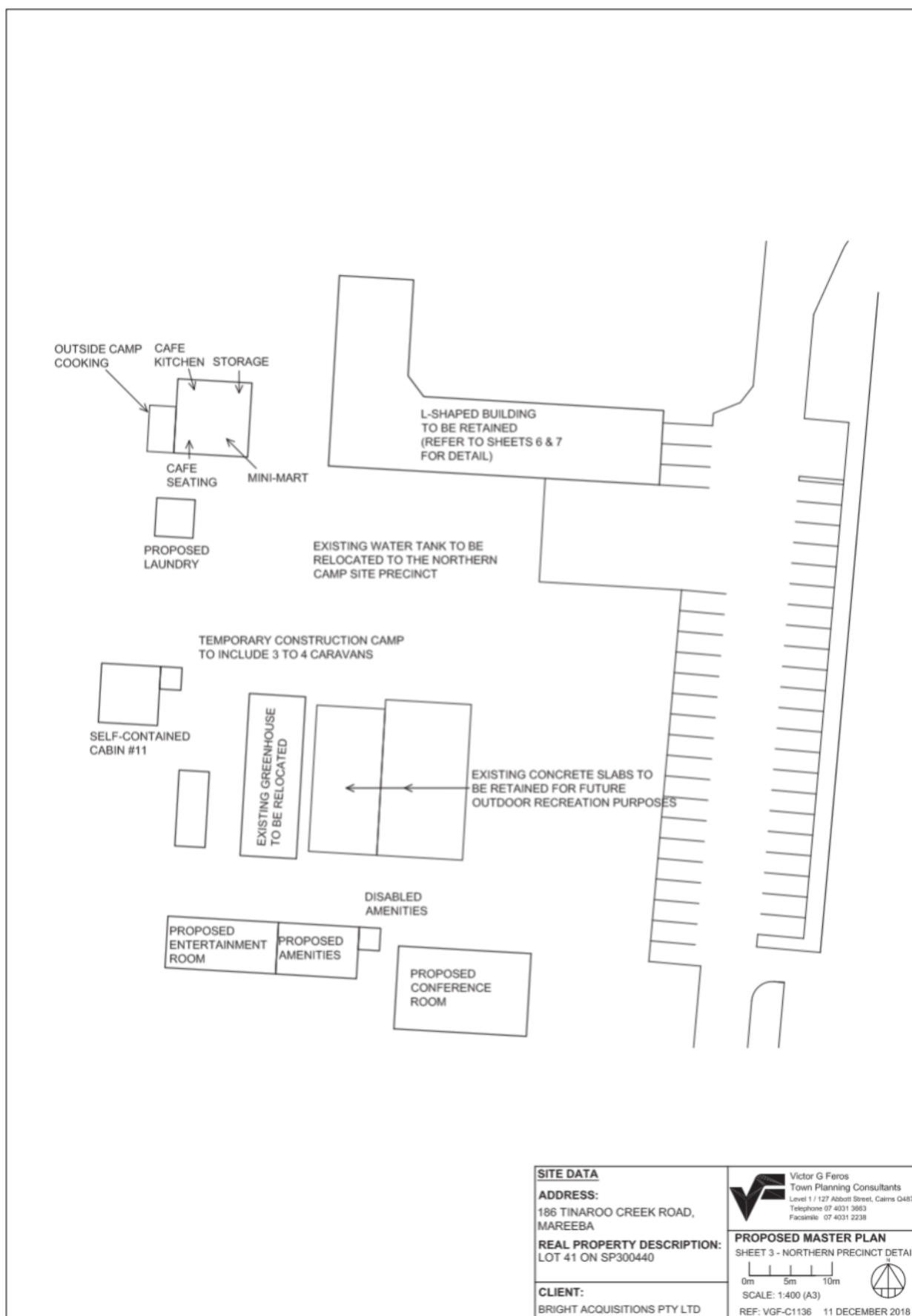
STAGE DESCRIPTION	STAGING ELEMENTS
Entrance	<ul style="list-style-type: none"> <li>Construct new entrance and passing lane - <b>constructed</b></li> <li>Construct new parking area and reception building – <b>constructed</b></li> </ul>
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Proposed South Eastern Precinct	<ul style="list-style-type: none"> <li><b>5 caravan sites (reallocated from the Western Precinct);</b></li> <li><b>Establish 4 x single room accommodation building (use reallocated from the L-Shaped Building in the Northern Precinct).</b></li> </ul>
Cabins (10 Cabins)	<ul style="list-style-type: none"> <li>Establish cabins 1 and 2</li> <li>Establish cabins 3 to 5</li> <li>Establish cabins 6 to 10</li> <li><b>5 Cabins have been constructed and are operational</b></li> </ul>
Northern Precinct	<ul style="list-style-type: none"> <li><b>Create 3 x 2 bedroom and 1 x 1 bedroom accommodation units within the first level of the “L-Building”</b></li> <li><b>Create 4 x 1 bedroom accommodation units within the ground level of the “L-Building”</b></li> <li>Training room within existing “L-Building”</li> <li>Establish entertainment room and amenities – <b>building being refurbished</b></li> <li>Conference / Classroom within existing building</li> <li>Kiosk / Café within existing building – <b>building being refurbished</b></li> <li>One (1) self-contained cabin – <b>to be constructed</b></li> <li>Swimming pool – <b>to be constructed</b></li> <li>Playground – <b>to be constructed</b></li> <li><b>Reception use established in ground floor of L-Shaped Building</b></li> <li><b>Showroom relocated from Southern Building Precinct and established in ground floor of L-Shaped Building</b></li> <li><b>Shop – relocated from Southern Building Precinct</b></li> <li><b>Storage Containers</b></li> <li><b>Outdoor Undercover Recreation Area</b></li> </ul>
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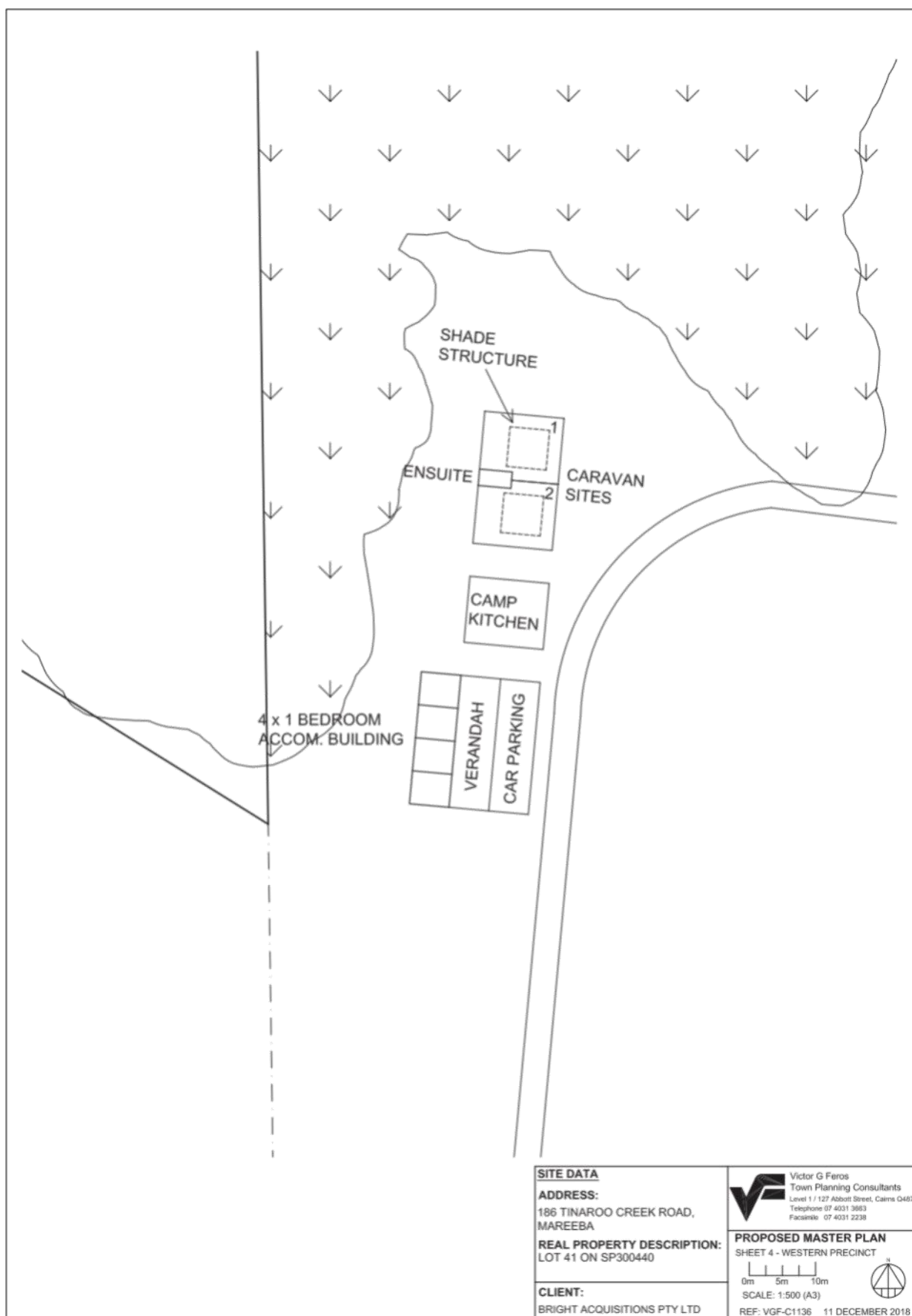
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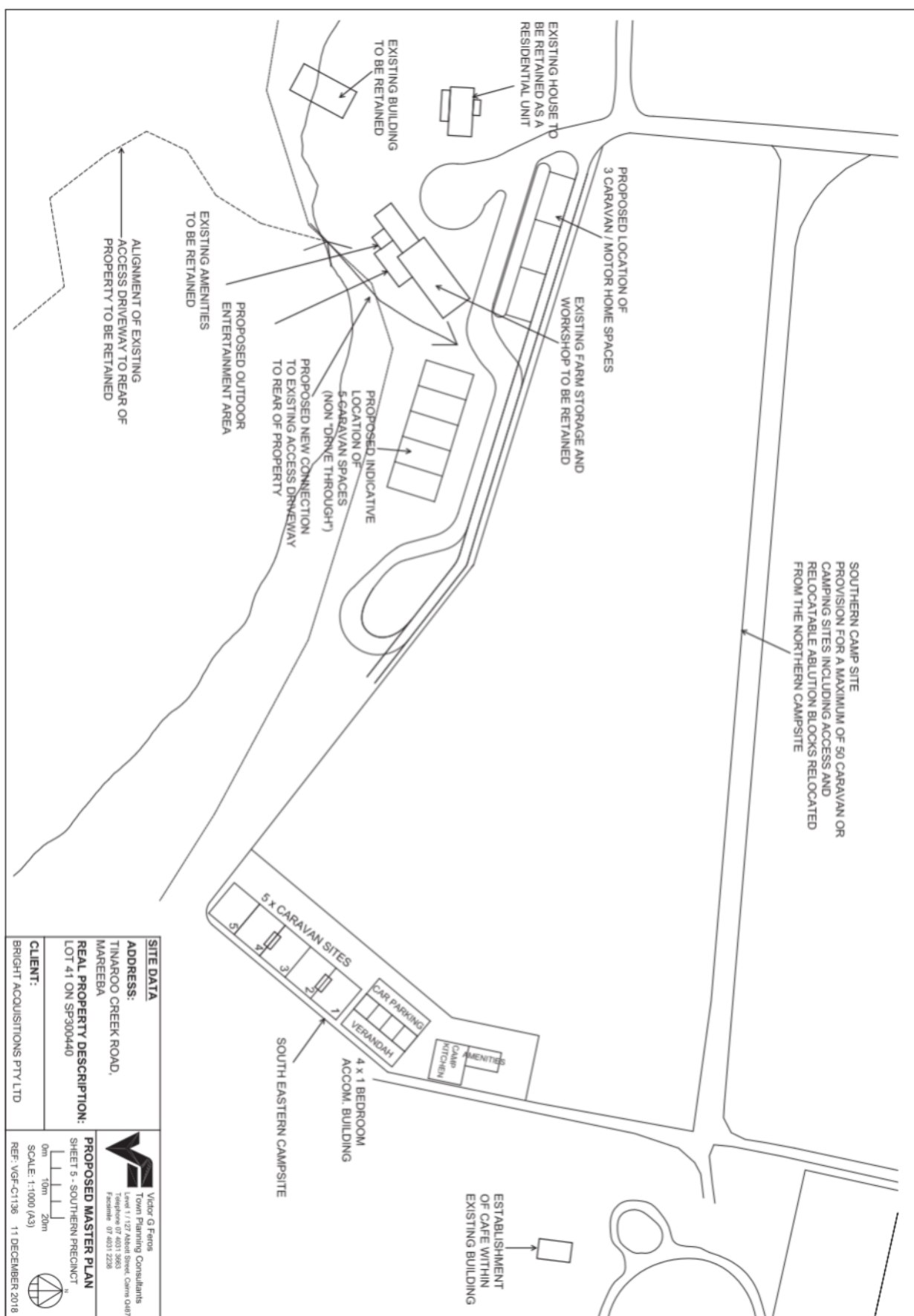
## **APPENDIX F**



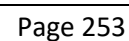


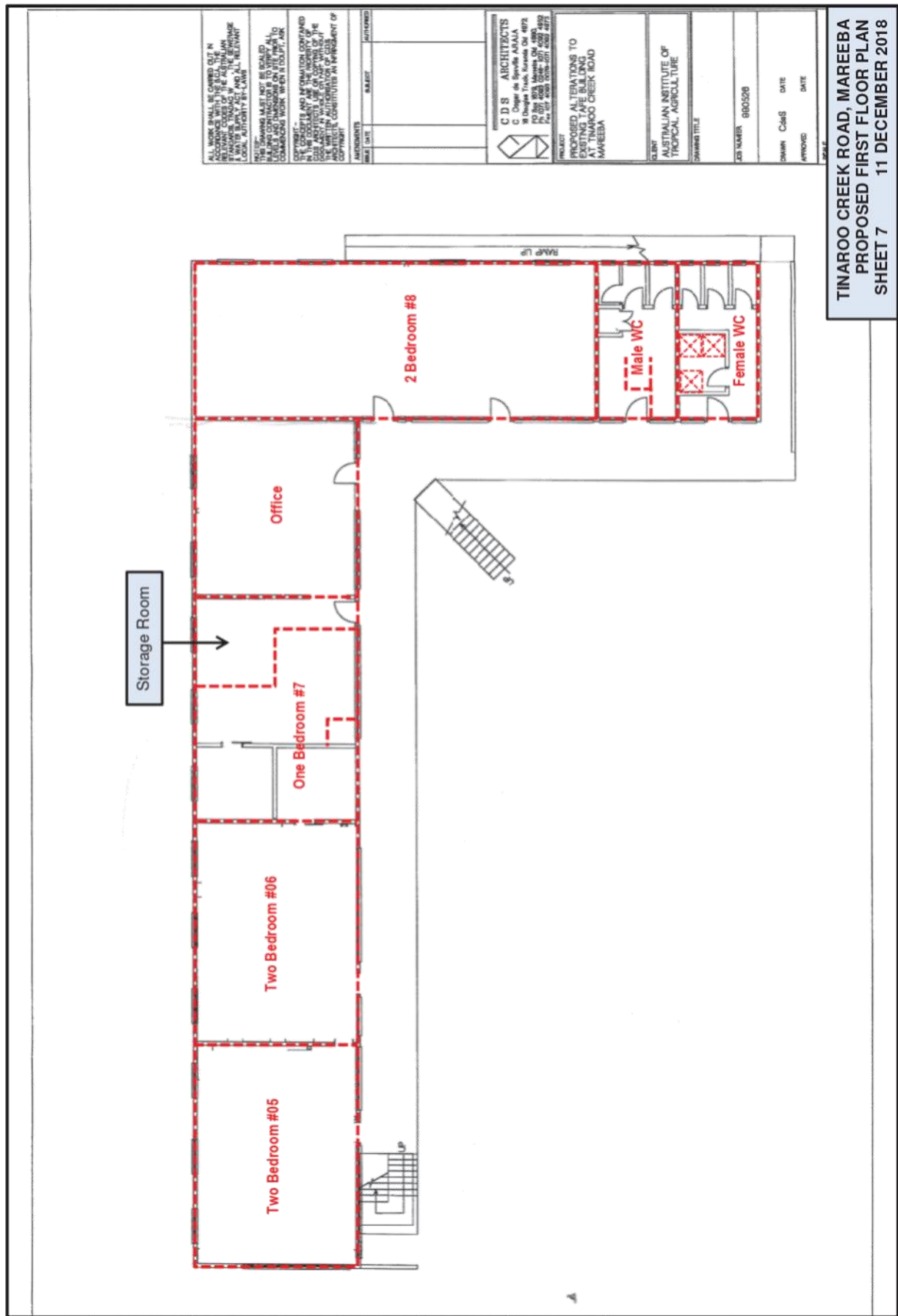




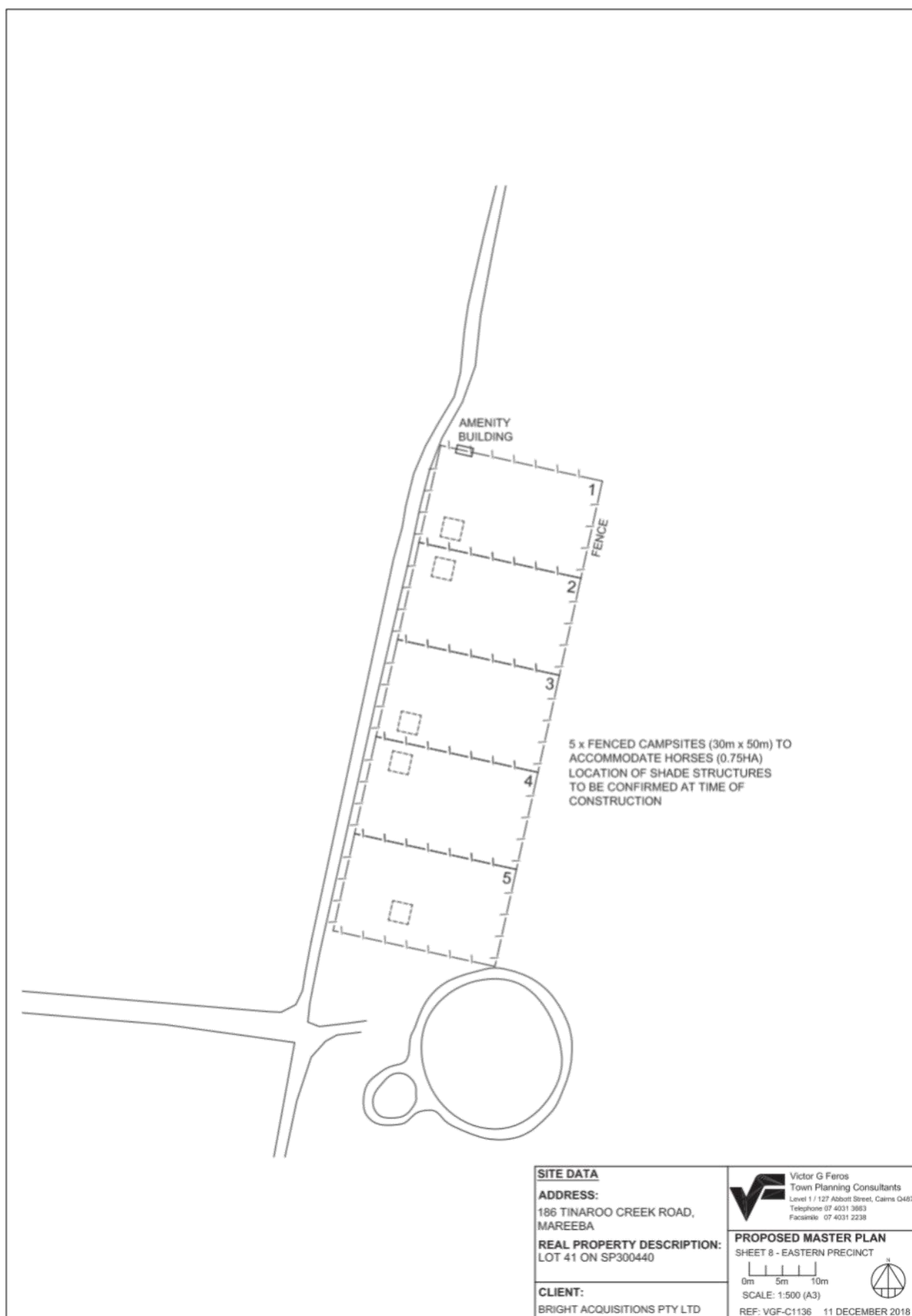


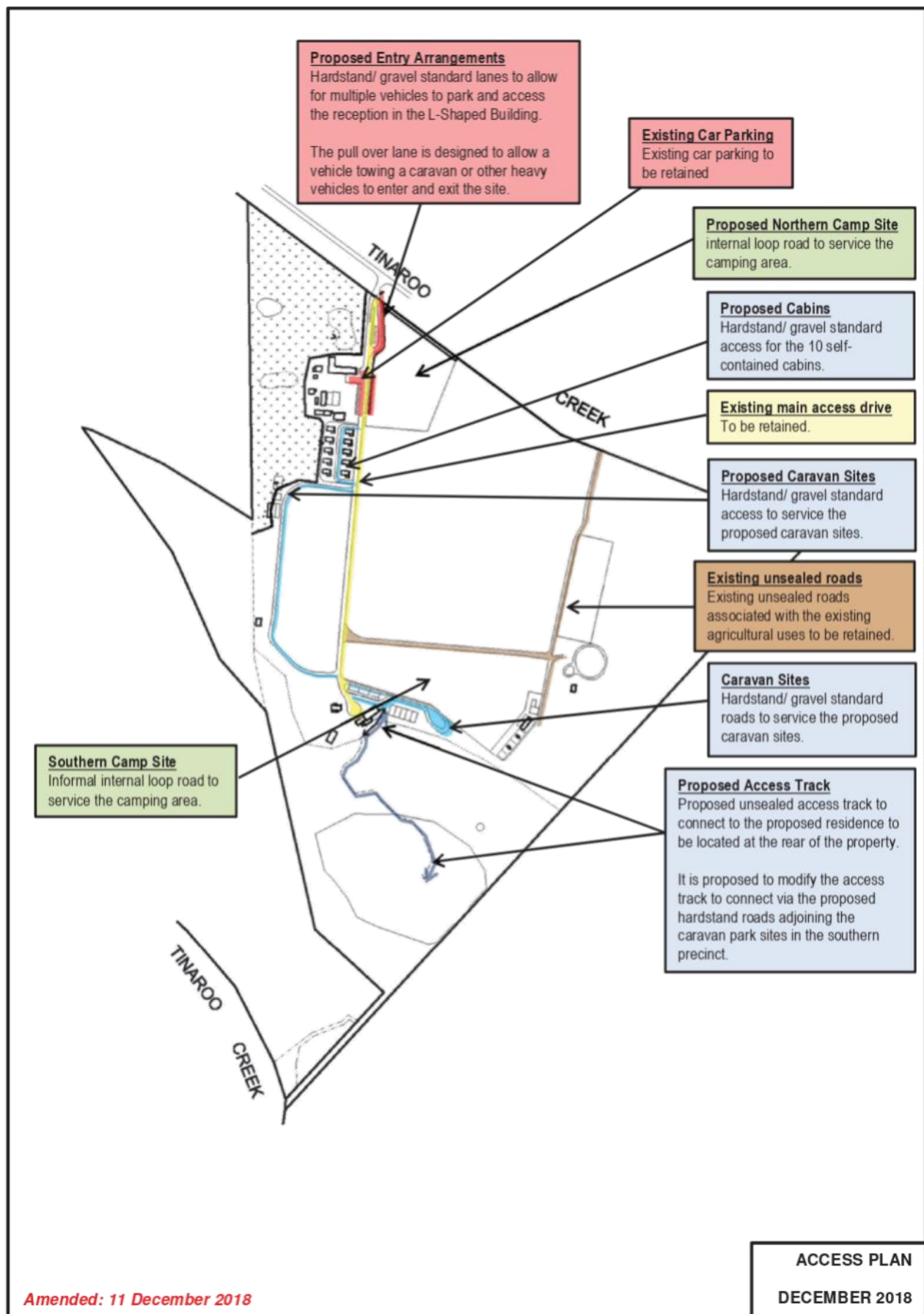
<p><b>SITE DATA</b></p> <p><b>ADDRESS:</b> TINAROO CREEK ROAD, MAREEBA</p> <p><b>REAL PROPERTY DESCRIPTION:</b> LOT 41 ON SP300440</p> <p><b>CLIENT:</b> BRIGHT ACQUISITIONS PTY LTD</p>	<p><b>Victor G Faros</b> Town Planning Consultants Level 1 / 137 Akelah Street, Cairns QLD 6850 Telephone 07 4031 3663 Facsimile 07 4031 2288</p> <p><b>PROPOSED MASTER PLAN</b> SHEET 5 - SOUTHERN PRECINCT</p> <p>0m 10m 20m SCALE: 1:1000 (A3)</p> <p>REF: VGF-CT136 11 DECEMBER 2018</p>
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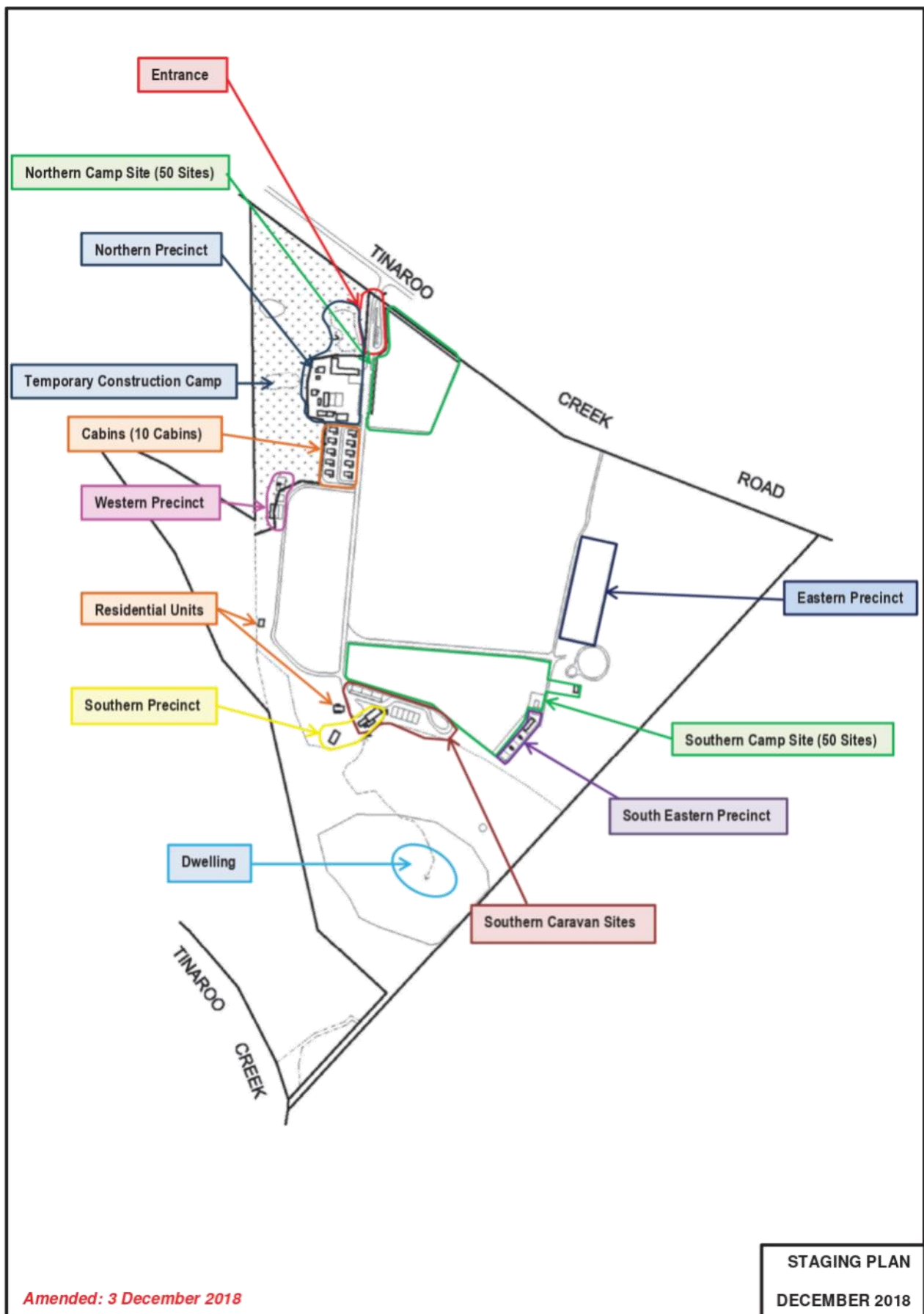




TINAROO CREEK ROAD, MAREEBA  
 PROPOSED FIRST FLOOR PLAN  
 SHEET 7 11 DECEMBER 2018



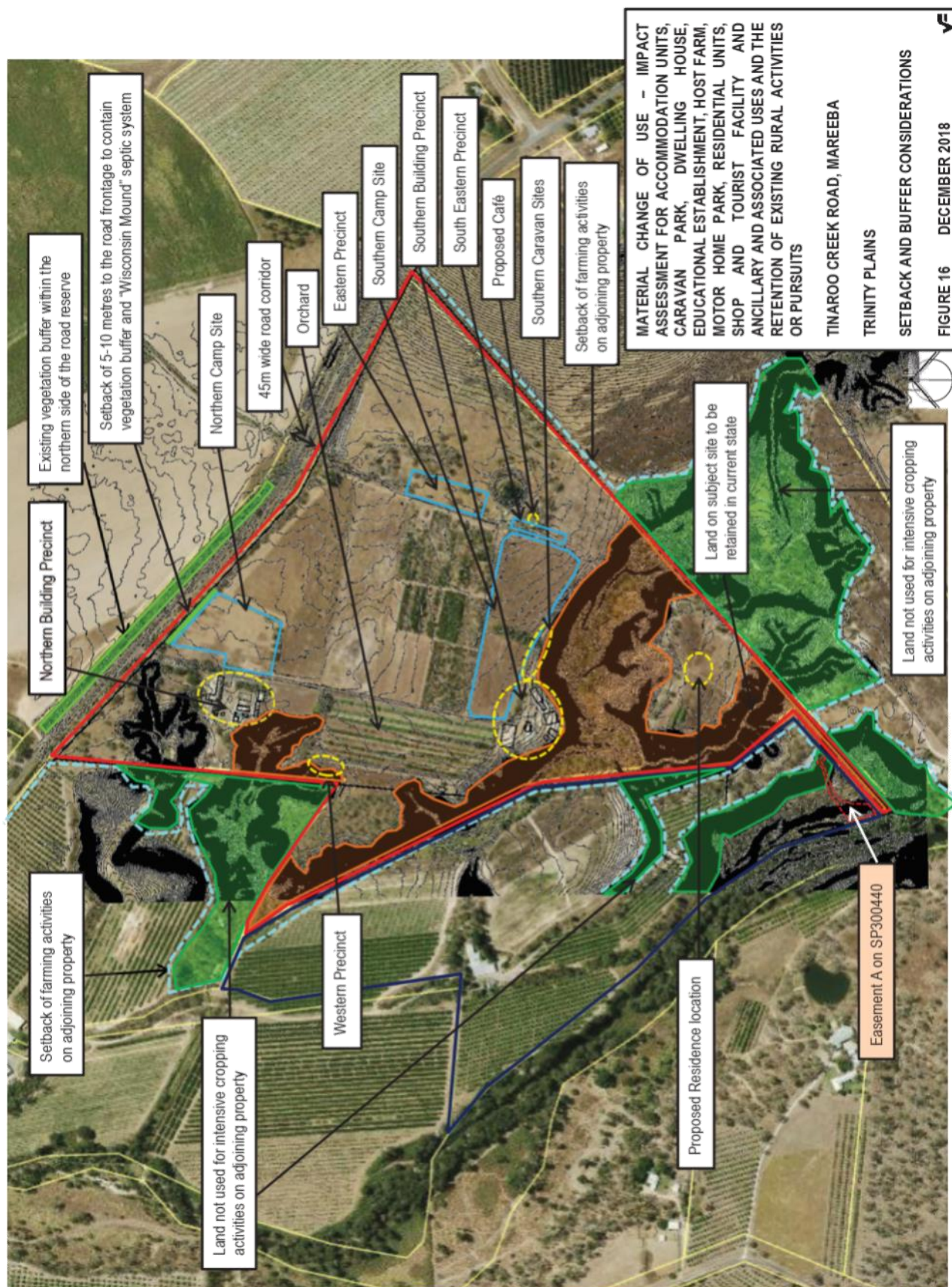




**STAGING SCHEDULE – 11 DECEMBER 2018**

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Entrance	<ul style="list-style-type: none"> <li>Construct new entrance and passing lane - <b>constructed</b></li> <li>Construct new parking area and reception building – <b>constructed</b></li> </ul>
Northern Camp Site	<ul style="list-style-type: none"> <li>Establish up to 50 campsites and required amenities – <b>constructed and operational</b></li> </ul>
Southern Camp Site	<ul style="list-style-type: none"> <li>Establish up to 50 campsites and required amenities</li> <li>Establish a café within an existing building (60m2) located adjacent to the dam</li> <li><b>Reduce the area subject to the Southern Camp Site to allow the establishment of the Proposed South Eastern Precinct</b></li> </ul>
Proposed Eastern Precinct	<ul style="list-style-type: none"> <li><b>5 x ~30m x ~50m fenced campsites capable of holding horses (5 caravan sites reallocated from the Western Precinct)</b></li> <li><b>Amenity Block</b></li> </ul>
Proposed South Eastern Precinct	<ul style="list-style-type: none"> <li><b>5 caravan sites (4 caravan sites to be reallocated from the Western Precinct and 1 caravan site to be relocated from the Southern Caravan Sites);</b></li> <li><b>Establish 4 x single room accommodation building (use reallocated from the L-Shaped Building in the Northern Precinct);</b></li> <li><b>Establish Camp Kitchen and Amenities</b></li> </ul>
Cabins (10 Cabins)	<ul style="list-style-type: none"> <li>Establish cabins 1 and 2</li> <li>Establish cabins 3 to 5</li> <li>Establish cabins 6 to 10</li> <li><b>5 Cabins have been constructed and are operational</b></li> </ul>
Northern Precinct	<ul style="list-style-type: none"> <li><b>Create 3 x 2 bedroom and 1 x 1 bedroom accommodation units within the first level of the “L-Building”</b></li> <li><b>Create 4 x 1 bedroom accommodation units within the ground level of the “L-Building”</b></li> <li>Training room within existing “L-Building”</li> <li>Establish entertainment room and amenities – <b>building being refurbished</b></li> <li>Conference / Classroom within existing building</li> <li>Kiosk / Café within existing building – <b>building being refurbished</b></li> <li>One (1) self-contained cabin – <b>to be constructed</b></li> <li>Swimming pool – <b>to be constructed</b></li> <li>Playground – <b>to be constructed</b></li> <li><b>Reception use established in ground floor of L-Shaped Building</b></li> <li><b>Showroom relocated from Southern Building Precinct and established in ground floor of L-Shaped Building</b></li> <li><b>Shop – relocated from Southern Building Precinct</b></li> <li><b>Storage Containers</b></li> <li><b>Outdoor Undercover Recreation Area</b></li> </ul>
Western Precinct	<ul style="list-style-type: none"> <li><b>Reduce from 11 to 2 caravan sites with Ensuite (remaining 9 caravan spaces to be located elsewhere on site)</b></li> <li><b>Amenities– to be constructed</b></li> <li><b>Access – constructed and operational</b></li> <li><b>4 room accommodation building (4 x 1 bedroom units “relocated” from L- Shaped Building)</b></li> </ul>

Southern Building Precinct	<ul style="list-style-type: none"> <li>New storage building - <b>to be constructed</b></li> <li><b>Showroom and Shop to be relocated to the L-Shaped Building</b></li> </ul>
Southern Caravan Sites	<ul style="list-style-type: none"> <li>eight (8) caravan sites including amenities and upgraded access – <b>to be constructed;</b></li> <li><b>one (1) caravan site to be relocated to the South Eastern Precinct</b></li> </ul>
Dwelling	<ul style="list-style-type: none"> <li>Construction of a new family dwelling and upgraded access - <b>Not constructed at this stage, intend to construct this in the future</b></li> </ul>
Residential Units	<ul style="list-style-type: none"> <li>Re-use of the two existing buildings as dwellings – <b>operational</b></li> </ul>
Temporary Construction Camp	<ul style="list-style-type: none"> <li><b>Temporary construction camp (4 caravans) has been relocated to within the Northern precinct.</b></li> </ul>



**8.4 APPLICATION FOR RENEWAL OF SPECIAL LEASE 9/50839 OVER LOT 20 ON NR7989, LOCATED OFF TINAROO CREEK ROAD, MAREEBA**

**Date Prepared:** 6 February 2019

**Author:** Senior Planner

**Attachments:** 1. Department of Natural Resources, Mines and Energy letter of 24 January 2019 [↓](#)

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**EXECUTIVE SUMMARY**

An application has been made to the Department of Natural Resources, Mines and Energy (DNRME) for the renewal of Special Lease 9/50839 over land described as Lot 20 on NR7989, located off Tinaroo Creek Road, Mareeba.

Special Lease 9/50839 covers 1.18 hectares and is issued for rural residential purposes. The renewed special lease would be issued for the same purpose.

As part of this application process, DNRME is considering offering the lessee the option of converting Lot 20 on NR7989 to freehold. This offer would be subject to the provision of dedicated access to Lot 20.

DNRME seeks Council's views on the renewal of the special lease and the possible conversion to freehold.

**RECOMMENDATION**

That Council offer no objection to:

1. the renewal of the special lease over Lot 20 on NR7989, located off Tinaroo Creek Road, Mareeba; and
2. the conversion to freehold of Lot 20 on NR7989 subject to this land being provided with legal access via frontage to a gazetted road reserve or via an access easement.

**BACKGROUND**

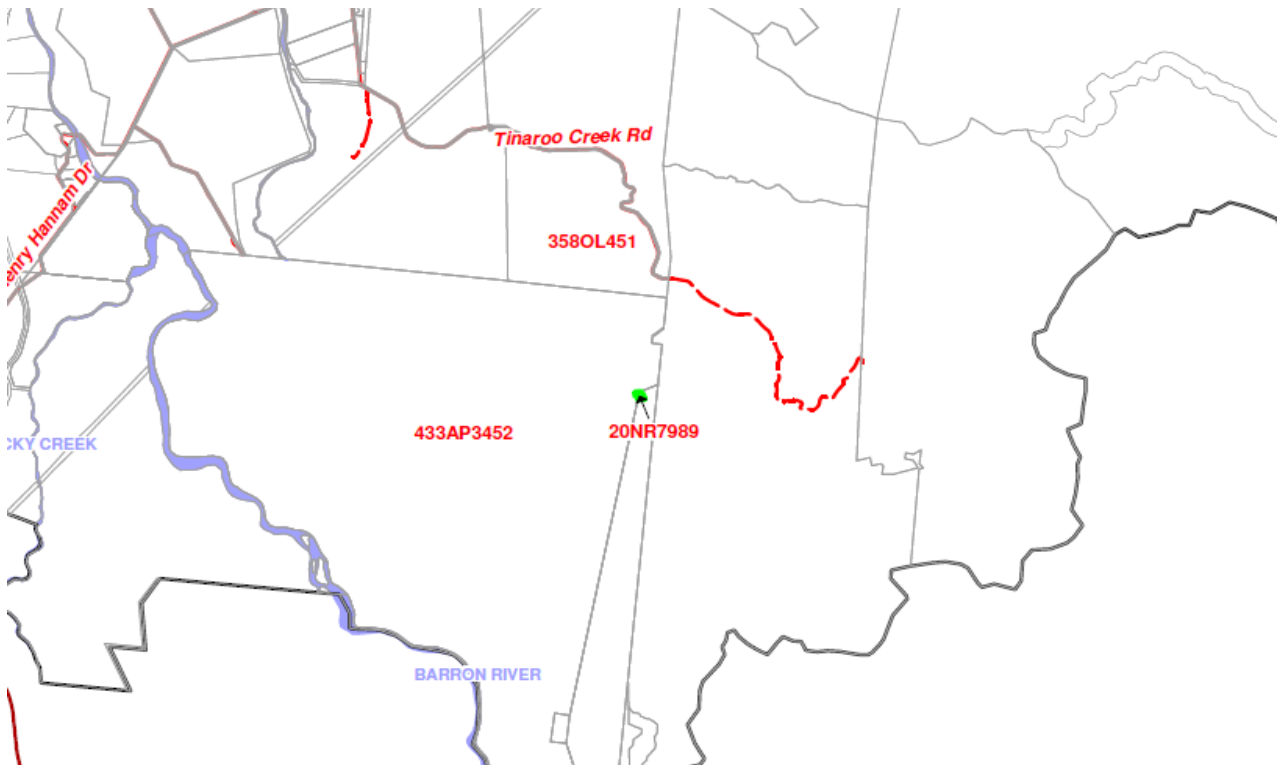
DNRME is currently considering an application for the renewal of Special Lease 9/50839 over land described as Lot 20 on NR7989, located off Tinaroo Creek Road, Mareeba.

Special Lease 9/50839 covers 1.18 hectares and is issued for rural residential purposes. A dwelling house and sheds are established on the land. Lot 20 on NR7989 has no frontage to a gazetted road, instead is accessed through various leasehold parcels (Lot 358 on OL481 and Lot 433 on AP3452) and Tinaroo Creek Road.



Map Disclaimer:

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



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.

As part of this renewal application, DNRME is considering offering the lessee with the option of converting Lot 20 on NR7989 to freehold. This offer would be subject to the provision of dedicated access to Lot 20.

DNRME seeks Council's views on the renewal of the special lease and the possible conversion to freehold.

### **RISK IMPLICATIONS**

### **LEGAL/COMPLIANCE/POLICY IMPLICATIONS**

The subject land is zoned Rural under the Mareeba Shire Council Planning Scheme 2016.

The land is already developed with a dwelling house and shed/s and there is no objection to the continued use of the land for rural residential living purposes.

Any conversion to freehold must be conditional upon the securing of legal access.

### **FINANCIAL AND RESOURCE IMPLICATIONS**

#### ***Capital***

Nil

#### ***Operating***

Nil

### **LINK TO CORPORATE PLAN**

**Governance:** Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community.

### **IMPLEMENTATION/COMMUNICATION**

The Department of Natural Resources, Mines and Energy will be informed of Council's decision by letter.

Author: Narmin Hanna  
File / Reference number: 2017/004768  
Directorate / Unit: State Land Asset Management  
Phone: (07) 4222 5487



Department of  
Natural Resources,  
Mines and Energy

24 January 2019

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

Via email: [info@msc.qld.gov.au](mailto:info@msc.qld.gov.au)

Dear Sir/Madam

**Renewal of Special Lease 9/50839 (Title reference: 17557198 described as Lot 20 on NR7989) and offer to convert to freehold**

The department is investigating the renewal of Special Lease 9/50839. This lease was granted for Rural Residential purposes. The future use is not expected to change.

The department's investigation may also determine that another form of tenure is a more appropriate form than to renew the lease, and a different tenure may be offered over the land, i.e. convert to freehold.

The enclosed SmartMap and QGlobe imagery show the subject land and the surrounding locality. These images along with a search of departmental databases, indicate Lot 20 on NR7989 does not have dedicated access. There appears to be a formed track across adjoining lands described as Lot 433 on AP3452 and Lot 358 on OL451 to Tinaroo Creek Road.

To ensure full consideration is given to this matter, with particular should the department determine the most appropriate use of land is to convert this parcel to freehold, dedicated access will need to be addressed.

Council is therefore requested to provide views and/or requirements, in writing to this office by **Thursday 28 February 2019**. In offering an objection to the application, please provide a detailed explanation stating the reason for the objection.

Any objections received may be viewed by other parties interested in the proposed road closure in accordance with the provisions of the *Right to Information Act 2009*.

If Council wish to provide further advice, comments or recommendations, but are unable to do so before the due date, please contact the author to arrange a more suitable timeframe. If a response is not received by the due date and no alternative arrangements have been made, it will be considered Council has no objections or requirements in relation to this matter.

Postal :  
DNRME Calms  
PO Box 5318  
Townsville QLD 4810

Telephone : (07) 4222 5427

Document Set ID: 3486976  
Version: 1, Version Date: 25/01/2019

This information has been provided to Council in confidence for the purpose of seeking its views on this matter. It is not to be used for any other purpose, or distributed further to any person, company, or organisation, without the express written permission of the department unless required.

All future correspondence relative to this matter is to be referred to the contact Officer at the address below or by email to [Townsville.SLAMS@dnrme.qld.gov.au](mailto:Townsville.SLAMS@dnrme.qld.gov.au). Any hard copy correspondence received will be electronically scanned and filed. For this reason, it is recommended that any attached plans, sketches or maps be no larger than A3-sized.

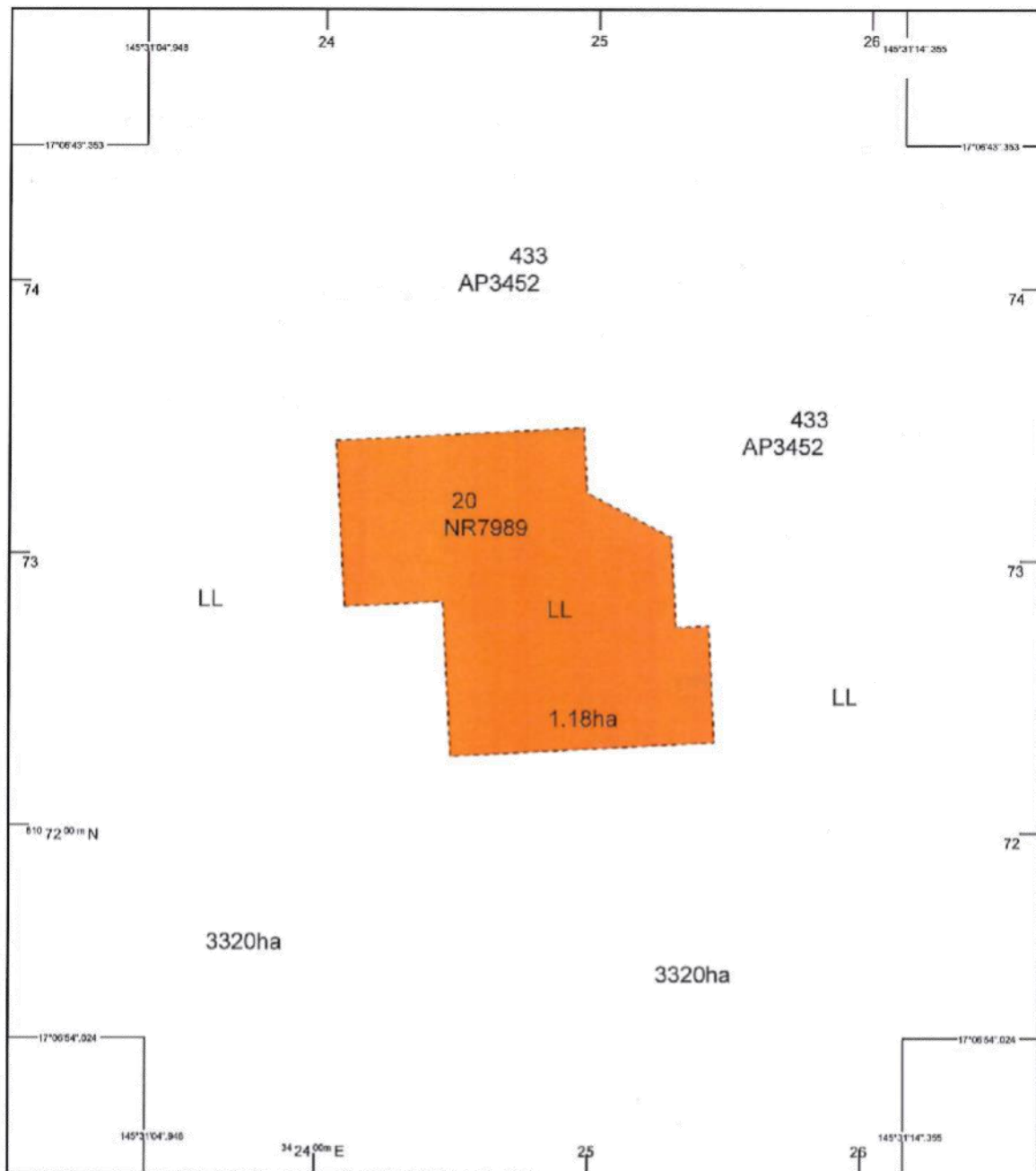
To discuss this matter please contact Narmin Hanna (07) 4222 5427. Please quote reference number 2017/004768 in any future correspondence.

Yours sincerely

*Narmin Hanna*

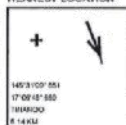
Narmin Hanna  
**Land Administration officer**

Enc SmartMap  
QGlobe Aerial Imagery



STANDARD MAP NUMBER  
8063-44332

MAP WINDOW POSITION &  
NEAREST LOCATION



Document Set ID: 3486976  
Version: 1, Version Date: 25/01/2019

#### SUBJECT PARCEL DESCRIPTION

DCDB  
Lot/Plan 20/NR7989  
Area/Volume 1.18ha  
Tenure LANDS LEASE  
Local Government WARRIIBA SHIRE  
Locality WARRIIBA  
Segment/Parcel 3213/9/17

#### CLIENT SERVICE STANDARDS

PRINTED (d/d/m/yyyy) 17/01/2019  
For additional information regarding this SmartMap see page 2.  
Shading Rules have been applied.

DCDB 16/01/2019

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**SmartMap**

An External Product of  
SmartMap Information Services

Based upon an extraction from the  
Digital Cadastral Data Base



Queensland  
Government  
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(Department of  
Natural Resources,  
Mines and Energy) 2019.

## Additional Information Page

### Shading Rules

 Lot Number = 20 and Plan Number = NR7989

Document Set ID: 3486976  
Version: 1, Version Date: 25/01/2019

## Lot 20 on NR7989



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 **Queensland Globe**



250 metres

Print Date: 17/1/2019

Paper Size: A4

Imagery

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## Lot 20 on NR7989

17°6'41"S 145°30'58"E

17°6'41"S 145°31'16"E



17°6'58"S 145°30'58"E

17°6'58"S 145°31'16"E

A product of  
**Queensland Globe**



50 metres

Print Date: 17/1/2019

Paper Size: A4

Imagery

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**8.5 SELECTED APPROVED ANIMAL INSPECTION PROGRAM**

**Date Prepared:** 7 February 2019

**Author:** Supervisor Health and Local Laws

**Attachments:** 1. Selective Approved Animal Inspection Program 2019 Mareeba [↓](#)

---

**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 Act 2008.

The Animal Management Act provides the head of power for local governments to conduct Approved Inspection Programs. An Approved Inspection Program (AIP) under the Animal Management (Cats & 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 also provides for local governments to conduct approved inspection programs 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 (as attached) to be carried out to ensure compliance with the registration and microchipping requirements if the Animal Management (Cats & Dogs) Act 2008; and
2. Approve a selective Approved Inspection Program (as attached) 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 wish to enter properties to check if dogs are registered, the AIP is to be in reference to the Animal Management Act, 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.

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 March 2018, Council conducted an approved inspection program in a selected area of the Mareeba township. 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 other areas in the Mareeba township.

Officers will also target other streets where there is a known hotspot for problematic animals.

An AIP will be beneficial to the community by identifying unregistered dogs and ineffective enclosures. The program will be advertised to be carried out between April to June 2019.

#### 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 part of the area, to be entered and inspected. A systematic inspection program provides for all places, or all places of a 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 six (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**

#### **Political and Reputational**

Council wishes to ensure that dogs are registered, and enclosures are adequate to ensure the general safety of the public.

#### **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.

### **FINANCIAL AND RESOURCE IMPLICATIONS**

#### ***Capital***

Nil

#### ***Operating***

This program is to be carried out by Councils Local Laws 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 (2) 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**

**Governance:** Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community.

#### **IMPLEMENTATION/COMMUNICATION**

Once Council resolve 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.



**APPROVED INSPECTION PROGRAM**  
**Animal Management Act 200B & Local Government Act 2009**  
**Dogs - Registration and Enclosures**

**Introduction**

Mareeba Shire Council resolved on 20 February 2019 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 April 2019 and terminate on 1 July 2019. It will be conducted between the hours of 6.30am and 6.30pm Monday to Sunday, 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 **Mareeba and surrounds**.

**Enforcement**Registration

Where an Authorised Person identifies a dog as not being registered for the current year 2018/2019 an infringement notice (\$261) will be issued.

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 (\$652).



**8.6 MAREEBA INDOOR SPORTS HALL - 183 WALSH STREET, MAREEBA**

**Date Prepared:** 8 February 2019

**Author:** Manager Development and Governance

**Attachments:** Nil

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**EXECUTIVE SUMMARY**

A proposal for the use of a Management Agreement to progress negotiations with an identified organisation over the Mareeba Sports Hall is presented for Council's consideration.

**RECOMMENDATION**

That Council delegate authority to the Chief Executive Officer to negotiate a management agreement with Mulungu Aboriginal Corporation Primary Health for the use of the Mareeba Sport Hall, 183 Walsh Street.

**BACKGROUND**

Mareeba PCYC ceased its tenure arrangement of the Mareeba Sports Hall with Council on the 1 July 2016. Since then Council has been seeking a new community group to manage the facility.

After lengthy negotiations which commenced in May 2017, the Mareeba Basketball Association have formally advised on 15 January 2019 that they do not have the capacity to commit to a lease, citing dwindling membership and lack of resources. Council acknowledged Mareeba Basketballs position on 1 February 2019 and advised of Council intentions to approach other community groups that are major users of the facility.

Subsequent negotiations with the Jujitsu Club have resulted in a decline of offer on 5 February 2019, based on similar grounds to the Mareeba Basketball Association, due to a lack of capacity.

On 5 February 2019 Council contacted Mulungu Aboriginal Corporation Primary Health to ascertain their level of interest. Mulungu have expressed an early level of interest in managing the facility however do not meet eligibility for a community lease as required under Council's Community Leasing Policy.

Mulungu is an incorporated, not for profit organisation and receive grant funding from both state and federal governments to operate their programs but do not rely on a fee for service business model. It is understood that Council wish for officers to offer a management agreement over the Mareeba Sport Hall with arrangements similar to those presented to the Mareeba Basketball Association, within the scope of the Community Leasing Policy.

**RISK IMPLICATIONS****Legal and Compliance**

Community groups must meet the requirements of Council's Community Leasing Policy s 2.1 to be eligible to secure a community Lease. Section 2.4 of the policy expressly excludes Management Agreements for shared facilities.

**FINANCIAL AND RESOURCE IMPLICATIONS*****Capital***

Nil

***Operating***

Nil

**LINK TO CORPORATE PLAN**

**Financial Sustainability:** A council that continuously looks for savings and opportunities while managing council's assets and reserves to ensure a sustainable future in a cost-effective manner.

**Community:** An engaged community which supports and encourages effective partnerships to enhance the liveability of the shire and the wellbeing of residents in communities which are resilient and prepared for unforeseen events.

**Governance:** Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community.

**8.7 OPERATIONAL PLAN 2018-2019 PROGRESS REPORT OCTOBER - DECEMBER QUARTER**

**Date Prepared:** 11 February 2019

**Author:** Manager Development and Governance

**Attachments:**

1. Finance [↓](#)
2. Community Wellbeing [↓](#)
3. Transport and Council Infrastructure [↓](#)
4. Economy and Environment [↓](#)
5. Governance [↓](#)

---

**EXECUTIVE SUMMARY**

The attached report provides information regarding progress of the 2018/19 Operational Plan projects.

**RECOMMENDATION**

That Council receive and note the progress report on implementation of the 2018/19 Operational Plan for the October to December Quarter.

**BACKGROUND**

The Local Government Regulation 2012 provides that a local government must prepare and adopt an annual operational plan for each year. The Operational Plan is a statement of specific works to be undertaken and services to be provided in order to progress the goals and objectives set out in a Council's Corporate Plan over a period of one year.

In accordance with section 174(3) of the Local Government Regulation 2012, the Chief Executive Officer must present a written assessment of the local government's progress towards implementing the annual operational plan at meetings of the local government held at regular intervals of not more than 3 months.

The attached documents provide a progress report on actions taken up to and including the July to December 2018 quarter with respect to the items and projects listed in the Operational Plan.

**LEGAL/COMPLIANCE/POLICY IMPLICATIONS**

It is a statutory requirement for an assessment of progress in implementing the Operational Plan to be presented to Council at least on a quarterly basis.

**FINANCIAL AND RESOURCE IMPLICATIONS*****Capital***

Nil

***Operating***

Nil

**LINK TO CORPORATE PLAN**

**Governance:** Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community.

**IMPLEMENTATION/COMMUNICATION**

N/A

<b>Financial Sustainability</b> <b>"A council that continuously looks for savings and opportunities while managing council's assets and reserves to ensure a sustainable future in a cost-effective manner."</b>					
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Progress Comment
Long-term Financial Plan	<b>FIN 1</b> <b>FIN 2</b>	Long-Term Financial Plan that supports effective and sustainable financial management  Effective and sustainable financial management	Finance	<ul style="list-style-type: none"> <li>Ensure Long Term Asset Management Plan aligns with Long Term Financial Plan and Local Government Infrastructure Plan (LGIP)</li> </ul>	<ul style="list-style-type: none"> <li>In progress. Long term financial plan was adopted with 2018/19 Budget on 20 June 2018, however further refinement is currently occurring as more updated information becomes available.</li> </ul>
Comprehensive Asset Revaluations <ul style="list-style-type: none"> <li>Buildings</li> <li>Footpaths</li> <li>Drainage</li> </ul>	<b>FIN 1</b>	Long-Term Financial Plan that supports effective and sustainable financial management	Finance	<ul style="list-style-type: none"> <li>Buildings comprehensive revaluations (remaining 50%)</li> <li>Footpaths comprehensive revaluations</li> <li>Drainage comprehensive revaluations</li> </ul>	<ul style="list-style-type: none"> <li>Draft report received 13/01/2019 and currently reviewing the file to provide feedback to valuers. Footpaths and Drainage registers were not ready, so instead, Other Infrastructures and Waste assets are now being revalued.</li> </ul>
Library Service Review	<b>FIN 2</b>	Effective and sustainable	Community Wellbeing	<ul style="list-style-type: none"> <li>Finalise balance of recommendations from Service Level Review</li> </ul>	<ul style="list-style-type: none"> <li>Recommendations from the Library Service Review continue to be</li> </ul>

<b>Financial Sustainability</b> <b>"A council that continuously looks for savings and opportunities while managing council's assets and reserves to ensure a sustainable future in a cost-effective manner."</b>					
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Progress Comment
		financial management		<ul style="list-style-type: none"> <li>Review Mareeba Library premises for efficient service delivery and to meet the most important community needs</li> </ul>	<ul style="list-style-type: none"> <li>implemented with an annual review due March 2019</li> <li>Councillors considered 6 options for new Mareeba Library premises. The Mareeba Community Hub is the preferred option, subject to the availability of 100% grant funds for the project. Grant applications, technical assessments and detailed designs are in progress</li> </ul>
Grant Funding Strategy	<b>FIN 2</b>	Effective and sustainable financial management	Finance Community Wellbeing	<ul style="list-style-type: none"> <li>Develop a strategy for adoption by Council</li> <li>Identify potential projects for grant applications</li> </ul>	<ul style="list-style-type: none"> <li>Work has not yet commenced on the development of this strategy</li> <li>Appropriate projects are being identified and matched to suitable grant applications with 8 applications lodged for \$3.12M of grant funds during the July-Sept quarter</li> </ul>
Full cost pricing models to ensure equitable allocation	<b>FIN 3</b>	Effective business management	Finance	<ul style="list-style-type: none"> <li>Review model and reporting of business</li> </ul>	<ul style="list-style-type: none"> <li>Model completed and included in 2018/19 budget considerations.</li> </ul>

<b>Financial Sustainability</b> <b>“A council that continuously looks for savings and opportunities while managing council’s assets and reserves to ensure a sustainable future in a cost-effective manner.”</b>					
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Progress Comment
of costs across departments					
Solar Farm Feasibility Project	<b>FIN 3</b>	Effective business management	Finance Technical Services Development & Governance	<ul style="list-style-type: none"> <li>Undertake an electricity profile assessment and identify suitable potential site/s</li> <li>Assess technical feasibility and financial modelling</li> <li>Adopt a solar farm feasibility report</li> <li>Commence implementation of recommendations</li> </ul>	<ul style="list-style-type: none"> <li>Draft feasibility study completed with quality checks to be completed.</li> <li>Proposal planned for presentation in 2019.</li> </ul>
Mareeba Industrial Estate Development	<b>FIN 3</b>	Effective business management	Technical Services Development & Governance	<ul style="list-style-type: none"> <li>Review Master Plan and amend to cater for future demand</li> </ul>	<ul style="list-style-type: none"> <li>Due to commence in 2019</li> </ul>
Financial viability of solar electricity	<b>FIN 3</b>	Effective business management	Finance	<ul style="list-style-type: none"> <li>Undertake a review of electricity usage by facility</li> </ul>	<ul style="list-style-type: none"> <li>Draft Council report is in development for Council's consideration in the next quarter.</li> </ul>

<b>Financial Sustainability</b> "A council that continuously looks for savings and opportunities while managing council's assets and reserves to ensure a sustainable future in a cost-effective manner."					
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Progress Comment
			Technical Services  Development & Governance		
Records Management Policy	<b>FIN 3</b>	Effective business management	Systems & Customer Service	<ul style="list-style-type: none"> <li>Records Management Policy to be endorsed by Council and implemented</li> </ul>	<ul style="list-style-type: none"> <li>Records Management Policy adopted by Council.</li> </ul>
Digital capture/cataloguing of physical record holdings	<b>FIN 3</b>	Effective business management	Systems & Customer Service  Development & Governance	<ul style="list-style-type: none"> <li>Historic Building/Plumbing/Planning record capture to be completed</li> </ul>	<ul style="list-style-type: none"> <li>Digitisation process completed. All files captured in ECM and physical files stored in records archive.</li> </ul>
Customer Service Standards	<b>FIN 3</b>	Effective business management	Systems & Customer Service	<ul style="list-style-type: none"> <li>Customer Service Charter to be developed and adopted by Council</li> <li>Monitoring and reporting to be implemented</li> </ul>	<ul style="list-style-type: none"> <li>Currently compiling an organisational group level list of summarised service items to incorporate in Customer Charter, inclusive of KPI time frames.</li> </ul>

Financial Sustainability					
“A council that continuously looks for savings and opportunities while managing council’s assets and reserves to ensure a sustainable future in a cost-effective manner.”					
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Progress Comment
ICT Strategy implementation <ul style="list-style-type: none"> <li>Internet Communications</li> <li>O365 implementation (phase 1)</li> <li>Audit non T1 information system suitability for Cloud migration</li> </ul>	FIN 3	Effective business management	Systems & Customer Service All	<ul style="list-style-type: none"> <li>Implement comms to support ICT 'Cloud first' strategy</li> <li>Mailbox migration, Messaging, Cloud Storage</li> <li>Product remediation                             <ul style="list-style-type: none"> <li>Customisations</li> <li>Direct database access</li> <li>External integration points</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>A 100Mbps symmetric internet connection has been commissioned, along with new firewall hardware. Planning has commenced on Office 365 mailbox migration project.</li> </ul>
Sustainable workforce	FIN 4	A skilled and sustainable workforce	Organisational Development	<ul style="list-style-type: none"> <li>Training of workforce where required to improve efficiencies and safety</li> <li>Review of guidelines for recruitment and retention of staff</li> </ul>	<ul style="list-style-type: none"> <li>Variety of training provided including organisation wide training on Employee Code of Conduct, further training on-going.</li> <li>Update of recruitment guidelines completed, and training provided to relevant staff members.</li> </ul>

Community					
“An engaged community which supports and encourages effective partnerships to enhance the liveability of the shire and the wellbeing of residents in communities which are resilient and prepared for unforeseen events”					
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Progress Comment
Council Website enhancements	COM 1	An engaged community	CCS	<ul style="list-style-type: none"> <li>Identify needs and benefits of improved capacity and information sharing through MSC website</li> <li>Content review and website enhancements to be implemented</li> </ul>	<ul style="list-style-type: none"> <li>Content Review is currently in progress lead by all managers.</li> </ul>
Community Engagement Policy and Strategy	COM 1	An engaged community	Community Wellbeing Development & Governance	<ul style="list-style-type: none"> <li>Policy and strategy are adopted to inform and engage with the community regarding Council's operations and decisions</li> </ul>	<ul style="list-style-type: none"> <li>Due to commence late 2019</li> </ul>
Community Wellbeing Strategy	COM 1  COM 2  COM 3	An engaged community  An active, safe and healthy community  A community being prepared and resilient to emergencies and disasters	Community Wellbeing	<ul style="list-style-type: none"> <li>Strategy is developed and adopted for the delivery of sustainable community wellbeing services and activities across the shire</li> </ul>	<ul style="list-style-type: none"> <li>Due to commence late 2019</li> </ul>

Community					
“An engaged community which supports and encourages effective partnerships to enhance the liveability of the shire and the wellbeing of residents in communities which are resilient and prepared for unforeseen events”					
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Progress Comment
Review Community Leasing	COM2	An active, safe and healthy community	Development & Governance	<ul style="list-style-type: none"> <li>All leases reviewed, updated and executed in accordance with the Community Leasing and associated policies</li> </ul>	<ul style="list-style-type: none"> <li>Review Continuing.</li> </ul>
CCTV Feasibility Study	COM2	An active, safe and healthy community	Systems & Customer Service	<ul style="list-style-type: none"> <li>Review existing guidelines</li> <li>Develop vision/strategy and associated costs</li> <li>Implement and monitor as required</li> </ul>	<ul style="list-style-type: none"> <li>No progress to date</li> </ul>

<b>Transport and Council Infrastructure</b> “The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.”					
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Progress Comment
Asset Management Plans <ul style="list-style-type: none"> <li>• Roads</li> <li>• Facilities</li> <li>• Parks</li> <li>• Swimming Pools</li> <li>• Aerodromes</li> <li>• Footpaths</li> <li>• Fleet</li> <li>• Waste</li> <li>• Stormwater</li> </ul>	<b>TCI 1</b>  <b>TCI 2</b>  <b>TCI 3</b>	Sustainable Infrastructure for the future  Safe and effective transport network  Securing and managing water resources	Technical Services	<ul style="list-style-type: none"> <li>• Undertake data verification</li> <li>• Undertake condition assessment and defect identification across individual asset classes.</li> </ul>	<ul style="list-style-type: none"> <li>• Road condition and defect assessment completed in 2018. Ongoing routine inspections underway.</li> <li>• Gates &amp; Grids assessments completed in September 2018.</li> <li>• Footpath Inspections are continuing.</li> <li>• Stormwater infrastructure inspections underway expected completion June 2019.</li> <li>• Review of the Swimming Pool infrastructure with consideration to renewal plans underway.</li> <li>• Preparation of 2019 Facility inspection program underway</li> </ul>
Community Housing Asset Management Plan	<b>TCI 1</b>	Sustainable Infrastructure for the future	Infrastructure Services	<ul style="list-style-type: none"> <li>• Monitor and review the Asset Management Plan</li> </ul>	<ul style="list-style-type: none"> <li>• CHAMP completed and lodged with Department of Housing and Public Works in March 2018.</li> </ul>

<b>Transport and Council Infrastructure</b> “The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.”					
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Progress Comment
			Community Services	<ul style="list-style-type: none"> <li>Ensure assets are maintained in accordance with the Community Housing Asset Management Plan</li> </ul>	Awaiting departmental feedback and approval. <ul style="list-style-type: none"> <li>Maintenance is planned for priority works identified in the plan.</li> <li>Condition assessments have been completed on 14 properties with remaining properties to be assessed by June 2019 and data used to update the plan.</li> </ul>
Bridges Asset Management	<b>TCI 1</b>  <b>TCI 2</b>	Sustainable Infrastructure for the future  Safe and effective transport network	Infrastructure Services	<ul style="list-style-type: none"> <li>Review condition assessment and defect identification program.</li> <li>Document forward works renewal and upgrade program.</li> <li>Document and review prioritisation and response times.</li> <li>Adopt AMP and commence reporting against AMP</li> </ul>	<ul style="list-style-type: none"> <li>Condition and defect identification program implemented under review.</li> </ul>

<b>Transport and Council Infrastructure</b> “The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.”					
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Progress Comment
Water Asset Management	<b>TCI 1</b>  <b>TCI 3</b>	Sustainable Infrastructure for the future  Securing and managing water resources	Infrastructure Services	<ul style="list-style-type: none"> <li>• Complete data verification</li> <li>• Incorporate outcomes from Mareeba Water Strategy</li> <li>• Document forward works renewal and upgrade program</li> <li>• Document and review prioritisation and response times</li> <li>• Adopt AMP and commence reporting against AMP</li> </ul>	<ul style="list-style-type: none"> <li>• Data verification complete.</li> <li>• Awaiting water strategy from GHD so as to incorporate outcomes, MIPP2 awarded to City Water Technology for the design phase of the project</li> <li>• AMP adoption will be dependent on water strategy recommendations.</li> </ul>
Wastewater Asset Management	<b>TCI 1</b>  <b>TCI 3</b>	Sustainable Infrastructure for the future  Securing and managing water resources	Infrastructure Services	<ul style="list-style-type: none"> <li>• Complete condition assessment and defect identification</li> <li>• Implement an ongoing prioritised condition assessment and defect identification program</li> <li>• Document forward works renewal and upgrade program.</li> <li>• Document and review prioritisation and response times.</li> <li>• Adopt AMP and commence reporting against AMP</li> </ul>	<ul style="list-style-type: none"> <li>• Data verification complete</li> <li>• Initial condition assessment and defect identification complete.</li> <li>• Forward works program initial draft complete and ready for financial analysis.</li> <li>• Considerable data being compiled with ongoing condition assessment work being undertaken to establish a</li> </ul>

<b>Transport and Council Infrastructure</b> “The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.”					
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Progress Comment
					forward works program in conjunction with the AMP.
Local Government Infrastructure Plan (LGIP)	<b>TCI 1</b>	Sustainable Infrastructure for the future	Infrastructure Services Development & Governance	<ul style="list-style-type: none"> <li>Finalise and adopt draft LGIP</li> <li>Adopt new infrastructure charges</li> <li>Continuous review and updating of trunk requirements</li> </ul>	<ul style="list-style-type: none"> <li>Complete</li> </ul>
Kuranda Cemetery	<b>TCI 1</b>	Sustainable Infrastructure for the future	Systems & Customer Service Technical Services	<ul style="list-style-type: none"> <li>Identify possible sites to manage the capacity shortfall</li> <li>Review suitability and provide estimates for community consultation</li> <li>Prepare an implementation plan for adoption by Council</li> </ul>	<ul style="list-style-type: none"> <li>Report being presented to Council on 20/02/2019.</li> </ul>
Mareeba Cemetery	<b>TCI 1</b>	Sustainable Infrastructure for the future	Systems & Customer Service Technical Services	<ul style="list-style-type: none"> <li>Identify possible sites to secure a growth strategy</li> </ul>	<ul style="list-style-type: none"> <li>No further progress to date.</li> </ul>
Kuranda Infrastructure Program	<b>TCI 1</b>	Sustainable Infrastructure for the future	Technical Services Works	<ul style="list-style-type: none"> <li>Complete projects in accordance with Kuranda Township Masterplan</li> </ul>	<ul style="list-style-type: none"> <li>Therwine Street Redevelopment to be completed by the end of February 2019.</li> </ul>

<b>Transport and Council Infrastructure</b> "The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles."					
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Progress Comment
					<ul style="list-style-type: none"> <li>• KIAC Wayfinding signage audit completed 2018. Function and Theme Strategy underway. Strategy to be completed by the end of June 2019.</li> <li>• Centenary Park Amenities, Kuranda, construction completion expected February 2019.</li> <li>• Walking Trails projects currently in discussions with National Parks and Consultants. Concepts completed in December 2018. Detailed designs to be undertaken with construction completed by the end of the 2019 Calendar Year.</li> </ul>
Mareeba CBD Traffic Study	<b>TCI 2</b>	Safe and effective transport network	Works Technical Services	<ul style="list-style-type: none"> <li>• Finalise study based on community consultation</li> <li>• Adopt a CBD Study</li> </ul>	<ul style="list-style-type: none"> <li>• Community consultation completed.</li> <li>• Council endorsed the plan.</li> </ul>

<b>Transport and Council Infrastructure</b> “The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.”					
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Progress Comment
				<ul style="list-style-type: none"> <li>Prepare an implementation plan and funding strategy</li> </ul>	<ul style="list-style-type: none"> <li>A phased implementation plan to be undertaken 1st half of 2019.</li> </ul>
Ootann Road improvements	<b>TCI 2</b>	Safe and effective transport network	Works Technical Services	<ul style="list-style-type: none"> <li>Complete Package 1 upgrade on time and within budget</li> </ul>	<ul style="list-style-type: none"> <li>Package 1 completed on time &amp; \$9k over a budget of \$830k</li> <li>Package 2 ready for construction in 2019.</li> </ul>
Anzac Avenue Bridge Rehabilitation	<b>TCI 2</b>	Safe and effective transport network	Works Technical Services	<ul style="list-style-type: none"> <li>Complete restoration works on time and within budget</li> </ul>	<ul style="list-style-type: none"> <li>Bridge design completed and tenders being sought for materials.</li> </ul>
Byrnes Street Water Main Upgrade	<b>TCI 3</b>	Securing and managing water resources	Water & Waste	<ul style="list-style-type: none"> <li>Projects completed and acquitted within timeframes and agreed budget</li> </ul>	<ul style="list-style-type: none"> <li>Project ongoing, completion expected March 2019.</li> </ul>

<b>Economy and Environment</b> <b>“A resilient economy that promotes and supports the shire's natural assets and local industry and encourages investment while preserving and future proofing for generations to come”</b>					
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Progress Comment
Waste Strategy	EAE 1	Environmentally responsible and efficient waste and wastewater management	Technical Services Works Finance	<ul style="list-style-type: none"> <li>Waste Strategy adopted</li> <li>Implementation of Action Plan</li> </ul>	<ul style="list-style-type: none"> <li>Workshopped and reported to Council and now on MSC web site for public consultation</li> </ul>
Water Asset Management	EAE 1	Environmentally responsible and efficient waste and wastewater management	Water and Waste	<ul style="list-style-type: none"> <li>Incorporate outcomes from Mareeba Water Strategy</li> <li>Monitor compliance with applicable standards and guidelines</li> </ul>	<ul style="list-style-type: none"> <li>Data verification complete.</li> <li>Awaiting water strategy from GHD so as to incorporate outcomes, MIPP2 awarded to City Water Technology for the design phase of the project</li> <li>AMP adoption will be dependent on water strategy recommendations.</li> </ul>

<b>Economy and Environment</b> <b>“A resilient economy that promotes and supports the shire's natural assets and local industry and encourages investment while preserving and future proofing for generations to come”</b>					
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Progress Comment
Planning Scheme Review	<b>EAE 2</b>	A Sustainable Planning Scheme	Development & Governance	<ul style="list-style-type: none"> <li>Review the MSC Planning Scheme and supporting documents</li> <li>Amendments to be adopted by Council</li> <li>Koah Rural Residential Assessment</li> </ul>	<ul style="list-style-type: none"> <li>Initial investigations began, Council workshop to be had in March.</li> </ul>
Mareeba Airport Upgrade	<b>EAE 3</b>	Support and encourage industrial and commercial growth and development.	Technical Services Development & Governance	<ul style="list-style-type: none"> <li>Complete construction upgrades and obtain necessary approvals and certifications from regulators</li> <li>Promote the industrial lease areas</li> </ul>	<ul style="list-style-type: none"> <li>Refer to Council progress reports.</li> </ul>
Economic Tourism development	<b>EAE 3</b>	Support and encourage industrial and commercial growth and development.	Community Wellbeing	<ul style="list-style-type: none"> <li>Advocate and support economic tourism development</li> <li>Seek advocacy and grant opportunities supporting economic growth</li> </ul>	<ul style="list-style-type: none"> <li>Review of Tourism Kuranda strategic direction will consider these issues, and the review is underway.</li> </ul>

<b>Economy and Environment</b> <b>“A resilient economy that promotes and supports the shire's natural assets and local industry and encourages investment while preserving and future proofing for generations to come”</b>					
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Progress Comment
				<ul style="list-style-type: none"> <li>Where appropriate partner with industry groups to grow opportunities</li> </ul>	<ul style="list-style-type: none"> <li>6 grant applications for \$1.61M to support economic growth were lodged</li> </ul>
Aged Care Strategy	<b>EAE 3</b>	Support and encourage industrial and commercial growth and development.	Community Wellbeing	<ul style="list-style-type: none"> <li>Advocate and support need for improved aged care opportunities</li> <li>Seek alternatives for tenancy management of existing Social Housing arrangements</li> </ul>	<ul style="list-style-type: none"> <li>Workshop to be held February/March 2019 regarding community housing service issues and options</li> </ul>
Visitor Information Services	<b>EAE 3</b>	Support and encourage industrial and commercial growth and development.	Community Wellbeing	<ul style="list-style-type: none"> <li>Investigate sustainable models for the delivery of visitor information services and destination marketing</li> </ul>	<ul style="list-style-type: none"> <li>Review of the Tourism Kuranda strategic direction has commenced</li> </ul>
Land, Pest and Fire Management	<b>EAE 4</b>	Our region's environmental assets are best managed while promoting economic wellbeing	Works Finance	<ul style="list-style-type: none"> <li>Undertake land, pest and fire management activities throughout the Shire</li> <li>Review current delivery model</li> </ul>	<ul style="list-style-type: none"> <li>Turbina Vine eradication</li> <li>K5 Calicivirus lacing</li> <li>Roadside Gamba and Giant Rats Tail Grass</li> </ul>

<b>Economy and Environment</b> <b>"A resilient economy that promotes and supports the shire's natural assets and local industry and encourages investment while preserving and future proofing for generations to come"</b>					
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Progress Comment
				<ul style="list-style-type: none"> <li>• Work with other organisations to undertake land, pest and fire management</li> <li>• Present strategy to Council for adoption</li> </ul>	spraying program underway
Reef Guardian Council Program	<b>EAE 4</b>	Our region's environmental assets are best managed while promoting economic wellbeing	Water & Waste Works	<ul style="list-style-type: none"> <li>• Support Reef Guardian Council through continued attendance and identify and develop communication and partnership opportunities</li> <li>• Develop, maintain and implement an Action Plan consistent with the Reef 2050 Long term Sustainability Plan;</li> <li>• Provide an annual Highlights Report focusing on the progress of key projects in the Action Plan.</li> </ul>	<ul style="list-style-type: none"> <li>• CRC Climate Resilient Council final report received and recommendations being considered</li> <li>• 2017/18 Highlight Report being prepared</li> <li>• 2018/19 Action Plan being prepared</li> </ul>

<b>Governance</b> “Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community”					
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Progress Comment
Old town amalgamation Policy	GOV 1	Ethical, accountable and transparent decision making	Development & Governance	<ul style="list-style-type: none"> <li>Prepare a policy to amalgamate land tenure of old towns, for example old abandoned mining towns</li> </ul>	<ul style="list-style-type: none"> <li>No progress to date</li> </ul>
Policy Review	GOV 1	Ethical, accountable and transparent decision making	Development & Governance All	<ul style="list-style-type: none"> <li>All policies to be reviewed and updated to ensure legislative and other requirements are met</li> </ul>	<ul style="list-style-type: none"> <li>Policy Framework and Templates adopted by EMT. Review of policies for compliance has commenced. Large number of reviewed policies to be brought to Council in March.</li> </ul>
Enterprise Risk Management process	GOV 2	Strong focus on compliance and enterprise risk	Development & Governance All	<ul style="list-style-type: none"> <li>Risk Register updated and adopted by Council</li> <li>Council Report templates updated to ensure Enterprise Risk Management process is embedded into the culture of MSC</li> </ul>	<ul style="list-style-type: none"> <li>Completed.</li> <li>Next report to Council in March.</li> </ul>

<b>Governance</b> “Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community”					
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Progress Comment
				<ul style="list-style-type: none"> <li>Monitor and Review risk registers and risk treatment plans</li> </ul>	
Compliance Review	<b>GOV 2</b>	Strong focus on compliance and enterprise risk	Development & Governance All	<ul style="list-style-type: none"> <li>Ensure all legislative requirements are being met</li> </ul>	<ul style="list-style-type: none"> <li>Preliminary work has commenced on this review. Further emphasis will be placed on this in the coming months.</li> </ul>
Business Continuity <ul style="list-style-type: none"> <li>BCP review</li> <li>Disaster Recovery Plan development</li> </ul>	<b>GOV 2</b>	Strong focus on compliance and enterprise risk	Development & Governance  Systems & Customer Service All	<ul style="list-style-type: none"> <li>BCP reviewed, updated and adopted</li> <li>Prepare and endorse in line with ICT Strategy to improve Disaster Recovery arrangements</li> </ul>	<ul style="list-style-type: none"> <li>BCP adopted by Council.</li> </ul>
Complaint Management	<b>GOV 2</b>	Strong focus on compliance and enterprise risk	Development & Governance	<ul style="list-style-type: none"> <li>Monitor &amp; report on Level 1 complaints.</li> </ul>	<ul style="list-style-type: none"> <li>First quarter report sent to EMT per policy.</li> </ul>

<b>Governance</b> “Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community”					
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Progress Comment
Local Law Review	GOV 2	Strong focus on compliance and enterprise risk	Development & Governance	<ul style="list-style-type: none"> <li>Undertake Annual Review of Local Law issues</li> <li>Amend/add as appropriate</li> </ul>	<ul style="list-style-type: none"> <li>To commence in 2019</li> </ul>
Advocacy Policy	GOV 3	Effective advocacy and strategic partnerships	Development & Governance	<ul style="list-style-type: none"> <li>Identify key issues and/or opportunities for advocacy</li> <li>Prepare arguments/benefits to MSC</li> <li>Prepare an advocacy policy and document to ensure a whole of council approach</li> <li>Prepare briefs for Councillors and State Departments which address key issues of</li> </ul>	<ul style="list-style-type: none"> <li>To commence in the coming months</li> </ul>

<b>Governance</b> "Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community"					
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Progress Comment
				MSC by government department	



**8.8 MAREEBA INDUSTRIAL PARK**

**Date Prepared:** 11 February 2019

**Author:** Manager Development and Governance

**Attachments:** Nil

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**EXECUTIVE SUMMARY**

This purpose of this report is to propose a price increase for land at the Mareeba Industrial Park Development. The current price of \$55 per square metre has been in place since 2007 and in keeping with the market value for industrial land in the region it is proposed to increase the price to \$65 per square metre as at the 1 July 2019.

**RECOMMENDATION**

That the price of current developed land for sale at the Mareeba Industrial Park Development be increased to \$65 per square metre as at 1 July 2019.

**BACKGROUND**

In 1999, Council and the Department of State Development funded the Mareeba Strategic Industry Planning Study. The report prepared by GHD explored opportunities to develop industrial land to the north of Mareeba. As a result of the study, Mareeba's economic strengths were recognised in Queensland Government's State Infrastructure Plan 2001, which identified Mareeba as an emerging industrial estate to service the Cairns region.

In May 2002, Sinclair Knight Merz (SKM) prepared a Feasibility Study for the Development of an Industrial Park in Mareeba. The report considered tenure, zoning, constraints, preliminary concept plans for development, road access, infrastructure services and the estimated costs of development. Financial modelling undertaken at that time indicated that the project was viable

In 2003, Council purchased 285 hectares of land on the northern outskirts of Mareeba and prepared a master plan for the development of Stage 1 which consisted of 247 lots to be constructed over 7 hectares of land east of the proposed future Mareeba bypass alignment.

The primary objective of developing the Mareeba Industrial Park was to provide economic growth for the Mareeba Shire. Pricing for sale of lots was intended to be set low enough to attract investment while providing adequate cash flow to self-fund development of future stages.

An analysis of valuations from the land title office has been conducted and since 2014 industrial land prices have increased by 7.2%. Additionally, recent sales in the area demonstrate an average sale price of \$68.67 for established Industrial Land.

A rate of \$65 per square metre would more closely align to the primary objective of supporting economic growth while remaining attractive for investors.

To allow for current and potential interested parties to appropriately consider their options, the proposed price increase should not come into effect until 1 July 2019.

**RISK IMPLICATIONS****Financial**

The existing sale price of \$55 per square metre is not adequate to self-fund future stages of the development.

**FINANCIAL AND RESOURCE IMPLICATIONS*****Capital***

Nil

***Operating***

Nil

**LINK TO CORPORATE PLAN**

**Financial Sustainability:** A council that continuously looks for savings and opportunities while managing council's assets and reserves to ensure a sustainable future in a cost-effective manner.

**Transport and Council Infrastructure:** The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

**Economy and Environment:** A resilient economy that promotes and supports the shire's natural assets and local industry and encourages investment while preserving and future proofing for generations to come.

**Governance:** Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community.

**IMPLEMENTATION/COMMUNICATION**

Council website is updated to reflect the Council resolution.

**8.9 TOURISM KURANDA**

**Date Prepared:** 6 February 2019

**Author:** Tourism Kuranda Executive Officer

**Attachments:** 1. Terms of Reference, Tourism Kuranda Advisory Committee [↓](#)

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**EXECUTIVE SUMMARY**

This report presents the recommended nominees for appointment to the Tourism Kuranda Advisory Committee.

**RECOMMENDATION**

That Council appoints the following nominees to the Tourism Kuranda Advisory Committee for a three-year term to February 2022

- Angela Freeman
- Terry Pates
- Richard Berman-Hardman
- Robert McCartney
- Rob Dean

**BACKGROUND**

The Tourism Kuranda Advisory Committee, established by Council under the *local Government Regulation 2012*, provides expert information, advice and recommendations to Council regarding the strategic tourism promotion and development of Kuranda. The advisory committee is convened for a three (3) year term.

The Tourism Kuranda Advisory Committee is due for renewal and public nominations were invited from suitably experienced and committed persons with tourism, business and marketing industry expertise. The call for nominations was advertised in local media and on Council's social media platforms and website for at least two (2) months, with nominations closing 31 January 2019. Seven (7) nominations were received.

In accordance with the terms of reference for the Tourism Kuranda Advisory Committee and Council's intention to have a smaller committee with strong executive management experience to bring a new strategic direction to the Tourism Kuranda program, the following five (5) nominees are recommended for appointment:

- Angela Freeman – Director, Koala Gardens/Birdworld. Board director of Tropical Tablelands Tourism for the Kuranda region, previous committee member
- Terry Pates – Owner, Frogs Restaurant. Long standing committee member and community and business operator representative
- Richard Berman-Hardman - General Manager, Skyrail Rainforest Cableway
- Robert McCartney - Operation Manager North Queensland, Kuranda Scenic Railway/Queensland Rail

- Rob Dean – Sales Manager Greater China, Rainforestation/Butterfly Sanctuary (CaPTA Group)

**LEGAL/COMPLIANCE/POLICY IMPLICATIONS**

Nil

**FINANCIAL AND RESOURCE IMPLICATIONS*****Capital***

Nil

**LINK TO CORPORATE PLAN**

**Community:** An engaged community which supports and encourages effective partnerships to enhance the liveability of the shire and the wellbeing of residents in communities which are resilient and prepared for unforeseen events.

**Governance:** Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community.

**IMPLEMENTATION/COMMUNICATION**

The seven (7) nominees will be advised of the outcome of this report.



## **Advisory Committee Terms of Reference**

### **TOURISM KURANDA ADVISORY COMMITTEE**

#### **Terms of Reference 2018**

##### **1. Intent**

- 1.1. To advise Council on the promotion and development of Kuranda as a premier tourism destination to attract visitors to the Kuranda area.

##### **2. Scope**

- 2.1. The terms of reference apply to the Councillors, Committee members and staff of the Mareeba Shire Council.

##### **3. Purpose Responsibilities & Powers of the Committee**

- 3.1. This Committee is an advisory committee to Council under Section 265 of the *Local Government Regulation 2012*

##### **4. Functions of the Committee**

- 4.1. Provide expert advice, information and guidance for the development of the Tourism Kuranda Strategic Plan.
- 4.2. Provide expert commentary on the implementation, monitoring and review of the Strategic Plan so that promotional and other activities achieve the strategic goals within budget.
- 4.3. Provide expert advice on other matters as referred to it by the Council regarding tourism in the Kuranda area.

##### **5. Membership**

- 5.1. The Committee is a voluntary skills-based committee with relevant experience and expertise, and members must be committed to the strategic objectives outlined in these terms of reference.
- 5.2. Members are appointed by the Mareeba Shire Council.
- 5.3. The Committee may from time to time seek the advice of persons with specialist knowledge and invite them to attend the meeting.
- 5.4. Permanent Members:
  - 5.4.1. Chairperson - a Mareeba Shire Council Councillor.
  - 5.4.2. Council appointed community members with skills and experience in marketing, business management and development and the tourism industry.
  - 5.4.3. The Tourism Kuranda Executive Officer and the Senior Engagement Officer, Mareeba Shire Council or their delegate, are ex-officio positions with no voting rights.

## **6. Conditions of Membership**

- 6.1. Members have a duty to act honestly and in good faith, exercise reasonable skill, care and diligence in carrying out their duties and not make improper use of information.
- 6.2. Members are to exercise common courtesy on all occasions.
- 6.3. Members are to accept that other points of view may be different to their own.
- 6.4. Members are to work collaboratively towards the purpose of the Committee.
- 6.5. Members are to acknowledge that disagreement in the Committee is healthy so long as it is used to work towards a satisfactory outcome of the Committee.
- 6.6. The Council may remove an appointed member from office:
  - 6.6.1. For misconduct; or
  - 6.6.2. For failure or incapacity to carry out the duties of his or her office satisfactorily.
- 6.7. The office of an appointed member becomes vacant if the member:
  - 6.7.1. Dies; or
  - 6.7.2. Resigns by written notice to the Committee; or
  - 6.7.3. Is removed by the above clause.
- 6.8. Members may not nominate proxies or representatives to attend meetings in their absence.
- 6.9. Members are to comply with the *Mareeba Shire Council Handbook for Advisory Committees*.

## **7. Committee Term**

- 7.1. The Committee is appointed for the term of three (3) years but is subject to review by Council at any stage. The Committee may be renewed with the same membership at end of the three-year term or public nominations called for positions.

## **8. Time, Place and Regularity of Meetings**

- 8.1. Time: 2pm
- 8.2. Place: Tourism Kuranda Office, Kuranda Community Precinct, Arara Street Kuranda
- 8.3. Regularity: on the fourth Tuesday of every month and the frequency of meetings may be changed as required.

## **9. Conduct of Meetings**

- 9.1. Meetings will be conducted in accordance with the requirements of this policy document.
- 9.2. A quorum will be determined to be 50% of the total number of committee members, of which at least one must be a Mareeba Shire Council Councillor.
- 9.3. If after fifteen minutes have elapsed from the advertised time of the meeting without a quorum being present, the meeting will be abandoned. The chairperson is to reconvene the Committee as convenient, but no later than the next scheduled meeting date.
- 9.4. Observers are allowed by approval of the Chair

- 9.5. An appointed member who has a direct or indirect pecuniary interest in a matter under consideration by the Committee must disclose the nature of the interest to the Committee. Such a disclosure must be recorded in the minutes of the Committee.

#### **10. Reporting**

- 10.1. The Committee shall review and update the Strategic Plan annually and prepare an Annual Budget for submission to Council for consideration and endorsement by 28 April each year.
- 10.2. The Tourism Kuranda annual budget will be finalised by Council during the annual budget planning cycle. Funding shall be the subject of annual review by Council.

#### **11. Recordkeeping**

- 11.1. Minutes of the Committee meeting will reflect decisions and actions.
- 11.2. Resolutions will be reached preferably by consensus, otherwise by majority with The Chair having the casting vote.

#### **12. Confidentiality**

- 12.1. Minutes are to be open to the public (following 10 days comment from distribution).
- 12.2. Members should be aware that all written material associated with the Committee is subject to the Freedom of Information Act and may be made available to the public.

#### **13. Media**

- 13.1. All media inquiries and requests for comment by members must be directed to the Committee Chairperson.

#### **14. Administrative Support**

- 14.1. The Tourism Kuranda Executive Officer is a council employee and takes instructions from the appointed senior council officer and not from Advisory Committee members.
- 14.2. The Mareeba Shire Council will provide administrative support for the operation of the Committee.
- 14.3. The operation of the Tourism Kuranda program and day to day implementation of the strategic plan will be the responsibility of Council.

#### **15. Evaluation of Performance of Committee**

- 15.1. The Committee will undertake an annual assessment of performance against the Terms of Reference.

**This policy document is to remain in force until otherwise determined by Council**

**Director Responsible for Review – Director Corporate and Community Services**



**8.10 FINANCIAL STATEMENTS PERIOD ENDING 31 JANUARY 2019****Date Prepared:** 7 February 2019**Author:** Manager Finance**Attachments:** 1. Budgeted Income Statement by Fund [↓](#)**EXECUTIVE SUMMARY**

The purpose of this report is to provide Council with an overview of financial matters for the period 1 July 2018 to 31 January 2019.

**RECOMMENDATION**

That Council note the financial report for the period ending 31 January 2019.

**BACKGROUND**

Each month, year to date financial statements are prepared in order to monitor actual performance against budgets.

For the period ending 31 January 2019, the actual results are in line with the year to date budget.

The budgeted figures reflect the 2018/19 Budget as adopted by Council at the 20 June 2018 meeting. There are no issues or concerns to discuss or highlight at this stage.

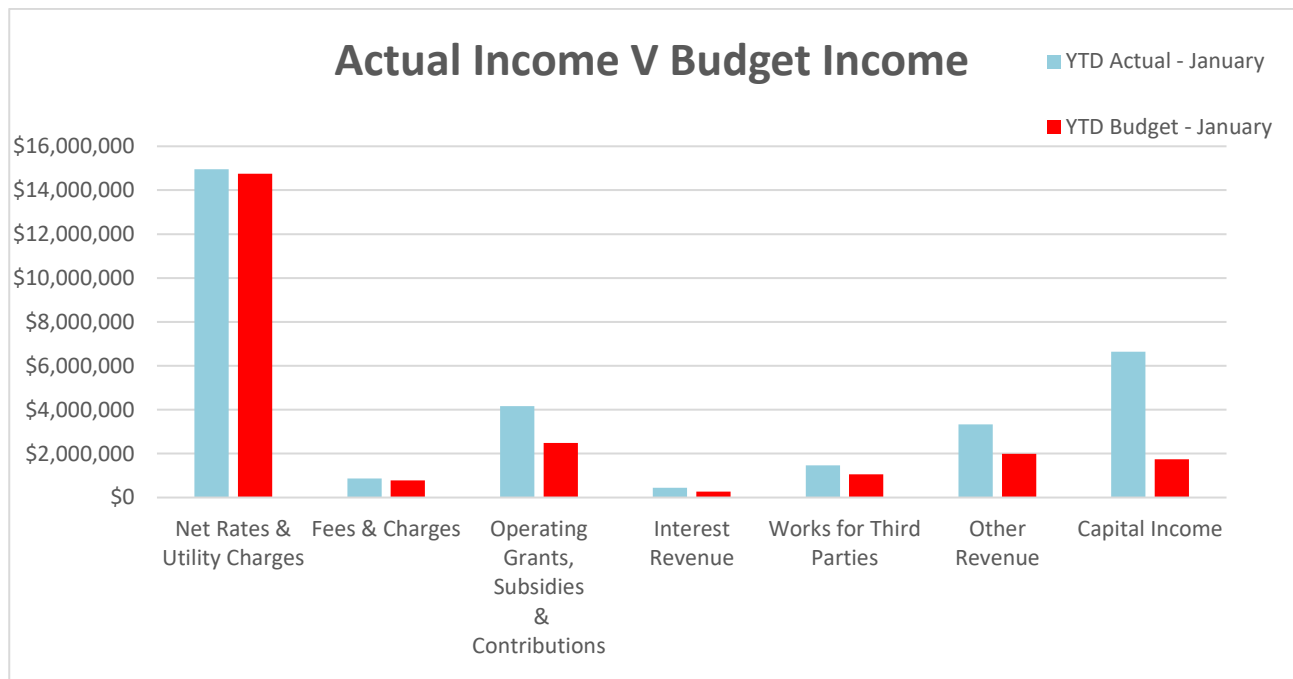
***Snapshot***

Total Operating Income	\$	25,230,417
Total Operating Expenditure	\$	24,378,766
Operating Surplus/(Deficit)	\$	851,651
Total Capital Income (grants, developer contributions)	\$	6,647,032
<b>Net Result - Surplus/(Deficit)</b>	<b>\$</b>	<b>7,498,682</b>

Income Analysis

Total income (including capital income of \$6,647,032) for the period ending 31 January 2019 is \$31,877,449 compared to the YTD budget of \$23,091,160.

The graph below shows actual income against budget for the period ending 31 January 2019.



	Actual YTD	Budget YTD	Note
Net Rates & Utility Charges	14,948,172	14,756,778	
Fees & Charges	865,270	775,018	1
Operating Grants, Subsidies & Contributions	4,169,347	2,493,404	2
Interest Received	444,514	271,542	
Works for Third Parties	1,470,214	1,057,583	3
Other Revenue	3,332,900	1,990,335	4
Capital Income	6,647,032	1,746,500	5

## Notes:

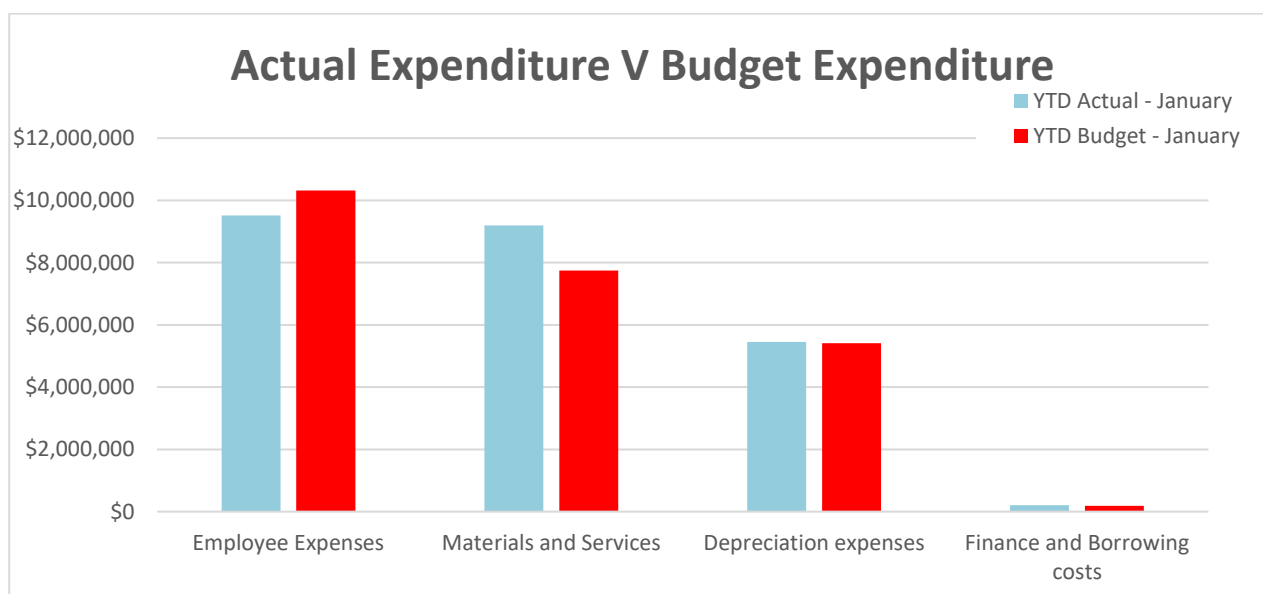
- Higher than anticipated revenue from the following areas; cemetery services trending higher than anticipated by \$72k and in Local Laws, registrations for animals and food licenses above budget by \$48k. The additional revenue is offset by associated expenses. Revenue from Building and Plumbing domestic applications (\$24k) and Planning applications (\$24k) are below budget.

2. The variance relates to the 2018 NDRRA restoration works of which \$1.3M has been received as a prepayment. Over the coming months there will be expenditure to offset this. There is no budget allocated to revenue and expenditure apart from the trigger amount (\$115k) as we were not aware of the details when the budget was prepared. The trigger amount is the amount Council must contribute to be eligible for funding.
3. A portion of the favourable variance relates to how the budget has been allocated for RMPC works, which is equally apportioned over 12 periods however actual works does not reflect this same trend. This will also be the same for expenditure. The rest of the favourable variance is due to the additional 3<sup>rd</sup> party works which was not originally budgeted for. The associated costs form part of the operational expenses which were also not budgeted. The net impact of these additional works is likely to be small surplus and will be reported on at the completion of works.
4. Favourable result due to the balance of payments for sale of land at the Mareeba and Chillagoe Industrial Estates (\$980k) and sale of scrap metal (\$80k). Lease and rental income (\$168k) currently above budget due to annual invoices raised however budget has been apportioned equally over 12 periods.
5. Council has received \$6.28M in capital grants (W4Q2, R2R, TIDS, Mareeba Airport) and \$365k in developer contributions which are not reflected in the budget.

#### Expenditure Analysis

Total expenses for the period ending 31 January 2019 is \$24,378,766 compared to the YTD budget of \$23,662,931.

The graph below shows actual expenditure against budget for the period ending 31 January 2019.



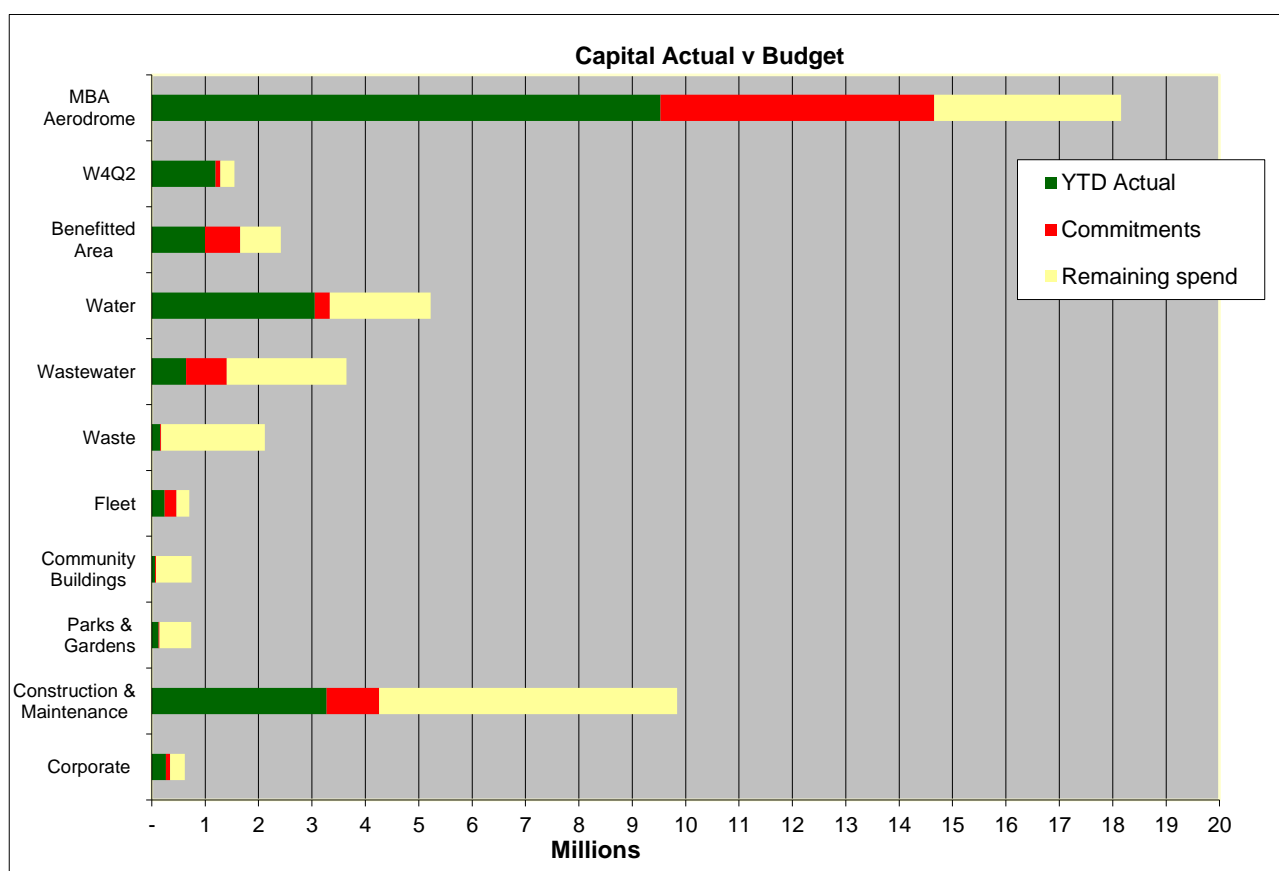
	Actual YTD	Budget YTD	Note
Employee expenses	9,513,912	10,319,162	<b>1</b>
Materials & Services	9,201,348	7,750,314	<b>2</b>
Depreciation expenses	5,457,084	5,412,360	
Finance & Borrowing costs	206,422	181,095	

## Notes:

1. There are no significant issues to report. The reason for the variance is a timing issue for the annual increment and staff absences, vacancies and staff working on capital.
2. The expenditure for RMPC is allocated equally over 12 periods, however, actual works do not follow the same trend. Also contributing to the variance is NDRRA expenditure and additional 3<sup>rd</sup> party works, however this expense is offset by the additional income.

Capital Expenditure

Total capital expenditure of \$27,801,177 (including commitments) has been spent for the period ending 31 January 2019 against the 2018/19 adjusted annual capital budget of \$45,026,446. This budget figure now includes carry overs from 2017/18.



Loan Borrowings

Council's loan balance is as follows:

QTC Loans \$6,010,796

**Rates and Sundry Debtors Analysis**Rates and Charges

The total rates and charges payable as at 31 January 2019 is \$1,492,633 which is broken down as follows:

Status	31 January 2019		31 January 2018	
	No. of properties	Amount	No. of properties	Amount
Valueless land	16	473,447	72	2,040,048
Payment Arrangement	-	-	-	-
Collection House	300	703,931	299	614,680
Exhausted – awaiting sale of land	9	93,968	8	79,232
Sale of Land	5	69,414	8	95,941
Other (includes current rates)	296	151,873	645	89,424
<b>TOTAL</b>	<b>626</b>	<b>1,492,633</b>	<b>1,032</b>	<b>2,919,325</b>

The Rates Notices for the period ending 30 June 2019 are due to be issued on 12 February 2019 with the discount due date being 15 March 2019. Total Gross Rates and Charges levied for this six (6) month period totalled \$16,948,888

Collection House collected \$113,280 for the month of January 2019.

Sundry Debtors

The total outstanding for Sundry Debtors as at 31 January 2019 is \$441,395 which is made up of the following:

Current	30 days	60 days	90 + days
\$398,365	\$25,866	\$413	\$16,751
90%	6%	0%	4%

**Procurement**

There were no emergency orders for the month.

**RISK IMPLICATIONS**

Nil

**LEGAL/COMPLIANCE/POLICY IMPLICATIONS**

Section 204 of the Local Government Regulation 2012 requires the financial report to be presented to local government if the local government holds its ordinary meetings more frequently (than once per month) - to a meeting in each month.

**FINANCIAL AND RESOURCE IMPLICATIONS**

Nil

**LINK TO CORPORATE PLAN**

**Governance:** Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community.

**IMPLEMENTATION/COMMUNICATION**

Nil

**Budgeted Income Statement by Fund 2018/19 Budget**

**Consolidated**

	Actual YTD	Budget YTD	2018/19 Budget
<b>Revenue</b>			
Rates and utility charges	15,888,969	15,705,965	<b>31,411,930</b>
Less Discounts and Pensioner Remissions	(940,797)	(949,188)	<b>(1,898,375)</b>
Net Rates and Utility Charges	14,948,172	14,756,778	<b>29,513,555</b>
Fees and Charges	865,270	775,018	<b>1,144,760</b>
Operating Grants and Subsidies	3,508,925	2,042,099	<b>7,000,458</b>
Operating Contributions	660,423	451,305	<b>902,610</b>
Interest Revenue	444,514	271,542	<b>465,500</b>
Works for Third Parties	1,470,214	1,057,583	<b>1,813,000</b>
Other Revenue	3,332,900	1,990,335	<b>3,428,100</b>
<b>Total Operating Revenue</b>	<b>25,230,417</b>	<b>21,344,660</b>	<b>44,267,983</b>
<b>Expenditure</b>			
Employee Expenses	9,513,912	10,319,162	<b>17,726,398</b>
Materials and Services	9,201,348	7,750,314	<b>12,919,811</b>
Depreciation expense	5,457,085	5,412,360	<b>9,451,936</b>
Finance and Borrowing costs	206,422	181,095	<b>330,190</b>
<b>Total Operating Expenses</b>	<b>24,378,766</b>	<b>23,662,931</b>	<b>40,228,335</b>
<b>Operating Surplus/(Deficit)</b>	<b>851,651</b>	<b>(2,318,271)</b>	<b>3,839,649</b>
<b>Capital Income</b>			
Capital Contributions	365,912	-	-
Capital Grants and Subsidies	6,281,120	1,746,500	<b>4,843,000</b>
Profit/(Loss) on Sale of Asset	-	-	-
<b>Total Capital Income</b>	<b>6,647,032</b>	<b>1,746,500</b>	<b>4,843,000</b>
<b>Net Result</b>	<b>7,498,682</b>	<b>(571,771)</b>	<b>8,682,649</b>

**Budgeted Income Statement by Fund 2018/19 Budget**

**General**

	<b>Actual YTD</b>	<b>Budget YTD</b>	<b>2018/19 Budget</b>
<b>Revenue</b>			
Rates and utility charges	8,738,467	8,609,609	17,219,218
Less Discounts and Pensioner Remissions	(934,775)	(949,188)	(1,898,375)
Net Rates and Utility Charges	7,797,670	7,660,422	15,320,843
Fees and Charges	851,108	763,352	1,124,760
Operating Grants and Subsidies	3,508,925	2,042,099	7,000,458
Operating Contributions	-	-	-
Interest Revenue	278,688	169,167	290,000
Works for Third Parties	1,390,006	1,031,333	1,768,000
Other Revenue	2,405,402	998,376	1,727,600
<b>Total Operating Revenue</b>	<b>16,231,799</b>	<b>12,664,748</b>	<b>27,231,661</b>
<b>Expenditure</b>			
Employee Expenses	8,635,667	9,282,883	15,939,758
Materials and Services	4,456,706	2,699,099	4,259,217
Depreciation expense	3,697,576	3,670,011	6,291,449
Finance and Borrowing costs	136,199	112,000	192,000
<b>Total Operating Expenses</b>	<b>16,926,149</b>	<b>15,763,993</b>	<b>26,682,423</b>
<b>Operating Surplus/(Deficit)</b>	<b>(694,349)</b>	<b>(3,099,244)</b>	<b>549,237</b>
<b>Capital Income</b>			
Capital Contributions	247,647	-	-
Capital Grants and Subsidies	6,124,956	1,746,500	3,493,000
Profit/(Loss) on Sale of Asset	-	-	-
<b>Total Capital Income</b>	<b>6,372,603</b>	<b>1,746,500</b>	<b>3,493,000</b>
<b>Net Result</b>	<b>5,678,253</b>	<b>(1,352,744)</b>	<b>4,042,237</b>

**Budgeted Income Statement by Fund 2018/19 Budget**

**Waste**

	<b>Actual YTD</b>	<b>Budget YTD</b>	<b>2018/19 Budget</b>
<b>Revenue</b>			
Rates and utility charges	1,852,764	1,833,003	3,666,006
Less Discounts and Pensioner Remissions	-	-	-
<b>Net Rates and Utility Charges</b>	<b>1,852,764</b>	<b>1,833,003</b>	<b>3,666,006</b>
Fees and Charges	-	-	-
Operating Grants and Subsidies	-	-	-
Operating Contributions	-	-	-
Interest Revenue	23,639	29,167	50,000
Works for Third Parties	-	-	-
Other Revenue	851,105	944,417	1,619,000
<b>Total Operating Revenue</b>	<b>2,727,507</b>	<b>2,806,586</b>	<b>5,335,006</b>
<b>Expenditure</b>			
Employee Expenses	222,824	210,982	362,994
Materials and Services	2,086,234	2,327,789	3,982,893
Depreciation expense	88,114	83,860	143,760
Finance and Borrowing costs	-	-	-
<b>Total Operating Expenses</b>	<b>2,397,173</b>	<b>2,622,630</b>	<b>4,489,647</b>
<b>Operating Surplus/(Deficit)</b>	<b>330,335</b>	<b>183,956</b>	<b>845,359</b>
<b>Capital Income</b>			
Capital Contributions	-	-	-
Capital Grants and Subsidies	-	-	-
Profit/(Loss) on Sale of Asset	-	-	-
<b>Total Capital Income</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Net Result</b>	<b>330,335</b>	<b>183,956</b>	<b>845,359</b>

**Budgeted Income Statement by Fund 2018/19 Budget****Wastewater**

	<b>Actual YTD</b>	<b>Budget YTD</b>	<b>2018/19 Budget</b>
<b>Revenue</b>			
Rates and utility charges	2,395,495	2,388,762	4,777,524
Less Discounts and Pensioner Remissions	-	-	-
<b>Net Rates and Utility Charges</b>	<b>2,395,495</b>	<b>2,388,762</b>	<b>4,777,524</b>
Fees and Charges	14,161	11,667	20,000
Operating Grants and Subsidies	-	-	-
Operating Contributions	-	-	-
Interest Revenue	55,562	49,583	85,000
Works for Third Parties	14,453	-	-
Other Revenue	40,163	5,833	10,000
<b>Total Operating Revenue</b>	<b>2,519,836</b>	<b>2,455,845</b>	<b>4,892,524</b>
<b>Expenditure</b>			
Employee Expenses	262,170	346,977	597,079
Materials and Services	908,140	1,051,356	1,724,062
Depreciation expense	853,092	841,764	1,443,024
Finance and Borrowing costs	70,223	69,095	138,190
<b>Total Operating Expenses</b>	<b>2,093,624</b>	<b>2,309,192</b>	<b>3,902,355</b>
<b>Operating Surplus/(Deficit)</b>	<b>426,211</b>	<b>146,654</b>	<b>990,169</b>
<b>Capital Income</b>			
Capital Contributions	52,985	-	-
Capital Grants and Subsidies	156,164	-	450,000
Profit/(Loss) on Sale of Asset	-	-	-
<b>Total Capital Income</b>	<b>209,149</b>	<b>-</b>	<b>450,000</b>
<b>Net Result</b>	<b>635,360</b>	<b>146,654</b>	<b>1,440,169</b>

**Budgeted Income Statement by Fund 2018/19 Budget**

**Water**

	<b>Actual YTD</b>	<b>Budget YTD</b>	<b>2018/19 Budget</b>
<b>Revenue</b>			
Rates and utility charges	2,740,103	2,713,049	5,426,097
Less Discounts and Pensioner Remissions	-	-	-
<b>Net Rates and Utility Charges</b>	<b>2,740,103</b>	<b>2,713,049</b>	<b>5,426,097</b>
Fees and Charges	-	-	-
Operating Grants and Subsidies	-	-	-
Operating Contributions	-	-	-
Interest Revenue	43,513	14,583	25,000
Works for Third Parties	65,755	26,250	45,000
Other Revenue	29,525	20,417	35,000
<b>Total Operating Revenue</b>	<b>2,878,896</b>	<b>2,774,299</b>	<b>5,531,097</b>
<b>Expenditure</b>			
Employee Expenses	336,377	427,637	739,190
Materials and Services	1,619,521	1,520,016	2,683,432
Depreciation expense	759,487	757,198	1,471,655
Finance and Borrowing costs	-	-	-
<b>Total Operating Expenses</b>	<b>2,715,385</b>	<b>2,704,851</b>	<b>4,894,277</b>
<b>Operating Surplus/(Deficit)</b>	<b>163,511</b>	<b>69,448</b>	<b>636,820</b>
<b>Capital Income</b>			
Capital Contributions	65,280	-	-
Capital Grants and Subsidies	-	-	900,000
Profit/(Loss) on Sale of Asset	-	-	-
<b>Total Capital Income</b>	<b>65,280</b>	<b>-</b>	<b>900,000</b>
<b>Net Result</b>	<b>228,791</b>	<b>69,448</b>	<b>1,536,820</b>

**Budgeted Income Statement by Fund 2018/19 Budget**

**Benefited Area**

	<b>Actual YTD</b>	<b>Budget YTD</b>	<b>2018/19 Budget</b>
<b>Revenue</b>			
Rates and utility charges	162,140	161,543	323,085
Less Discounts and Pensioner Remissions	-	-	-
<b>Net Rates and Utility Charges</b>	<b>162,119</b>	<b>161,543</b>	<b>323,085</b>
Fees and Charges	-	-	-
Operating Grants and Subsidies	-	-	-
Operating Contributions	660,423	451,305	902,610
Interest Revenue	43,112	9,042	15,500
Works for Third Parties	-	-	-
Other Revenue	6,705	21,292	36,500
<b>Total Operating Revenue</b>	<b>872,379</b>	<b>643,181</b>	<b>1,277,695</b>
<b>Expenditure</b>			
Employee Expenses	56,874	50,684	87,377
Materials and Services	130,747	152,054	270,206
Depreciation expense	58,815	59,528	102,048
Finance and Borrowing costs	-	-	-
<b>Total Operating Expenses</b>	<b>246,435</b>	<b>262,266</b>	<b>459,630</b>
<b>Operating Surplus/(Deficit)</b>	<b>625,944</b>	<b>380,915</b>	<b>818,065</b>
<b>Capital Income</b>			
Capital Contributions	-	-	-
Capital Grants and Subsidies	-	-	-
Profit/(Loss) on Sale of Asset	-	-	-
<b>Total Capital Income</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Net Result</b>	<b>625,944</b>	<b>380,915</b>	<b>818,065</b>

## 9 INFRASTRUCTURE SERVICES

### 9.1 APPLICATION FOR PERMANENT ROAD CLOSURE, ABUTTING LOT 456 ON PLAN NR5514, RA 6153 KENNEDY HIGHWAY, MAREEBA.

**Date Prepared:** 3 January 2019

**Author:** Technical Officer (Investigations)

**Attachments:**

1. Initial Correspondence from DNRME [↓](#)
2. DNRME Map CNS18/058P [↓](#)
3. Map Showing MSC Boundary and Lot on Plan Detail [↓](#)
4. Council Report 4 December 2007 [↓](#)
5. 7 December 2007 - Council Notification to DNRW [↓](#)

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#### EXECUTIVE SUMMARY

The Department of Natural Resources, Mines and Energy (DNRME) is seeking Council's view regarding a land owner's application for permanent road closure of an area of approximately 8510m<sup>2</sup> being part of Kennedy Highway, Walkamin shown as Lot B on Drawing CNS18/058P abutting Lot 456 on Plan NR5514.

#### RECOMMENDATION

That Council advises the Department of Natural Resources, Mines and Energy that:

1. Council is not the Road Manager of the Kennedy Highway and is unable to authorise the road closure as Council is not trustee of the reserve; and
2. Council objects to the permanent closure of road reserve described as Lot B on CNS018/058P abutting Lot 456 on NR5514, Parish of Tinaroo, as the road reserve may be required for its gazetted purpose in the future.

#### BACKGROUND

As part of the DNRME road closure application process, DNRME requires a submission from the Road Manager prior to any decision being finalised. In this instance, the request for closure has been made over the State-controlled road network managed by the Department of Transport and Main Roads (TMR). However, as there is potential for the application to affect future local (Council) road requirements, Council's position has been sought.

Correspondence was received from DNRME on 11 December 2018 (Attachment 1) requesting Council's views on the above Road Closure Application, over land described as Lot B on Map CNS18/058P (Attachment 2), being part of Lot 1 on Plan RL8430 (Attachment 3). The area being considered is currently leased by the applicant through DNRME.

The applicant advised DNRME that the proposed use of the subject area, if road closure is approved, would be for continued agricultural purposes. The subject area would be included within their adjoining freehold Lot 456 on Plan NR5514.

Although the applied for area is wholly contained within Mareeba Shire Council, it is adjacent to the boundary with Tablelands Regional Council. Therefore any decision made has the potential to adversely impact future decisions of both Councils.

The Kennedy Highway is a State-controlled road corridor, managed by TMR, with any works or maintenance in this section undertaken by TMR. Council does not undertake any works or maintain this section of the Kennedy Highway on behalf of TMR.

There is no Council infrastructure currently contained within the applied for area.

Power lines are located to the West of the Highway and currently utilise approximately 30m of the road corridor.

At some point in the future, approval to develop the properties adjacent the Kennedy Highway may be sought. If this occurs, there may be a requirement to construct a service road immediately adjacent to the Kennedy Highway to service the development/s. Loss of the applied for land at this time may result in costs incurred for Council to fund resumption or acquisition of land should there be a need to construct a service road in the future.

A similar application was considered by Council on 4 December 2007, which was not supported. The reason for this decision was that the land may be required for future transport needs (Attachment 4). Notification of Council's objection at that time was forwarded to the then Department of Natural Resources and Water (DNRW) on 7 December 2007 (Attachment 5).

Council Officers recommend that this application for road closure should not be supported as the road reserve may be required for its gazetted purpose.

## **RISK IMPLICATIONS**

### **Infrastructure and Assets**

Reduction in road area may present an impediment to future use and/or maintenance activities.

### **Legal and Compliance**

Council is delegated with the authority of Road Manager for local (Council) roads, therefore the needs of the transport network are considered prior to DNRME providing a final position to road closures.

## **LEGAL/COMPLIANCE/POLICY IMPLICATIONS**

Council is delegated with authority as Road Manager and is therefore required to consider the needs of the future transport network.

## **FINANCIAL AND RESOURCE IMPLICATIONS**

### ***Capital***

Nil

### ***Operating***

Nil

## **LINK TO CORPORATE PLAN**

**Transport and Council Infrastructure:** The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

**Economy and Environment:** A resilient economy that promotes and supports the shire's natural assets and local industry and encourages investment while preserving and future proofing for generations to come.

**Governance:** Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community.

**IMPLEMENTATION/COMMUNICATION**

Following resolution, Council Officers will notify DNRME and the applicant of the outcome.

Author Jacqui Davies  
File / Ref number 2018/006516  
Directorate / Unit State Land Asset Management  
Phone (07) 4222 5427



R09-CL0-PER



Department of  
Natural Resources,  
Mines and Energy

7 December 2018

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

Dear Sir/Madam

**Application for Permanent Road Closure of an area of about 8510m<sup>2</sup> being part of Kennedy Highway shown as Lot B on Drawing CNS18/058P abutting Lot 456 on Plan NR5514.**

Please find enclosed a copy of the Notice published in the Government Gazette of 7 December 2018 relative to the above application.

You are requested to display the notice at your office for the purpose of being viewed by the public in terms of Section 100 of the *Land Act 1994*. Your views and/or requirements are also requested in respect of the application.

The applicant advises that the proposed use of the subject area, if the road closure is approved would be included into their adjoining freehold Lot 456 on Plan NR5514 for agriculture purposes.

Please advise the Department of your views or requirements that the department should consider when assessing this application. Objections to the application, and any views or requirements that may affect the future use of the land should be received by close of business on **Thursday 17<sup>th</sup> January 2019**. If you offer an objection to the application, a full explanation stating the reason for such an object should be forwarded to this Office.

If you wish to provide a response but are unable to do so before the due date, please contact the author before the due date to arrange a more suitable timeframe. If a response is not received by the due date and no alternative arrangements have been made, it will be assumed you have no objections or requirements in relation to this matter.

This information has been provided to you in confidence for the purpose of seeking your views on this matter. It is not to be used for any other purpose, or distributed further to any person, company, or organisation, without the express written permission of the department unless required.

Postal :  
DNRME Cairns  
PO Box 5318  
Townsville  
4810 QLD

Telephone : (07) 4222 5427

Any objections received may be viewed by other parties interested in the proposed road closure in accordance with the provisions of the *Right to Information Act 2009*.

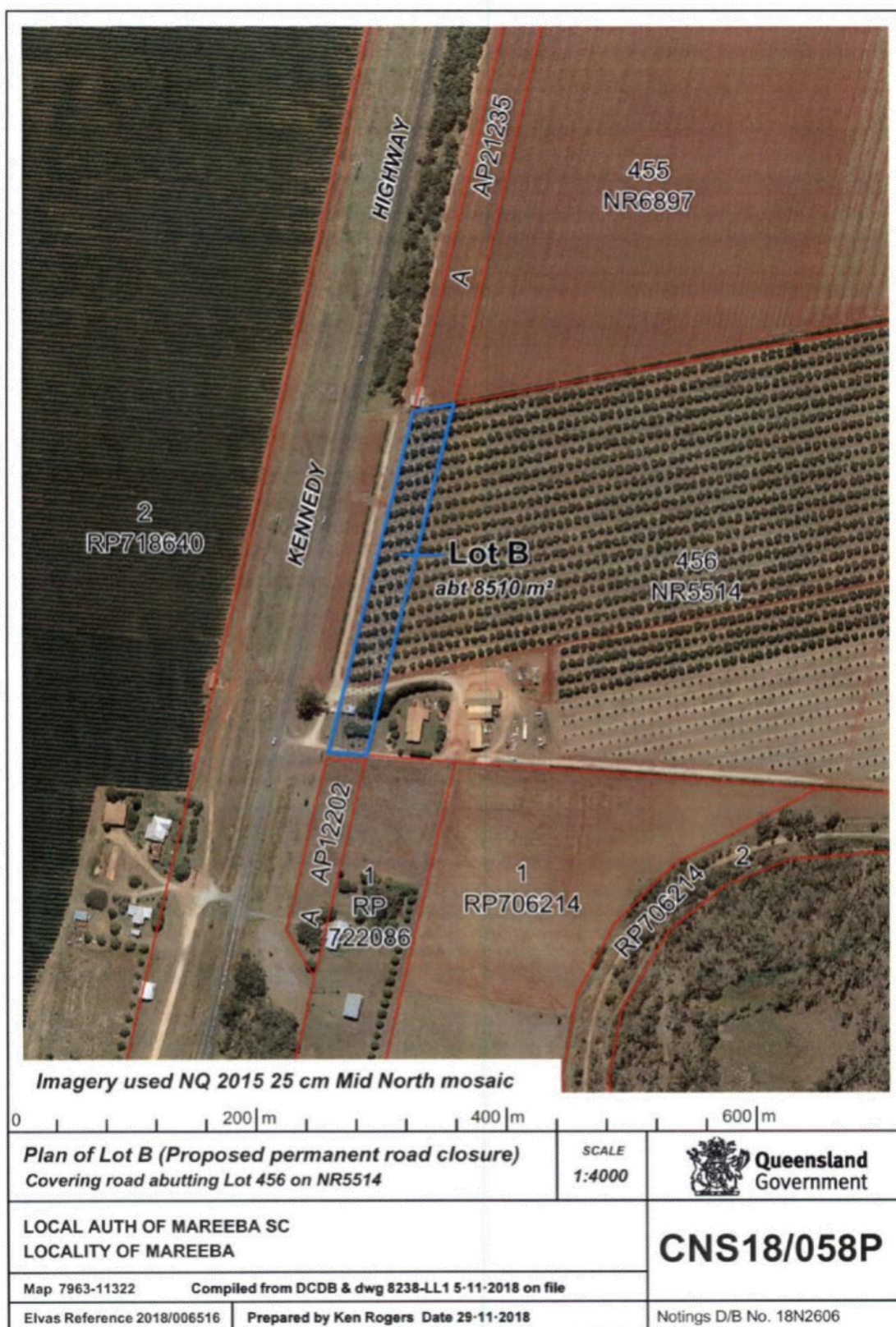
If you wish to discuss this matter please contact Jacqui Davies on (07) 4222 5427.

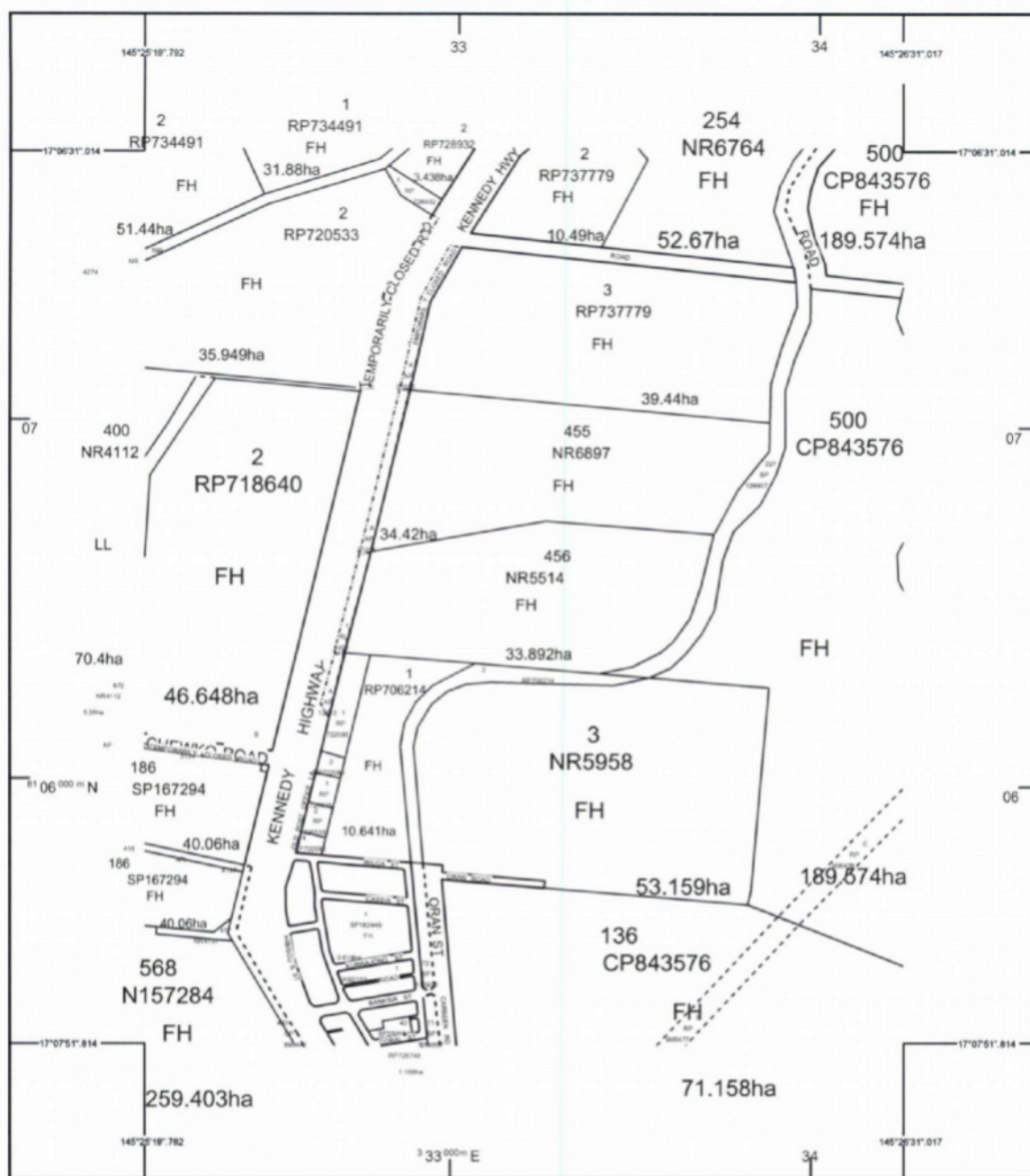
All future correspondence relative to this matter is to be referred to the contact Officer at the address below or by email to [Townsville.SLAMS@dnrme.qld.gov.au](mailto:Townsville.SLAMS@dnrme.qld.gov.au). Any hard copy correspondence received will be electronically scanned and filed. For this reason, it is recommended that any attached plans, sketches or maps be no larger than A3-sized.

Please quote reference number 2018/006516 in any future correspondence.

Yours sincerely

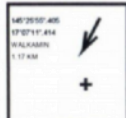
  
Jacqui Davies  
A/Land Officer





STANDARD MAP NUMBER  
7963-11322

MAP WINDOW POSITION &  
NEAREST LOCATION



#### SUBJECT PARCEL DESCRIPTION

DCDB  
Lot/Plan  
Area/Volume  
Tenure  
Local Government  
Locality  
Segment/Parcel

No Lot/Plan Selected  
No Lot/Plan Selected  
No Lot/Plan Selected  
No Lot/Plan Selected  
No Lot/Plan Selected  
No Lot/Plan Selected

#### CLIENT SERVICE STANDARDS

PRINTED (dd/mm/yyyy) 19/11/2018

DCDB 16/11/2018 (Lots with an area less than 3000m<sup>2</sup> are not shown)

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Despite Department of Natural Resources and Mines (DNRM)'s best efforts, DNRM makes no representations or warranties in relation to the information, and, to the extent permitted by law, exclude or limit all warranties relating to correctness, accuracy, reliability, completeness or currency and all liability for any direct, indirect and consequential costs, losses, damages and expenses incurred in any way (including but not limited to that arising from negligence) in connection with any use of or reliance on the information.

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Government  
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(Department of  
Natural Resources,  
Mines and Energy) 2018.

*Land Act 1994*

**OBJECTIONS TO PROPOSED ROAD CLOSURE  
NOTICE (No 47) 2018**

**Short title**

1. This notice may be cited as the *Objections to Proposed Road Closure Notice (No 47) 2018*.

**Application for road closure [s.100 of the Act]**

2. Applications have been made for the permanent closure of the roads mentioned in the Schedule.

**Objections**

3.(1) An objection (in writing) to a proposed road closure mentioned in the Schedule may be lodged with the Regional Service Director, Department of Natural Resources, Mines and Energy, at the regional office for the region in which the road is situated.

(2) Latest day for lodgement of objections is **17 January 2019**.

(3) Any objections received may be viewed by other parties interested in the proposed road closure under the provisions of the *Right to Information Act 2009*. If you lodge an objection, please include in your objection letter whether you would like to be consulted if this issue becomes the subject of an access request under the *Right to Information Act 2009*.

**Plans**

4. Inspection of the plans of the proposed road closure may be made at-

- (a) the Department of Natural Resources, Mines and Energy Offices at Atherton, Cairns; Gold Coast and Toowoomba; and
- (b) the Local Government Offices of Mareeba Shire Council, Tablelands Regional Council, Cook Shire Regional Council, Logan City Council and Toowoomba Regional Council;

for a particular plan in that district or that local government area.

**SCHEDULE**

**PERMANENT CLOSURE**

**North Region, Atherton Office**

1. An area of about 8510 m2 being part of Kennedy Highway abutting Lot 456 on NR5514 (locality of Mareeba) and shown as plan of Lot B, proposed permanent road closure on Drawing CNS18/058P. (2018/006516)

2. An area of about 608 m2 being part of Barter Road abutting the south-eastern boundary of Lot 436 on NR1124 (locality of Middlebrook) and shown as plan of Lot A, proposed permanent road closure on Drawing CNS18/052P. (2018/004590)

**North Region, Cairns Office**

3. An area of about 3040 m2 being part of Milman Street abutting Lot 34 on C17945 and Lots 1 and 12 on RP703341 (locality of Cooktown) and shown as plan of Lot 1, proposed permanent road closure on Drawing CNS18/035P. (2018/006661)

4. An area of about 3180 m2 being part of the corner of Malanda Atherton Road and Upper Barron Road abutting the northern boundary of Lot 6 on RP737154 (locality of Upper Barron) and shown as plan of Lot A, proposed permanent road closure on Drawing CNS18/053P. (2018/006286)

**South Region, Gold Coast Office**

5. An area of 298 m2 being the road within Lot 3 on SP273970 (locality of Loganlea) and shown as road proposed to be permanently closed on Drawing 18/260. (2018/005562)

**South Region, Toowoomba Office**

6. An area of about 6400 m2 being the road separating Lot 30 on SP177903 from Lot 1 on RP21623 (localities of Cabarlah and Geham) and shown as Lot 1 on AP14251, road proposed to be permanently closed on Drawing 18/176. (2018/004124)

**ENDNOTES**

1. Published in the Gazette on 7 December 2018.
2. Not required to be laid before the Legislative Assembly.
3. The administering agency is the Department of Natural Resources, Mines and Energy.

Gov. Gaz., 7 December 2018, No. 82 page 419

Brisbane

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# Application for Closure of Road

7 December 2018

File / Ref number 2018/006516



Imagery used NQ 2015 25 cm Mid North mosaic

0 200[m] 400[m] 600[m]		SCALE 1:4000	 Queensland Government
<b>Plan of Lot B (Proposed permanent road closure)</b> Covering road abutting Lot 456 on NR5514			
LOCAL AUTH OF MAREEBA SC LOCALITY OF MAREEBA		<b>CNS18/058P</b>	
Map 7963-11322	Compiled from DCDB & dwg 8238-4.1.1 9-11-2018 on file		
Elvas Reference 2018/006516	Prepared by Ken Rogers Date 29-11-2018		
		Notings D/B No. 18N2506	

Notice is given of an application made under section 100 of the *Land Act 1994* for the permanent closure of the road described as:

## DESCRIPTION OF ROAD

### Description of proposed road closure:

An area of about 8510m<sup>2</sup> being part of Kennedy Highway shown as Lot B on Drawing CNS18/058P abutting Lot 456 on Plan NR5514.

**Locality:** Mareeba

**Local Government:** Mareeba Shire Council

Any person who may consider their interest affected by the application is required to submit their objections and/or enquires in writing before **Thursday 17<sup>th</sup> January 2019** to the Department:

### Postal Address –

DNRME Cairns  
PO Box 5318  
Townsville  
4810 QLD

### Delivery Address -

DNRME Cairns  
L 4, William McCormack Place II  
5b Sheridan Street  
Cairns QLD 4870

**Telephone:** (07) 4222 5427

**Fax:** (07) 4799 7533

**Email:** Townsville.SLAMS@dnrme.qld.gov.au

Any objections received may be viewed by other parties interested in the proposed road closure under the provisions of the *Right to Information Act 2009* (the RTI Act).

If you lodge an objection, please include in your objection letter whether you would like to be consulted if this issue becomes the subject of an access request under the RTI Act.

**LATEST DATE FOR OBJECTIONS – 17<sup>TH</sup> JANUARY 2019**







Meeting Date: 4 December 2007

---

**SUBJECT: Proposed Permanent Road Closure – Kennedy Highway, Walkamin****GENERAL MEETING****Reporting Officer: Shire Planner****File Ref: L5/5 27 November 2007**

---

**PURPOSE**

Application has been made by A Villella for the permanent closure of part of the Kennedy Highway road reserve described as Lot 1 on CNS07/015 adjoining Lot 456 on NR5514, Parish of Tinaroo.

The proposed road closure covers approximately 8,510 square metres of the Kennedy Highway road reserve, immediately to the north of the Mareeba Shire/Atherton Shire boundary. The applicant owns adjoining Lot 456 and currently holds a temporary closure over the subject road reserve.

The Department of Natural Resources and Water has requested that Council provide its views in relation to the proposed closure.

**ANALYSIS***Statutory*

The subject road reserve is zoned Rural under the Mareeba Shire Planning Scheme. Should the permanent closure be approved, the land should be amalgamated with adjoining Lot 456.

**CONSULTATION***Internal*

The Manager Civil Works advises that civil works objects to the proposed permanent road closure as the subject road reserve may be required for its gazetted purpose in the future.

**PROPOSED OPTIONS**

Does Council wish to object to the permanent closure of road reserve described as Lot 1 on CNS015 adjoining Lot 456 on NR5514, Parish of Tinaroo on the ground that the road reserve may be required for its gazetted purpose in the future?

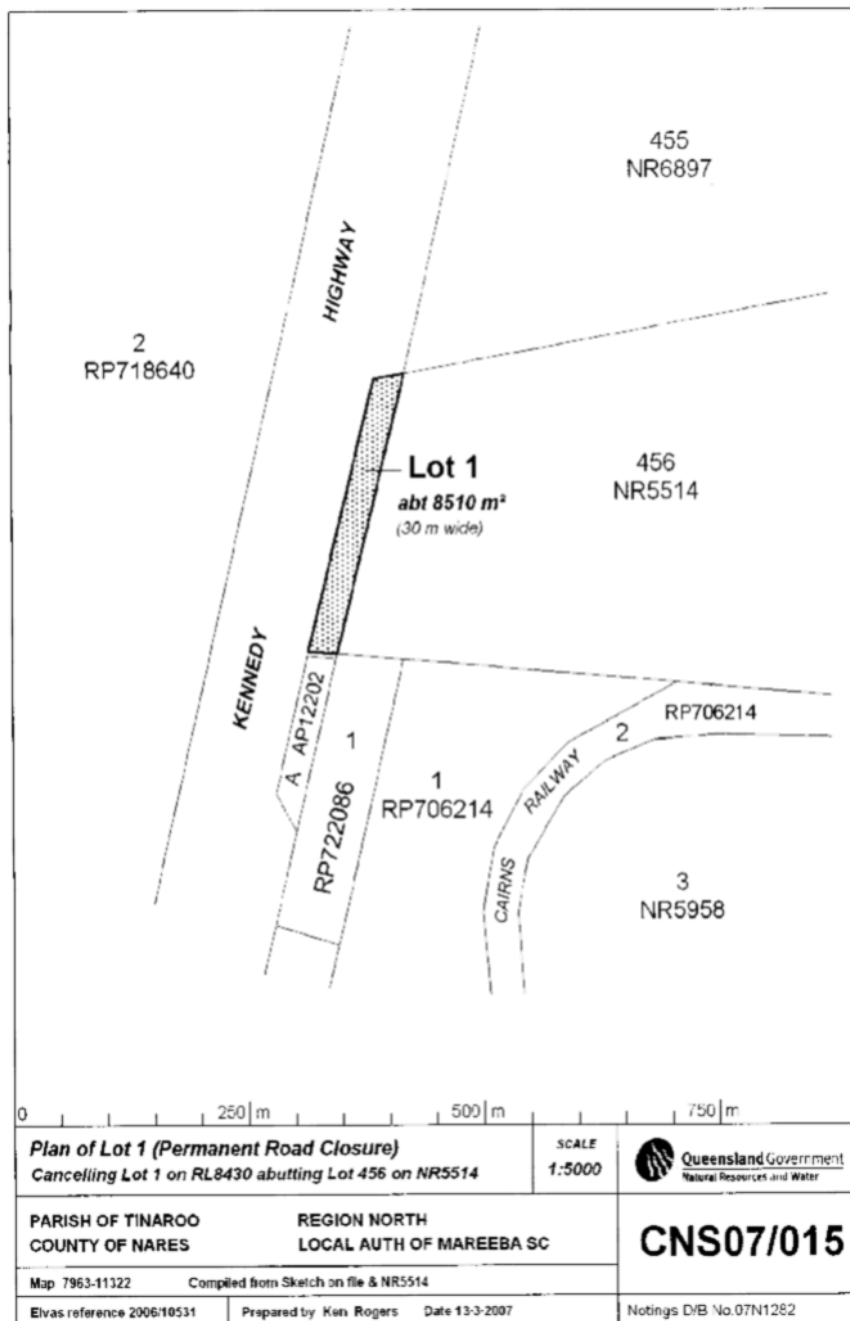
**ATTACHMENTS**

1. Plan of Lot 1 on CNS07/015 - DataWorks #649295.
2. Locality Plan.

Report Approved – Signed by .....

Report To: General Meeting

Meeting Date: <DATE>



Report To: General Meeting

Meeting Date: <DATE>





**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](mailto:ceo@msc.qld.gov.au)  
Web [www.msc.qld.gov.au](http://www.msc.qld.gov.au)

Ms Georgina Mockel  
State Land Asset Management  
Department of Natural Resources and Water  
PO Box 937  
CAIRNS QLD 4870

Our Ref: L5/5 BJM:mjn  
Item No. 12:04.12.07  
Your Ref: 2006/010531

7 December 2007

Dear Madam

**PROPOSED PERMANENT ROAD CLOSURE - KENNEDY HIGHWAY,  
WALKAMIN - LOT 456 ON NR5514, PARISH OF TINAROO**

I refer to your letter dated 20 November 2007 regarding an application made by A Villella for the permanent closure of part of the Kennedy Highway road reserve adjoining the above land.

This matter was considered at the General Meeting on 20 November 2007.

Council objects to the permanent closure of road reserve described as Lot 1 on CNS015 adjoining Lot 456 on NR5514, Parish of Tinaroo, on the ground that the road reserve may be required for its gazetted purpose in the future.

Should you have any queries with regard to the matters raised, please direct them to me on 4030 3959.

Yours faithfully

**Brian Millard**  
**SHIRE PLANNER**

*Mareeba Shire – a great place to live.*  
*Mareeba - biggest town on the Tablelands of the Cairns Hinterland.*

\\msc.local\userdata\UserProfiles\markc\Desktop\DNRW receives advice Council objects to application.doc



**9.2 KURANDA CEMETERY**

**Date Prepared:** 7 February 2019

**Author:** Manager Technical Services

**Attachments:** 1. DNRME Kuranda SmartMap [↓](#)  
2. DNRME Koah SmartMap [↓](#)

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**EXECUTIVE SUMMARY**

The Kuranda Cemetery is approaching its functional capacity and with initial investigations indicating no viable opportunities exist to extend the current facility; planning for the future needs of the community is required.

A preliminary review of correctly tenured land parcels indicates no useable open spaces currently exist within the Kuranda township. However, a potentially suitable site has been identified near Koah which has the potential to provide for the long term needs of the community.

**RECOMMENDATION**

That Council undertakes further investigation to determine the viability of Lot 514 Plan SP248398 in Koah as a new cemetery to service Kuranda and surrounding communities.

**BACKGROUND**

The existing Kuranda Cemetery is located at 1300 Kennedy Highway, Kuranda. The 5.3 acre parcel of land is a Cemetery Reserve and is bounded by the railway to the north, Kennedy Highway to the east and rainforest South and West, which limits its capacity for growth.

The remaining capacity of the Kuranda Cemetery is anticipated to have the ability to service the community for a period of 12 - 18 months. Initial investigations indicate no viable opportunities exist to extend the capacity of the current facility.

A preliminary review of appropriately tenured land parcels indicates that no useable open spaces currently exist within the Kuranda township which are suitable to meet the long-term requirements of the community.

**Options Considered****Cemetery Reserves**

Council currently has access to two (2) small parcels of land reserved for cemetery purposes, being Lot 127 Plan NR1736 and Lot 128 Plan NR7407 (refer Attachment 1), which are located immediately adjacent to the Kennedy Highway and Rob Veivers Drive. However, due to the steep access grades, high potential for flooding and tree coverage, the proportion of land which could viably be made available for use as cemetery is extremely limited. The potentially high cost of developing the reserve, coupled with the limited space available for its intended use removes its feasibility for burials.

**Park Reserves**

Park Reserves exist within the Kuranda area which have the potential for conversion to meet cemetery needs, however the loss of the parkland is considered inconsistent with the long term needs of the community.

Due to ongoing utilisation and need to maintain for community use the existing parks, as well as the inaccessibility or impracticality of developing alternate reserves within the Kuranda township, further alternatives have been identified outside the immediate township.

**Alternate Reserves**

Officers have identified two additional reserves which have the potential to function and provide the community with long term function as cemetery, these being;

- 2186 Kennedy Highway, Speewah (Transfer Station).
- Lot 514 Plan SP248398 (vacant land opposite Koah Fuel Station).

**2186 Kennedy Highway, Speewah**

As a portion of the property is currently being utilised as a Transfer Station, it is the opinion of Officers that the community may not be supportive of co-locating the services within the reserve.

**Lot 514 Plan SP248398 (Koah Site)**

The property has access off both the Kennedy Highway and Koah Road and is currently tenured as 'Reserve - Strategic Land Management' (refer Attachment 2), which affords Council the ability to utilise it for cemetery purposes. The site is approximately 37.9 acres in size, significantly larger than the existing location (5.3 acres), with a large proportion expected to be suitable for use as single depth burial.

Possible constraints affecting the location include an existing waterway which bisects the property and gradients which may restrict burial from some areas of the site, however sloping areas may lend themselves as suitable for the establishment of a carpark and roadway within the land.

**RISK IMPLICATIONS****Infrastructure and Assets**

The existing facility is reaching capacity, consideration as to how to meet the long-term needs of the community is required.

**Legal and Compliance**

Due to environmental constraints Council is unable to extend the capacity of the existing facility.

**FINANCIAL AND RESOURCE IMPLICATIONS*****Capital***

There is no allocation in the current budget to undertake this investigation. A further report will be presented to Council with indicative costings and approval sought to proceed.

***Operating***

Nil

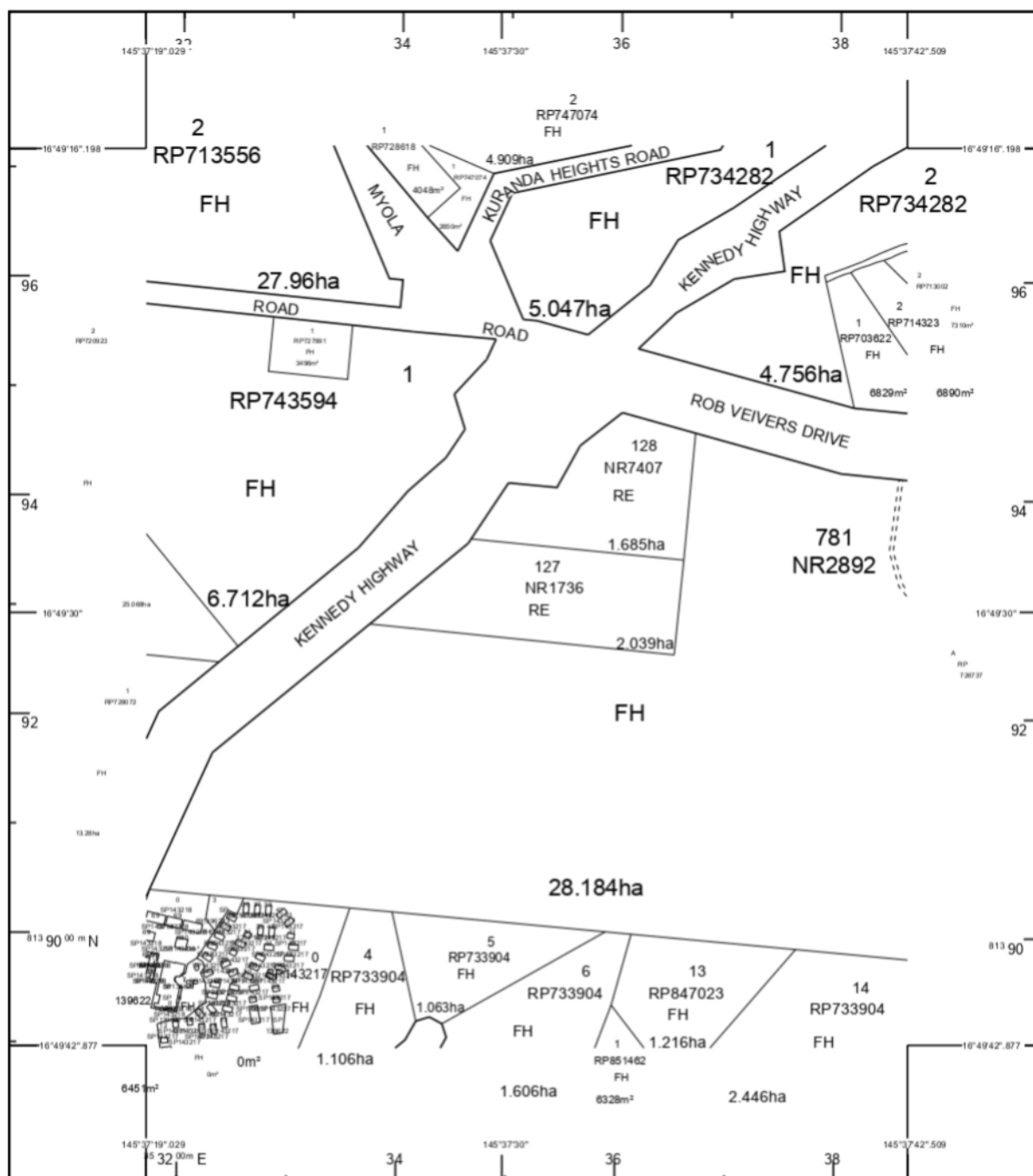
**LINK TO CORPORATE PLAN**

**Community:** An engaged community which supports and encourages effective partnerships to enhance the liveability of the shire and the wellbeing of residents in communities which are resilient and prepared for unforeseen events.

**Governance:** Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community.

**IMPLEMENTATION/COMMUNICATION**

Council officers will invite quotes for development of concept plans and cost estimates to confirm long term suitability and capacity of the proposed location.



STANDARD MAP NUMBER  
8064-31344

MAP WINDOW POSITION &  
NEAREST LOCATION

145°37'37".769  
16°49'21".538  
KURANDA  
1.37 KM



#### SUBJECT PARCEL DESCRIPTION

DCDB  
Lot/Plan 127/NR1736  
Area/Volume 2.039ha  
Tenure RESERVE  
Local Government MAREESA SHIRE  
Locality KURANDA  
Segment/Parcel 9947/16

#### CLIENT SERVICE STANDARDS

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DCDB 09/02/2019

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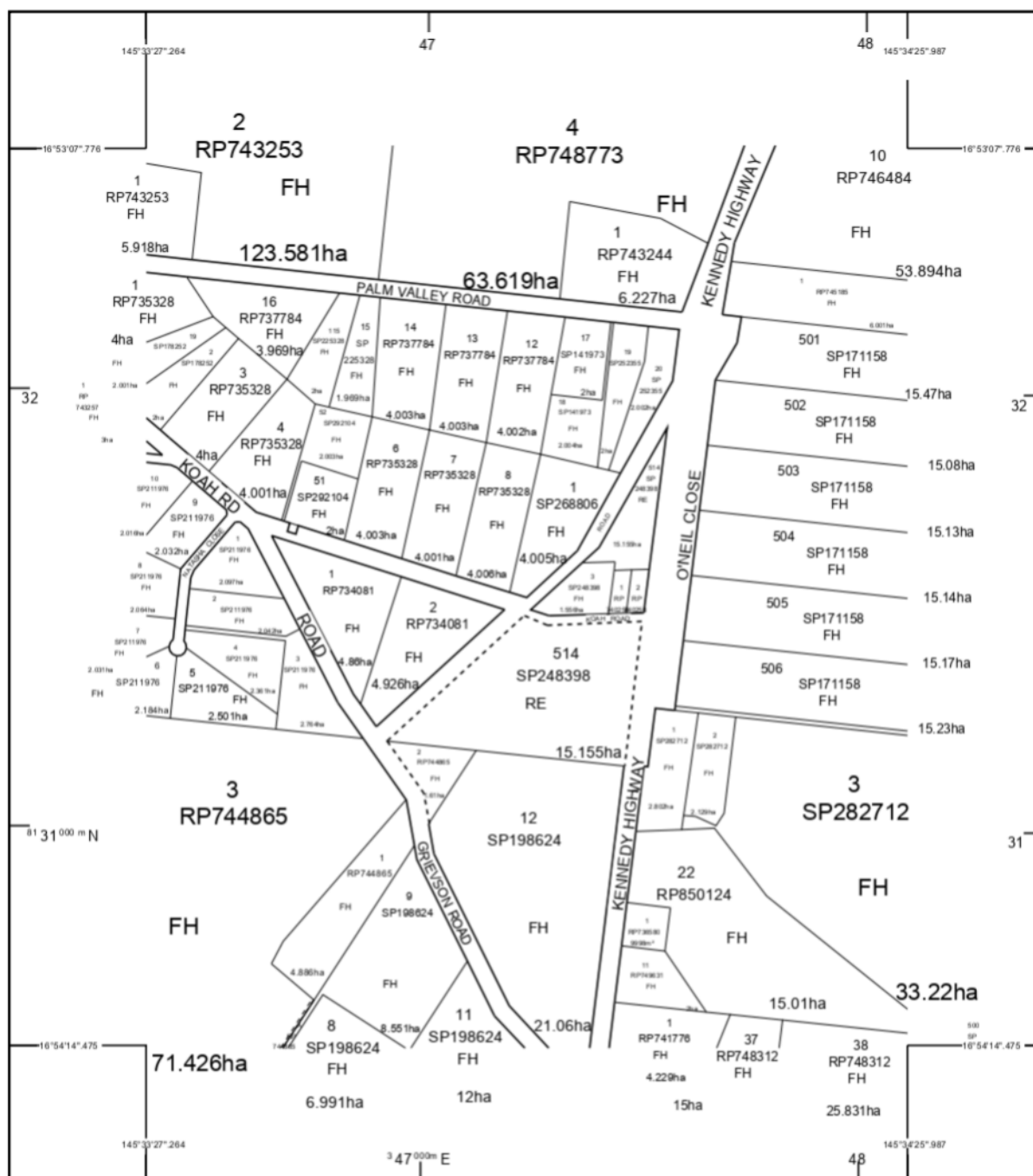
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**Queensland  
Government**  
(c) The State of Queensland,  
(Department of  
Natural Resources,  
Mines and Energy) 2019.

STANDARD MAP NUMBER  
8064-33143

MAP WINDOW POSITION &amp; NEAREST LOCATION



### SUBJECT PARCEL DESCRIPTION

DCDB	
Lot/Plan	514/SP248398
Area/Volume	15.155ha
Tenure	RESERVE
Local Government	MAREEBA SHIRE
Locality	KOAH
Segment/Parcel	9964/787

## CLIENT SERVICE STANDARDS

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## SmartMap

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**Queensland  
Government**  
(c) The State of Queensland,  
(Department of  
Natural Resources,  
Mines and Energy) 2019.



**9.3 MAREEBA AIRPORT UPGRADING - JANUARY 2019 PROGRESS REPORT**

**Date Prepared:** 1 February 2019  
**Author:** Manager Technical Services  
**Attachments:** Nil

---

**EXECUTIVE SUMMARY**

Council has received grant funding from the Australian and Queensland governments towards the upgrading of the Mareeba Airport.

At its Ordinary Meeting of 21 March 2018, Council resolved to award Contract TMSC2017-27 Mareeba Airport Upgrade to FGF Developments Pty Ltd, with works commencing onsite mid-April 2018.

The purpose of this report is to provide an update on progress of the Mareeba Airport Upgrade project.

**RECOMMENDATION**

That Council receives the January 2019 progress report on the Mareeba Airport Upgrade Project.

**BACKGROUND**Funding

Council has received \$13 million from the Queensland State Government's Royalties for Regions program and \$5 million from the Australian Government's National Stronger Regions Fund towards the upgrading of the Mareeba Airport.

Additional funding of \$5 million has been secured under the Australian Government's Building Better Regions Fund (BBRF) to undertake lengthening and strengthening of the runway, taxiways and airfield ground lighting, bringing the total project budget to \$23 million.

Following confirmation of additional funding through BBRF, Council resolved at its Special Meeting on 5 September 2018, to award a variation to Contract TMSC2017-27 up to a value of \$4 million (excluding GST) for amendments to the runway, taxiways and airfield lighting. The remainder of this additional funding has been allocated to design, project management, CASA approvals and contingency.

Programme and Progress

A programme of works has been prepared which reflects the works and commitment made by Council in the funding agreements. This programme will be updated at fortnightly meetings of the Project Team, which includes Council, FGF and Council's Consultant Contract Management representatives (Trinity Engineering Consultants).

The aviation commercial precinct was substantially completed in January 2019, with only minor site works remaining.

The works to upgrade the airfield lighting, runway and taxiway upgrades has commenced and is scheduled for completion by September 2019, weather permitting.

Stakeholder Engagement

A Communication and Stakeholder Engagement Plan has been developed, which sets out the engagement strategy for delivery phase of the project. Ongoing engagement will be undertaken for the duration of the project. Project newsletters are planned for release as necessary.

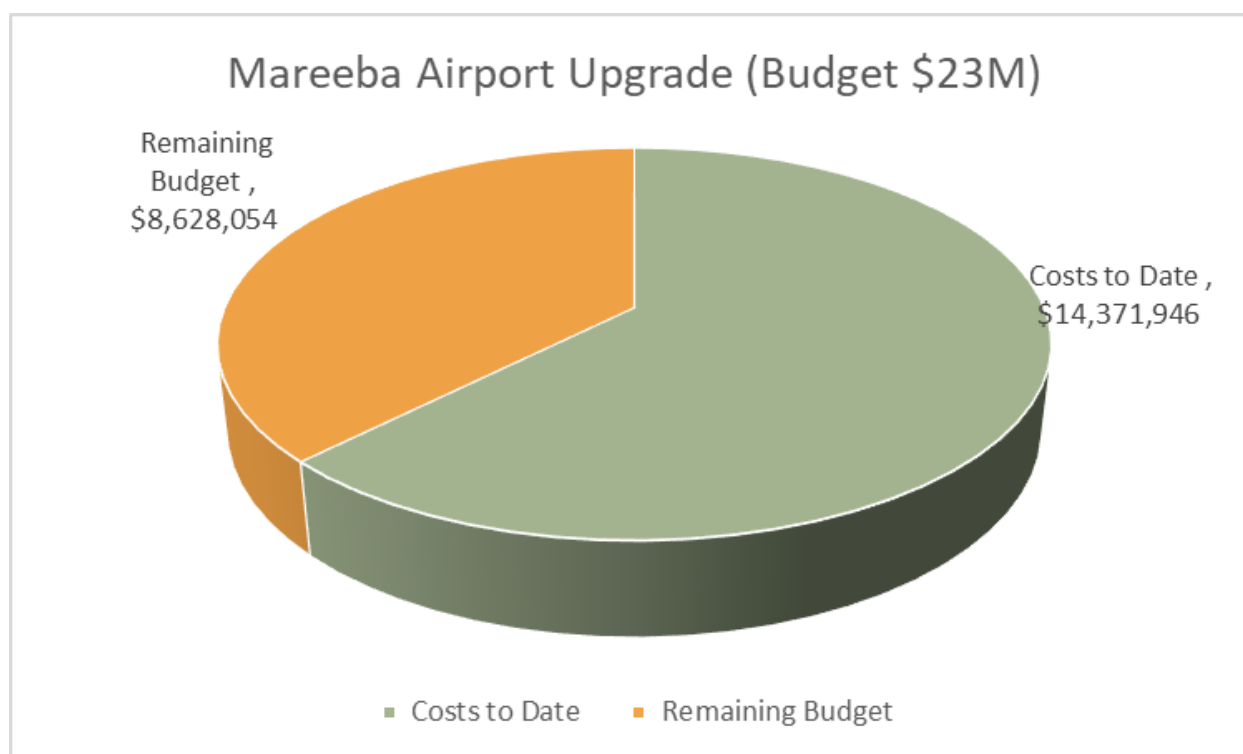
The Method of Working Plan (MOWP) for the runway works was distributed to aerodrome users in December 2018 as per CASA requirements. A MOWP is required for runway and runway strip works that have direct impact on aircraft operations to advise users of the timing and staging of works. The runway work has been staged to minimise impact on users by maintaining operations under reduced runway operating lengths during construction.

#### Aviation Commercial Precinct Leasing Opportunities

To date, applications have been received for leasing of two (2) sites within the new aviation commercial precinct. Council has received many enquiries regarding leasing of land, with further lease applications expected to be received once construction is complete.

#### Expenditure

Expenditure to date is reflected within the chart below.



#### **RISK IMPLICATIONS**

##### **Financial**

Latent conditions and potential project variations represent normal risks with complex projects, nominal allowances within the budget have been made.

##### **LEGAL/COMPLIANCE/POLICY IMPLICATIONS**

The contract is being managed under Australian Standard AS4000-1997 Conditions of Contract. Tender and procurement activities have been completed in accordance with Council's procurement policy.

**FINANCIAL AND RESOURCE IMPLICATIONS*****Capital***

Funding for this project has been made available from the Australian and State Governments.

***Is the expenditure noted above included in the current budget?***

Yes

***Operating***

Nil

**LINK TO CORPORATE PLAN**

**Transport and Council Infrastructure:** The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

**Economy and Environment:** A resilient economy that promotes and supports the shire's natural assets and local industry and encourages investment while preserving and future proofing for generations to come.

**Governance:** Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community.

**IMPLEMENTATION/COMMUNICATION**

This purpose of this report is to provide Council with an update as to progress of the Project. No additional actions required at this time.

All communication in relation to the project shall be in accordance with the protocols outlined in the deeds of agreement with the Australian and Queensland governments.



## 9.4 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES MONTHLY ACTIVITIES REPORT - JANUARY 2019

**Date Prepared:** 24 January 2019  
**Author:** Manager Technical Services  
**Attachments:** Nil

### EXECUTIVE SUMMARY

This purpose of this report is to summarise Council's Fleet, Design, Soils Lab, Survey, Quality, GIS, Project Management, Facilities and Investigation Services activities undertaken by Infrastructure Services during the month of January 2019.

### RECOMMENDATION

That Council receives the Infrastructure Services, Technical Services Monthly Report for the month of January 2019.

### BACKGROUND

Below is a summary of the activities undertaken by the Technical Services section for the month of January 2019:

DESIGN	
2017/18 Capital Works	<ul style="list-style-type: none"> <li>• Malone Road Drainage, Mareeba - Design finalised and awaiting approval</li> <li>• KIAC - Therwine Street, Kuranda, Redevelopment - Provide technical advice</li> <li>• Mareeba CBD Study - Temporary works plan for Rankin and Walsh Streets</li> </ul>
Works for Queensland Rd 2	<ul style="list-style-type: none"> <li>• Anzac Avenue, Barron River Bridge, Mareeba               <ul style="list-style-type: none"> <li>◦ Construction plans received from GHD</li> </ul> </li> </ul>
2018/19 Capital Works	<ul style="list-style-type: none"> <li>• Mareeba Industrial Estate, Stage 16A - Civil Drawings approved and issued to Works for construction</li> <li>• Railway Avenue, Mareeba, Car Park Area Design - Concept plans presented to management for review</li> <li>• Springmount Road, Arriga, Causeway Widening - Detailed design complete and issued to Works for construction</li> <li>• Ootann Road CH 78.2-80.2 (Package 2), Almaden - Design finalised and being reviewed</li> </ul>
Miscellaneous	<ul style="list-style-type: none"> <li>• General investigations related to customer requests</li> <li>• McIver Road Drainage - Design being undertaken</li> <li>• Traffic counter installation</li> <li>• Installation of rural addresses</li> <li>• DBYD plans</li> <li>• As-Constructed plans for external customers</li> <li>• Chettle Road, Arriga - Safety improvement investigations</li> </ul>

	<ul style="list-style-type: none"> <li>• Byrnes Street, Mareeba, Landscape Plan - Revision of streetscape plan and documentation</li> </ul>
<b>SURVEY</b>	
Miscellaneous	<ul style="list-style-type: none"> <li>• Mareeba Landfill - Survey volume pick-up</li> <li>• Wetherby Road Opening - Cadastral Survey Plan for Lot 37 SP166323</li> <li>• Borzi Park, Mareeba - Lease area identification and plan</li> <li>• Mt Mulligan Cemetery Road Opening - Cadastral Survey</li> <li>• Chettle Road, Arriga - Detailed Survey pick-up for road widening and rehabilitation</li> </ul>
2017/18 Capital Works	<ul style="list-style-type: none"> <li>• Ceola Drive and Anzac Avenue, Mareeba, Intersection Upgrade - Detailed Survey pick-up</li> </ul>
2018/19 Capital Works	Nil

<b>SUBDIVISIONS AND INVESTIGATIONS</b>	
Subdivisions <i>(Under Construction)</i>	<ul style="list-style-type: none"> <li>• Amaroo Stage 10 <ul style="list-style-type: none"> <li>○ Top soil on lots being spread</li> </ul> </li> <li>• Bundanoon Stage 2 <ul style="list-style-type: none"> <li>○ Bulk earthworks on hold pending weather conditions</li> </ul> </li> </ul>
On-Maintenance <i>(Monitoring for 12 months as the Defects Liability Period prior to becoming a Council Asset)</i>	<ul style="list-style-type: none"> <li>• The Edge Stage 2A (Antonio Drive, Mareeba)</li> <li>• Hilltop Close, Kuranda (Vegetation clearing)</li> <li>• Amaroo Stage 9</li> <li>• 8-10 Forest Close, Kuranda</li> <li>• Rodeo Acres Pty Ltd (Mareeba - Dimbulah Road)</li> <li>• Kanjini Co-Op Ltd Stage 2 (Emerald Falls Road, Mareeba)</li> <li>• Develop North (Barnwell Road Upgrade)</li> </ul>
Off-Maintenance	Nil
Operational Works	<p>112 Barnwell property, on-going monitoring of;</p> <ul style="list-style-type: none"> <li>• Dam construction completed and being monitored</li> <li>• Access completed and monitoring underway</li> <li>• Nature Base Tourism Works (MCU/17/0012) completed and being monitored</li> </ul>

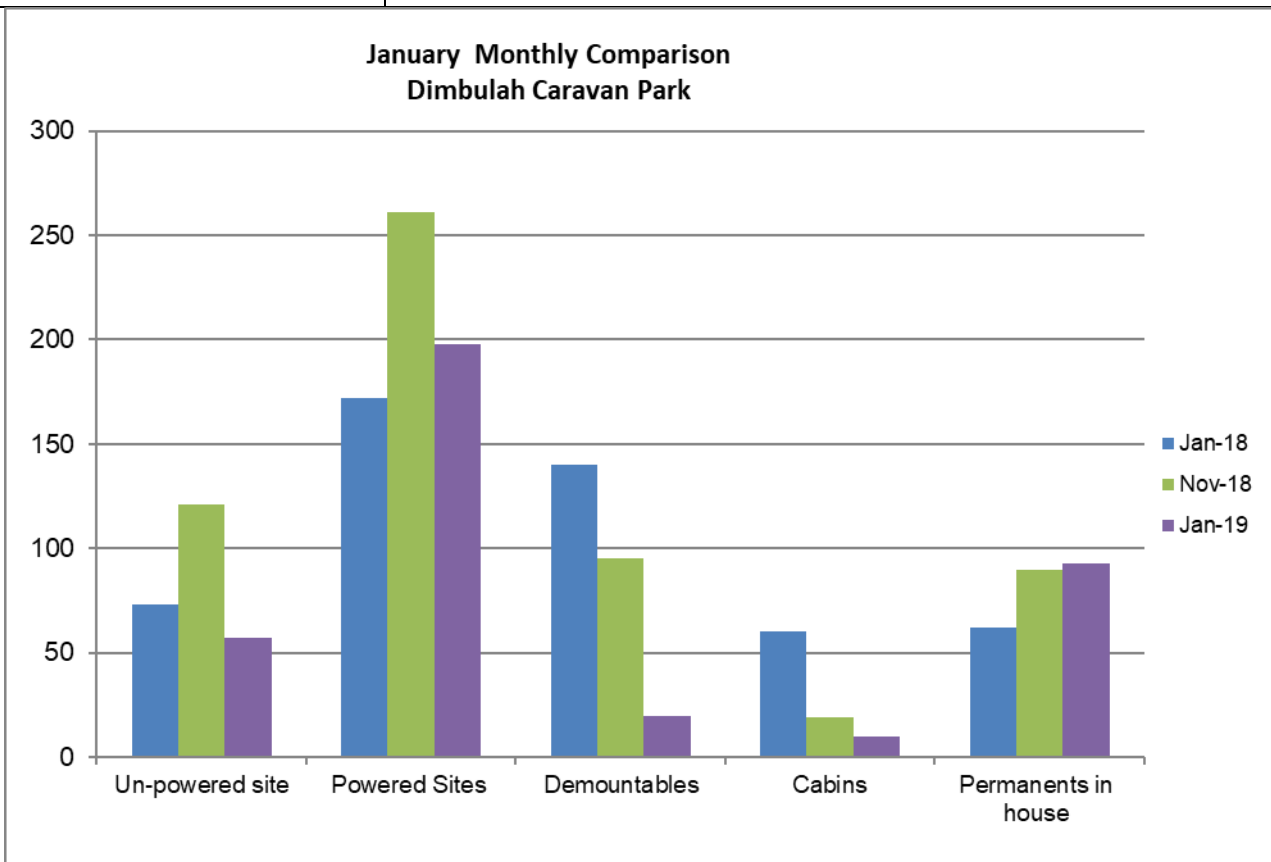
<b>PROJECT MANAGEMENT</b>	
Building	<p><u>Kuranda Centenary Park Toilets Upgrade:</u></p> <ul style="list-style-type: none"> <li>• Female toilets and parent's room completed and in use. Male toilets – internal demolition; drainage and masonry wall completed. Project completion is scheduled for end of February 2019.</li> </ul>
Civil	<p><u>2017-18 Reseals Bitumen and Asphalt Programmes:</u></p> <ul style="list-style-type: none"> <li>• Outstanding line marking to be delivered by external contractor</li> </ul>
	<p><u>2018-19 Reseals Bitumen Program:</u></p> <ul style="list-style-type: none"> <li>• FGF currently undertaking MSC reseal program</li> </ul>

	<ul style="list-style-type: none"> <li>• Weather conditions affecting ability to obtain aggregate from quarries and source bitumen from Townsville</li> </ul> <p><u>2018-19 Reseals Asphalt Program</u></p> <ul style="list-style-type: none"> <li>• Program being reviewed prior to Tender</li> </ul> <p><u>2019-20 Reseals Bitumen</u></p> <ul style="list-style-type: none"> <li>• Preliminary program being compiled for FNQROC procurement</li> </ul> <p><u>KIAC Therwine Street Redevelopment:</u></p> <ul style="list-style-type: none"> <li>• JMAC construction 85% complete</li> <li>• January work schedule affected by adverse weather</li> <li>• Outstanding works - solar streetlighting, bollards, stone wall finishing, balustrade, timber post inserts, timber seat tops, planting &amp; irrigation, regulatory signage (parking &amp; bus zone)</li> </ul> <p><u>KIAC Kuranda Wayfinding Signage:</u></p> <ul style="list-style-type: none"> <li>• Concept Design Phase 2 Report, 85% complete</li> <li>• Aspect Design to present draft options February 14 KIAC Meeting</li> </ul> <p><u>KIAC Kuranda Barron Falls Walking Trail</u></p> <ul style="list-style-type: none"> <li>• Walk-through review of proposed trail alignments scheduled for February with Consultant and Parks &amp; Wildlife</li> <li>• Preliminary investigation Environmental, Native Title and Wet Tropics obligations</li> </ul>
NDRRA	<p><u>6-10 March 2018 Event:</u></p> <ul style="list-style-type: none"> <li>• Emergent Works completed, negotiated claim approved QRA.</li> <li>• Restoration submissions approved by QRA and tenders awarded; <ul style="list-style-type: none"> <li>○ James Creek Crossing</li> <li>○ Flaggy Creek Bridge</li> </ul> </li> <li>• Tenders on hold awaiting QRA funding approval; <ul style="list-style-type: none"> <li>○ Western Roads (Chillagoe West) - Watto's Earthmoving</li> <li>○ Mid-Western Area - Watto's Earthmoving</li> <li>○ Dimbulah Area - Gregg Constructions</li> <li>○ Mareeba-East Area - Gregg Constructions (Grove Creek Bridge and Cane Road side-track completed prior to approval to maintain access during wet season)</li> </ul> </li> <li>• Restoration submissions awaiting QRA approval prior to tendering; <ul style="list-style-type: none"> <li>○ Airport Submissions (Mareeba and Chillagoe)</li> <li>○ Geotech (landslips)</li> </ul> </li> <li>• Construction progress: <ul style="list-style-type: none"> <li>○ James Creek Crossing - Side track, Base slab and Culvert installation completed. Construction of Headwalls underway.</li> <li>○ Flaggy Creek Bridge - Design of new bridge ongoing.</li> <li>○ Mareeba-East Area - Cane Road side-track and Grove Creek bridge repairs completed. Awaiting QRA approval prior to commencing remaining sites.</li> </ul> </li> </ul>

# **FACILITIES**

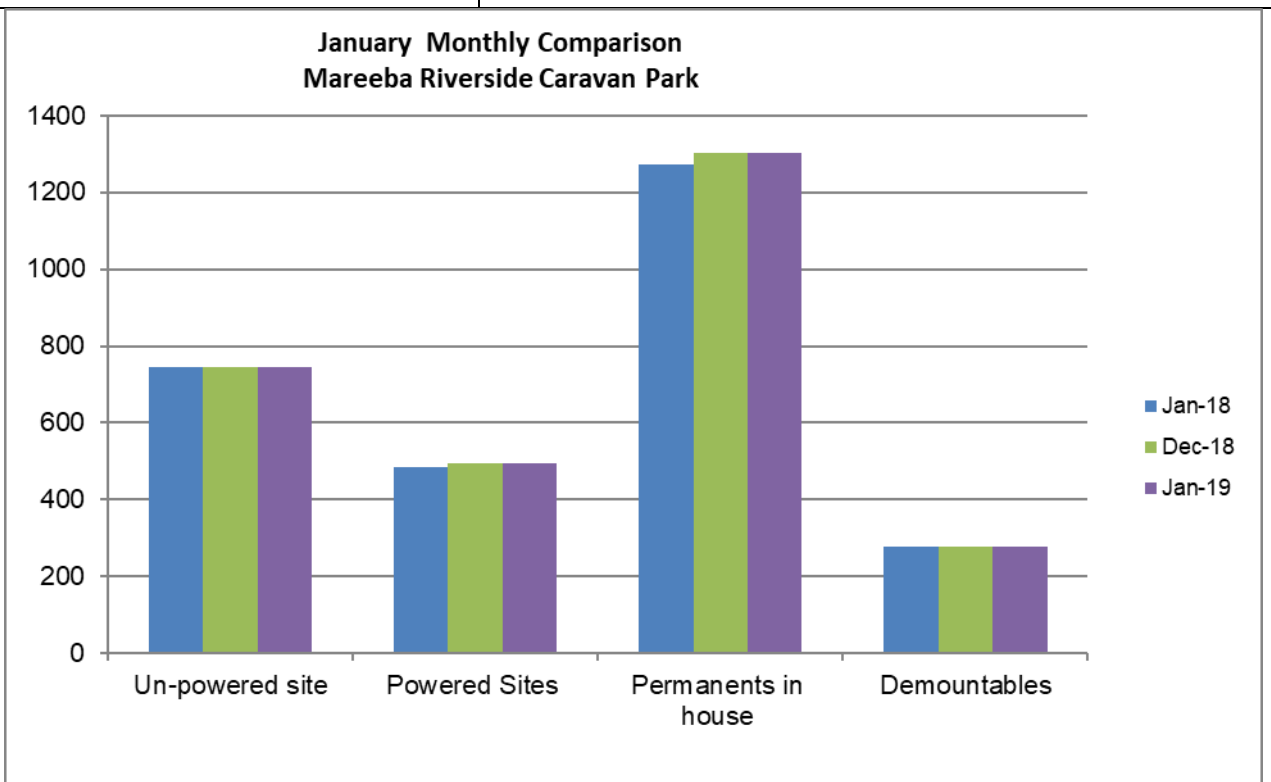
Dimbulah Caravan Park

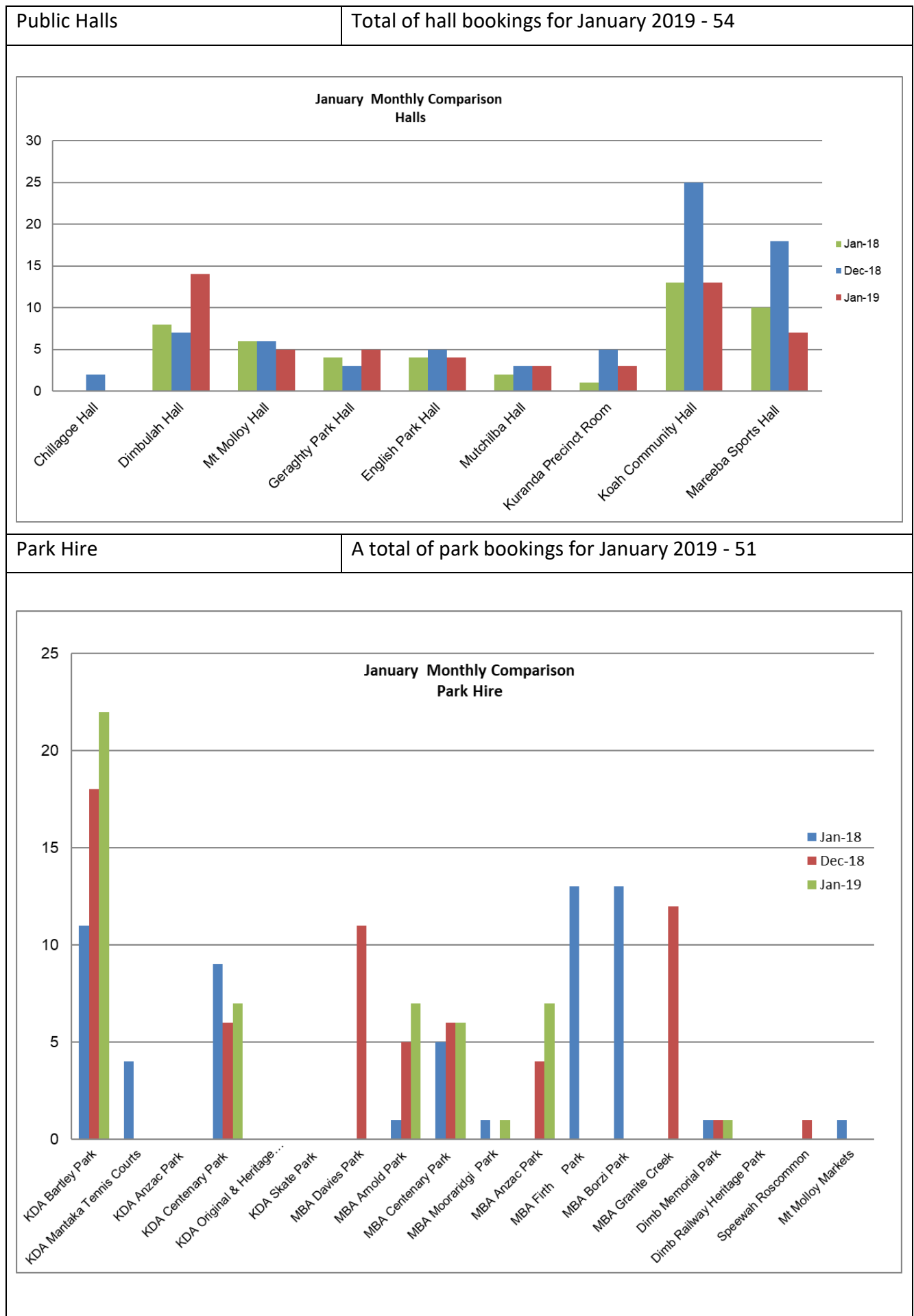
Total of bookings for January 2019 – 378

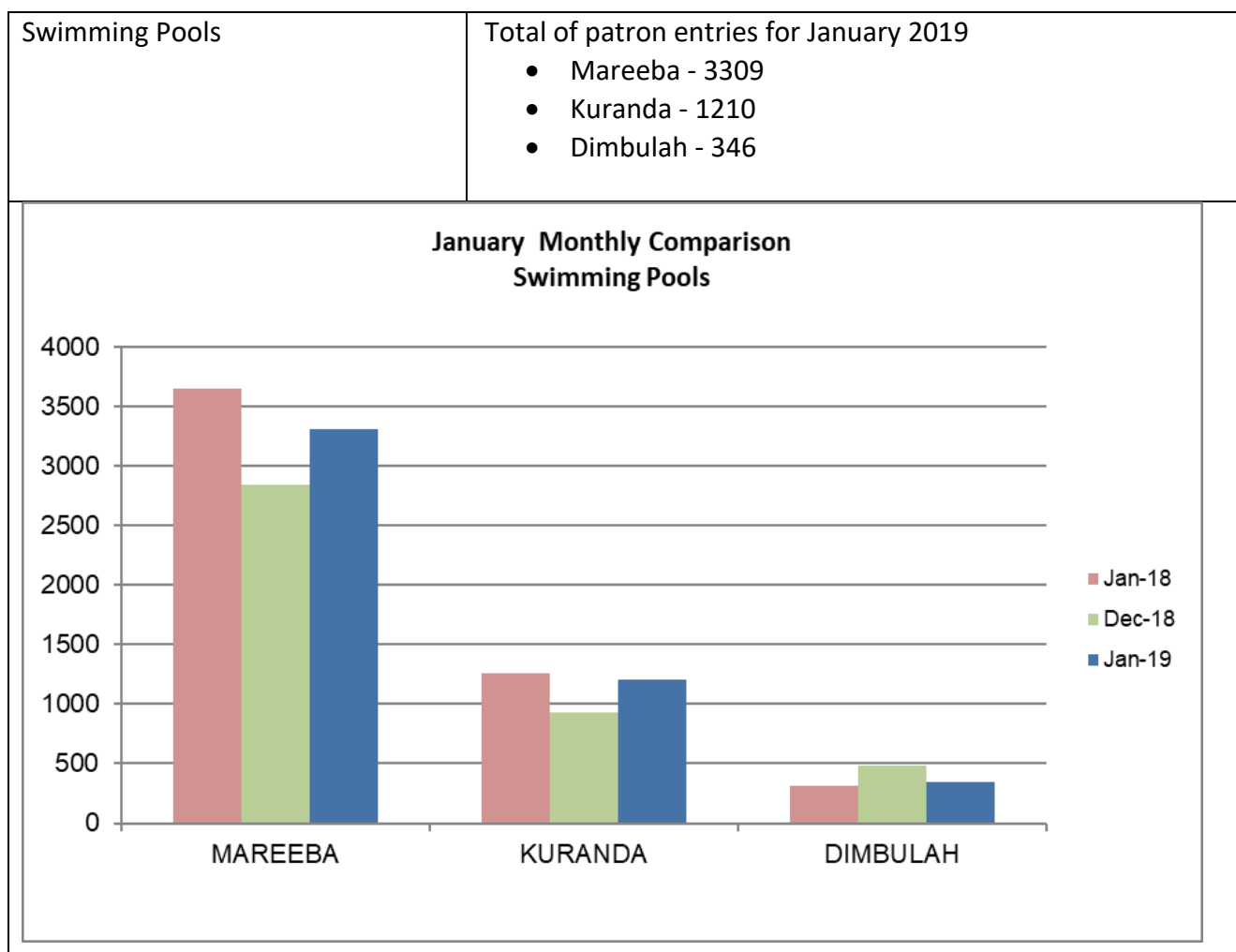


Mareeba Riverside Caravan Park

Total of bookings for January 2019 - 2821







VANDALISM & GRAFFITI		
Financial Year	Actuals	Comments
2015-16	\$ 2,134	During January 2019, 3 reports of graffiti and vandalism were recorded on Councils Facilities. <ul style="list-style-type: none"><li>• Mareeba Railway Avenue Shed</li><li>• Mareeba Firth Park</li><li>• Mutchilba Community Hall</li></ul>
2016-17	\$ 16,546	
2017-18	\$ 23,948	
2018-19	\$ 6,876	
Currently there is no allocated budget for graffiti and vandalism; these costs are being booked to operational.		

## RISK IMPLICATIONS

## FINANCIAL AND RESOURCE IMPLICATIONS

### Capital

Projects funded through the Capital Works Program, with savings being found to address unexpected costs.

***Is the expenditure noted above included in the current budget?***

Yes

**Operating**

Additional costs associated with graffiti and vandalism.

***Is the expenditure noted above included in the current budget?***

No

***If not you must recommend how the budget can be amended to accommodate the expenditure***

Savings will be sought within the budget, where possible.

**LINK TO CORPORATE PLAN**

**Financial Sustainability:** A council that continuously looks for savings and opportunities while managing council's assets and reserves to ensure a sustainable future in a cost-effective manner.

**Community:** An engaged community which supports and encourages effective partnerships to enhance the liveability of the shire and the wellbeing of residents in communities which are resilient and prepared for unforeseen events.

**Transport and Council Infrastructure:** The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

**Economy and Environment:** A resilient economy that promotes and supports the shire's natural assets and local industry and encourages investment while preserving and future proofing for generations to come.

**Governance:** Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community.

**IMPLEMENTATION/COMMUNICATION**

This report provides Council with an update as to the month's deliverables by the Technical Services group.



## 9.5 INFRASTRUCTURE SERVICES, WATER AND WASTEWATER GROUP MONTHLY OPERATIONS REPORT - JANUARY 2019

**Date Prepared:** 24 January 2019  
**Author:** Manager Water and Waste  
**Attachments:** Nil

### EXECUTIVE SUMMARY

The purpose of this report is to summarise Council's Water and Wastewater activities undertaken by the Infrastructure Services Department during the month of January 2019.

### RECOMMENDATION

That Council receives the Infrastructure Services, Water and Wastewater Progress Report for the month of January 2019.

### BACKGROUND

#### 1. Capital Projects and Maintenance Works

Mareeba CBD Water Main Project will be approximately three to four weeks before completion. The thrust block to be located at the Constance Street and Rankin Street intersection has been redesigned will be constructed as soon as weather permits. Remainder of new street signage for Byrnes Street has been installed, and the asphalt restoration along Rankin Street will be reinstated once the existing excavation on Rankin Street is completed and weather permits.

Water and Waste staff were kept busy with several rain events with proactive operational staff mitigating any severe impact on operations.

#### 2. Budget - Water

##### MSC Water Income to Month of January

	<i><b>Annual Budget</b></i>	<i><b>YTD Budget</b></i>	<i><b>YTD Actual</b></i>
Water Rates	3,326,023.00	1,663,011.50	1,675,160.35
Water Interest Earned Const Wks	25,000.00	14,583.31	43,512.58
Water NCP Internal Revenue	300,400.00	175,233.38	175,233.38
Water 3rd Party Works	45,000.00	26,250.00	64,102.31
Water Sundry Income	35,000.00	20,416.69	25,931.71
<b>Total</b>	<b>3,731,423.00</b>	<b>1,899,494.88</b>	<b>1,983,940.33</b>

##### MSC Water Expense to Month of January

	<i><b>Annual Budget</b></i>	<i><b>YTD Budget</b></i>	<i><b>YTD Actual</b></i>
Water Treatment Plant Op/Mtce	3,192,059.50	1,830,559.60	1,713,237.92
Water Reticulation Op/Mtce	1,692,403.82	969,877.44	812,551.25
Water NCP Admin Charges	272,300.00	158,841.69	158,841.55
<b>Total</b>	<b>5,156,763.32</b>	<b>2,959,278.73</b>	<b>2,684,630.72</b>

### 3. Budget - Wastewater

#### MSC Wastewater Income to Month of January

	<i>Annual Budget</i>	<i>YTD Budget</i>	<i>YTD Actual</i>
Wastewater Rates	4,777,524.00	2,388,762.00	2,395,495.45
Wastewater Interest Earned Const Wks	85,000.00	49,583.31	55,562.27
Wastewater NCP Internal Revenue	38,000.00	22,166.69	22,166.62
Wastewater NCP Community Service Obligation	119,400.00	69,650.00	69,650.00
<b>Total</b>	<b>5,019,924.00</b>	<b>2,530,162.00</b>	<b>2,542,874.34</b>

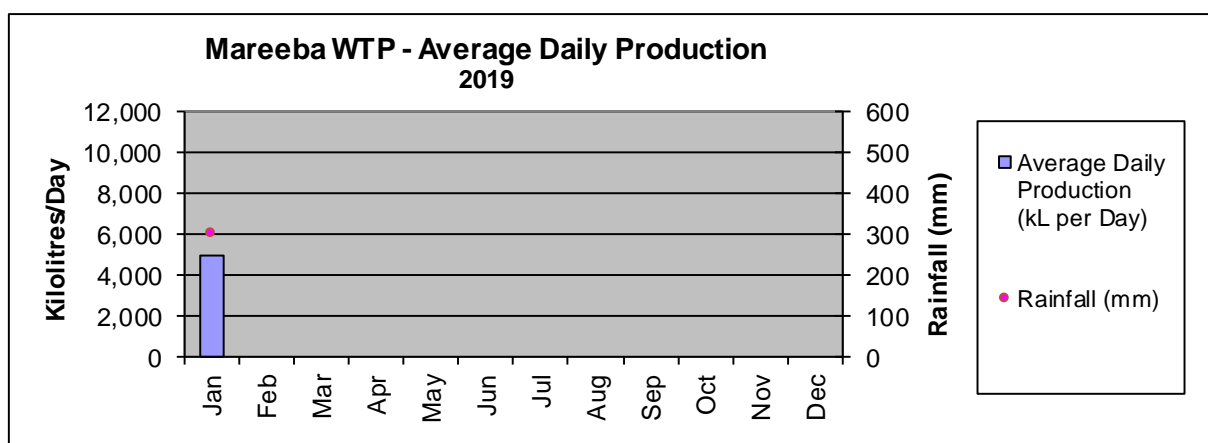
#### MSC Wastewater Expense to Month of January

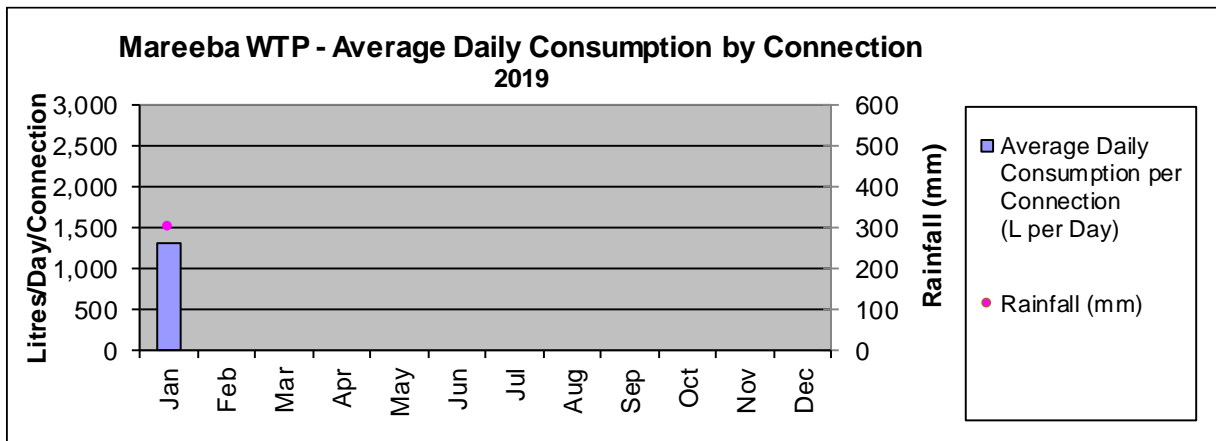
	<i>Annual Budget</i>	<i>YTD Budget</i>	<i>YTD Actual</i>
Wastewater Treatment Plant Op/Mtce	2,156,801.10	1,290,847.37	1,029,833.45
Wastewater Reticulation Op/Mtce	1,622,563.88	946,845.23	901,092.33
Wastewater NCP Admin Charges	163,300.00	95,258.31	95,258.31
<b>Total</b>	<b>3,942,664.98</b>	<b>2,332,950.91</b>	<b>2,026,184.09</b>

### 4. Chlorine Residual Readings

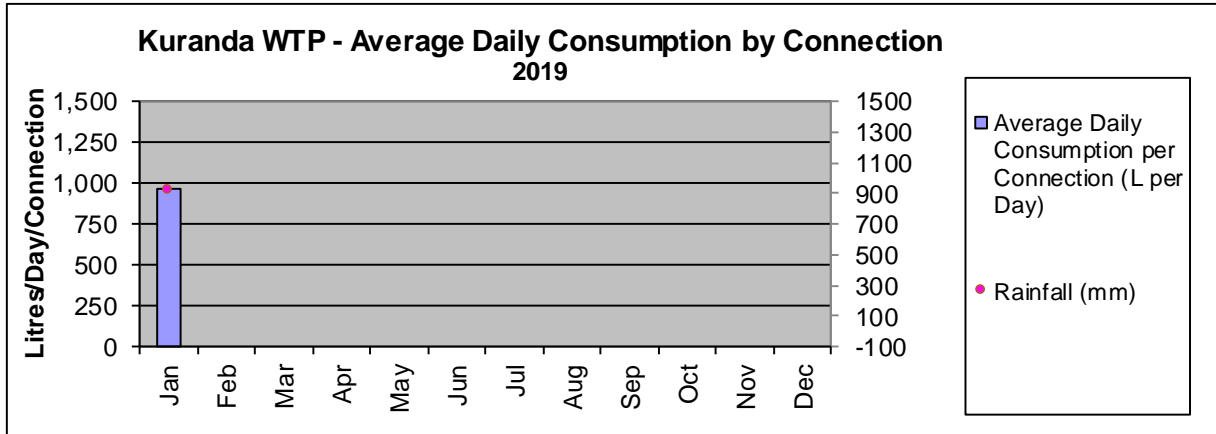
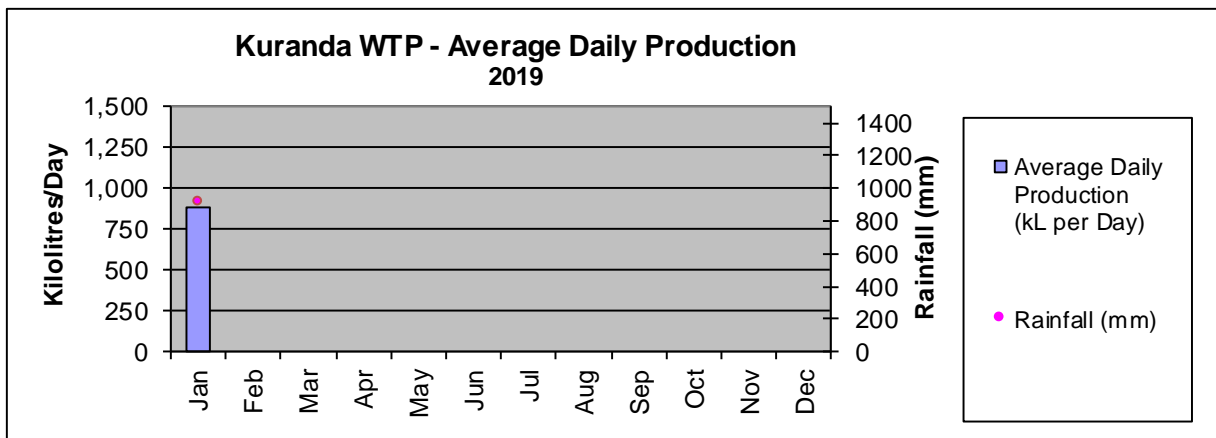
January 2019	Chlorine Residual Readings 2019 <small>Australian Drinking Water Guidelines Maximum 5mg/L</small>												
	Wed 2nd	Fri 4th	Mon 7th	Wed 9th	Fri 11th	Mon 14th	Wed 16th	Fri 18th	Mon 21st	Wed 23rd	Fri 25th	Thu 25	Wed 30th
	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)
Mary Andrews Park Mareeba	1.65	1.65	1.58	1.18	1.34	1.25	1.61	1.74	1.58	1.50	1.46	1.16	1.23
Wylandra Drive Mareeba	0.99	1.05	0.93	0.81	0.74	0.75	0.87	1.01	0.99	1.15	1.10	0.86	0.71
Gregory Terrace Kuranda	0.94	0.88	0.95	1.10	1.02	0.83	0.74	0.78	1.00	0.96	0.97	0.80	0.87
Mason Rd PS Kuranda	1.27	1.09	1.15	1.20	1.02	0.89	1.00	0.95	1.28	1.21	1.14	1.09	1.19
Chillagoe	1.11	1.13	1.14	1.22	1.21	1.25	1.22	1.05	1.13	0.93	0.95	1.02	1.19
Dimbulah	1.36	1.33	1.45	1.30	1.33	1.23	1.30	1.17	1.18	1.28	1.24	1.19	1.37

### 5. Mareeba Water Supply Scheme – Operations Data

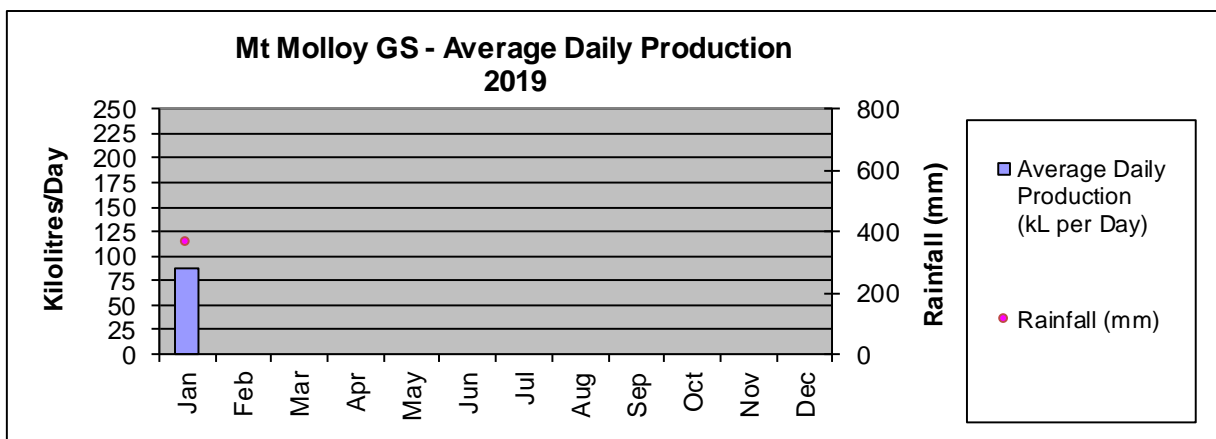


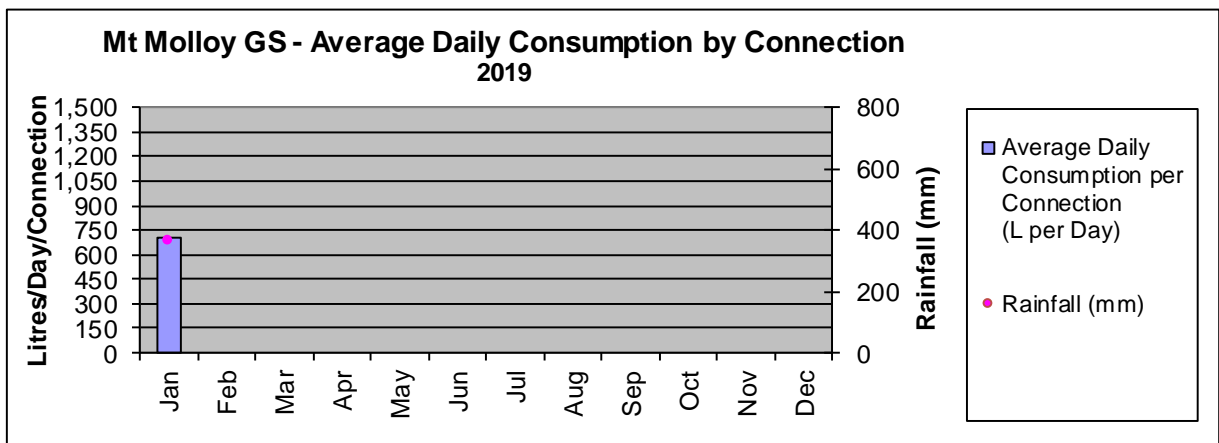


6. Kuranda Water Supply Scheme - Operations Data

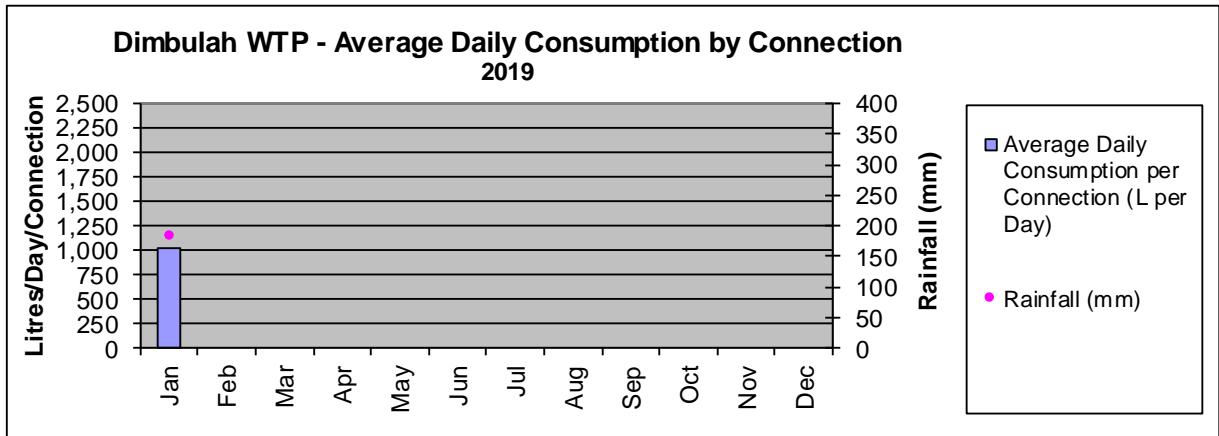
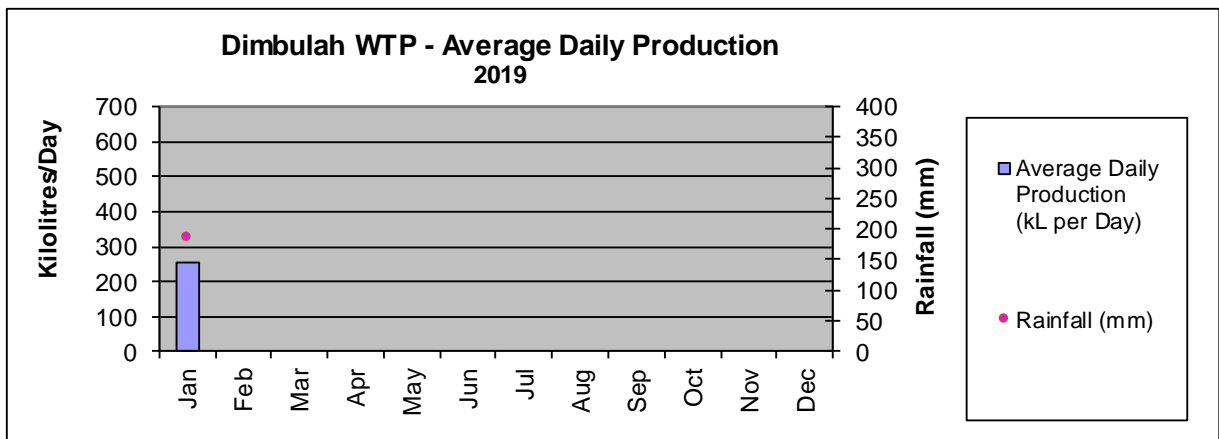


7. Mount Molloy Water Supply Scheme - Operations Data

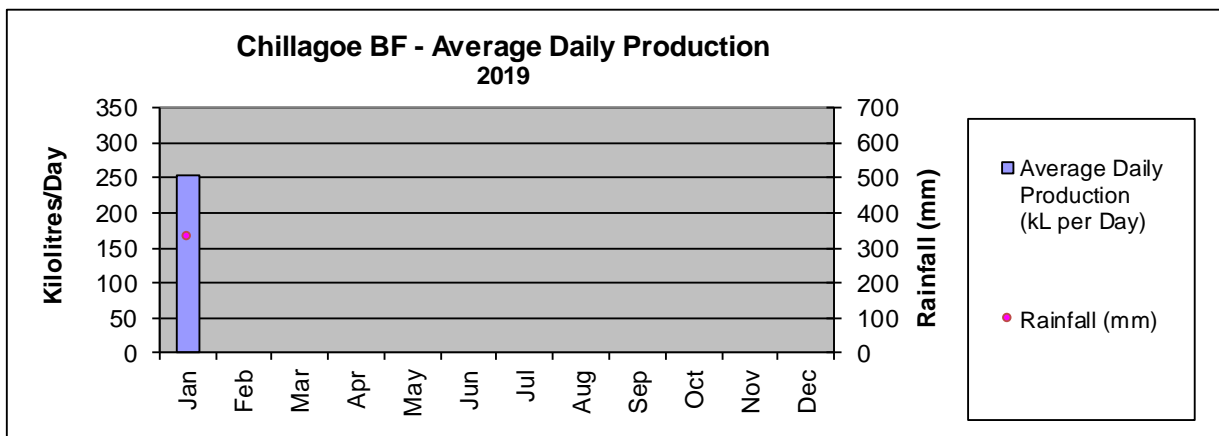


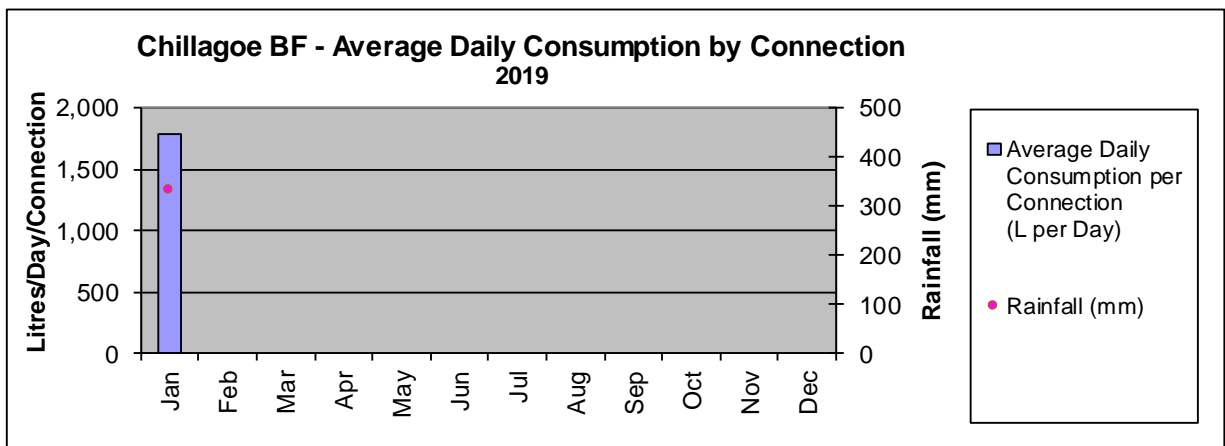


**8. Dimbulah Water Supply Scheme - Operations Data**

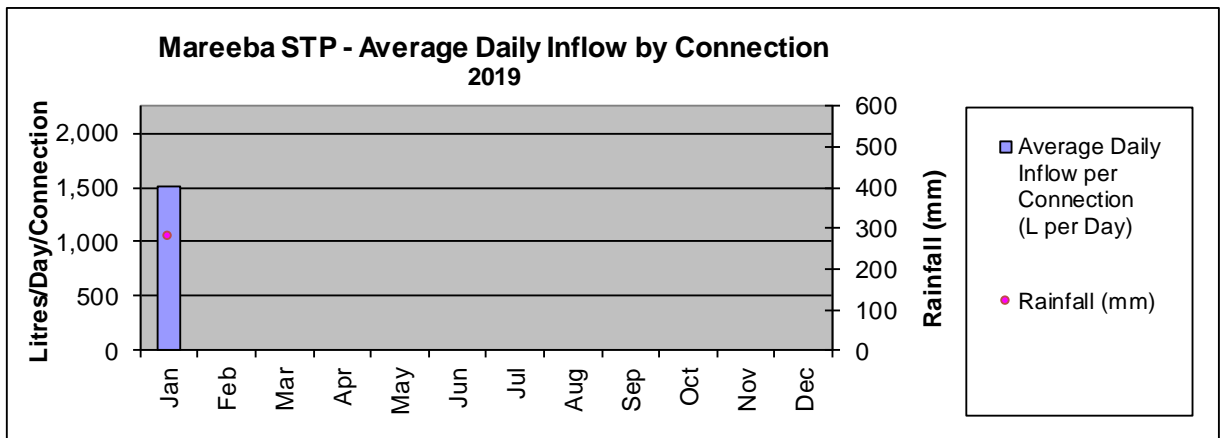
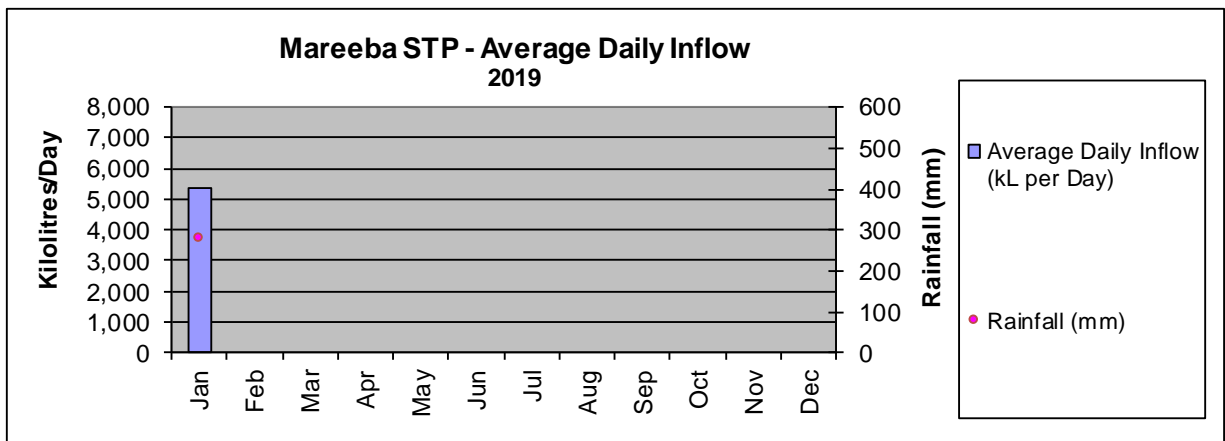


**9. Chillagoe Water Supply Scheme - Operations Data**

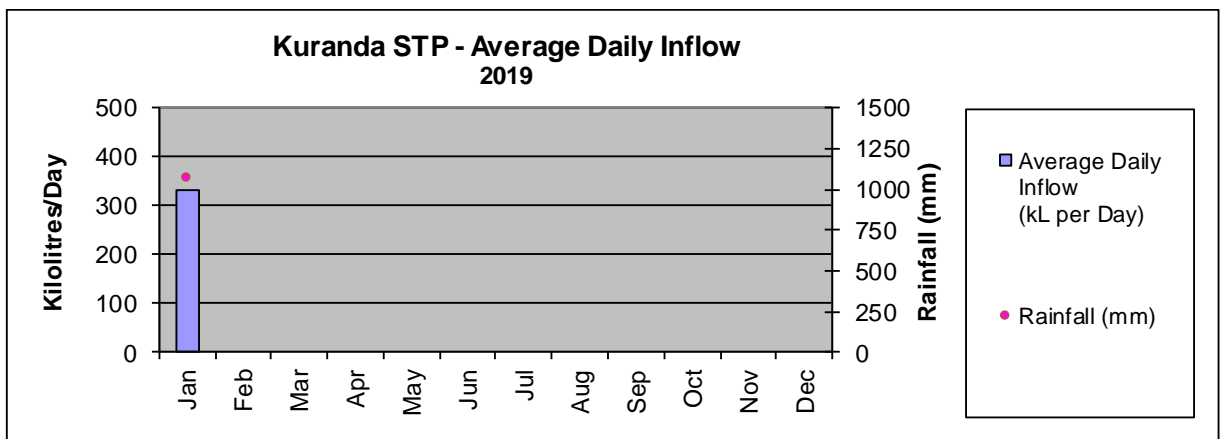


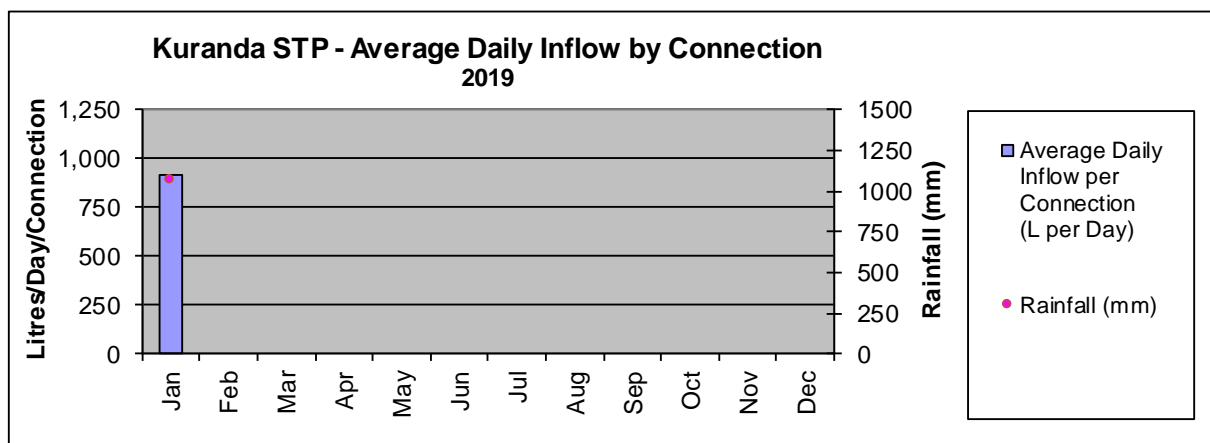


**10. Mareeba Wastewater Treatment Plant - Operations Data**



**11. Kuranda Wastewater Treatment Plant - Operations Data**





## RISK IMPLICATIONS

Nil

## LEGAL/COMPLIANCE/POLICY IMPLICATIONS

As a drinking water service provider, Mareeba Shire Council is required under the Water Supply (Safety and Reliability) Act 2008 to comply with various legislative and statutory requirements. Council holds an environmental authority issued under the Environmental Protection Act 1994 to operate water and wastewater treatment facilities.

## FINANCIAL AND RESOURCE IMPLICATIONS

### **Capital**

All capital works are listed in and funded by the 2018/19 Capital Works Program.

### **Operating**

All operational works are funded by the Section specific 2018/19 maintenance budgets.

## LINK TO CORPORATE PLAN

**Financial Sustainability:** A council that continuously looks for savings and opportunities while managing council's assets and reserves to ensure a sustainable future in a cost-effective manner.

**Community:** An engaged community which supports and encourages effective partnerships to enhance the liveability of the shire and the wellbeing of residents in communities which are resilient and prepared for unforeseen events.

**Transport and Council Infrastructure:** The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

**Economy and Environment:** A resilient economy that promotes and supports the shire's natural assets and local industry and encourages investment while preserving and future proofing for generations to come.

**Governance:** Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community.

## IMPLEMENTATION/COMMUNICATION

Nil

**9.6 INFRASTRUCTURE SERVICES, WASTE OPERATIONS REPORT - JANUARY 2019**

**Date Prepared:** 1 February 2019  
**Author:** Manager Water and Waste  
**Attachments:** Nil

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**EXECUTIVE SUMMARY**

The purpose of this report is to summarise Council's Waste activities undertaken by the Infrastructure Services Department during the month of January 2019.

**RECOMMENDATION**

That Council:

1. receives the Infrastructure Services, Waste Operations Progress Report, January 2019;
2. approves the co-contribution for the Mareeba Transfer Station upgrade under the Levy Ready program to be funded from waste reserves; and
3. approves a further \$31,000 for the Leachate Collection Pit and Rising Main to the existing Leachate Reticulation Network to be funded from waste reserves.

**BACKGROUND**

The following is a 'snapshot' of the waste activities undertaken during the month of January 2019.

**1. Waste Operations**

- 5,694 vehicles entered Mareeba waste facility (to drop off or pick up waste)
- 486 vehicles deposited waste to Mareeba Landfill (total)
- 212 Suez vehicles deposited waste to Mareeba Landfill
- 45 Suez vehicles removed waste from Mareeba Waste Transfer Station (WTS) to recycling facility in Cairns
- 65 m<sup>3</sup> of mulch (purchased) removed from Mareeba WTS (6m<sup>3</sup> in bulk sales and 59 m<sup>3</sup> in small lots)
- All transfer stations and Mareeba landfill are currently operational

**2. Environmental Summary**

Quarterly monitoring of groundwater, surface water and landfill gas was completed.

**3. Waste Levy Readiness**

Department of Local Government Racing and Multicultural Affairs has provided funding (80%) for Council to be Waste Levy Ready. Council is to contribute 20% of the eligible project costs. Mareeba Landfill Upgrades eligible for approved funding comprises

- Gate house expansion
- Fencing and security gating
- Traffic and information signage

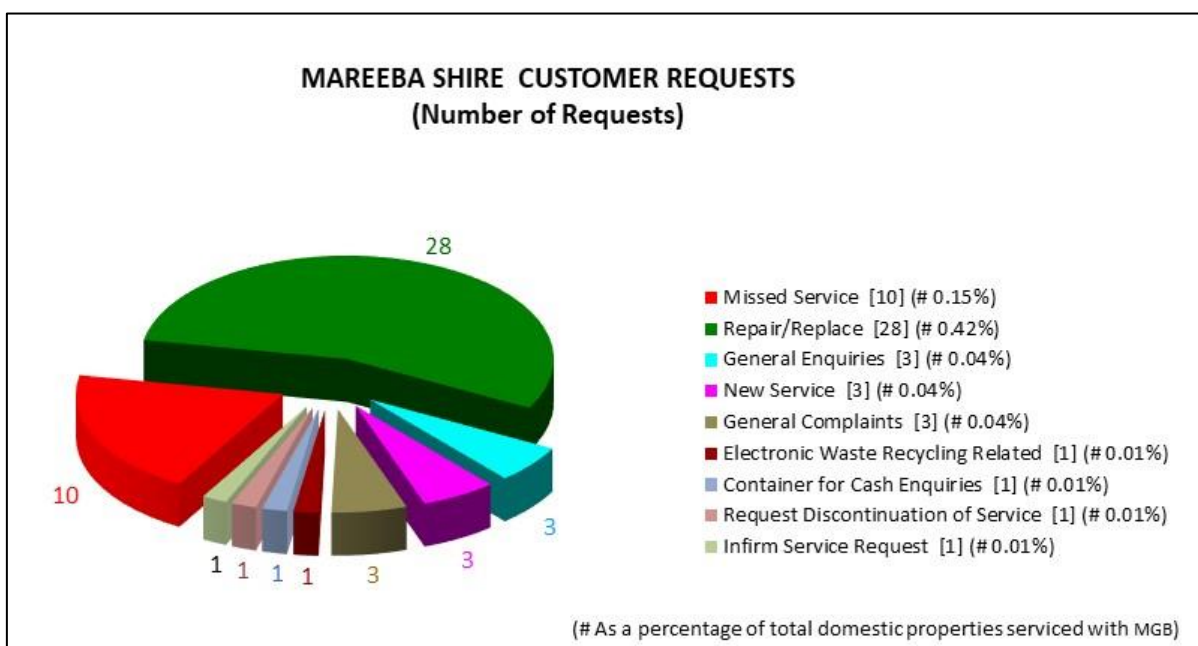
The non-eligible component of the project was the Leachate collection pit and rising main to the existing leachate reticulation network.

Council are requested to approve the twenty percent (20%) co-contribution from waste reserves for the project and approve a further \$31,000 for the Leachate Collection Pit and Rising Main to the existing Leachate Reticulation Network (which was not approved as part of the eligible costs for the project).

A Request for Quotes (RFQ) was issued to service providers for the above works and works will begin as soon as practical to meet the project completion date of 28 June 2019.

#### 4. Customer Service Waste Statistics

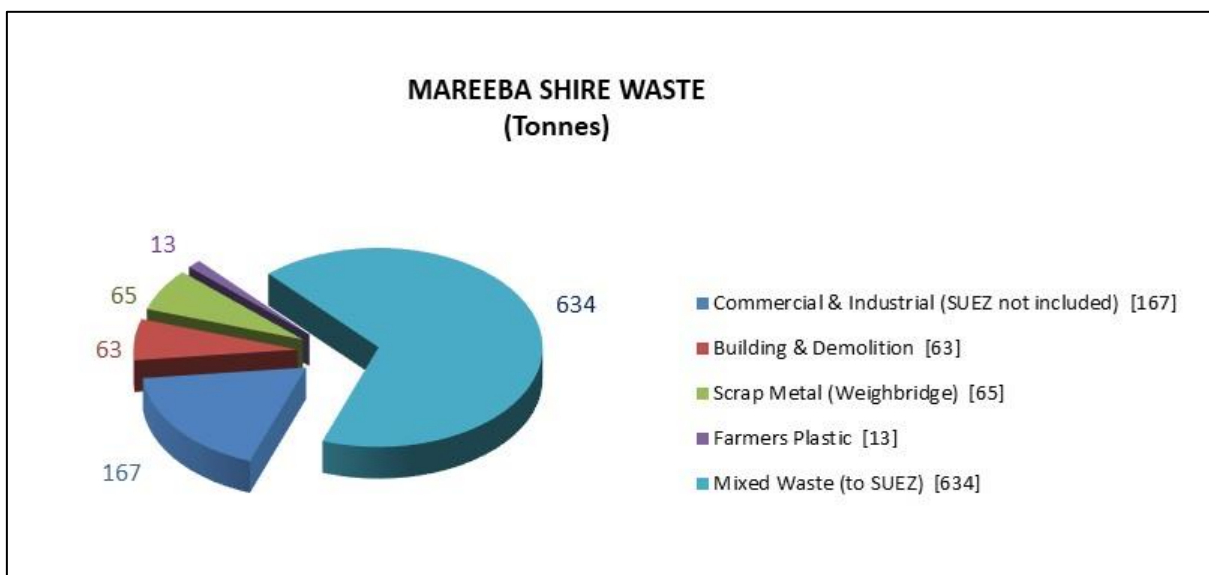
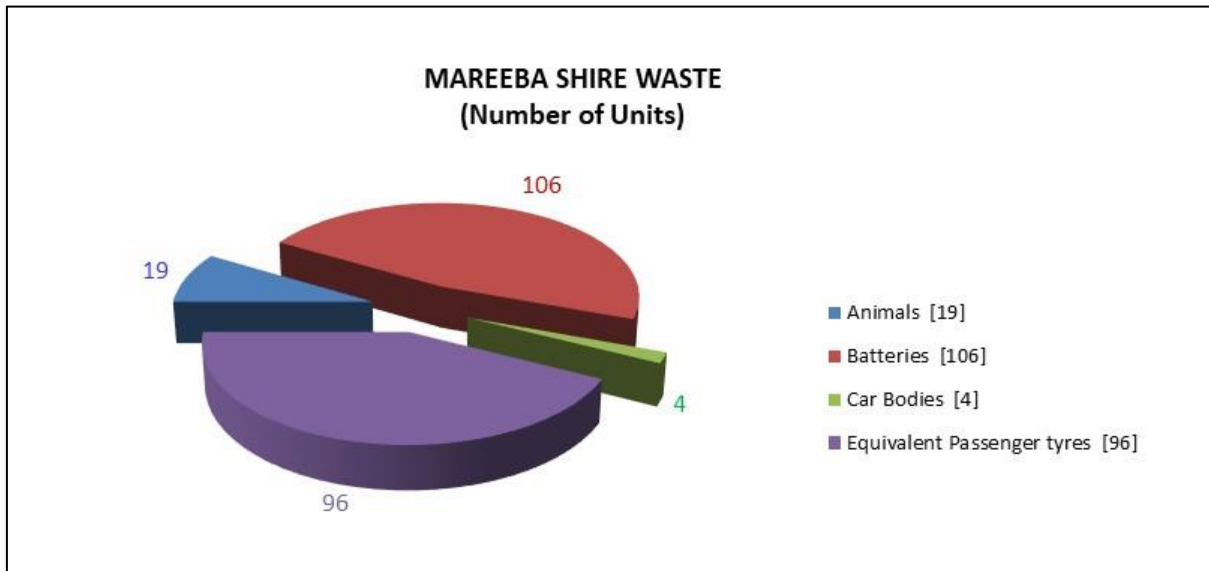
The following graph displays customer requests logged in the Customer Request Management (CRM) system during the month of January 2019. The number of requests in relation to missed services decreased compared with the previous month, following a successful media campaign which notified of changes to collection days and reminded residents that bins must be placed out the night before collection day.



#### 5. Waste Collected at Each of the Transfer Stations

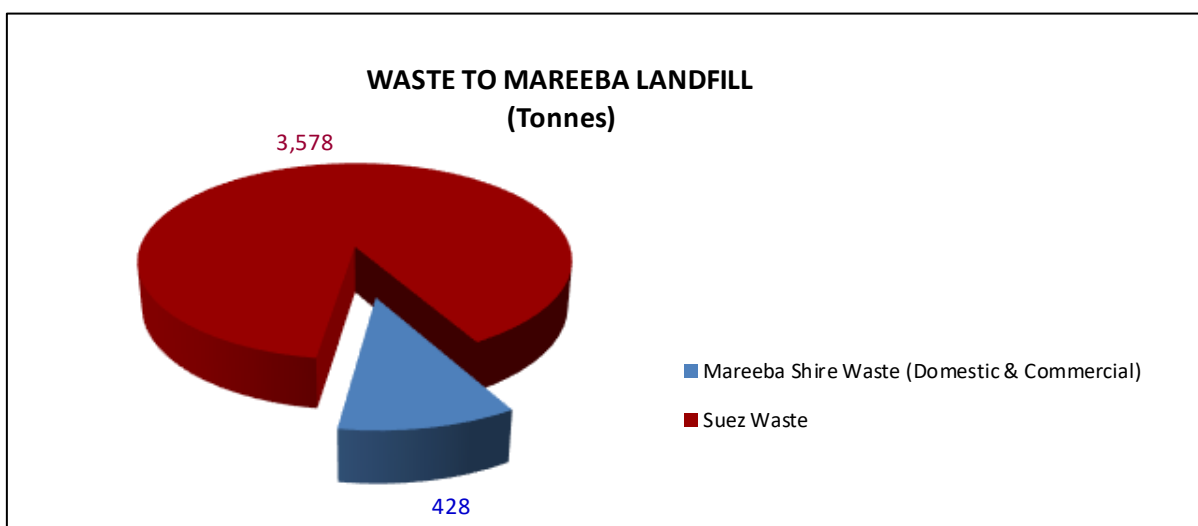
Waste material collected at each of the waste transfer stations is either deposited directly to the Mareeba landfill, recycled or transported to the Suez facility in Cairns for processing.

The following pie charts are separated into waste received as whole units and waste received as accrued tonnage.



## 6. Waste to Mareeba Landfill

The Mareeba Shire waste shown in the pie chart below is the waste collected at each of the waste transfer stations (Mareeba included) and deposited directly to the Mareeba landfill. The commercial waste shown below is derived from the Suez recycling plant in Cairns and deposited into the Mareeba landfill.



## 7. Budget - Waste

### Revenue

	Annual Budget (\$)	YTD Budget (\$)	YTD Actual (\$)
MGB Service	2,161,044.00	1,082,230.38	1,087,454.72
Unserviced Levy	1,525,462.00	762,731.00	765,569.05
Commercial Disposal	1,223,500.00	713,708.38	536,367.88
Waste Interest	50,000.00	29,166.69	25,320.93
Recycling - Metal	110,000.00	64,166.69	141,335.42
<b>Total</b>	<b>5,070,006.00</b>	<b>2,652,003.14</b>	<b>2,556,048.00</b>

### Expenditure

	Annual Budget	YTD Budget	YTD Actual
Landfills	1,468,914.46	860,818.62	751,631.46
WTS	1,249,214.49	728,426.19	754,846.23
Collection & Transport Costs	1,519,344.00	886,284.07	704,749.45
Recycling	40,000.00	23,333.31	26,104.01
NCP Admin Charges	201,804.00	117,719.00	117,719.00
<b>Total</b>	<b>4,479,276.95</b>	<b>2,616,581.19</b>	<b>2,355,050.15</b>

## 8. Green Waste

The stockpile of green waste at both the Mareeba and Kuranda Waste Transfer Stations is at maximum.

### 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***

should be additional funding for Mareeba Transfer Station Levy Ready project to be funded from Waste Reserves

***Operating***

Nil

**LINK TO CORPORATE PLAN**

**Community:** an engaged community which supports and encourages effective partnerships to enhance the liveability of the shire and the wellbeing of residents in communities which are resilient and prepared for unforeseen events.

**Economy and Environment:** A resilient economy that promotes and supports the shire's natural assets and local industry and encourages investment while preserving and future proofing for generations to come.

**IMPLEMENTATION/COMMUNICATION**

Nil



**9.7 EOI-MSC2018-03 - GREEN WASTE MANAGEMENT SERVICES**

**Date Prepared:** 1 February 2019  
**Author:** Manager Water and Waste  
**Attachments:** Nil

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**EXECUTIVE SUMMARY**

Expression of Interest were invited for the provision of green waste management services in late 2018 under Section 228(3) of the Local Government Regulation 2012. Six (6) responses were received and it is recommended to invite short-listed businesses to provide tenders for the management of Council's green waste.

**RECOMMENDATION**

That Council invites Shark Recycling and Panebianco Enterprises Pty Ltd to tender for the management of green waste received at Council's waste transfer facilities.

**BACKGROUND**

Council currently accepts commercial and domestic Green Waste at all its waste transfer stations at no charge. Mareeba and Kuranda Waste Transfer Stations receive the bulk of Green Waste being disposed of in the Shire.

Currently, Council mulches all green waste and stockpiles the mulch product at the waste transfer stations for sale to the public. Management of mulched green waste has been problematic at both Mareeba and Kuranda Waste Transfer Stations with large stockpiles of mulch sitting for long periods.

The cost to Council of mulching and managing green waste is significant and costs are not fully recovered through mulch sales.

Council sought an alternative management solution for green waste by inviting expressions of interest under Section 228(3) of the Local Government Regulation 2012.

Expression of interest EOI-MSC2018-03 - Green Waste Management Services closed on 23 October 2018 and six (6) responses were received:

- Panebianco Enterprises Pty Ltd (Babinda)
- Shark Recyclers (Lakeland)
- Ironjack Recycling Pty Ltd (Buderim)
- HMBT Pty Ltd (Mareeba)
- Far North Environmental (Atherton)
- Brisbane Tree Services (Victoria Point)

Council officers identified that Shark Recyclers and Panebianco Enterprises Pty Ltd could potentially provide a financially and sustainable solution to the management of green waste whilst recognising its value as a commodity.

It is proposed to invite Shark Recyclers and Panebianco Enterprises Pty Ltd to provide tenders for the management of Council's green waste.

**RISK IMPLICATIONS****Environmental**

Provides a holistic approach to a circular economy.

**LEGAL/COMPLIANCE/POLICY IMPLICATIONS**

Green waste is not authorised to be deposited in the Mareeba landfill unit under the Environmental Authority EPPR01792213.

**FINANCIAL AND RESOURCE IMPLICATIONS*****Operating***

Yes

***Is the expenditure noted above included in the current budget?***

Yes

**LINK TO CORPORATE PLAN**

**Financial Sustainability:** A council that continuously looks for savings and opportunities while managing council's assets and reserves to ensure a sustainable future in a cost-effective manner.

**Community:** An engaged community which supports and encourages effective partnerships to enhance the liveability of the shire and the wellbeing of residents in communities which are resilient and prepared for unforeseen events.

**Economy and Environment:** A resilient economy that promotes and supports the shire's natural assets and local industry and encourages investment while preserving and future proofing for generations to come.

**Governance:** Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community.

**IMPLEMENTATION/COMMUNICATION**

Community consultation through Corporate Communications Officer.

**KEY COMMUNICATION MESSAGES – INTERNAL USE ONLY**

## 9.8 TENDER EVALUATION TMSC2019-01 OOTANN ROAD PACKAGE TWO - SUPPLY AND DELIVERY OF TYPE 2.1 ROAD BASE

**Date Prepared:** 7 February 2019

**Author:** Manager Works

**Attachments:** Nil

### EXECUTIVE SUMMARY

Tender TMSC2019-01 is for the supply and delivery of Type 2.1 Road Base for the Ootann Road Package Two Beef Road Projects.

The report provides a comparison of tenders received and makes a recommendation on the preferred tenderer.

### RECOMMENDATION

That Council awards Tender TMSC2019-01 Supply and Delivery of 10,000 tonnes of Type 2.1 Road Base for Ootann Road to Gunther Civil Pty Ltd at \$37.19 per tonne (including GST) amounting to a total value of \$371,920.40 (including GST).

### BACKGROUND

A summary of the tenders received is as set out below. The tender from Gunther Civil Pty Ltd is the most advantageous supply arrangement for Council.

Submission From	Amount (Approximately 10,000 tonnes)	Additional Information
Gunther Civil Pty Ltd	Rate: \$37.19 per tonne Total: \$371,920.40	Including GST
Bolwarra Enterprises Pty Ltd	Rate: \$44.00 per tonne Total: \$440,000	Including GST
M & G Crushing Materials Pty Ltd	Rate: \$39.49 per tonne Total: \$394,900.00	Including GST

Gunther Civil Pty Ltd has provided test results that indicate the ability to meet specification requirements with respect to gravel quality.

### FINANCIAL AND RESOURCE IMPLICATIONS

#### **Capital**

Included in 2018/2019 budget.

### LINK TO CORPORATE PLAN

**Financial Sustainability:** A council that continuously looks for savings and opportunities while managing council's assets and reserves to ensure a sustainable future in a cost-effective manner.

**Transport and Council Infrastructure:** The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

**IMPLEMENTATION/COMMUNICATION**

Advice is provided to residents and businesses affected by any activities.

**9.9 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - JANUARY 2019****Date Prepared:** 24 January 2019**Author:** Manager Works**Attachments:** Nil**EXECUTIVE SUMMARY**

The purpose of this report is to summarise Council's Transport Infrastructure, Parks and Gardens, Bridge and Pest Management activities undertaken by Infrastructure Services during the month of January 2019.

**RECOMMENDATION**

That Council receives the Infrastructure Services, Works Progress Report for the month of January 2019.

**BACKGROUND****Maintenance Activities**

Maintenance activities accruing more than \$1,000 in expenditure were carried out in January at the following locations:

Description	Activity
Hodzic Road - Bibbohra	Bitumen Patching - Grading Unsealed Roads - Road Inspections - Slashing - Spraying
Pickford Road - Bibbohra	Clean Inlet/Outlets culverts - Culvert Repairs
Rosing Road - Bibbohra	Bitumen Patching - Grading Unsealed Roads - Slashing - Tree Clearing / Vegetation Management
Argyle Street - Dimbulah	Mowing - Prep Work for Reseals - Slashing
Leafgold Weir Road - Dimbulah	Grading Unsealed Roads - Slashing
Raleigh Street - Dimbulah	Grading Unsealed Roads - Prep Work for Reseals - Slashing
Wolfram Road - Dimbulah	Grading Unsealed Roads - Slashing
Clacherty Road - Julatten	Grading Unsealed Roads - Slashing
Euluma Creek Road - Julatten	Bitumen Patching - Road Furniture - Slashing
Morrish Road - Julatten	Culvert Repairs - Grading Unsealed Roads - Slashing
Cedar Park Road - Koah	Grading Unsealed Roads
Barron Falls Road - Kuranda	Bitumen Patching - Slashing
Black Mountain Road - Kuranda	Slashing
Myola Road - Kuranda	Bitumen Patching - Road Furniture - Slashing
Chewko Road - Mareeba	Bitumen Patching - Clean Inlet/Outlets culverts - Road Furniture - Spraying
Emerald End Road - Mareeba	Clean Inlet/Outlets culverts - Road Furniture - Spraying
James Street - Mareeba	Bitumen Patching - Grading Unsealed Roads
Malone Road - Mareeba	Clean Inlet/Outlets culverts - Slashing - Spraying

Description	Activity
McElhinney Street - Mareeba	Pavement Repairs
McGrath Road - Mareeba	Grading Unsealed Roads - Spraying - Tree Clearing / Vegetation Management
Moody Street - Mareeba	Bitumen Patching
Fraser Road - Mt Molloy	Grading Unsealed Roads - Slashing
Main Street - Mt Molloy	Road Furniture - Slashing
Wetherby Road - Mt Molloy	Bitumen Patching - Grading Unsealed Roads - Road Furniture - Slashing
Pin Road - Mutchilba	Bitumen Patching - Spraying
Springmount Road - Mutchilba	Spraying
Fassio Road - Paddys Green	Bitumen Patching - Spraying
Springs Road - Paddys Green	Bitumen Patching - Clean Inlet/Outlets culverts - Spraying

The table below shows the current budget position of Transport Infrastructure operations for Mareeba Shire Council at the end of January.

Annual Budget	Year to Date Budget	Year to Date Actual
\$3,527,238	\$2,054,937	\$1,673,210

### **Capital Works and Works For Queensland 2**

Wet weather throughout the shire during the month of January has caused the suspension of all capital and W4Q2 projects for the time being.

All projects have been left in a safe condition and to date have not suffered any major damage. At the time of reporting the wet weather delays are not expected to impact on grant funding final completion deadlines.

### **TMR Routine Maintenance Performance Contract (RMPC)**

Routine maintenance activities were undertaken during January 2019 at the following locations:

Primary Location	Activity Name
Kennedy Highway	Rest Area Servicing
	Herbicide Spraying- Includes Traffic Control
Mulligan Highway - (Mareeba - Mt Molloy)	Herbicide Spraying- Includes Traffic Control
	Other Sign Work
Mulligan Highway - (Mt Molloy- Boundary)	Emergency Call Out / Traffic Accident
	Other Roadside Work
	Other Sign Work
	Pothole Patching - Includes Traffic Control
	Rest Area Servicing
	Roadside Litter Collection - Rural
Mareeba - Dimbulah Road	Emergency Call Out / Traffic Accident
	Herbicide Spraying- Includes Traffic Control
	Other Surface Drain Work
	Tractor Slashing, Rural - Includes (2)xTraffic Control
Burke Dev Road	Other Formation Work
	Other Sign Work
	Resheeting loose under 200m3
Mossman - Mt Molloy Road	Herbicide Spraying- Includes Traffic Control
	Other Roadside Work
	Other Sign Work
	Pothole Patching - Includes Traffic Control
	Roadside Litter Collection - Rural

The total claim to TMR for the works listed above for the month of January 2019 was \$92,000.

### **Parks and Gardens Section**

#### **Maintenance Activities**

Parks and Gardens maintenance activities accruing more than \$1,000 in expenditure were carried out in January at the following locations:

1. Location
2. Street Mowing - Mareeba
3. Parks, Library, CBD and Streets - Kuranda
4. Basalt Gully and Bi-Centennial Lakes - Mareeba
5. Davies Park - Mareeba
6. Vains Park - Mt. Molloy
7. Borzi Park - Mareeba
8. Centenary Park - Mareeba
9. Sunset/Sunbird Park - Mareeba
10. Byrnes Street Medians - Mareeba
11. Eales Park - Mareeba
12. Town Hall Park - Dimbulah
13. Furniture & Playground Equipment - Mareeba
14. Shaban Park - Mareeba
15. Arnold Park - Mareeba

<b>1. Location</b>
16. Firth Park - Mareeba
17. Avenue Tree Planting - Dimbulah
18. Mooraridgi Park - Mareeba
19. Mary Andrews Gardens - Mareeba
20. Bartley Park - Kuranda
21. Parks and Gardens - Chillagoe
22. Mowing and Maintenance - Irvinebank
23. Mutchilba Park - Mutchilba
24. Wetherby Park - Mt. Molloy

The table below shows the current budget position of Parks and Gardens operations for Mareeba Shire Council.

<b>Annual Budget</b>	<b>Year to Date Budget</b>	<b>Year to Date Actual</b>
\$1,849,034	\$1,071,584	\$955,788

### **Bridge Section**

#### **Maintenance Activities**

Bridge inspection and maintenance activities were carried out in January 2019 at the following locations:

<b>Structure</b>	<b>Road</b>	<b>Chainage</b>	<b>Area</b>
Bridge	Anzac Ave	0	Mareeba
Causeway	Davies Creek Road	1530	Mareeba
Bridge	Bolton Road	1272	Koah
Causeway	Davies Creek Road	1679	Mareeba
Bridge	Bilwon Road	1415	Biboohra
Bridge	Springs Road	1176	Paddys Green
Bridge	Chewko Road	3035	Mareeba
Bridge	Little Road	307	Kuranda
Bridge	Koah Road	6345	Koah
Bridge	Hodzic Road	8040	Biboohra
Major Culvert	Fassio Road	5842	Paddys Green
Major Culvert	Top Eureka Road	34	Dimbulah
Bridge	Butchers Creek	572	Mount Carbine
Bridge	Hickory Road	420	Kuranda
Major Culvert	Pin Road	806	Mutchilba
Bridge	Kanervo Road	2204	Koah
Bridge	Mount Lewis Road	1340	Julatten
Bridge	Barron Street	273	Koah
Bridge	Black Mountain Road	17831	Kuranda
Major Culvert	McDougal Road	990	Julatten
Bridge	Springmount Road	7450	Mutchilba
Causeway	Henry Hannam Drive	3398	Mareeba
Bridge	Speewah Road	4164	Speewah
Bridge	Cedar Park Road	1310	Speewah

Structure	Road	Chainage	Area
Causeway	Springs Road	5320	Paddys Green
Bridge	Springmount Road	10530	Mareeba
Bridge	Stoney Creek Road	2030	Speewah
Causeway	Beh Road	630	Paddys Green
Bridge	Fichera Road	330	Mareeba
Major Culvert	Tinaroo Creek Road	5017	Mareeba

The table below shows the current budget position of Bridge operations for Mareeba Shire Council.

Annual Budget	Year to Date Budget	Year to Date Actual
\$565,468	\$328,779	\$219,688

### **Land Protection Section**

The table below shows the current budget position for Land Protection operations for Mareeba Shire Council.

Annual Budget	Year to Date Budget	Year to Date Actual
\$461,679	\$280,894	\$253,058

**Property Inspections:** During property inspections in the Euluma Creek Road area in Julatten a new incursion of Turbina vine was discovered growing on a property at McLean Bridge. This infestation was on the banks of Rifle Creek which forms part of the Mitchell river catchment. The early detection will ensure that Turbina, a serious invasive vine of riparian areas, will be eradicated and Rifle Creek and the Mitchell River and avoided a long term and expensive remediation program. (example photo below).

Part of the inspection program has been to search for and destroy infestations of Parthenium Weed. The properties in that region are generally lifestyle blocks and are at risk of Parthenium Weed incursions due to landowners feeding loose grain, fodder and hay that may have originated from Parthenium infested properties to the south of Mareeba Shire. Land Protection Officers report that no new incursions of Parthenium were located.

**Gamba and Giant Rats Tail Grass:** A whole of roadside spray treatment has been commenced. This month officers treated all Council roads to the North and East of Mareeba.

**Singapore Daisy:** Numerous complaints have been received from landowners in Julatten who claim that the daisy is prolific on Council roads and is at risk of spreading on to their land. All Council roads in that area were treated for Singapore Daisy this month.

**Rabbits:** Despite the wet weather Council are still receiving complaints of rabbit numbers on farms in and around Mutchilba. Staff have asked land owners to 'free feed' the rabbits prior to Land Protection officers lacing the feed with K5 Callisivirus.

**Wild dogs :** have been trapped and destroyed, shot and baited in areas throughout the MDIA



## RISK IMPLICATIONS

### Financial

Nil

### LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Nil

## FINANCIAL AND RESOURCE IMPLICATIONS

### *Capital*

All capital works are listed in and funded by the 2018/19 Capital Works Program.

### *Operating*

All operational works are funded by the Section specific 2018/19 maintenance budgets.

## LINK TO CORPORATE PLAN

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**IMPLEMENTATION/COMMUNICATION**

Nil



## 10 OFFICE OF THE CEO

### 10.1 FINANCIAL ASSISTANCE GRANTS

**Date Prepared:** 12 February 2019  
**Author:** Chief Executive Officer  
**Attachments:** Nil

#### EXECUTIVE SUMMARY

Local Government Association of Queensland (LGAQ) are seeking council's formal support for restoration of the value of the Financial Assistance Grants to at least 1 percent of Commonwealth taxation revenue.

#### RECOMMENDATION

That Council

1. advocate the Australian Government to restore the value of the Financial Assistance Grants to at least 1 percent of Commonwealth taxation revenue; and
2. formally support the Local Government Association of Queensland in their campaign to restore the level of funding.

#### BACKGROUND

Councils receive an annual Financial Assistance Grant to provide much needed services to our communities. The allocation of funding is determined by the Australian Government. The restoration of the Financial Assistance Grants to at least 1 percent will better enable council to address these needs.

LGAQ are leading a campaign on behalf of Councils to restore the level of funding provided under the Financial Assistance Grants.

#### LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Nil

#### FINANCIAL AND RESOURCE IMPLICATIONS

##### *Capital*

Nil

##### *Operating*

Nil

#### LINK TO CORPORATE PLAN

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**Governance:** Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community.

#### **IMPLEMENTATION/COMMUNICATION**

Respond to LGAQ with a copy of the formal resolution to support their campaign and correspond with the Australian Government to restore the value of the Financial Assistance Grants to at least 1 percent of Commonwealth taxation revenue.

**10.2 CHANGE IN COUNCIL MEETING DATE - MARCH 2019**

**Date Prepared:** 11 February 2019  
**Author:** Chief Executive Officer  
**Attachments:** Nil

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**EXECUTIVE SUMMARY**

This report is presented to Council to consider changing the date of the Ordinary Meeting scheduled to be held on 20 March 2019 to Tuesday 19 March 2019. The reason for the proposed change in Council meeting date is to allow Councillors to attend training relevant to Governance Essentials for Local Government.

**RECOMMENDATION**

That Council hold its March Ordinary Council meeting on Tuesday 19 March 2019.

**BACKGROUND**

Council Meetings are generally held on the third Wednesday of every month, with the deadline for Council Reports the week before. The reason for the change in the March date is to allow Councillors to attend training.

**RISK IMPLICATIONS**

N/A

**LEGAL/COMPLIANCE/POLICY IMPLICATIONS**

N/A

**FINANCIAL AND RESOURCE IMPLICATIONS**

N/A

**LINK TO CORPORATE PLAN**

**Governance:** Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community.

**IMPLEMENTATION/COMMUNICATION**

Council Meeting Date Change for March 2019 to be advertised in local newspapers, website and via and social media.



**11 CONFIDENTIAL REPORTS**

Nil

**12 BUSINESS WITHOUT NOTICE**

**13 NEXT MEETING OF COUNCIL**



## **14 FOR INFORMATION**

<b>14.1 SUMMARY OF NEW PLANNING APPLICATIONS &amp; DELEGATED DECISIONS FOR THE MONTH OF JANUARY 2018</b>
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**Date Prepared:** 6 February 2019

**Author:** Senior Planner

**Attachments:** Nil

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Please see below information.

**Summary of new Planning Development Applications and Delegated Decisions for January 2019**

<b>New Development Applications</b>					
Application #	Lodgement Date	Applicant/ Address	Property Description	Application Type	Status
RAL/19/0001	21/01/2019	Jandre Wessels C/- Planz Town Planning 3727 Mareeba - Dimbulah Road MUTCHILBA	Lot 225 on HG293 & Lot 62 on SP167299	ROL - Boundary Realignment	In Confirmation stage
MCU/19/0001	08/01/2019	Ruth Young & Christian Wiechmann C/- Freshwater Planning Pty Ltd 34 Douglas Track East SPEEWAH	Lot 11 on SP257000	MCU - Caretakers Residence	Decision Notice issued on 23/01/2019
MCU/19/0002	08/01/2019	Julie Battersby 7 Ardmore Park Road KURANDA	Lot 21 on SP153917	MCU - Home Based Business (Bed & Breakfast)	In Confirmation stage

<b>Decision Notices issued under Delegated Authority</b>					
Application #	Date of Decision Notice	Applicant	Address	Property Description	Application Type
MCU/19/0001	23/01/2019	Ruth Young & Christian Wiechmann C/- Freshwater Planning Pty Ltd	34 Douglas Track East SPEEWAH	Lot 11 on SP257000	MCU - Caretakers Residence
RAL/18/0039	17/01/2019	Zane Cowe & Andrea Smith	128 Pinnacle Road, Julatten	Lot 105 on SP273693	Reconfiguring a Lot - Subdivision (1 into 2 lots)
RAL/18/0036	14/01/2019	Tallon Falvo	1 Ardmore Park Road KURANDA	Lot 1 RP 733629	Reconfiguring a Lot - Subdivision (1 into 2 lots)

RAL/18/0038	14/01/2019	Charles Nastasi, Jason Nastasi & Melissa Nastasi	A & A	2 Blacks Road & 50 Mulligan Highway, Mareeba	Lot 1 & 2 RP 733280	Reconfiguration of a Lot - Boundary Realignment
RAL/18/0037	14/01/2019	Albert Sharon Donnelly	&	2573 Kennedy Highway KOAH	Lot 1 SP 282712	Reconfiguration of a Lot - Access Easement

#### Change to Existing Development Approval issued

Application #	Date of Decision	Applicant	Address	Property Description	Application Type
N/A					

#### Referral Agency Response Decision Notices issued under Delegated Authority

Application #	Date of Decision	Applicant	Address	Property Description	Application Type
CAR/19/0001	17/01/2019	P & R Moss C/- Northern Building Approvals	5 Riverlands Drive, Mareeba	Lot 39 on SP204554	Referral agency response
CAR/19/0002	30/01/2019	Yann Levieux C/- All Construction Approvals	45 Kingfisher Drive, Kuranda	Lot 312 on RP887888	Referral agency response for material change of use - dwelling house (secondary dwelling)

#### Extensions to Relevant Period issued

Application #	Date of Decision	Applicant	Address	Property Description	Application Type
N/A					

#### Survey Plans endorsed

Application #	Date	Applicant	Address	Property Description	No of Lots
DA/16/0062	3/01/2019	S & F Derakhshan	8-10 Forest Close, Kuranda	LOTS 3-5 ON SP230987 (CANCELLING LOT 3 ON SP146500 AND LOT 11 ON RP851466)	3

RAL/17/0007	9/01/2019	Max David	27 Spena Road, Mareeba	LOTS 1 - 3 & EASEMENT B IN LOT 2 ON SP305276 (CANCELLING LOT 11 ON SP101832)	3
RAL/18/0027	9/01/2019	Facas Pty Ltd	3225 Mareeba- Dimbulah Road, Mutchilba	LOTS 1 & 2 ON SP307137 (CANCELLING LOT 466 ON HG547)	2
RAL/18/0028	24/01/2019	Vittorio & Alfia Falvo	563 Mareeba- Dimbulah Road, Mareeba	LOTS 20 & 21 AND EASEMENT B IN LOT 21 ON SP301854 (CANCELLING LOTS 20 & 21 ON SP176607)	2
RAL/18/0036	14/01/2019	Christopher O'Brien Tallon Falvo	1 Ardmore Park, Kuranda	LOTS 1 & 2 ON SP292130 (CANCELLING LOT 1 ON RP733629)	2