



# **AGENDA**

**Wednesday, 20 January 2021**

## **Ordinary Council Meeting**

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

**Date: Wednesday, 20 January 2021**

**Time: 9:00am**

**Location: Council Chambers**

**Peter Franks  
Chief Executive Officer**





## Order Of Business

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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**  
  
Ordinary Council Meeting - 16 December 2020
- 6 BUSINESS ARISING OUT OF MINUTES OF PREVIOUS MEETING**
- 7 DEPUTATIONS AND DELEGATIONS**



## 8 CORPORATE AND COMMUNITY SERVICES

### 8.1 BASKY INVESTMENT TRUST - RECONFIGURING A LOT - SUBDIVISION (1 INTO 28 LOTS) - LOT 2 ON SP298397 - ANTONIO DRIVE, MAREEBA - RAL/20/0012

**Date Prepared:** 8 December 2020

**Author:** Senior Planner

**Attachments:**

1. [Proposal Plan](#)
2. [Queensland Treasury response dated 4 December 2020](#)

#### APPLICATION DETAILS

APPLICATION		PREMISES	
<b>APPLICANT</b>	Basky Investment Trust	<b>ADDRESS</b>	Antonio Drive, Mareeba
<b>DATE LODGED</b>	24 September 2020	<b>RPD</b>	Lot 2 on SP298397
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Reconfiguring a Lot - Subdivision (1 into 28 lots)		
<b>FILE NO</b>	RAL/20/0012	<b>AREA</b>	3.204 hectares
<b>LODGED BY</b>	RPS Australia East Pty Ltd	<b>OWNER</b>	B Stevenson & K Jones
<b>PLANNING SCHEME</b>	Mareeba Shire Council Planning Scheme 2016		
<b>ZONE</b>	Low Density Residential zone		
<b>LEVEL OF ASSESSMENT</b>	Code Assessment		
<b>SUBMISSIONS</b>	n/a		

#### 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.

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

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

**OFFICER'S RECOMMENDATION**

1. That in relation to the following development application:

<b>APPLICATION</b>		<b>PREMISES</b>	
<b>APPLICANT</b>	Basky Investment Trust	<b>ADDRESS</b>	Antonio Drive, Mareeba
<b>DATE LODGED</b>	24 September 2020	<b>RPD</b>	Lot 2 on SP298397
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Reconfiguring a Lot - Subdivision (1 into 28 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), concurrence agency conditions in (E), relevant period in (F), further permits in (G), and further approvals from Council listed in (H);

And

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

(A) APPROVED DEVELOPMENT: Development Permit for Reconfiguring a Lot - Subdivision (1 into 28 lots)

(B) APPROVED PLANS:

<b>Plan/Document Number</b>	<b>Plan/Document Title</b>	<b>Prepared by</b>	<b>Dated</b>
PR123862-8 B	Proposed Lots 1-25, 101, 102 & 901 cancelling Lot 2 on SP298397 Antonio Drive Mareeba	RPS	25-11-2020
Sketch 1464-1C	Stormwater Drainage Master Plan	Trinity Engineering and Consulting	17 November 2020
Sketch 1464-2B	Sewer Reticulation Master Plan	Trinity Engineering and Consulting	6 October 2020
Sketch 1464-3C	Water Reticulation Master Plan	Trinity Engineering and Consulting	17 November 2020
Sketch 1464-4C	Catchment Plan	Trinity Engineering and Consulting	17 November 2020
Sketch 1464-5B	Concept Earthworks Grading Plan	Trinity Engineering and Consulting	16 November 2020

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. Development must be carried out generally in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, and subject to any alterations:
  - found necessary by the Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
  - to ensure compliance with the following conditions of approval.
2. Timing of Effect
  - 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the endorsement of the plan of survey of the development, or alternative documentation as approved by the Land Title Act, except where specified otherwise in these conditions of approval.
3. General
  - 3.1 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
  - 3.2 All payments or bonds required to be made to the Council pursuant to any condition of this approval or the Adopted Infrastructure Charges Notice must be made prior to the endorsement of the plan of survey, or alternative documentation as approved by the Land Title Act and at the rate applicable at the time of payment.
  - 3.3 The developer must relocate (in accordance with FNQROC standards) any services such as water, sewer, drainage, telecommunications and electricity that are not wholly located within the lots that are being created/serviced where required by the relevant authority, unless approved by Council's delegated officer.
  - 3.4 Where utilities (such as sewers on non-standard alignments) traverse lots to service another lot, easements must be created in favour of Council for access and maintenance purposes. The developer is to pay all costs (including Council's legal expenses) to prepare and register the easement documents.
  - 3.5 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.
  - 3.6 Charges

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

#### 4 Infrastructure Services and Standards

##### 4.1 Access

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

The provision of roll-over kerb along the frontage of each allotment will satisfy this condition.

- (b) An asphalt sealed, or concrete driveway shall be provided within each access handle of proposed Lots 15, 101 and 102 to the satisfaction of Council's delegated officer. The driveway will:
  - have a minimum formation width of 3 metres
  - be constructed for the full length of the access handle
  - be formed with one-way crossfall to cater for stormwater drainage such that any stormwater runoff is contained within the access handle
  - service and utility conduits are to be provided for the full length of the concrete or sealed driveway constructed within the access handle.

##### 4.2 Stormwater Drainage

- (a) The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.
- (b) Prior to works commencing the applicant must submit a Stormwater Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual to the satisfaction of Council's delegated officer.
- (c) Prior to works commencing the applicant must submit a Stormwater Quality 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 Urban Stormwater Quality Planning Guideline and the Queensland Water Quality Guideline to the satisfaction of Council's delegated officer.
- (d) The Stormwater Quality Management Plan must include an Erosion and Sediment Control Plan that meets or exceeds the Soil Erosion and Sedimentation Control Guidelines (Institute of Engineers Australia) to the satisfaction of Council's delegated officer.
- (e) The applicant/developer must construct the stormwater drainage infrastructure in accordance with the approved Stormwater Management Plan and/or Stormwater Quality Management Plan and Report.



- (f) Temporary drainage is to be provided and maintained during the construction phase of the development, discharged to a lawful point and not onto the construction site.
- (g) All stormwater channels through private property must be registered, with the easement for drainage purposes in favour of Council. All documentation leading to the registration of the easement must be completed at no cost to Council.
- (h) All stormwater drainage collected from the site must be discharged to an approved legal point of discharge.
- (i) The applicant (at their cost) must video all stormwater lines and submit the video for inspection by Council's delegated officer prior to the development being taken "off maintenance" to ensure that no defects have occurred during the 12 month maintenance period.

#### 4.3 Earthworks

All earthworks must be carried out in accordance with the requirements of the FNQROC Development Manual (as amended) to the satisfaction of Council's delegated officer.

All formed batters must be located outside the road reserves.

#### 4.4 Roadworks - Internal

- (a) The new internal road is to be constructed to Access Street standard in accordance with the FNQROC Development Manual (as amended) to the satisfaction of Council's delegated officer.
- (b) A temporary turnaround area, with a gravel surface, must be provided at the southern end of the new road as part of Stage 2.

#### 4.5 Water Supply

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

#### 4.6 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).

4.7 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 **underground** power reticulation.

4.8 Telecommunications

The applicant/developer must enter into an agreement with a telecommunication carrier to provide telecommunication services to each allotment and arrange provision of necessary conduits and enveloping pipes.

4.9 Lighting

Street lighting must be provided to all roads in accordance with FNQROC Development requirements (as amended) and to the satisfaction of Council's delegated officer.

(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) Easement Documents

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

- (d) 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.

(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) 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.

(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).

(E) REFERRAL AGENCY CONDITIONS

Queensland Treasury conditions dated 4 December 2020.

(F) RELEVANT PERIOD

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

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

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

- Development Permit for Operational Works

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Nil

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

Development Type	Rate	Measure	Charge	Credit Detail	Balance
	<i>\$ per Lot</i>	<i>Lots</i>		<i>Lots</i>	
Stage 1	\$19,280.00	5 Lots	\$96,400.00	1 lot \$19,280.00	\$77,120.00
Stage 2	\$19,280.00	9 Lots	\$173,520.00	Nil	\$173,520.00
Stage 3	\$19,280.00	13 Lots	\$250,640.00	Nil	\$250,640.00
<b>TOTAL CURRENT AMOUNT OF CHARGE</b>					<b>\$501,280.00</b>

## THE SITE

The subject site is situated at Antonio Drive, Mareeba, and is described as Lot 2 on SP298397. The site is irregular in shape, has a total area of 3.204 hectares and is zoned Low Density Residential under the Mareeba Shire Council Planning Scheme 2016.

The site has approximately 157 metres of frontage to the Mareeba Connection Road and 153 metres frontage to Antonio Drive. All frontage roads are constructed bitumen sealed roads of varying widths. The site currently has no constructed access.

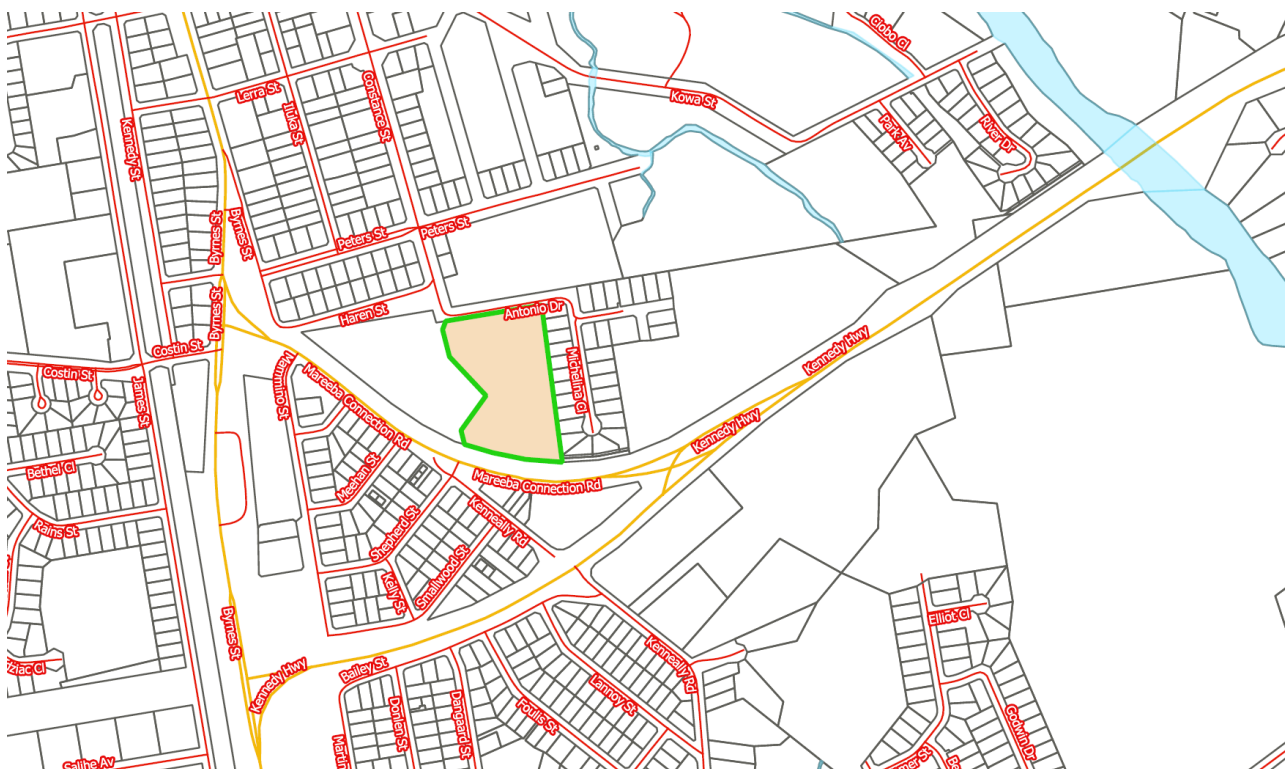
The site is unimproved with sparse vegetation remaining over its full extent. The site falls from the Mareeba Connection Road frontage towards the north-eastern corner. The north-eastern corner is undulating and will require significant earthworks as part of any development.

All urban services are established in proximity to the subject land.



### Map Disclaimer:

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



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The majority of neighbouring allotments are zoned *Low Density Residential* and are predominantly used for single dwelling houses. The Department of Natural Resources, Mines and Energy (Mareeba Office) is located directly to the north of the subject land.

A residential care facility has been approved for development on adjoining Lot 1 on SP298397.

## 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 28 lots) in accordance with the plans shown in **Attachment 1**.

All proposed residential lots will exceed 600 square metres in area and will have a generally regular shape. Proposed Lots 15, 101 and 102 are rear access lots and will exceed the 800 square metres minimum area requirement for rear access lots.

Each lot will have compliant frontage to a bitumen sealed road and will be connected to all urban services.

Earthworks are intended in accordance with Concept Earthworks Grading Plan (Sketch 1464-5B) prepared by Trinity Engineering and Consulting.



## REGIONAL PLAN DESIGNATION

The subject site is included within the Urban Footprint land use category in the Far North Queensland Regional Plan 2009-2031. Mareeba is identified as a Major Regional Activity Centre in the Regional Plan. The Regional Plan Map 3- 'Areas of Ecological Significance' also identifies the site as:

- *Terrestrial Area of General Ecological Significance*

## PLANNING SCHEME DESIGNATIONS

Strategic Framework:	<b>Land Use Categories</b> <ul style="list-style-type: none"> <li>• Residential Area</li> </ul> <b>Transport Elements</b> <ul style="list-style-type: none"> <li>• State Controlled Road</li> <li>• Principal Cycle Route</li> </ul>
Zone:	Low Density Residential zone
Overlays:	<ul style="list-style-type: none"> <li>• Airport environs overlay</li> <li>• Bushfire hazard overlay</li> <li>• Transport infrastructure overlay</li> </ul>

## 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 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
- 8.2.2 Airport environs overlay code
- 8.2.3 Bushfire hazard overlay code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access code
- 9.4.4 Reconfiguring a lot code

#### 9.4.5 Works, services and infrastructure code

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

Relevant Codes	Comments
Low density residential zone code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Airport environs overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Bushfire hazard overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Landscaping code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Parking and access code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Reconfiguring a lot code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Works, services and infrastructure code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.

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

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

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

#### (E) Adopted Infrastructure Charges Notice

In accordance with Council's Adopted Infrastructure Charges Resolution (No. 1) 2020, a charge of \$19,280.00 will apply to each additional residential allotment created.

The application proposes the creation of 27 residential lots and one Department of Transport and Main Roads buffer lot (Lot 901). The land has an existing credit for one residential lot.

\$19,280.00 x 26 (lots) = **\$501,280.00**

**REFERRAL AGENCY**

The application triggered referral to the State Assessment and Referral Agency (SARA) as a referral agency for State controlled road infrastructure.

That Department advised in a letter dated 4 December 2020 that they require the conditions to be attached to any approval (**Attachment 2**).

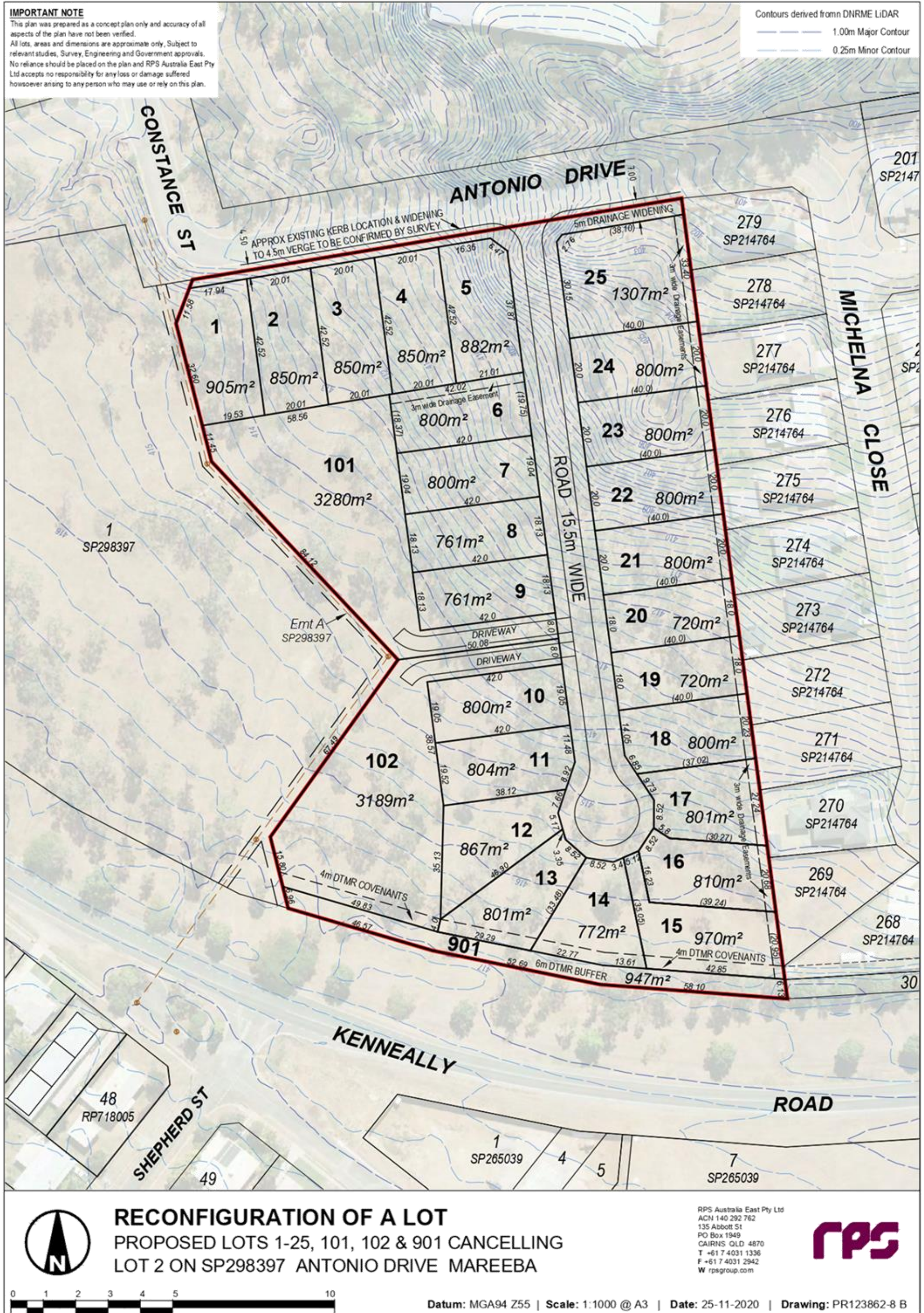
**Internal Consultation**

Technical Services

**PLANNING DISCUSSION**

Nil



























RA6-N



Queensland Treasury

SARA reference: 2011-19606 SRA  
Council reference: RAL/20/0012  
Applicant reference: PR123862

4 December 2020

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

Attention: Brian Millard

Dear Sir/Madam

## SARA response—2-18 Haren Street, Mareeba

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

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency on 6 November 2020.

### Response

Outcome:	Referral agency response – with conditions.
Date of response:	4 December 2020
Conditions:	The conditions in <b>Attachment 1</b> must be attached to any development approval.
Advice:	Advice to the applicant is in <b>Attachment 2</b> .
Reasons:	The reasons for the referral agency response are in <b>Attachment 3</b> .

### Development details

Description:	Development permit	Reconfiguring a lot (1 Lot into 27 Residential Lots)
SARA role:	Referral Agency.	
SARA trigger:	(Planning Regulation 2017)	
SARA reference:	2011-19606 SRA	
Assessment Manager:	Mareeba Shire Council	

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

Street address: 2-18 Haren Street, Mareeba  
Real property description: Lot 2 on SP298397  
Applicant name: Brett Stevenson and Kylie Jones, trustees for Basky Investment Trust  
C/- RPS Group  
Applicant contact details: 135 Abbott Street  
Cairns QLD 4870  
owen.caddick-king@rpsgroup.com.au  
State-controlled road access permit: This referral included an application for a road access location, under section 62A(2) of *Transport Infrastructure Act 1994*. Below are the details of the decision:

- Access prohibited
- Reference: TMR20-031426 (500-1531)
- Date: 25 November 2020

If you are seeking further information on the road access permit, please contact the Department of Transport and Main Roads at [cairns.office@tmr.qld.gov.au](mailto:cairns.office@tmr.qld.gov.au)

## Representations

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

Copies of the relevant provisions are in **Attachment 4**.

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

For further information please contact Jarrod Clarke, Planning Officer, on 40373208 or via email [CairnsSARA@dsmip.qld.gov.au](mailto:CairnsSARA@dsmip.qld.gov.au) who will be pleased to assist.

Yours sincerely



Brett Nancarrow  
Manager (Planning)

cc Brett Stevenson and Kylie Jones, trustees for Basky Investment Trust, [owen.caddick-king@rpsgroup.com.au](mailto:owen.caddick-king@rpsgroup.com.au)

enc Attachment 1 - Referral agency conditions  
Attachment 2 - Advice to the applicant  
Attachment 3 - Reasons for referral agency response  
Attachment 4 - Representations provisions



## Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (Copies of the plans and specifications referenced below are found at Attachment 5)

No.	Conditions	Condition timing
<b>Reconfiguring a lot</b>		
Schedule 10, Part 9, Division 4, Subdivision 2, Table 1 - The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:		
1.	<p>a) Noise attenuation measures must be provided along the boundary with Mareeba-connection Road to achieve the following noise criteria must be provided:</p> <ul style="list-style-type: none"> <li>• <math>\leq 57</math> dB(A) <math>L_{10}</math> (18 hour) free field (measured <math>L_{90}</math> (18 hour) free field between 6am and 12 midnight <math>\leq 45</math> dB(A).</li> <li>• <math>\leq 60</math> dB(A) <math>L_{10}</math> (18 hour) free field (measured <math>L_{90}</math> (18 hour) free field between 6am and 12 midnight <math>&gt; 45</math> dB(A).</li> </ul> <p>b) Noise attenuation measures must be provided in accordance with chapter 7 integrated noise barrier design of the Transport Noise Management Code of Practice: Volume 1 (Road Traffic Noise), Department of Transport and Main Roads, 2013.</p> <p>c) RPEQ certification must be provided to Program, Delivery and Operations, Far North District at: <a href="mailto:Far.North.Queensland.IDAS@tmr.qld.gov.au">Far.North.Queensland.IDAS@tmr.qld.gov.au</a> within the Department of Transport and Main Roads, confirming that the development has been constructed in accordance with part (a) of this condition.</p>	(a), (b) & (c) Prior to submitting the Plan of Survey to the local government for approval and to be maintained at all times.
2.	<p>a) Stormwater management of the development must ensure no worsening or actionable nuisance to the state-controlled road.</p> <p>b) Any works on the land must not:</p> <ol style="list-style-type: none"> <li>create any new discharge points for stormwater runoff onto the state-controlled road;</li> <li>interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road;</li> <li>surcharge any existing culvert or drain on the state-controlled road;</li> <li>reduce the quality of stormwater discharge onto the state-controlled road.</li> </ol>	(a) & (b) At all times.
3.	Direct access is not permitted between the Mareeba-Connection Road and the subject site.	At all times.

## Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) [v2.6]. If a word remains undefined it has its ordinary meaning.
Corridor Transport Noise	
2.	<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 transport noise corridor. MP4.4 seeks to ensure that the habitable rooms of Class 1, 2, 3 and 4 buildings located in a transport noise corridor are designed and constructed to reduce transport noise. Transport noise corridor means land designated under Chapter 8B of the Building Act 1975 as a transport noise corridor. Information about transport noise corridors is available at state and local government offices.</p> <p>A free online search tool can be used to find out whether a property is located in a designated transport noise corridor. This tool is available at the State Planning Policy Interactive Mapping System website: <a href="https://spp.dsdp.esriaustraliaonline.com.au/geoviewer/map/planmaking">https://spp.dsdp.esriaustraliaonline.com.au/geoviewer/map/planmaking</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 within Transport Infrastructure of the State Planning Policy (SPP) mapping system.</p>

### **Attachment 3—Reasons for referral agency response**

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

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**The reasons for the department's decision are:**

- The proposed development:
  - o does not create a safety hazard for users of the adjacent State-controlled road, by increasing the likelihood or frequency of fatality or serious injury.
  - o does not compromise the structural integrity of the State-controlled road.
  - o does not result in a worsening of the physical condition of the State-controlled road.

**Material used in the assessment of the application:**

- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The *State Development Assessment Provisions* (version [2.6]), as published by the department
- The Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system

**Attachment 4—Change representation provisions**

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(page left intentionally blank – attached separately)

## **Development Assessment Rules—Representations about a referral agency response**

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules<sup>1</sup> regarding **representations about a referral agency response**

### **Part 6: Changes to the application and referral agency responses**

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#### **28 Concurrence agency changes its response or gives a late response**

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

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<sup>1</sup> Pursuant to Section 68 of the *Planning Act 2016*

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

## **Part 7: Miscellaneous**

### **30 Representations about a referral agency response**

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

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

<b>8.2</b>	<b>G &amp; A SHEPPARD - RECONFIGURING A LOT - SUBDIVISION (1 INTO 3 LOTS) - LOT 2 ON RP726691 - 29 BOYLES ROAD, KURANDA - RAL/20/0003</b>
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**Date Prepared:** 4 January 2021

**Author:** Planning Officer

**Attachments:**

1. Proposal Plan [↓](#)
2. Ecological Assessment [↓](#)
3. Submission/s [↓](#)

#### APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	G & A Sheppard	ADDRESS	29 Boyles Road, Kuranda
DATE LODGED	5 June 2020	RPD	Lot 2 on RP726691
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 3 Lots)		
FILE NO	RAL/20/0003	AREA	13.676 hectares
LODGED BY	U&i Town Plan	OWNER	G & A Sheppard
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Rural Residential Zone		
LEVEL OF ASSESSMENT	Impact Assessment		
SUBMISSIONS	One (1) Submission in Support		

#### EXECUTIVE SUMMARY

Council is in receipt of an impact assessable development application described in the above application details. During the mandatory public notification period, only one (1) submission was received that was in support of the proposed development.

The application and supporting material has been assessed against the Mareeba Shire Council Planning Scheme 2016 and no significant conflicts with the Planning Scheme have been identified.

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

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

**OFFICER'S RECOMMENDATION**

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	G & A Sheppard	ADDRESS	29 Boyles Road, Kuranda
DATE LODGED	5 June 2020	RPD	Lot 2 on RP726691
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 3 Lots)		

and in accordance with the Planning Act 2016, the 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 3 Lots)

- (B) APPROVED PLANS:

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

- (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, and subject to any alterations:
  - found necessary by the Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
  - to ensure compliance with the following conditions of approval.
2. Timing of Effect
  - 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the endorsement of the plan of



survey for the development, except where specified otherwise in these conditions of approval.

### 3. General

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

### 3.8 Charges

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

### 3.9 Bushfire Management

- 3.9.1 At the time of dwelling construction on Lots 1 and 2, a minimum of 5,000 litres of water storage for firefighting purposes must be provided and preserved for no other purpose. The supply can be satisfied by either a separate tank, a reserve section of a larger domestic water supply tank, a dam or swimming pool. Where a tank water supply is provided it must be

fitted with standard rural fire brigade fittings and be situated adjacent a hard stand area of heavy vehicles.

3.9.2 A bushfire management plan must be prepared for Lots 1 - 3 to the satisfaction of Council's delegated officer. The future use of each lot must comply with the requirements of the bushfire management plan at all times.

### 3.10 Slope Stability

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

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

### 3.11 Building Envelopes

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

### 3.12 Environmental Covenants

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

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

The covenant agreement shall be signed by the registered owner prior to endorsement of the survey plan by Council and the signed covenant shall be

jointly lodged for registration with the survey plan with the Department of Resources.

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

- (a) no existing living vegetation or hereafter existing in the covenant area, may be cut down, damaged or destroyed;
- (b) no fences permitted within the covenant area;
- (c) no construction to take place within the covenant areas;
- (d) to prohibit the construction of any dams or other structures or undertaking of any activities which may interrupt the natural hydrology, on any part of the site at any time.
- (e) no native animals within the covenant area shall be killed or interfered with;
- (f) no domestic dogs or domestic cats are to be kept within the covenant area at any time;
- (g) no other acts may be carried out on or in respect of the covenant area which, in the opinion of the Council, acting reasonably may have a detrimental environmental impact on the covenant area;

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

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

#### 4. Infrastructure Services and Standards

##### 4.1 Access

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

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

#### 4.2 Stormwater Drainage

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

#### 4.3 Water Supply

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

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

or

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

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

#### 4.4 Wastewater Disposal

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

#### 4.5 Electricity provision/supply

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

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

#### 4.6 Telecommunications

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

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

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

5.2 The developer must pay \$9,640.00 per additional lot as a contribution toward trunk infrastructure with the amount of the contribution increased on 1 July each year in accordance with the increase for the PPI index for the period starting on the day the development approval takes effect, adjusted by reference to the 3-yearly PPI index average to the date of payment.

5.3 The trunk infrastructure for which the payment is required is:

- The trunk transport network servicing the land (\$4,820.00 per additional allotment)
- The trunk open space infrastructure servicing the land (\$4,820.00 per additional allotment)

5.4 The developer may elect to provide part of the trunk infrastructure instead of making the payment.

5.5 If the developer elects to provide part of the trunk infrastructure the developer must:

- Discuss with Council's delegated officer the part of the works to be undertaken;
- Obtain the necessary approvals for the part of the works;
- Indemnify the Council in relation to any actions, suits or demands relating to or arising from the works;
- Take out joint insurance in the name of the Council and the developer in the sum of \$20,000,000 in relation to the undertaking of the works;
- Comply with the reasonable direction of Council officers in relation to the completion of the works;
- Complete the works to the standards required by the Council; and
- Complete the works prior to endorsement of the plan of subdivision.

(D) ASSESSMENT MANAGER'S ADVICE

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

(b) Endorsement Fees

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

(c) Compliance with applicable codes/policies

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

(d) Notation on Rates Record

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

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

(e) Environmental Protection and Biodiversity Conservation Act 1999

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

**(E) RELEVANT PERIOD**

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

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

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

- Nil

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

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

**THE SITE**

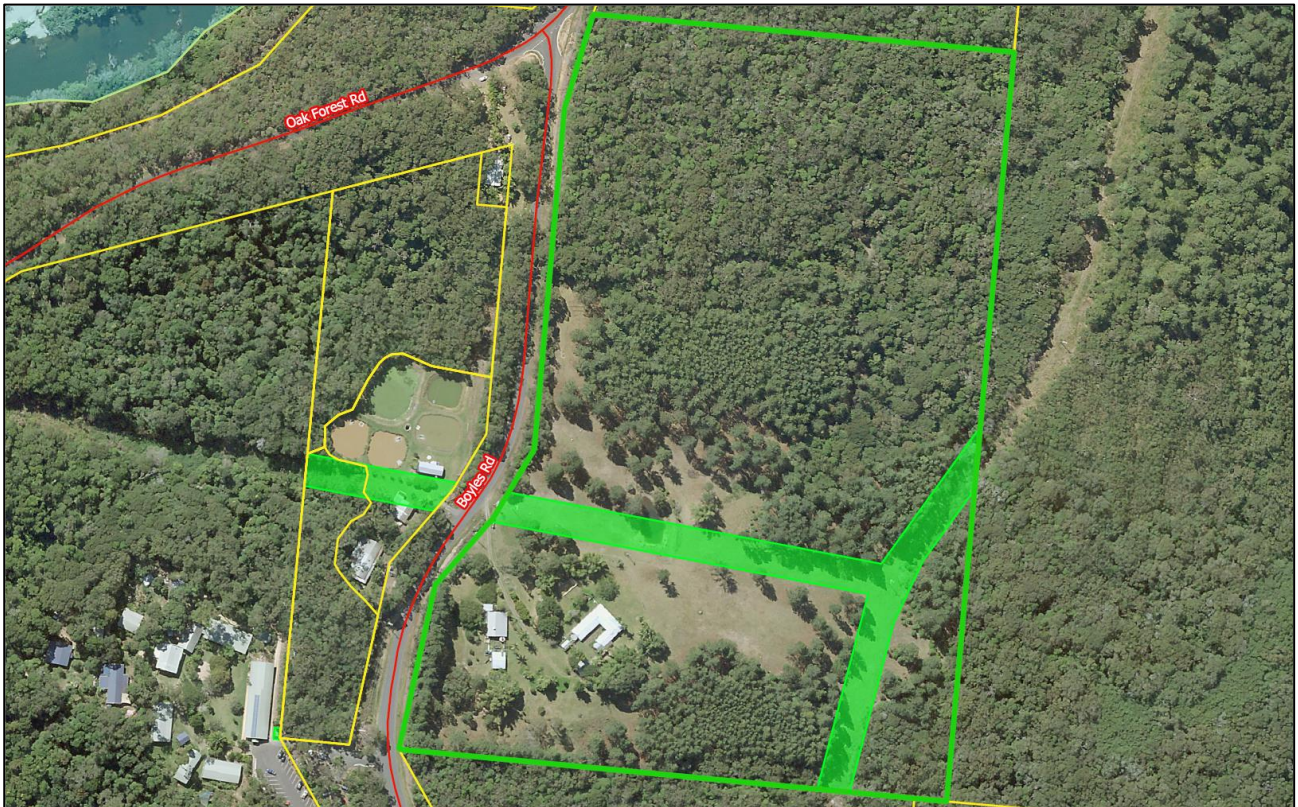
The subject site is situated on the corner of Boyles Road and Oak Forest Road at 29 Boyles Road, Kuranda and is more particularly described as Lot 2 on RP726691. The site is generally regular in shape with a total area of 13.676 hectares and is zoned Rural Residential under the Mareeba Shire Council Planning Scheme 2016.

The site contains 484 metres of frontage to Boyles Road which is constructed to a bitumen sealed standard with an approximate width of 6 - 6.5 metres. The site also contains 20 metres of frontage to a section of undeveloped road reserve in the south-east corner of lot which remains vegetated and unused. The site is improved by a dwelling and outbuildings (sheds) situated in the south-west corner of the allotment. Access is provided from Boyles Road via a single unsealed crossover. The southern half of the property surrounding the improvements is predominately cleared with some thickets of vegetation and gardens remaining. The northern half of the property remains vegetated. An Ergon Energy electricity supply easement is established over the southern half of the site.

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

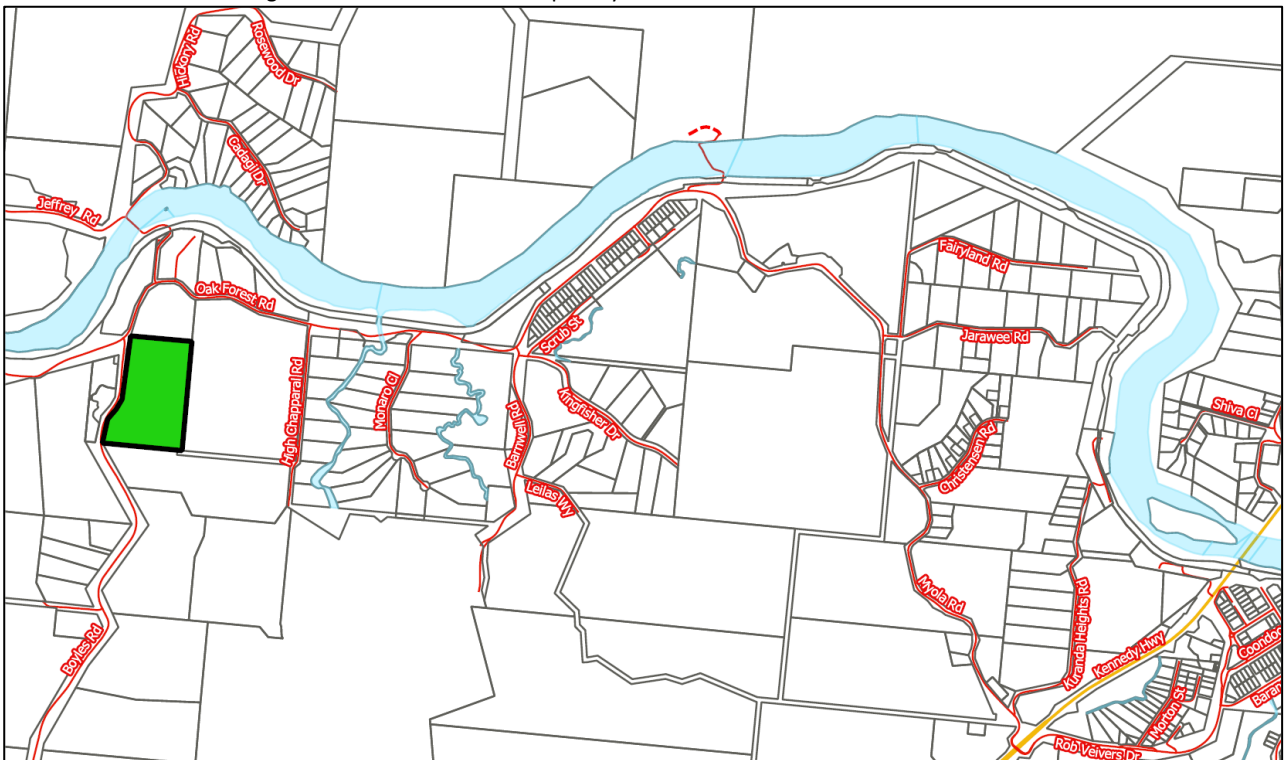
The Cairns Hinterland Steiner School is established to the south-west of the site on the opposite side of Boyles Road.





Map Disclaimer:

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



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**BACKGROUND AND CONTEXT**

Nil

**PREVIOUS APPLICATIONS & APPROVALS**

Nil

**DESCRIPTION OF PROPOSED DEVELOPMENT**

The development application seeks a Development Permit for Reconfiguring a Lot - Subdivision (1 into 3 Lots) in accordance with the plans shown in **Attachment 1**. The proposed development will see the creation of two additional lots, proposed Lots 1 and 2 on the northern end of the site with areas of approximately 2.2 ha and 2.3 ha. The balance Lot, proposed Lot 3, will have an area of approximately 9.17 ha and will include the sites existing improvements. Building envelopes of 2,500m<sup>2</sup> are proposed on both Lots 1 and 2 to limit the amount of future clearing on either lot. The proposed lot layout is shown below:



## REGIONAL PLAN DESIGNATION

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

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

## PLANNING SCHEME DESIGNATIONS

	<b>Land Use Categories</b>
	<ul style="list-style-type: none"> <li>• Rural Residential Area</li> </ul>
	<b>Natural Environment Elements</b>
	<ul style="list-style-type: none"> <li>• Biodiversity Area</li> </ul>
Strategic Framework:	
Zone:	Rural Residential zone
Precinct:	No Precinct
	<ul style="list-style-type: none"> <li>• Bushfire Hazard Overlay</li> <li>• Environmental Significance Overlay</li> <li>• Hill and Slope Overlay</li> <li>• Residential Dwelling House and Outbuilding Overlay</li> <li>• Transport Infrastructure Overlay</li> </ul>
Overlays:	

## 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

##### 3.3.10 Element—Rural residential areas

##### 3.3.10.1 Specific outcomes

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

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

#### Comment

The subject site is in a rural residential area and is not agricultural land. The site does not contain any mapped Wildlife Habitat or Regulated Vegetation; however, the site is situated within a mapped Ecological Corridor. A 2,500m<sup>2</sup> building envelope is proposed for both Lots 1 and 2 and it is anticipated that these building envelopes will be cleared for the future construction of a single dwelling and outbuilding/s on each allotment. It should be noted that the original application included building envelopes of 4,200m<sup>2</sup> and 4,700m<sup>2</sup> on Lots 1 and 2 respectively, however these were later reduced to 2,500m<sup>2</sup> per allotment.

A comprehensive ecological assessment (included as **Attachment 2**) was carried out over the site to determine the impact the proposed development would have on native flora and fauna as well as wildlife connectivity. The ecological assessment concluded that the clearing proposed, which makes up approximately 12% of each of proposed Lots 1 and 2 and approximately 3% of the entire site will not likely impact on wildlife connectivity over the subject land or surrounding locality. This is mainly due to size of each building envelope and the location of the building envelopes on the western side of the lots adjacent to Boyles Road which will leave the remainder and majority of vegetation on either lot undisturbed. The ecological assessment also determined that no endangered or threatened flora or fauna species would be impacted by the proposed building envelope clearing. In order to ensure the remaining vegetation on either lot remains undisturbed moving forward, it is proposed to include a condition requiring the establishment of environmental covenants over the remaining vegetated sections of the subject land. This approach is consistent with the recommendations contained within the Ecological Assessment.

Proposed Lots 1 and 2 will be consistent in size with other rural residential lots in the surrounding locality and will be conditioned to be appropriately serviced in line with other 2 ha rural residential lots in the Shire. The additional lots will be situated within 500 metres of the long established Cairns Hinterland Steiner School and will help ensure its ongoing operation as an essential service for the region.

The proposed development does not conflict with these specific outcomes.

#### **3.3.14 Element—Natural hazard mitigation**

##### **3.3.14.1 Specific outcomes**

- (1) *The risk of loss of life and property associated with bushfires, cyclones, flooding, landslides and other weather related events are minimised through the appropriate use of land having regard to its level of susceptibility to the hazard or potential hazard.*
- (2) *Development in an area subject to a natural hazard incorporates appropriate siting and design measures that mitigate risks to infrastructure, buildings and the community.*

- (3) *Development considers the potential for increased occurrence of natural hazards as a result of climate change, including greater frequency of extreme weather events and increased rainfall intensities.*
- (4) *Development incorporates emergency response measures to ensure the impacts of natural hazards can be minimised.*

#### Comment

Proposed Lot 3 contains an existing dwelling so there is no increased risk to life of property on this proposed allotment. The 2,500m<sup>2</sup> building envelopes contained within proposed Lots 1 and 2 will be situated within a bushfire hazard area. It is anticipated that these building envelopes will be cleared for the future siting of a dwelling which should provide sufficient separation from any hazardous vegetation. The building envelope areas are also situated in close proximity to Boyles Road providing ease of access for firefighting appliances as well as quick and efficient evacuation for occupants. Conditions will be attached to any approval requiring the provision of on-site water storage for firefighting purposes as well as the preparation of a Bushfire Management Plan to be adhered to by future land owners.

Some parts of the subject site are also mapped as "hill and slope areas" however the gradient of the land within the identified building envelope areas is less than 15% and does not pose a land slip risk. No flood risk has been identified over the subject land.

The proposed development complies or can be conditioned to comply with these specific outcomes.

### **3.4 Natural resources and environment**

#### **3.4.4 Element—Biodiversity areas**

##### **3.4.4.1 Specific outcomes**

- (1) *Development avoids adverse impacts on the ecological values of biodiversity areas and where avoidance is not possible the adverse impacts are minimised and, for an area of high ecological significance, no net loss in biodiversity values is achieved.*
- (2) *Development on lots containing biodiversity areas ensures their ongoing protection and retention through application of conservation covenants or dedication for public use.*
- (3) *Biodiversity areas that are considered to be of regional, state or higher levels of significance are awarded levels of protection commensurate with these values.*
- (4) *The ecological values of biodiversity areas which have been degraded are rehabilitated as part of the development, and commensurate with the scale of development.*
- (6) *Endangered and of-concern ecosystems and threatened species habitat including upland refugia ecosystems, wet sclerophyll, and the habitat of endemic species are protected across all land tenures.*

#### Comment

The subject site is in a rural residential area and is not agricultural land. The site does not contain any mapped Wildlife Habitat or Regulated Vegetation; however, the site is situated within a mapped Ecological Corridor. A 2,500m<sup>2</sup> building envelope is proposed for both Lots 1 and 2 and it is anticipated that these building envelopes will be cleared for the future construction of a single dwelling and outbuilding/s on each allotment. It should be noted that the original application included building envelopes of 4,200m<sup>2</sup> and 4,700m<sup>2</sup> on Lots 1 and 2 respectively, however these were later reduced to 2,500m<sup>2</sup> per allotment.

A comprehensive ecological assessment (included as **Attachment 2**) was carried out over the site to determine the impact the proposed development would have on native flora and fauna as well as wildlife connectivity. The ecological assessment concluded that the clearing proposed, which makes up approximately 12% of each of proposed Lots 1 and 2 and approximately 3% of the entire site will not likely impact on wildlife connectivity over the subject land or surrounding locality. This is mainly due to size of each building envelope and the location of the building envelopes on the western side of the lots adjacent to Boyles Road which will leave the remainder and majority of vegetation on either lot undisturbed. The ecological assessment also determined that no endangered or threatened flora or fauna species would be impacted by the proposed building envelope clearing. In order to ensure the remaining vegetation on either lot remains undisturbed moving forward, it is proposed to include a condition requiring the establishment of environmental covenants over the remaining vegetated sections of the subject land. This approach is consistent with the recommendations contained within the Ecological Assessment.

The proposed development will achieve compliance with these specific outcomes, particularly with the inclusion of the environmental covenants.

### Relevant Developments Codes

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

- 6.2.10 Rural residential zone code
- 8.2.3 Bushfire hazard overlay code
- 8.2.4 Environmental significance overlay code
- 8.2.8 Hill and slope overlay code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access code
- 9.4.4 Reconfiguring a lot code
- 9.4.5 Works, services and infrastructure code

The application included a planning report and assessment against the planning scheme. An officer assessment has found that the application satisfies the relevant acceptable 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	<p>The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.</p> <p>The proposed development is not consistent with Overall Outcomes (g) and (h) contained within the code which seek to discourage the creation of additional lots in Rural residential zoned areas that lie outside a subdivision precinct. Despite this non-compliance, the application is considered to comply with the higher order Strategic Framework provisions contained within</p>

	the Planning Scheme. Further commentary is provided in the Planning Discussion section of the report.
Bushfire Hazard Overlay Code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Environmental Significance Overlay Code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Hill and Slope Overlay Code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Landscaping Code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Parking and Access Code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Reconfiguring a Lot Code	<p>The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code apart from the following:</p> <ul style="list-style-type: none"> <li>• Acceptable Outcome AO1.1</li> <li>• Performance Outcome PO13 (no acceptable outcome)</li> </ul> <p>In the case of AO1.1, it is considered the development can comply with the higher order Performance Outcome PO1. In the case of PO13 and AO13 compliance with the higher order Overall Outcomes of the Reconfiguring a Lot code can be achieved.</p> <p>Further commentary is provided in the planning discussion section of report.</p>
Works, Services and Infrastructure Code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.

#### (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) Additional Trunk Infrastructure Condition – Road Infrastructure (Section 650 of SPA)**

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

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

The development, which will create two (2) additional rural residential lots, is predicted to place additional demand on Council's trunk transport infrastructure and trunk open space infrastructure.

The developer must pay a one-off payment of **\$9,640.00** (per additional lot) as a contribution toward trunk infrastructure with the amount of the contribution increased on 1 July each year in accordance with the increase for the PPI index for the period starting on the day the development approval takes effect, adjusted by reference to the 3-yearly PPI index average to the date of payment

The trunk infrastructure for which the payment is required is:

- The trunk transport network servicing the land (\$4,820.00 per additional lot)
- The trunk open space infrastructure servicing the land (\$4,820.00 per additional lot)

**REFERRAL AGENCY**

The application triggered referral to Ergon Energy as an Advice Agency. In a letter dated 16 June 2020 Ergon Energy advised Council they had no requirements in relation to the application.

**Internal Consultation**

Not applicable.

**PUBLIC NOTIFICATION**

The development proposal was placed on public notification from 18 November 2020 to 9 December 2020. The applicant submitted the notice of compliance on 9 December 2020 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

One submission was received that supported the proposed development and is included as **Attachment 3**.

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

Grounds for objection /support	Comment
<p>The submission included the following statement:</p> <p><i>"I have properties adjoining the above property (Lot 2 on RP726691). The applicants have sent me the plans of the intended reconfiguration and as it is not for profit and is for family use I have no issue with the change going ahead."</i></p>	<p>Noted. The application is recommended for approval.</p>

**Submitters**

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

## PLANNING DISCUSSION

Compliance with the Performance Outcomes and Purpose of the Rural Residential Zone Code and the Reconfiguring a Lot Code is summarised as follows:

### Rural Residential Zone Code

*The development generally complies with the Overall Outcomes contained within the Rural Residential zone code apart from the following:*

- (g) Reconfiguring a lot will maintain the predominant lot size of the precinct or intended for the precinct; and*
- (h) Reconfiguring a lot involving the creation of new lots is not undertaken external to a precinct in the Rural residential zone in consideration of the inherent environmental, and/or physical infrastructure and/or social infrastructure constraints of Rural residential zoned land outside of identified precincts.*

### Comment

Despite not complying with overall outcomes (g) and (h), the application is impact assessable and can therefore be assessed against the Planning Scheme's Strategic Framework which is the highest order assessment provisions contained within the Planning Scheme. It is considered that the proposed development achieves compliance with the Strategic Framework provisions relating to settlement pattern and built environment, specifically for rural residential areas. See the Strategic Framework section of this report for further commentary.

### Reconfiguring a Lot Code

#### **PO1**

*Lots include an area and frontage that:*

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

#### **AO1.1**

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

### Comment

Table 9.4.4.3B does not nominate a minimum area and frontage for rural residential allotments that are located outside a precinct.



Assessment is therefore necessary against PO1 and the criteria it nominates:

- (a) The proposed lots will be consistent with the design/size of lots in the surrounding area.
- (b) The proposed lots allow the desired amenity of the zone to be achieved.
- (c) Each of the proposed lots is of sufficient size and shape to be able to accommodate all buildings, structures and works associated with the intended future residential land use;
- (d) Boyles Road is constructed to a reasonable standard. Proposed lots 1 and 2 will be accessed via a shared driveway while Lot 3 will utilise the existing site access. All three accessed will be required to be upgraded/constructed to FNQROC Development Manual standards.
- (e) The subject land is surrounded by existing rural residential development and is within 500 metres of the long established Cairns Hinterland Steiner School.
- (f) Building envelopes will ensure future development on site results in minimal vegetation clearing only. Environmental covenants will be required to be established on the vegetated balance areas. See Ecological Assessment included as **Attachment 2**.
- (g) The proposed lot layout reasonably responds to the site's constraints.

The development complies with PO1.

### **PO13**

*New lots are only created in the Rural residential zone where land is located within the 4,000m<sup>2</sup> precinct, the 1 hectare precinct or the 2 hectare precinct.*

### **AO13**

*No acceptable outcome is provided.*

### Comment

The proposed development conflicts with PO13 as the subject land is not located within a rural residential zone precinct.

An assessment of the development's consistency with the higher order purpose and overall outcomes contained within the Reconfiguring a Lot Code is therefore required and is discussed below:

*The purpose of the Reconfiguring a Lot code will be achieved through the following overall outcomes:*

- (a) *Subdivision of land achieves the efficient use of land and the efficient provision of infrastructure and transport services;*

The site is already serviced by all infrastructure typically conditioned for rural residential lots above 2 ha in size. Each new lot will be adequately serviced which will include electricity supply, access and telecommunications via the NBN fixed wireless network. Water supply and wastewater disposal will be achieved on-site which is typical of 2 ha rural residential allotments.

- (b) *Lots are of a suitable size and shape for the intended or potential use having regard to the purpose and overall outcomes of the relevant zone or precinct;*

All three (3) proposed lots are of a suitable size and shape to accommodate the anticipated future residential land uses.

- (c) *Subdivision of land creates lots with sufficient area and dimensions to accommodate the ultimate use, meet user requirements, protect environmental features and account for site constraints;*

The ultimate use of each lot is a single dwelling house with the potential for some ancillary domestic outbuildings. All lots proposed have sufficient area and dimensions to accommodate a future dwelling house and avoid/protect environmental features. A building envelope is nominated for each lot to ensure future development is appropriately separated from any remaining environmental features.

- (d) *A range and mix of lot sizes is provided to facilitate a variety of industry and housing types;*

The proposed development would add to the range of lot sizes available in the locality.

- (e) *Subdivision design incorporates a road network that provides connectivity and circulation for vehicles and provide safe and efficient access for pedestrians, cyclists and public transport;*

Not applicable. The proposed development does not require an extension to the road network.

- (f) *Subdivision design provides opportunities for walking and cycling for recreation and as alternative methods of travel;*

The subject site is situated in proximity to parkland on the corner of Hickory Road and Oak Forest Road and is connected to Kuranda's urban centre by a reasonable constructed road network.

- (g) *Subdivision of land provides and integrates a range of functional parkland, including local and district parks and open space links for the use and enjoyment of the residents of the locality and the shire;*

Due to the proposed developments relatively small scale and the adequate supply of existing parkland and facilities in the locality, a monetary infrastructure contribution is considered to be appropriate.

- (h) *Subdivision of land contributes to an open space network that achieves connectivity along riparian corridors and between areas with conservation values;*

The proposed development will not impact on wildlife connecting locally or regionally (see Ecological Assessment in **Attachment 2**).

- (i) *Subdivision within the Rural zone maintains rural landholdings in viable parcels;*

Not applicable. The subject land is within the Rural Residential zone, not the Rural zone.

- (j) *Land in historical townships is not reconfigured to be used for urban purposes; and*

Not applicable. The subject land is not within a historical township for the purpose of the planning scheme.

- (k) *Residential subdivision and greenfield development is designed to consider and respect:*

- i. topography;*
- ii. climate responsive design and solar orientation;*
- iii. efficient and sustainable infrastructure provision;*
- iv. environmental values;*
- v. water sensitive urban design;*
- vi. good quality agricultural land; and*
- vii. the character and scale of surrounding development.*

The proposed lot layout appropriately and efficiently responds to the relevant identified criteria.







## Ecological Assessment- Lot 2 RP726691

Boyles Road, Myola

Lot 2 RP 726691



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**Ecological Assessment- Lot 2 RP726691***Boyles Road, Myola Lot 2 RP 726691***Revision History**

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## 1.0 Introduction

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

### 1.1 Site Background

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



**Figure 1 Study Site and Proposed Building Envelopes**

## 1.2 Legislative Context

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

**Table 1 Statutory Legislation Applied to the Project and Corridors**

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

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



Legislative Act	Brief Description
	<p>► The cultural, economic, physical and social wellbeing of Queenslanders.</p> <p>The Planning Regulation (2017) and the State Planning Policy (2017) are to guide local and state government in land use planning and development by defining the Queensland Government policies relating to matters of State interest.</p>
<p><i>Nature Conservation Act 1999</i></p>	<p>The <i>Nature Conservation Act 1992</i> (NCA) aims to conserve nature through strategies such as dedicating and declaring protected areas for those parts of Queensland with outstanding biological diversity, natural features and wilderness values. The NCA provides for the protection of near threatened, vulnerable and endangered animals and plants.</p> <p><i>Nature Conservation (Wildlife) Regulation 2006</i></p> <p>In support of the purpose and the provisions of the NCA, the <i>Nature Conservation (Wildlife) Regulation 2006</i> lists all flora and fauna species which are considered to be 'extinct in the wild', 'endangered', 'Vulnerable', 'Near Threatened' and 'Least Concern' wildlife.</p> <p>With respect to clearing activities:</p> <p>► The primary purpose of the NC Act is to conserve biodiversity by creating and managing protected areas, managing and protecting native wildlife, and managing the spread of non-native wildlife. Unless authorised, it is an offence under the NC Act to take, keep, use, or move protected flora and fauna for commercial, recreational or other purposes. Where a proposed development will result in such impacts to flora and/or fauna protected under the NC Act, authorisation from DEH will be required.</p> <p>Under <i>section 332 of the Nature Conservation (Wildlife Management) Regulation 2006</i>, mining operations requires an approved Species Management Program (SMP) to undertake any works that will, or potentially will, disturb or interfere with a protected animal breeding place.</p> <p><b>s332 - Tampering with animal breeding place</b></p> <p>A person must not, without a reasonable excuse, tamper with an animal breeding place that is being used by a protected animal to incubate or rear the animal's offspring.</p> <p>For subsection (1), an animal breeding place is being used by a protected animal to incubate or rear the animal's offspring if -</p> <p>► The animal is preparing, or has prepared, the place for incubating or rearing the animal's offspring; or</p> <p>► The animal is breeding, or is about to breed, and is physically occupying the place; or</p> <p>► The animal and the animal's offspring are physically occupying the place, even if the occupation is only periodical; or</p> <p>► The animal has used the place to incubate or rear the animal's offspring and is of a species generally known to return to the same place to incubate or rear offspring in each breeding season for the animal.</p> <p>Also, subsection (1) does not apply to a person removing or otherwise tampering with the breeding place if -</p>

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

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

### 1.3 Weed Management Legislation

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

#### 1.3.1 Weeds of National Significance

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

#### 1.3.2 Biosecurity Act 2014 (Queensland)

##### 1.3.2.1 Prohibited Invasive Plant

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

##### 1.3.2.2 Restricted Invasive Plants

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

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

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

Restricted invasive plant categories and restrictions:

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

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

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

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

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

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



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## 2.0 Methodology

### 2.1 Desktop review

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

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

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## 3.0 Field Investigation

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

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

### 3.1 Potential Habitat Assessment

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

- ▶ Presence/absence of suitable habitat for EVNT species;
- ▶ Condition and disturbance history of habitat;
- ▶ Location of site within known distribution of the species;
- ▶ Connectivity with habitat where species is known to occur;
- ▶ Structural and floristic characteristics of the vegetation;
- ▶ Soil type and structure (visual only);
- ▶ Presence of water in any form e.g. rivers, dams, creeks, drainage lines, soaks;
- ▶ Size and abundance of hollows and coarse woody debris (CWD);
- ▶ Presence of sandbanks, shallow wading areas, rock walls, saltmarsh, roost areas, etc; and
- ▶ Presence of mistletoe, nectar, gum, seed, sap sources, browse trees.

### 3.2 Field Survey

#### 3.2.1 Vegetation Communities

The vegetation throughout much of the property was in a regrowth condition (category C and R see **Figure 2**). The communities aligned with the pre-clearance regional ecosystems as mapped on the study site (RE 7.11.5),

the exception being the distinct lack of *Eucalyptus tereticornis* that dominates RE 7.11.44. Occasionally, medium sized *Eucalyptus pellita* and *Corymbia intermedia* were encountered up to ~60 cm diameter at breast height (DBH). Although much of the mature aged canopy trees have been removed through historical clearing of the study site and broader property. No hollow bearing trees were encountered in the PPS meander contributing further evidence of an immature regrowth community being the representative vegetation condition across the property.

Vegetation within the study site consisted broadly of open wet sclerophyll forest. The canopy (10-15 m) was generally dominated by *Eucalyptus pellita*, *Corymbia intermedia* and occasionally *Corymbia torelliana*. Fire exclusion was evident over the entire property and has permitted a dominant rainforest understorey including *Polyscias australianum*, *Guioa lasioneura*, *Alstonia meulleriana* and *Glochidion hylandii*. These species have formed a dense shrub and understorey layer that is suppressing recruitment of the Eucalypt canopy. The typical grassy understorey with a sparse shrub layer was largely absent from all parts of the study site. Fire intervals of a low intensity at 2-5-year intervals are required for maintaining a typical grassy understorey. No evidence of any fire scars on Eucalypt trees and advanced growth of a number of fire sensitive rainforest indicate lack of fire exceeding five (5) years.

Within ephemeral drainage lines the rainforest incursion was further pronounced with higher proportions of epiphytes and lianas and a dense shrub layer was occasionally present containing a shrub layer rainforest element (Plate 1). Highly modified non-remnant vegetation was present in the south of the study site.



Plate 1 Riparian Vegetation Present in the East of the Property

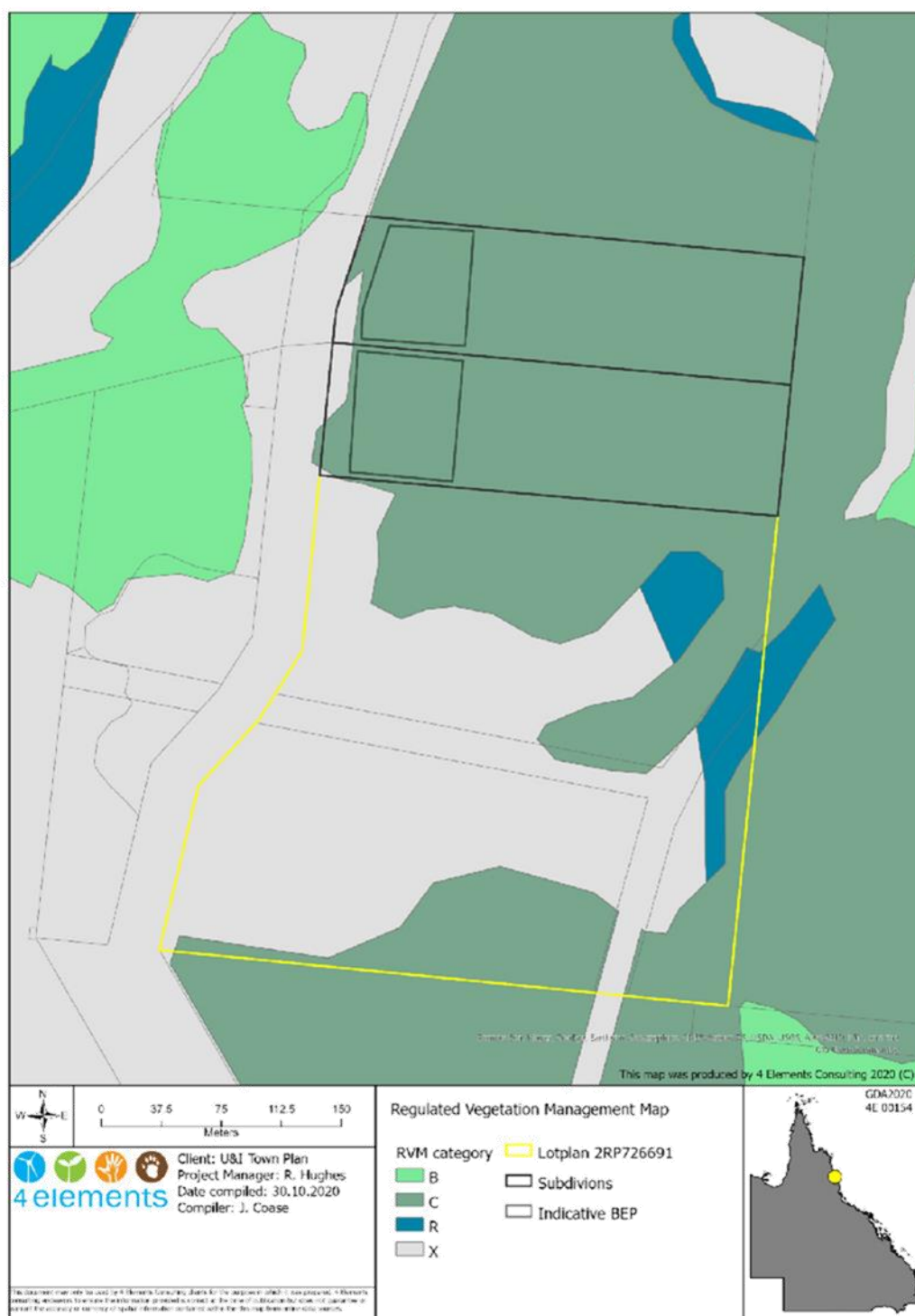


Figure 2 Vegetation Categories on Site



## 3.2.2 Habitat Attributes

Table 2 Habitat Attributes Present on the Site

Habitat Type	Study Area	Potential Value for Threatened Species
Connectivity	The study site maintains high connectivity with the surrounding vegetation communities, with forested corridors connecting Formartine State forest to the south and Kuranda National Park to the North. Minor roads, powerline easements and residential properties are present within the region.	Property represents a minor portion of larger foraging ranges for most species occurring in the property. Property represents generic habitat for a number of least concern species.
Ground Cover	Ground cover was present throughout the site, particularly in drier sections where a grassy understory was still present	Generic ground layer habitat was present across the property. May provide generic habitat for a range of common ground dwelling small mammals, amphibians and reptiles.
Leaf Litter	Due to an emerging rainforest canopy, thick leaf litter is present on the site.	Dense leaf litter provides structural refuge and foraging habitat for a range of common birds, mammals, amphibians and reptiles.
Coarse Woody Debris	Present on site throughout, however most debris are small and not hollow bearing. Two stag <i>Acacia celsa</i> trees were found near the southern housing alignment S16.80813° E145.59027° and S16.80809° E145.59016°. there is potential roosting habitat within these trees.	Moderate value. Generic habitat feature. May provide denning and foraging cover for a range of species, particularly small mammals (rodents and microbats) and reptiles.
Tree Hollows	Limited presence of tree hollows with the exception of a hollow termite mound in a tree (S16.80899° E145.58953°) (see 0)	Minimal value of site, given the lack of tree hollows in the Eucalyptus species on site. Arboreal hollows were only observed within arboreal termitaria occasionally on site ( <b>Plate 2</b> ). Providing refuge for obligate hollow denning species.
Shrub layer containing Melaleuca, Acacia, Banksia, Xanthorrhoea species	Largely suppressed by the advancing rainforest succession across the property.	Minimal value to any species.

Habitat Type	Study Area	Potential Value for Threatened Species
Primary Nectar Sources	Limited to <i>Eucalyptus pellita</i> , <i>Corymbia intermedia</i> and <i>Melaleuca dealbata</i> trees on site. Mistletoe spp. were present on site particularly within the <i>Acacia Celsa</i> within the cleared area nearest the housing pads.	High. These trees may provide a seasonal supply of nectar sources for a wide range of nectivorous species including the Spectadled Flying Fox.
Sap and Gum Sources	Limited to <i>Eucalyptus pellita</i> and other <i>Corymbia</i> trees on site	Moderate. Limited numbers of Eucalypt trees present on site. Rainforest incursion limiting the regrowth of open forest species for sap and gum sources.
Koala browse trees	<i>Eucalyptus pellita</i> feed trees are present within the study site. Connectivity to the surrounding vegetation communities of adjacent properties is high.	Minimal. Site is in a stage of regrowth with a developing rainforest incursion and as a result is not optimal habitat for koala. No proximate records exist.
Fleshy fruiting Species including <i>Ficus spp.</i>	Recorded occasionally in the understorey i.e. <i>Ficus rubiginosa</i> .	Minimal. <i>Ficus spp.</i> Represent a minor component of the vegetation present within the property.
Passerine bird habitat	Dense stands of emerging rainforest trees, vine thickets and tall Eucalyptus emergent trees present.	Moderate. Generic passerine bird habitat is found throughout the study site. Evidence of Red-tailed Black Cockatoo feeding trees observed on site see Plate 3
Rock Outcrops	None	None
Water bodies	None	None. Ephemeral creeks and minor lagoons were recorded outside of the proposed clearing areas.



Plate 2 Arboreal termite mound found on a *Eucalyptus pellita*



Plate 3 Red-tailed Black Cockatoo feeding scar on *Acacia flavescens*

### 3.3 Invasive Weeds

Weeds were generally a very minor occurrence throughout the study site where regrowth vegetation was present. Within ephemeral drainage lines a higher number of herbaceous weeds were encountered. Of the 28 species encountered during the meander surveys, most were located along Boyles Road and the cleared paddock to the south.

Weeds of national significance (WoNS) restricted invasive category three species were found only within the road reserve along Boyles Road and were not present within the property (Lot 2 RP 726691).



## 4.0 Desktop Analysis Results

### 4.1 Mapped Vegetation Communities

RE & Biodiversity Status	Description (REDD v 11.1)	Location	Site Value
<b>Wet Tropics, Land Zone 12 – Granite and Rhyolite Derived Landforms</b>			
7.11.5a LC/NOC Category C	<i>Eucalyptus pellita</i> , <i>Corymbia intermedia</i> , <i>C. tessellaris</i> open forest with <i>Acacia celsa</i> , <i>A. cincinnata</i> , <i>A. mangium</i> and <i>A. flavescens</i> . Lowlands and foothills on metamorphics, of the very wet and wet rainfall zones.	Present as a majority portion of the study site.	Potential habitat for NCA listed species: <i>Aphyllorchis queenslandica</i> , <i>Buckinghamia ferruginiflora</i> , <i>Freycinetia marginata</i> , <i>Randia audasii</i> , <i>Sphaerantia chartacea</i> , <i>Vrydagzynea grayi</i> , <i>Whyanbeelia terrae-reginae</i> .  Pre-clear extent = 30,000 ha; 2017 extent = 27,000 ha
7.11.5c LC/NOC Category C	<i>Corymbia intermedia</i> , <i>Eucalyptus pellita</i> , <i>E. tereticornis</i> , <i>C. tessellaris</i> , <i>C. torelliana</i> , open forest to woodland with <i>Acacia celsa</i> , <i>A. mangium</i> , <i>Lophostemon suaveolens</i> and <i>Syncarpia glomulifera</i> . Lowlands and foothills on metamorphics, of the wet and moist rainfall zones.	Present as a minor portion of the study site restricted to the central east of the property.	Potential habitat for NCA listed species: <i>Aphyllorchis queenslandica</i> , <i>Buckinghamia ferruginiflora</i> , <i>Freycinetia marginata</i> , <i>Randia audasii</i> , <i>Sphaerantia chartacea</i> , <i>Vrydagzynea grayi</i> , <i>Whyanbeelia terrae-reginae</i> .  Pre-clear extent = 30,000 ha; 2017 extent = 27,000 ha
7.11.44 OC/OC Category C	<i>Eucalyptus tereticornis</i> (forest red gum) open forest to woodland. Coastal metamorphic foothills.	Present as a minor portion of the study site in the south of the property.	Potential habitat for NCA listed species: <i>Randia audasii</i>  Pre-clear extent = 10,000 ha; 2017 extent = 9,000 ha

### 4.2 Matters of National and State Environmental Significance

Desktop searches for potentially occurring threatened species and habitats were conducted under both the *Environment Protection and Biodiversity Act 1999* (EPBC Act) and the *Nature Conservation Act 1992* (NC Act). Results from both databases (Protected Matters Search Tool and Wildlife Online Database) are detailed in **Appendix B** and **Appendix C**.

### 4.3 NC Act Wildlife Online

The Wildlife Online database search tool returned records for 33 NCA listed species. These species comprised 7 amphibian, 8 bird, 1 insect, 6 mammal, 1 reptile and 10 plants. See **Appendix B** for the complete search results.

### 4.4 EPBC Act Protected Matters Search Tool (Species)

Database searches under the Protected Matters Search Tool (PMST) returned a result of 49 listed threatened species, 23 migratory and 29 marine species. One species, *Pristis pristis*, was excluded given it is a pelagic/marine aquatic habitat species. Listed threatened species included 12 Bird, 5 frog, 11 mammal, 1 reptile and 19 plants. Thirty (30) bird species listed as also migratory and marine were recorded in the search tool. **Appendix C** provides the complete search results for the PMST search tool.

An assessment for the potential occurrence of these species on the study site, for both the EPBC and NC threatened species, is provided in **Appendix A**. **Table 3** below provides a summary list for these species and their relevant legislative listing.

**Table 3 PMST (EPBC Act 1999)**

Common Name	Scientific Name	Status NC Act	Status EPBC Act
<b>Threatened Fauna</b>			
<b>Frogs</b>			
Australian Lace-lid	<i>Litoria dayi</i>	V	V
Kuranda Tree Frog	<i>Litoria myola</i>	CR	E
Waterfall frog	<i>Litoria nannotis</i>	E	E
Mountain mist frog	<i>Litoria nyakalensis</i>	CR	E
Common Mistfrog	<i>Litoria rheocola</i>	E	E
Tapping green eyed frog	<i>Litoria serrata</i>	-	V
Sharp-snouted Day Frog	<i>Taudactylus acutirostris</i>	Ex	Ex
<b>Reptiles</b>			
Estuarine Crocodile	<i>Crocodylus porosus</i>	V	-
Red Knot	<i>Calidris canutus</i>	E	E
Curlew Sandpiper	<i>Calidris ferruginea</i>	CE	E
Great Knot	<i>Calidris tenuirostris</i>	CE	E
Southern Cassowary	<i>Casuaris casuaris johnsonii</i>	E	E
Macleay's fig-parrot	<i>Cyclopsitta diophthalma macleayana</i>	-	V
Beach stone-curlew	<i>Esacus magnirostris</i>	-	V
Red Goshawk	<i>Erythrotriorchis radiatus</i>	V	E
Gouldian Finch	<i>Erythrura gouldiae</i>	E	E
Grey Falcon	<i>Falco hypoleucos</i>	-	V

Common Name	Scientific Name	Status NC Act	Status EPBC Act
White-throated Needletail	<i>Hirundapus caudacutus</i>	V, Ma, Mi	LC
West Alaskan Bar-tailed Godwit	<i>Limosa lapponica baueri</i>	V	V
Northern Siberian Bar-tailed Godwit	<i>Limosa lapponica menzbieri</i>	CE	E
Eastern Curlew	<i>Numenius madagascariensis</i>	CE	E
Australian Painted Snipe	<i>Rostratula australis</i>	E	V
Buff-Breasted Button Quail	<i>Turnix olivii</i>	E	E
Masked Owl (northern)	<i>Tyto novaehollandiae kimberli</i>	V	V
<b>Fish</b>			
Lake Eacham Rainbow Fish	<i>Melanotaenia eachamensis</i>	E	-
Opal Cling Goby	<i>Stiphodon semoni</i>	-	CR
<b>Mammals</b>			
Northern Bettong	<i>Bettongia tropica</i>	E	E
Northern quoll	<i>Dasyurus hallucatus</i>	-	E
Spotted-tail quoll	<i>Dasyurus maculatus gracilis</i>	E	E
Lumholtz's Tree Kangaroo	<i>Dendrolagus lumholtzi</i>	-	NT
Diadem leaf-nosed bat	<i>Hipposideros diadema reginae</i>	-	NT
Semon's leaf-nosed bat	<i>Hipposideros semoni</i>	E	V
Ghost bat	<i>Macroderma gigas</i>	E	V
Black-footed tree rat	<i>Mesembriomys gouldii rattoides</i>	-	V
Tube-nosed Insectivorous Bat	<i>Murina florium</i>	-	V
Koala	<i>Phascolarctos cinereus</i>	V	V
Spectacled flying-fox	<i>Pteropus conspicillatus</i>	V	V
Large-eared horseshoe bat	<i>Rhinolophus robertsi</i>	V	V
Bare-rumped sheath-tail bat	<i>Saccolaimus saccolaimus nudiclunatus</i>	E	V
Water Mouse	<i>Xeromys myoides</i>	V	V
<b>Threatened Flora</b>			
-	<i>Acalypha lyonsii</i>	-	V
-	<i>Archontophoenix myolensis</i>	E	E
-	<i>Alloxylon flammeum</i>	V	V
-	<i>Alpinia hylandii</i>	-	NT
-	<i>Canarium acutifolium</i>	V	V
-	<i>Carronia pedicellata</i>	E	E
-	<i>Calochlaena villosa</i>	-	NT
-	<i>Crepidomanes majoriae</i>	-	V
-	<i>Ctenopterus walleri</i>	-	NT
-	<i>Diplazium cordifolium</i>	V	V
Dark-stemmed antler orchid	<i>Dendrobium mirbelianum</i>	E	E

Common Name	Scientific Name	Status NC Act	Status EPBC Act
	<i>Syn: Durabaculum mirbelianum</i>		
Queensland bluegrass	<i>Dicanthium setosum</i>	V	LC
-	<i>Diplazium pallidum</i>	E	E
Ant Plant	<i>Myrmecodia beccarii</i>	V	V
Lesser Swamp-orchid	<i>Phaius australis</i>	E	E
-	<i>Phaius pictus</i>	V	V
Native Moth Orchid	<i>Phalaenopsis amabilis subsp. rosenstromii</i>	E	E
Blue Tassel-fern	<i>Phlegmanurus dalhousieanus</i>	E	CR
Rat's tail tassel-fern	<i>Phlegmanurus filiformis</i>	E	E
Square tassel-fern	<i>Phlegmanurus tetrastichoides</i>	V	V
Middle Filmy Fern	<i>Polyphlebium endlicherianum</i>	E	V
-	<i>Polyscias bellendenkerensis</i>	V	V
-	<i>Randia audasii</i>	-	NT
	<i>Rhomboda polygonoides</i>	V	V
	<i>Syzygium hodgkinsoniae</i>	V	V
-	<i>Senegalia albizioides</i>	-	NT
Dwarf Butterfly Orchid	<i>Vappodes lithocola</i>	E	E
-	<i>Wetria australiensis</i>	-	V
Key: Ex: extinct, CE: Critically Endangered; E: Endangered; V: Vulnerable; NT: Near Threatened			

#### 4.5 EPBC Act and MNES Search Tool (Places of Environmental Significance)

Matters of National Environmental Significance (MNES) are matters pursuant to the EPBC act. The results of the MNES search which provides details on environmentally significant areas and habitat types is provided in **Table 4** below. To conduct this search tool, a 10 Kilometre radius buffer was added around a central point on the property. This provides results for all possible MNES matters that may occur on the property.

**Table 4 PMST results (Significant Places)**

Category	Result
<b>Matters of National Environmental Significance</b>	
World Heritage Properties	1
National Heritage Places	2
Wetlands of International Importance	None
Great Barrier Reef Marine Park	None
Commonwealth Marine Area	None
Listed Threatened Ecological Communities	1
Listed Threatened Species	49
Listed Migratory Species	23

Category	Result
<b>Other Matters Protected by the EPBC Act</b>	
Commonwealth Land	None
Commonwealth Heritage Places	None
Listed Marine Species	29
Whales and other cetaceans	None
Critical Habitats	None
Commonwealth Reserves Terrestrial	None
Commonwealth Reserves Marine	None
Nationally Important Wetlands	2

#### 4.6 Migratory and Marine Species

A total of 23 migratory and 29 marine species (adjusted for the exclusion of species solely dependent on aquatic marine habitats) were identified in the PMST search report. A summarised list of these species is provided in **Table 5** below.

**Table 5 Migratory Species**

Common name	Scientific name	EPBC Act Status	NCA Act status
Magpie Goose	<i>Anseranas semipalmata</i>	Ma	LC
Common Sandpiper	<i>Actitis hypoleucos</i>	Mi, Ma	SLC
Great Egret	<i>Ardea alba</i>	Ma	LC
Cattle Egret	<i>Ardea ibis</i>	Ma	LC
Fork-tailed Swift	<i>Apus pacificus</i>	Mi, Ma	SLC
Sharp-tailed Sandpiper	<i>Calidris aculeata</i>	Mi, Ma	SLC
Red Knot	<i>Calidris canutus</i>	Mi, E	E
Curlew Sandpiper	<i>Calidris ferruginea</i>	Mi, CE	E
Pectoral Sandpiper	<i>Calidris melanotos</i>	Mi, Ma	SL
Great Knot	<i>Calidris tenuirostris</i>	CE, Mi	E
Lesser Frigatebird	<i>Fregata ariel</i>	Mi, Ma	SL
Great Frigatebird	<i>Fregata minor</i>	Mi, Ma	SL
White-throated Needletail	<i>Hirundapus caudacutus</i>	V, Ma, Mi	LC
Bar-tailed Godwit	<i>Limosa lapponica</i>	Mi, V	V
Barn Swallow	<i>Hirundo rustica</i>	Mi	SL
Black-faced Monarch	<i>Monarcha melanopsis</i>	Mi	SL
Spectacled Monarch	<i>Monarcha trivirgatus</i>	Mi	SLC
Black-winged Monarch	<i>Monarcha frater</i>	Mi	SLC
Yellow Wagtail	<i>Motacilla flava</i>	Mi	SLC
Eastern Curlew	<i>Numenius madagascariensis</i>	Mi, CE	E
Rufous Fantail	<i>Rhipidura rufifrons</i>	Mi, Ma	SLC
Osprey	<i>Pandion haliaetus</i>	Mi, Ma	SLC



Common name	Scientific name	EPBC Act Status	NCA Act status
Common Greenshank	<i>Tringa nebularia</i>	Mi, Ma	SLC
Black-eared Cuckoo	<i>Chrysococcyx osculans</i>	Ma	LC
White-bellied Sea-Eagle	<i>Haliaeetus leucogaster</i>	Ma	LC
Rainbow Bee-eater	<i>Merops ornatus</i>	Ma	LC
Flycatcher Satin	<i>Myiagra cyanoleuca</i>	Mi	SLC
Painted Snipe	<i>Rostratula benghalensis (sensu lato)</i>	E, Ma	V
Oriental Cuckoo	<i>Cuculus optatus</i>	SLC	Mi
Latham's Snipe	<i>Gallinago hardwickii</i>	SLC	Mi
Key: Mi: Migratory, Ma: Marine, SLC: Special Least Concern			

#### 4.7 Matters of National Environmental Significance (MNES) continued

The following table details the guidelines to which a certain application may have a significant impact on a sensitive environmental matter pursuant under the EPBC Act. **Table 6** below details the impact the current project may have for places of national environmental significance. The PMST search tool identified one Threatened Ecological Community (TEC) that may potentially occur on the study. This TEC is not present in any part of the study site, especially given that much of the property is classed as regrowth vegetation. Furthermore, vegetation on the property consists of Regional Ecosystems 7.11.5a (*Eudayptis pellita* open forest) and 7.11.44, (Blue gum forest) with rainforest an invasive rainforest understorey incursion, thus limiting the ability for broad leaf tea-tree (*Melaleuca viridiflora*) woodlands to establish.

**Table 6 Matters of National Environmental Significance (MNES)**

Matters of National Environmental Significance	Triggers
<b>Listed Threatened Ecological Communities</b>	
An action is likely to have a significant impact on a critically endangered or endangered ecological community if there is a real chance or possibility that it will: <ul style="list-style-type: none"> <li>▶ reduce the extent of an ecological community</li> <li>▶ fragment or increase fragmentation of an ecological community, for example by clearing vegetation for roads or transmission lines</li> <li>▶ adversely affect habitat critical to the survival of an ecological community</li> <li>▶ modify or destroy abiotic (non-living) factors (such as water, nutrients, or soil) necessary for an ecological community's survival, including reduction of groundwater levels, or substantial alteration of surface water drainage patterns</li> <li>▶ cause a substantial change in the species composition of an occurrence of an ecological community, including causing a</li> </ul>	<p>One threatened Ecological Community is considered a potential occurrence under the EPBC:</p> <p><b>Broad leaf tea-tree (<i>Melaleuca viridiflora</i>) woodlands in high rainfall coast north Queensland.</b></p> <p>The project site does not intersect this listed threatened ecological community</p> <p><b>No significant impact.</b></p>

Matters of National Environmental Significance	Triggers
<p>decline or loss of functionally important species, for example through regular burning or flora or fauna harvesting</p> <ul style="list-style-type: none"> <li>▶ cause a substantial reduction in the quality or integrity of an occurrence of an ecological community, including, but not limited to:                             <ul style="list-style-type: none"> <li>❖ assisting invasive species, that are harmful to the listed ecological community, to become established, or</li> <li>❖ causing regular mobilisation of fertilisers, herbicides or other chemicals or pollutants into the ecological community which kill or inhibit the growth of species in the ecological community, or</li> <li>❖ interfere with the recovery of an ecological community.</li> </ul> </li> </ul>	
World Heritage Property/National Heritage Places	
<p>An action is likely to have a significant impact on natural heritage values of a World Heritage property if there is a real chance or possibility that the action will:</p> <p>Values associated with geology or landscape</p> <ul style="list-style-type: none"> <li>▶ damage, modify, alter or obscure important geological formations in a World Heritage property</li> <li>▶ damage, modify, alter or obscure landforms or landscape features, for example, by excavation or infilling of the land surface in a World Heritage property</li> <li>▶ modify, alter or inhibit landscape processes, for example, by accelerating or increasing susceptibility to erosion, or stabilising mobile landforms, such as sand dunes, in a World Heritage property</li> <li>▶ divert, impound or channelise a river, wetland or other water body in a World Heritage property, and</li> <li>▶ substantially increase concentrations of suspended sediment, nutrients, heavy metals, hydrocarbons, or other pollutants or substances in a river, wetland or water body in a World Heritage property.</li> </ul> <p>Biological and ecological values</p> <ul style="list-style-type: none"> <li>▶ reduce the diversity or modify the composition of plant and animal species in all or part of a World Heritage property</li> <li>▶ fragment, isolate or substantially damage habitat important for the conservation of biological diversity in a World Heritage property</li> </ul>	<p><b>Wet Tropics of Queensland</b></p> <p>This project site does not intersect or contain an environmental area within the Wet Tropics World heritage area.</p> <p><b>No significant impact</b></p>

Matters of National Environmental Significance	Triggers
<ul style="list-style-type: none"> <li>▶ cause a long-term reduction in rare, endemic or unique plant or animal populations or species in a World Heritage property, and</li> <li>▶ fragment, isolate or substantially damage habitat for rare, endemic or unique animal populations or species in a World Heritage property.</li> </ul>	
National Heritage Places	
<p>An action is likely to have a significant impact on the National Heritage values of a National Heritage place if there is a real chance or possibility that it will cause:</p> <ul style="list-style-type: none"> <li>▶ one or more of the National Heritage values to be lost</li> <li>▶ one or more of the National Heritage values to be degraded or damaged, or</li> <li>▶ one or more of the National Heritage values to be notably altered, modified, obscured or diminished.</li> </ul>	<p><b>Wet Tropics of Queensland</b></p> <p>Wet Tropics World Heritage Area (Indigenous Values) are not present on the property.</p> <p>National heritage places are not present on the property.</p> <p><b>No significant impact</b></p>

## 4.8 Significant Impact Assessment for MNES

Individual significant impacts assessments (SIA) have been conducted on those species identified as potentially at risk of impact from the development. The SIA's differ between federally listed and state listed species and are explained in the following sections

### 4.8.1 Threatened Species

The Department of Agriculture, Water and Environment (DAWE) notes an action is likely to have a significant impact on an endangered species if there is a real chance or possibility that it will:

- ▶ Lead to a long-term decrease in the size of a population;
- ▶ Reduce the area of occupancy of the species;
- ▶ Fragment an existing population into two or more populations;
- ▶ Adversely affect habitat critical to the survival of a species;
- ▶ Disrupt the breeding cycle of a population; and/or
- ▶ Modify, destroy, remove, isolate or decrease the availability or quality of habitat to the extent that the species is likely to decline.

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Individual impact assessments were conducted on EPBC listed species considered to have a moderate likelihood or confirmed presence on site. These potentially occurring species are:

- ▶ Bare-rumped Sheath-tailed bat
- ▶ Large-eared Horseshoe Bat
- ▶ Spectacled Flying Fox
- ▶ Koala

Marginal generic suitable habitat is present on the study site for these species. The fauna species listed here may use the site as infrequent visitors for foraging, however the development footprint of the site represents a very minor portion of a larger foraging range for these species.

#### 4.8.2 Migratory Species

The Department of Environment and Science (DES) notes an action is likely to have a significant impact on a migratory species if there is a possibility it will:

- ▶ Substantially modify (including by fragmenting, altering fire regimes, altering nutrient cycles or altering hydrological cycles), destroy or isolate an area of important habitat for a migratory species;
- ▶ Result in an invasive species that is harmful to the migratory species becoming established in an area of important habitat for the migratory species; or
- ▶ Seriously disrupt the lifecycle (breeding, feeding, migration or resting behaviour) of an ecologically significant proportion of the population of a migratory species.

The species considered moderate and highly likely to occur on site are:

- ▶ Oriental Cuckoo
- ▶ Satin Flycatcher
- ▶ Rainbow bee-eater
- ▶ Osprey
- ▶ Rufous fantail
- ▶ Black-winged Monarch
- ▶ Spectacled Monarch
- ▶ Black-faced Monarch
- ▶ Barn Swallow
- ▶ White-throated needletail
- ▶ Fork-tailed swift

It is considered highly unlikely that a total vegetation clearance for the proposed subdivision will impact on ecologically significant habitat to these species such that it interferes with the breeding, foraging or roosting of migratory species. External to the site, there are large tracts of available vegetation for these species to utilise.

The results of this assessment determined there will be no significant impact on threatened or migratory species and this project will not be referred to the Department of Environment and Energy under the EPBC Act.

#### 4.9 Matters of State Environmental Significance (MSES)

The following table (Table 7) details the guidelines to which a certain application may have a significant impact on a sensitive environmental matter pursuant under the *Nature Conservation Act 1992*.

**Table 7 Matters of State Environmental Significance**

Matters of State Environmental Significance	Triggers
<b>Regulated Vegetation (VMA)</b>	
<p>The prescribed regional ecosystems that are endangered regional ecosystems comprise a matter of State Environmental Significance.</p> <p>The prescribed regional ecosystems that are of concern regional ecosystems comprise a matter of State environmental significance.</p> <p>A prescribed regional ecosystem is a matter of State environmental significance if it is—</p> <p>(a) a regional ecosystem that intersects with an area shown as a wetland on the vegetation management wetlands map (to the extent of the intersection); or</p> <p>(b) an area of essential habitat on the essential habitat map for an animal that is endangered wildlife or vulnerable wildlife or a plant that is endangered wildlife or vulnerable wildlife.</p> <p>A prescribed regional ecosystem is a matter of State environmental significance to the extent the ecosystem is located within a defined distance from the defining banks of a relevant watercourse.</p>	<ul style="list-style-type: none"> <li>Category C vegetation is present of the property</li> <li>Essential Habitat is present on the property for <i>Litoria serrata</i> (green eyed tree frog), <i>Litoria myola</i> (Kuranda tree frog) and <i>Alpinia hylandi</i> (a native ginger). Field investigation determined that in the current condition of the property it is unlikely that either of these species would be a likely occurrence.</li> </ul>
<b>Connectivity Areas</b>	
<p>(1) This section applies to a prescribed regional ecosystem—</p> <p>(a) to the extent the ecosystem contains remnant vegetation; and</p>	<ul style="list-style-type: none"> <li>The vegetation on site is continuous with large tracks of protected vegetation in the locality. The vegetation proposed for clearance on the property is not required to maintain connectivity to ecosystems within the region. ~0.9ha clearance of category C high value regrowth is required for the</li> </ul>



Matters of State Environmental Significance	Triggers
<p>(b) if the ecosystem contains an area of land that is required for ecosystem functioning (a connectivity area).</p> <p>The prescribed regional ecosystem is a matter of State environmental significance if the administering agency is satisfied, having had regard to criteria in the environmental offsets policy about connectivity areas, that—</p> <p>(c) the connectivity area is of sufficient size or configured in a way that maintains ecosystem functioning; and</p> <p>(d) the prescribed regional ecosystem will remain despite a threatening process within the meaning of the <i>Nature Conservation Act 1992</i>.</p>	<p>development. No loss in connectivity to other sites will occur as a result of this clearing.</p>
<b>Wetlands and Watercourses</b>	
<p>(2) Each of the following matters is a matter of State environmental significance—</p> <p>(a) a wetland;</p> <p>i. in a wetland protection area; or</p> <p>ii. of high ecological significance shown on the Map of referable wetlands;</p> <p>(b) a wetland or watercourse in high ecological value waters.</p>	<p>► Category R (Reef regrowth watercourse vegetation is located approximately 120 metres from the proposed clearance area to the south east. No impact is expected given that clearing is not expected to take place within these mapped regrowth areas. Furthermore, erosion and sediment control measures must be put in place to mitigate sedimentation and runoff issues.</p>
<b>Designated Precinct in a Strategic Environmental Area</b>	
<p>(1) A designated precinct in a strategic environmental area is a matter of State environmental significance.</p>	<p>The project area does not intersect or contain a strategic environmental area.</p>
<b>Protected Wildlife Habitat</b>	
<p>(1) An area that is shown as a high-risk area on the flora survey trigger map and that contains plants that are endangered wildlife or vulnerable wildlife is a matter of State environmental significance.</p> <p>An area that is not shown as a high-risk area on the flora survey trigger map, to the extent the area contains plants that are endangered wildlife or vulnerable wildlife, is a matter of State environmental significance.</p> <p>A non-juvenile koala habitat tree located in an area shown as bushland habitat, high value rehabilitation habitat or medium value rehabilitation habitat on the</p>	<p>► A Protected Plant Search (PPS) was conducted for the study site. No threatened plants were found on the site.</p> <p>► No Koala Habitat Values were mapped on the site. Marginal suitable feeding trees are present.</p> <p>► No habitat for threatened wildlife was found on site. Suitable generic habitat for a range of species was identified.</p>

Matters of State Environmental Significance	Triggers
<p>map called 'Map of Assessable Development Area Koala Habitat Values' that applies under the South East Queensland Koala Conservation State Planning Regulatory Provisions is a matter of State environmental significance.</p> <p>A habitat for an animal that is endangered wildlife or vulnerable wildlife, or a special least concern animal is a matter of State environmental significance.</p>	
<b>Protected Areas</b>	
A protected area is a matter of State environmental significance.	There are no protected areas under the <i>Nature Conservation Act</i> present on the site.
<b>Highly Protected Zones of State Marine Parks</b>	
A highly protected area of a relevant Queensland marine park is a matter of State environmental significance.	There are no marine parks or land within a 'marine national park', 'conservation park', 'scientific research', 'preservation' or 'buffer' zone present on the site.
<b>Fish Habitat Areas</b>	
An area declared under the <i>Fisheries Act 1994</i> to be a fish habitat area is a matter of State environmental significance.	There are no fish habitat areas under the <i>Fisheries Act 1994</i> present on the study site.
<b>Waterway Providing for Fish Passage</b>	
1) Any part of a waterway providing for passage of fish is a matter of State environmental significance only if the construction, installation or modification of waterway barrier works carried out under an authority will limit the passage of fish along the waterway.	<p>► No part of the study site spans an area deemed to be a water way for water barrier works (stream).</p>
<b>Marine Plants</b>	
A marine plant within the meaning of the <i>Fisheries Act 1994</i> is a matter of State environmental significance.	There are no marine plants under the <i>Fisheries Act 1994</i> recorded on the site.
<b>Legally Secured Offset Areas</b>	
A legally secured offset area is a matter of State environmental significance.	There are no legally secured offset areas intersecting the site.

#### 4.9.1 Mareeba Shire Council Environmental Significance Overlay

**Table 8** below details the outcomes against the Mareeba Shire Council Environmental Significance Overlay. There are no significant residual impacts from the proposed development.

Table 8 Site Outcomes against Environmental Significance Overlay

Performance outcomes	Acceptable outcomes	Comment
<b>REGULATED VEGETATION</b>		
<b>PO1</b> Vegetation clearing in areas mapped as 'Regulated vegetation' identified on the <b>Environmental Significance Overlay Maps (OM-004a-o)</b> is avoided unless: <ul style="list-style-type: none"> <li>(a) it is demonstrated that the area does not support regulated vegetation as mapped;</li> <li>(b) the loss or reduction in regulated vegetation is for community infrastructure and associated access facilities that cannot be avoided;</li> <li>(c) wildlife interconnectivity is maintained or enhanced at a local and regional scale; and</li> <li>(d) the loss or reduction in regulated vegetation is minimized and any residual impacts are offset.</li> </ul>	<b>A01.1</b> No clearing of native vegetation is undertaken within areas of 'Regulated vegetation' identified on the <b>Environmental Significance Overlay Maps (OM-004a-o)</b> .	<b>(C) Wildlife connectivity</b> will be maintained as after the development is finalised. ~0.9ha of Category C regrowth vegetation will be cleared from the proposed development. The remaining Category C vegetation on the eastern half of the property will be permitted to return to remnant vegetation and maintain wildlife connectivity should this vegetation be protected. <b>(D) Residual impacts</b> from vegetation clearing could be maintained with the implementation of an (EMP) Environmental Management Plan
<b>PO2</b> <b>Development on sites adjacent to areas of 'Regulated vegetation' identified on the Environmental Significance Overlay Maps (OM-004a-o) protects the environmental significance of regulated vegetation and:</b> <ul style="list-style-type: none"> <li>(a) <b>does not interrupt, interfere, alter or otherwise impact on underlying natural ecosystem processes such as water quality, hydrology, geomorphology and biophysical processes;</b></li> </ul>	<b>A02</b> Development (excluding roads, earthworks, drainage infrastructure and underground infrastructure) is not located within 20 meters of 'Regulated vegetation' areas identified on the <b>Environmental Significance Overlay Maps (OM-004a-o)</b> .	The proposed subdivision is located on Regulated Vegetation Category C high value regrowth. <ul style="list-style-type: none"> <li>a) The implementation of an erosion and sediment control plan will be required to mitigate potential impacts to described natural ecosystem processes.</li> <li>b) Wildlife movement will be unaffected from the proposed development. Intact vegetation exists to the east of the property block.</li> </ul>

Performance outcomes	Acceptable outcomes	Comment
(b) does not negatively impact the movement of wildlife at a local or regional scale; and avoids noise, light, vibration or other edge affects, including weed and pest incursion		
<b>REGULATED VEGETATION INTERSECTING WATERCOURSES</b>		
PO3 Vegetation clearing in areas mapped as 'Regulated vegetation intersecting a watercourse', identified as 'Waterway' and 'Waterway buffer' on the Environmental Significance - Waterway Overlay Maps (OM-004p-z) is avoided unless wildlife interconnectivity between habitats is maintained or enhanced at a local and regional scale, to the extent that migration or normal movement of significant species between habitats or normal gene flow between populations is not inhibited.	Where within a 'Waterway buffer' on Environmental Significance - Waterway Overlay Maps (OM-004p-z)  A03.1 A minimum setback in accordance with Table 8.2.4.3B is provided between development and the top of the high bank of a 'Waterway' identified on the Environmental Significance - Waterway Overlay Maps (OM-004p-z).  Where within a 'Waterway buffer' on Environmental Significance - Waterway Overlay Maps (OM-004p-z)  A03.2 No clearing of native vegetation is undertaken within the minimum setback identified at A03.1.	Category R Reef regrowth vegetation is located outside of the proposed clearing area approximately 100m east from the proposed building envelope clearing areas on the property. No vegetation clearing will occur within mapped category R waterway areas or waterways as defined under the <i>Vegetation Management Act 1999</i> .
<b>WATERWAYS AND WETLANDS</b>		
PO4 'High ecological significance wetlands' identified on the Environmental Significance Overlay Maps (OM-004a-o) and 'Waterways' on Environmental Significance - Waterway Overlay Maps (OM-004p-z) and are protected by:	Where within a 'Waterway buffer' on Environmental Significance - Waterway Overlay Maps (OM-004p-z)  A04.1 A minimum setback in accordance with Table 8.2.4.3B is provided between development and the top of the high bank of a 'Waterway'	A04.1 The waterway at the east of the study site runs north into the Barron River. Additional riparian habitats are mapped as <b>Category R Great Barrier Reef Riverine</b> regrowth vegetation. The distance from these areas from the proposed clearing areas is greater than 100m away (see Section 3 Figure 2). Regrowth vegetation will be

Performance outcomes	Acceptable outcomes	Comment
(a) maintaining adequate separation distances between waterways/wetlands and development;	identified on the <b>Environmental Significance - Waterway Overlay Maps (OM-004p-z)</b> .	<p>maintained acting as a vegetation buffer for potential sedimentation impacts associated with the proposed clearing and development of the site.</p> <p><b>AO 4.3 and AO4.4</b></p> <p>Wastewater and stormwater management plan may be required provided unless indication of where stormwater and wastewater will flow to can be provided prior.</p> <p>a) All riparian vegetation on the property is expected to be retained during and after the proposed development has been conducted.</p> <p>b) No high ecological significance wetlands are located within the property.</p>
(b) maintaining and enhancing aquatic and terrestrial habitat including vegetated corridors to allow for native fauna (terrestrial and aquatic) movement;	Where within a 'High ecological significance wetland buffer' on <b>Environmental Significance Overlay Maps (OM-004a-o)</b>	
(c) maintaining waterway bank stability by minimising bank erosion and slumping;	<b>AO4.2</b> A minimum buffer of 200 meters is provided between development and the edge of a 'High ecological significance wetland' identified on the <b>Environmental Significance Overlay Maps (OM-004a-o)</b> .	
(d) maintaining water quality by providing buffers to allow filtering of sediments, nutrients and other pollutants; and	Where within a 'Waterway buffer' on <b>Environmental Significance - Waterway Overlay Maps (OM-004p-z)</b> or 'High ecological significance wetland buffer' on <b>Environmental Significance Overlay Maps (OM-004a-o)</b>	
(e) retaining and improving existing riparian vegetation and existing vegetation associated with a wetland.	<b>AO4.3</b> No stormwater is discharged to a 'Waterway' on <b>Environmental Significance - Waterway Overlay Maps (OM-004p-z)</b> or 'High ecological significance wetland' identified on the <b>Environmental Significance Overlay Maps (OM-004a-o)</b> . Where within a 'Waterway buffer' on <b>Environmental Significance - Waterway Overlay Maps (OM-004p-z)</b> or 'High ecological significance wetland buffer' on <b>Environmental Significance Overlay Maps (OM-004a-o)</b>	
	<b>AO4.4</b>	



Performance outcomes	Acceptable outcomes	Comment
	No wastewater is discharged to a 'Waterway' on <b>Environmental Significance</b> - <b>Waterway Overlay Maps (OM-004p-z)</b> or 'High ecological significance wetland' identified on the <b>Environmental Significance Overlay Map (OM-004a-z)</b> .	
<b>WILDLIFE HABITAT</b>		
<b>PO5</b> Development within a 'Wildlife habitat' area identified on the <b>Environmental Significance Overlay Maps (OM-004a-o)</b> : (a) protects and enhances the habitat of Endangered, Vulnerable and Near Threatened (EVNT) species and local species of significance; (b) incorporates siting and design measures to protect and retain identified ecological values and underlying ecosystem processes within or adjacent to the development site; (c) maintains or enhances wildlife interconnectivity at a local and regional scale; and (d) mitigates the impact of other forms of potential disturbance (such as presence of vehicles, pedestrian use, increased exposure to domestic animals, noise and lighting impacts) to protect critical life stage ecological processes (such as feeding, breeding or roosting).	<b>A05</b> No acceptable outcome is provided	A) Building envelopes found on the western end of the property bordering a Boyles Rd. Remaining habitat on the eastern part of the property is expected to be maintained (~3.6ha) B) Assessment of ecological values (Ecological Assessment of habitat and threatened species potential) were assessed on site. Design measures will be incorporated to adhere to these findings. No significant ecological values are expected to be impacted from the proposed development. C) Wildlife interconnectivity will be maintained as the eastern section of this property will not be disturbed. All clearing will occur in close proximity to Boyles Road i.e. reducing fragmentation impacts associated with clearing vegetation. D) Development sites are located on the western section of the property on a road edge. Forms of potential disturbance are to

Performance outcomes	Acceptable outcomes	Comment
<p>Note—Development applications must identify any EVNT species or their habitats that may be affected by the proposal. In particular, applications are to identify and describe how the development avoids adverse impacts on ecological processes within or adjacent to the development area.</p> <p>Note—A supporting Ecological Assessment Report is prepared in accordance with Planning Scheme Policy</p>		<p>be limited to the cleared area of approximately ~0.9 ha, thus mitigating impacts to the remaining ecosystems on the property. Remaining intact habitat to protect life-stage ecological processes will be maintained on the property.</p>
<b>LEGALLY SECURED OFFSET AREAS</b>		
<p><b>P06</b></p> <p>Development within a 'Legally secured offset area' identified on the Environmental Significance Overlay Maps (OM-004a-o) or other known Legally Secured Offset Area is consistent with the binding requirements of the offset and does not prejudice, undermine, or negatively impact the inherent ecological values, including all naturally occurring native flora, fauna and their habitat within the Legally Secured Offset Area.</p> <p>Note—A supporting Ecological Assessment Report is prepared in accordance with Planning Scheme Policy 2</p> <p>– Ecological Assessment Reports.</p>	<p><b>A06</b></p> <p>No acceptable outcome is provided.</p>	<p>Development is not within a <b>Legally secured offset area</b></p>
<b>PROTECTED AREAS</b>		
<p><b>P07</b></p> <p>Development within a 'Protected area' identified on the Environmental Significance Overlay Maps (OM-004a-o) is consistent</p>	<p><b>A07</b></p> <p>No acceptable outcome is provided</p>	<p>Development is not within a <b>protected area</b></p>

Performance outcomes	Acceptable outcomes	Comment
<p>with the values of the Protected Area and:</p> <ul style="list-style-type: none"> <li>(a) supports the inherent ecological and community values of the Protected Area asset;</li> <li>(b) maintains or enhances wildlife interconnectivity at a local and regional scale; and</li> <li>(c) does not prejudice, undermine, or negatively impact the inherent ecological values, including all naturally occurring native flora, fauna and their habitat within the Protected Area.</li> </ul> <p>Note—A supporting Ecological Assessment Report is prepared in accordance with Planning Scheme Policy 2</p> <p>– Ecological Assessment Reports.</p>		
<b>ECOLOGICAL CORRIDORS AND HABITAT LINKAGES</b>		
<p><b>PO8</b></p> <p>Development located:</p> <ul style="list-style-type: none"> <li>(a) in the Conservation zone, Emerging community zone, Recreation and open space zone, Rural zone or Rural residential zone; and</li> <li>(b) within an 'Ecological corridor' or a 'Habitat linkage' identified on the Environmental Significance Overlay Maps (OM-004a-o)</li> </ul> <p>does not compromise the provision of habitat connectivity of the corridor/linkage, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the environmental values of the area of the site identified</li> </ul>	<p><b>A08</b></p> <p>No acceptable outcome is provided</p>	<p>Development is located on <b>Category C (High Value Regrowth) vegetation</b> and is mapped within the ecological corridor under the Mareeba Shire Environmental significance overlay.</p> <p>A) As a result of the proposed ~0.9ha vegetation removal, the development is not expected to compromise the mapped ecological corridor. Vegetation clearance is proposed to occur at the edge of Boyles Road to reduce impacts of fragmentation impacts for wildlife.</p>

Performance outcomes	Acceptable outcomes	Comment
<p>in the 'Ecological corridor' or 'Habitat linkage';</p> <p>(b) the environmental values of adjoining and nearby land within the 'Ecological corridor' or 'Habitat linkage';</p> <p>(c) the extent of any modification proposed to the natural environment including (but not limited to) vegetation and topography;</p> <p>(d) the location and design of proposed improvements that may impact on the functions of the 'Ecological corridor' or 'Habitat linkage' including (but not limited to) buildings, structures, fences, lighting, vehicle movement areas and infrastructure services; and</p> <p>(e) the ability for the 'Ecological corridor' or 'Habitat linkage' to be enhanced to improve ecological connectivity.</p> <p><b>Note—A supporting Ecological Assessment Report prepared in accordance with Planning Scheme Policy 2</b></p> <p><b>– Ecological Assessment Reports may be appropriate to demonstrate compliance with PO8.</b></p>		<p>No part of the proposed clearance area is within a mapped habitat linkage area.</p> <p>A) Existing developed properties occur to nearby the study site. No loss of remaining Category C vegetation outside of the proposed clearing area is expected to be cleared from proposed works. This remaining area of ~3.6ha of Category C vegetation should be permitted to mature which will provide a higher quality wildlife habitat then currently exists on the property currently.</p> <p>B) Land clearing within the proposed building envelope is expected to be the predominant modification of the natural environment on the property. The retention of ~3.6ha of Category C remnant vegetation will improve habitat connectivity for a greater number of species once it is permitted to reach a more mature structure.</p> <p>C) Building structures (two dwellings) and associated infrastructure is to be built within the building envelope, no impacts to the vegetation is expected to occur outside of this area from the proposed development.</p>

Performance outcomes	Acceptable outcomes	Comment
		D) Potential minor ecological corridors provided by the property area maintained with the remaining property outside of the building enveloped being maintained for native vegetation growth.

#### 4.9.2 Rural Residential Zone Code (6.2.10)

This code applies to assessing the development of Lot 2 RP 726691 which is located within the Rural Residential Zone.

Rural residential areas such as this site is intended to support rural residential development of varying densities, to prevent further fragmentation and alienation of rural areas, conservation areas and biodiversity areas within the regional landscape. The new allotments provided in this development are suitably located near the Boyles Road end of the property where impacts to the biodiversity areas are avoided, by maintaining the significant environmental corridor located across the east of the property, which allows and ensures the regrowth vegetation of importance is left to mature as noted in **Table 8** above. Accordingly, the development achieves compliance with purpose outcome (H) of the rural residential zone code, with regards to the inherent environmental characteristics, which will be maintained on the site as part of this development.

#### 4.9.3 Hill and Slope Overlay Code

This code applies to the assessment of the development, where we provide the following assessment based on the results of our field survey conducted. It was confirmed on the study site during the field survey that the slope within the building envelope areas did not exceed a slope of 15% (**see Plate 2 section 3.2**). Nevertheless, subsequent buildings to be constructed on each site will be required to be designed in accordance with the results of subsequent soil tests which will inform the foundations design and structural engineering certification outcomes.



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## 5.0 Discussion

The proposed subdivision will require the clearance of ~0.9 ha of category C high value regrowth vegetation removed to establish two individual building envelopes. The proposal will see the retention of ~3.6 ha of category C vegetation retained and permitted to mature in structure to provide improved habitat over time. No category R Riverine regrowth is proposed to be cleared as a result of this proposal. A vegetation buffer will remain at approximately 100 m to any riparian vegetation or mapped waterways on the property. Essential Habitat is mapped as being present on the property for *Litoria serrata* (green eyed tree frog), *Litoria myola* (Kuranda tree frog) and *Alpinia hylandi* (a native ginger). Field investigation, including a detailed protected plant survey, determined that the current condition of the property is unlikely to support either of these species.

The Mareeba Shire Strategic Ecological corridor is mapped over the property (Lot 2 RP726691); however, it is considered that the location of vegetation removal adjacent to Boyles Road and the retention of ~3.6ha of category C vegetation will mitigate impacts of damaging this linkage and provide an associated beneficial ecological outcome that will improve as the retained vegetation structure matures.

A protected plant survey was undertaken in addition to this ecological assessment which determined that it was highly unlikely (33) threatened flora species identified in the initial desktop assessment considered to have a potential to occur on site were present. This is largely due to a lack of suitable habitat for each of these species given that much of the site has been cleared at least 15 years ago. The regenerating vegetation has established a representative canopy of *Eucalyptus pellita* and *Corymbia intermedia*, however, rainforest incursion is advancing to canopy height which will likely reduce the health of the Eucalypt canopy on the property with continued fire exclusion.

A number of potential threatened fauna species were considered as moderately likely to occur on the study site after the initial desktop assessment was conducted (see **Appendix C**). Results from the field survey component of this study however, identified the site contained only marginal generic foraging habitat for each of these species.

When considering the potential for the Koala, the feed tree species *Eucalyptus pellita* was present on the site. Limited information on preferred Koala browse trees is known, however *E. pellita* is likely to be palatable. Like elsewhere in North Queensland, records within the locality are very low for this species. Considering the dense rainforest understorey incursion also present throughout the property there is a very low likelihood this species would be present for more than transient individuals moving through the property to more suitable habitats. The lack of high nutrient alluvial or basalt soils likely reduces the palatability of any potential forage trees further reducing the likelihood of usage by this species.

The Spectacled flying-fox (*Pteropus conspiculatus*) may utilise the site for generic foraging habitat when the *Eucalyptus pellita* and *Corymbia intermedia* trees are in flower in early to late summer. However, this site represents a small portion of possible foraging habitat and higher quality habitat remains throughout the region.

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Two threatened microbat species were determined as moderately likely to occur on the site. These species are the Bare-rumped sheath-tailed bat (*Saccolaimus saccolaimus*) and the Large eared horseshoe bat (*Rhinolophus robertsi*). It is certainly possible for these bats to utilise the site as a minor foraging ground, however, with a lack of tree hollows on site and a small amount of dead roosting trees, it is unlikely these bat species will rely on the site indefinitely for foraging and roosting.

Eleven (11) migratory bird species were considered as having a moderate likelihood of occurrence on the study site. One of these species, the Spectacled Monarch (*Symposiachrus trivirgatus*), was confirmed on the study site during the field survey. Typical generic foraging and nesting habitat is present for this species throughout the study site. Overall, the remaining migratory bird species are only expected to occur on site either as flyovers or for generic foraging habitat i.e. gleaning insects from foliage while passing through on a migrant route. It is unlikely, however, that these species will utilize the site for breeding in large enough numbers that would result in a population decline, given the site's marginal habitat and small size.

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## 6.0 Recommendations

To provide a beneficial environmental outcome, all areas of the property mapped as regrowth vegetation (Category C & R) should be rehabilitated to form a mature Eucalypt canopy of a remnant condition (Category B). This will likely require the implementation of a hazard reduction regime that will reduce the incursion of rainforest species that are likely to outcompete canopy of RE 7.11.5a/c and RE 7.11.44 transitional these systems to alternative rainforest vegetation community. If any vegetation is to be retained within the proposed clearing areas, it should be of larger diameter individual's representative of RE 7.11.5 and RE 7.11.44 i.e. *Eucalyptus pellita*, *Eucalyptus tereticornis* and *Corymbia intermedia*. These species are the most likely to form hollows as they mature providing important denning habitat for a wide range of least concern and threatened fauna species.

Formulation of a construction management plan and erosion and sediment control planned should be implemented to manage any potential residual environmental impacts associated with sedimentation of waterways. A section of Category R (Reef regrowth watercourse vegetation) is located approximately 120 metres from the nearest housing pad alignment. Whilst this vegetation is not within the housing pad alignment, mitigation measures relating to erosion and sediment control must be adhered to during any earth works that occur on site to prevent any siltation to waterways.

During vegetation clearing works it is a requirement under the *Nature Conservation Act 1992* that a fauna spotter catcher working under a rehabilitation permit be present on site to capture and relocate any fauna that may occur within the clearing alignments.

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## 7.0 References

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- Department of the Environment, Water, Heritage and the Arts (2008b) 'Approved conservation advice for *Carronia pedicellata*'. Available at: [http://www.environment.gov.au/cgi-bin/sprat/public/publicspecies.pl?taxon\\_id=24178](http://www.environment.gov.au/cgi-bin/sprat/public/publicspecies.pl?taxon_id=24178) (Accessed: 20 October 2020).
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- Higgins, P. J. (1999). *Handbook of Australian, New Zealand and Antarctic Birds*, Oxford University Press.
- Starr, C., et al. (2017). Terrestrial Vertebrate Biodiversity Surveys on Kings Plains and Alkoomie Nature Refuges, Cape York. Mareeba, Northern Gulf Resource Management Group: 54.
- Hyland, B. P. M., et al. (2010). "Australian Tropical Rainforest Plants." *Online key 7*. Retrieved 2 July, 2020, from <http://keys.trin.org.au/key-server/data/0e0f0504-0103-430d-8004-060d07080d04/media/Html/index.html>.
- Starr, C. and N. Waller (2014). Biodiversity Survey Report, Steve Irwin Wildlife Reserve/ Bertiehaugh Station. Mareeba, Australia, Northern Gulf Resource Management Group: 30.
- Starr, C., et al. (2016). South Endeavour Nature Refuge Biodiversity Survey Report. Mareeba, Northern Gulf Resource Management Group: 52.

**From:** Wayne Tonkin  
**Sent:** Wed, 25 Nov 2020 21:41:00 +1000  
**To:** Info (Shared)  
**Cc:** Allyoops1970@gmail.com  
**Subject:** Reconfiguration of 29 Boyle's Rd Kuranda

To whom this may concern,

I have properties adjoining the above property (Lot 2 on RP726691). The applicants have sent me the plans of the intended reconfiguration and as it is not for profit and is for family use I have no issue with this change going ahead.

Regards  
Wayne Tonkin

Sent from my iPad





**8.3 APPLICATION FOR RENEWAL OF TERM LEASE 0/213315 - SKYRAIL ELEVATED PASSENGER CABLEWAY**

**Date Prepared:** 4 January 2021

**Author:** Senior Planner

**Attachments:** 1. DNRME letter dated 21 December 2020 [↓](#)  
2. Relevant survey plans [↓](#)

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**EXECUTIVE SUMMARY**

Application has been made to the Department of Natural Resources, Mines and Energy (DNRME) for the renewal of Term Lease 0/213315 over part of the Skyrail Elevated Passenger Cableway.

The term lease covers multiple volumetric lots along the route of the Skyrail cableway between Kuranda and Smithfield. In this instance, the volumetric lots have been created by subdividing the air space above the underlying conventional allotments.

DNRME is considering the renewal of the lease for a term of 34 years, until 30 June 2055, which would match the expiry date for Skyrail's adjoining cableway Term Lease 0/213314.

DNRME seeks Council's views on the renewal of the term lease.

**RECOMMENDATION**

That Council advise the Department of Natural Resources, Mines and Energy that Council has no objection to the renewal of Term Lease 0/213315 over part of the Skyrail Elevated Passenger Cableway being Lot A on CP891018, Lot B on CP891020, Lot C on CP891022, Lot E on CP891025, Lot F on CP891027, Lot H on CP894157, Lot D and G on CP894159.

**BACKGROUND**

The Department of Natural Resources, Mines and Energy (DNRME) is considering an application for the renewal of Term Lease 0/213315 over part of the Skyrail Elevated Passenger Cableway.

The term lease covers multiple volumetric lots (Lot A on CP891018, Lot B on CP891020, Lot C on CP891022, Lot E on CP891025, Lot F on CP891027, Lot H on CP894157, Lot D and G on CP894159) along the route of the Skyrail cableway between Kuranda and Smithfield.

Attachment 2 is the survey plan for each of the volumetric lots. The volumetric lots have been created by subdividing the air space above the underlying conventional allotments.

DNRME is considering the renewal of the lease for a term of 34 years, until 30 June 2055, which would match the expiry date for Skyrail's adjoining cableway Term Lease 0/213314.

DNRME seeks Council's views on the renewal of the term lease and have also provided Council with a copy of the draft lease conditions.

**RISK IMPLICATIONS****LEGAL/COMPLIANCE/POLICY IMPLICATIONS**

The subject lots take on the same zoning as the underlying allotments, which is a mixture of Conservation zone and Community Facilities zone.

The Skyrail Elevated Passenger Cableway is lawfully established under the Mareeba Shire Council Planning Scheme 2016 and the cableway use can continue until such time as the use is abandoned.

The conditions of the term lease are entirely at the discretion of the State.

#### **FINANCIAL AND RESOURCE IMPLICATIONS**

##### ***Capital***

Nil

##### ***Operating***

Nil

#### **LINK TO CORPORATE PLAN**

**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**

The Department of Natural Resources, Mines and Energy will be informed of Council's decision by letter.



Department of  
Natural Resources,  
Mines and Energy

File / Ref number 2020/012859

21 December 2020

Chief Executive Officer  
Mareeba Shire Council

Email: [info@msc.qld.gov.au](mailto:info@msc.qld.gov.au)

Dear Sir/Madam

**Application for Renewal of Term Lease 0/213315 – Skyrail Elevated Passenger Cableway**

The department has received the above application for renewal of Term Lease 0/213315 over the following lot on plans:

Lot A on CP891018

Lot F on CP891027

Lot B on CP891020

Lot H on CP894157

Lot C on CP891022

Lot D on CP894159

Lot E on CP891025

Lot G on CP894159

The current lease expires on 25 November 2029. The application for renewal if approved, will be for a term of approximately 34 years this will ensure that any new proposed term lease will expire on the same day as the adjoining cableway Term Lease 0/213314 being the 30 June 2055,

Please advise if your agency has any issues that the department should consider when assessing this application and any views or requirements that may affect the future use of the land and in particular attention should be given to the current lease conditions and condition requirements to any new lease.

Your response should include the current lease conditions to be carried over and any requirements for updated/new conditions for the issue of any new lease.

Enclosed for your information and review:

1. proposed draft statutory, regulatory and imposed conditions for the issue of a new term lease;
2. Current Title search (conditions);
3. Table of current lease conditions with the replacement statutory, regulatory and imposed conditions that relate to the current and proposed new lease conditions.

Postal :  
DNRME Cairns  
PO Box 5318  
Townsville QLD 4810

Telephone : (07) 4222 5427

Please advise the Department of your views or requirements by close of business on **Monday 8<sup>th</sup> February 2021**. If you offer an objection to the application, a full explanation stating the reason for the objection 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.

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 2020/012859 in any future correspondence.

Yours sincerely



Jacqui Davies  
A/Senior Land Officer

Attachments: Attachment 1: Draft Conditions

Attachment 2: Current lease conditions

Attachment 3: Skyrail conditions table



## Draft Conditions for

Case: 2020/012859

Action: 1

As at: 17 Dec 2020

A131

**SPECIFIED CONDITIONS FOR: Lease for a Term of Years****PURPOSE: Tourism****STATUTORY CONDITIONS:**

Statutory conditions are the mandatory conditions of a lease in accordance with Part 2 Division 1 of the *Land Act 1994* and other specific requirements of the *Land Act 1994*.

1. **Permitted Use:** The lessee must use the land only for the purpose for which the tenure was issued under the *Land Act 1994*.
2. **Duty of Care:** The lessee has the responsibility for a duty of care, for the land under the *Land Act 1994*.
3. **Rent/Instalment:** The lessee must pay the annual rent/instalment in accordance with the *Land Act 1994* and the *Land Regulation 2020*.  
  
For further information on how annual rent is determined, refer to the department's website at [www.dnrme.qld.gov.au](http://www.dnrme.qld.gov.au).
4. **Noxious plants:** The lessee must keep noxious plants on the land under control. If the lessee does not comply with this condition, the Chief Executive may bring the noxious plants under control, the cost of which will be recovered from the lessee.
5. **Information to Chief Executive:** The lessee must give the Chief Executive administering the *Land Act 1994*, information the Chief Executive asks for about the tenure.
6. **Monies for Improvements:** No money for improvements is payable by the State on the forfeiture, cancellation, surrender or expiry of this lease but money may be payable if the State receives payment from an incoming lessee or buyer for the improvements on the land. However, the previous lessee may apply to the Minister / Chief Executive administering the *Land Act 1994* to remove the improvements that belong to the lessee, within a period of 3 months from the date of the forfeiture, surrender, or expiry of this lease. The lessee may only undertake the removal of the improvements in the presence of an authorised representative of the department, if required by the Minister / Chief Executive administering the *Land Act 1994*. The lessee may only remove those improvements if all monies due from the lessee to the department under this lease have been paid.
7. **Conditions relating to buildings and other structures:** The lessee must to the satisfaction of the Minister administering the *Land Act 1994* keep all buildings and other structures on the land in a good and substantial state of repair and must not erect a building or other structure on the land that is not consistent with the purpose of the lease.

**REGULATORY CONDITIONS; OR IMPOSED CONDITIONS - SECTION 210:**

A regulatory condition relates to a lease, in accordance with the *Land Regulation 2020* - Chapter 5 Part 2 Division 3A of the *Land Act 1994*.

Section 210 of the *Land Act 1994* provides for Imposed conditions to be changed. Where a lease is not subject to the regulated conditions, the (wording of the) regulated conditions may be included as imposed conditions under section 210.

1. **Indemnity:** The lessee indemnifies and agrees to keep indemnified the State, the Minister, and their representatives, (all the Indemnified parties) against all liability, costs, loss and expenses including claims in negligence (including any claims, proceedings or demands brought by any third party, and any legal fees, costs and disbursements on an indemnity basis) arising from or incurred in connection with:
  - a. the granting of this lease to the lessee; or
  - b. the lessee's use and occupation of the land subject to the lease; or
  - c. personal injury (including sickness and death) or property damage or loss in connection with the performance (or attempted or purported performance or non-performance) of the lease or a breach of the lease by the lessee.

The lessee hereby releases and discharges to the full extent permitted by law, the Indemnified parties from all actions, claims, proceedings or demands and in respect of any loss, death, injury, illness or damage (whether personal or property and whether special, direct, indirect or consequential, including consequential financial loss) arising out of the use and occupation of the lease.

To the full extent permitted by law, the State, the Minister and their representatives will not be liable to the lessee for any special, indirect or consequential damages, including consequential financial loss arising out of the use and occupation of the lease.

2. **Public Liability:** The lessee must take out a public liability insurance policy with a general insurer authorised under the *Insurance Act 1973* (Cwilt) or, if not so authorised then only with the Minister's approval, which can be given or withheld in the Minister's sole discretion, naming the lessee as the insured covering legal liability for any loss of, or damage to any property and for the injury (including death) to any person arising out of anything done or omitted on or about the land or any improvements thereon and against all claims, demands, proceedings, costs, charges, and expenses whatsoever (including claims in negligence).

The policy must:

- a. be for an amount of at least \$20 million or a higher amount as the Minister may reasonably require; and
- b. have no sublimit for each event; and
- c. be effected on a "claims occurring" basis; and
- d. be maintained at all times during the currency of the lease.

On receipt of any notice of cancellation, the lessee must immediately take out another public insurance policy in accordance with the terms of the lease

The lessee must, as soon as practicable, inform the Minister, in writing, of the occurrence of any event that the lessee considers is likely to give rise to a claim under the policy of insurance effected and must ensure that the Minister is kept fully informed of subsequent actions and developments concerning the claim.

The lessee must renew the policy, at the lessee's expense, each year during the currency of this lease.

This condition will be satisfied if the lessee is the State or a statutory authority eligible for insurance from the Queensland Government Insurance Fund and is insured, and continues to be insured, by the Queensland Government Insurance Fund.

This condition will be satisfied if the lessee is the Commonwealth or a statutory authority eligible for insurance from Comcover and is insured and continues to be insured by Comcover.

3. **Access:** The provision of access, further access or services to the land will not be the responsibility of the State.
4. **Survey Costs:** If the land needs to be surveyed or re-surveyed the lessee must do this at their own cost under the *Survey and Mapping Infrastructure Act 2003*. This survey plan must be lodged in the land registry within the specified time.
5. **Jurisdiction:** The lessee is subject to the *Land Act 1994* and all other relevant Queensland and Commonwealth legislation.
6. **Compliance with Laws:** The lessee must comply with all lawful requirements of -
  - a. the local government for each local government area in which the land subject to the lease is situated; and
  - b. any department of the State or Commonwealth, or local authority or statutory instrumentality having jurisdiction over the land, or the development, use and occupation of the land, in regard to its use, occupation and development of the land.

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**IMPOSED CONDITIONS:**

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These imposed conditions relate to this lease - Chapter 5 Part 2 Division 2 of the *Land Act 1994*.

**Quarry Material and Forest Products**

1. The lessee must allow any person authorised under the *Forestry Act 1959* access to the land for the purpose of cutting and removing timber or removing other forest products, or quarry material, or other material from the land.

The lessee must not interfere with any forest products or remove any quarry material (including any stone, gravel, sand, earth, soil, rock, guano or clay which is not a mineral within the meaning of the *Mineral Resources Act 1989*) or other material upon the land without the permission of the Minister / Chief Executive administering the *Land Act 1994* except under the authority of and in compliance in every respect with the requirements of a permit, licence, agreement or contract granted or made under the *Forestry Act 1959*.

**Other conditions the Minister considers appropriate**

1. This Lease is issued in accordance with the provisions of Section 24KA of the Native title Act 1993 (Cth). In accordance with Section 24KA of the Native Title Act 1993 (Cth), the non-extinguishment principle applies.

INTERNAL CURRENT STATE TENURE SEARCH  
NATURAL RESOURCES, MINES AND ENERGY, QUEENSLAND

Search Date: 10/09/2020 09:46

Title Reference: 40023162  
Date Created: 17/12/1999

Previous Title: 17743232

## DESCRIPTION OF LAND

Tenure Reference: TL 0/213315

Lease Type: TERM

LOT A	CROWN PLAN 891018 Local Government: CAIRNS
LOT B	CROWN PLAN 891020 Local Government: CAIRNS
LOT C	CROWN PLAN 891022 Local Government: CAIRNS
LOT E	CROWN PLAN 891025 Local Government: MAREEBA
LOT F	CROWN PLAN 891027 Local Government: MAREEBA
LOT H	CROWN PLAN 894157 Local Government: CAIRNS Local Government: MAREEBA
LOT D	CROWN PLAN 894159 Local Government: CAIRNS
LOT G	CROWN PLAN 894159 Local Government: CAIRNS

Area: 6.083000 Ha. (SURVEYED)

No Land Description

No Forestry Entitlement Area

Purpose for which granted:  
BUSINESS

## TERM OF LEASE

Term and day of beginning of lease

Term: 30 years commencing on 26/11/1999

Expiring on 25/11/2029

## REGISTERED LESSEE

SKYRAIL PTY LTD A.C.N. 010 880 458

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Title Reference: 40023162  
Date Created: 17/12/1999

## CONDITIONS

- B40 For the purposes of this condition: "GST" means the goods and services tax which results from the enactment of A New Tax System (Goods and Services Tax) Act 1999 and the related Acts which constitute the Commonwealth taxation reform (as amended from time to time).  
The Parties acknowledge that GST may be payable in respect of a supply made under this lease.  
Where GST becomes payable in respect of a supply made under this lease, the State (lessor) may recover the GST from the lessee by increasing the consideration payable by the lessee to the State by an amount equal to that which the State is obliged to remit to the Commonwealth as GST on the supply, and that amount may be recovered from the lessee as part of the monies payable to the State under this lease.  
The State shall upon request by the lessee, issue to the lessee a valid GST tax invoice in respect of any taxable supply made under this lease.
- M502 The lessee shall use the leased land for Business (Elevated Passenger Cable Way) purposes and for purposes incidental thereto, in accordance with all relevant legislation and the provisions of Licence to Operate No. NQ01 or any subsequent Licence to Operate the people mover system granted to the lessee under the State Transport (People Movers) Act 1989.
- M503 The annual rent shall be paid yearly in advance and shall be determined in accordance with the provisions of the Land Act 1994. The Minister administering the Land Act 1994 acknowledges that payment by the lessee of the licence fee payable pursuant to the Licence to Operate No. NQ01 or any subsequent Licence to Operate granted to the lessee under the State Transport (People Movers) Act 1989 will satisfy in full the lessee's obligation to pay rent under this condition and GST payable under condition B40.
- M504 The lessee shall pay the cost of any required resurvey. Any damage to vegetation for survey purposes is to be the minimum necessary to allow clear and unambiguous identification of the lease boundaries and must be approved by the Chief Executive, Environmental Protection Agency in the first instance.
- M505 The lessee shall not utilise nor be permitted to utilise the provisions of Section 166 of the Land Act 1994.
- M506 The lessee shall take all reasonable steps to ensure that the operation of the Elevated Passenger Cable Way and all infrastructure and activities associated with or arising from such operation including but not limited to ambient noise and light levels, cause such impact or disturbance to native plants or animals, places or objects of possible cultural heritage significance or value and/or the ecology or integrity of the environment of the leased land, as is the minimum necessary to operate the Elevated Passenger Cable Way.

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Search Date: 10/09/2020 09:46

Title Reference: 40023162  
Date Created: 17/12/1999

CONDITIONS

- M507 Notwithstanding the term of this lease, in the event of surrender, expiry or termination of Licence to Operate No. NQ01 and any subsequent Licence to Operate the people mover system granted to the lessee under the State Transport (People Movers) Act 1989, and there is no issue of a further Licence to Operate the people mover system, this lease shall be at an end.
  
- M508 No greater or additional means of access to the leased land than exists at the commencement date will be provided by the State or Local Government.
  
- M509 The lessee must keep any noxious plants on the leased land under control. On those areas within the Wet Tropics of Queensland World Heritage Area the lessee must also make all reasonable efforts to maintain the leased land free from plants and animals not native to the area, except where the retention of such plants and animals is agreed to by the Chief Executive, Environmental Protection Agency.

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Title Reference: 40023162  
Date Created: 17/12/1999

## CONDITIONS

## M510 In the event of:-

- (a) Surrender of the lease by the lessee or any assigns (other than for the purpose of obtaining a new lease);
  - (b) Expiration of the lease and non renewal; or
  - (c) Forfeiture of the lease,
- the lessee shall, if requested by the Minister administering the Land Act 1994 so to do, undertake and carry out at the lessee's own cost and expense the demolition and removal of such improvements and rehabilitation of disturbed sites as directed by the Minister administering the Land Act 1994 and shall carry out such demolition, removal and rehabilitation to the requirements of and to the satisfaction of the Minister administering the Land Act 1994, and any relevant Authority. In the event of the lessee so failing to demolish and remove the improvements and rehabilitate disturbed sites within four (4) months of being requested to do so by the Minister administering the Land Act 1994, the Minister administering the Land Act 1994 shall be at liberty to demolish and remove the improvements and rehabilitate disturbed sites and is hereby authorised to do all such acts to the property of the lessee as is necessary to so demolish and remove the improvements and to restore the lessee's property to a safe condition and to rehabilitate disturbed sites. The Minister administering the Land Act 1994 may recover from the lessee the total cost incurred in the said demolition, removal, restoration and rehabilitation of the lessee's property. For the purpose of the demolition, removal, restoration and rehabilitation referred to herein the Minister administering the Land Act 1994 may draw upon the security held by the Chief Executive, Department of Transport in terms of Licence to Operate No. NQ01 or any subsequent Licence to Operate the people mover system granted to the lessee under the State Transport (People Movers) Act 1989. The lessee acknowledges that the obligations of the lessee under this condition shall be a continuing obligation notwithstanding the surrender, expiration or forfeiture of the lease. The Minister administering the Land Act 1994 acknowledges that fulfilment by the lessee of the licensee's obligations under clause 24 of the Licence to Operate No. NQ01 or any subsequent Licence to Operate the people movers system granted to the lessee under the State Transport (People Movers) Act 1989, will, notwithstanding the terms of this condition, fully satisfy the obligations of the lessee under this condition.

- M511 No compensation for improvements or developmental work shall be payable by the Crown at the expiration or sooner determination of the term of the lease. Without limiting Condition M510 the lessee shall have the right to remove moveable improvements within a period of four (4) months provided all moneys due by the lessee to the Crown on any account whatsoever have been paid. Should the land be again made available for lease, the former lessee will be entitled to receive payment for the value of the improvements or developmental work, in accordance with the principles set out in the Land Act 1994.

INTERNAL CURRENT STATE TENURE SEARCH  
NATURAL RESOURCES, MINES AND ENERGY, QUEENSLAND

Search Date: 10/09/2020 09:46

Title Reference: 40023162  
Date Created: 17/12/1999

## CONDITIONS

- M512 The lessee shall not assign or transfer the lessee's interest in this lease or any part thereof other than in conjunction with the sale and transfer of the lessee's interest in all other land or parts thereof, both leasehold and freehold, through which the cableway passes on through or over, such sale and transfer to be completed prior to or contemporaneously with such assignment or transfer of the lessee's interest in this lease, and then only in conjunction with the transfer of Licence to Operate No. NQ01 or any subsequent Licence to Operate the people mover system granted to the lessee under the State Transport (People Movers) Act 1989.
- M513 The lessee shall comply with all conditions and requirements contained in Licence to Operate No. NQ01 or any subsequent Licence to Operate the people mover system granted to the lessee under the State Transport (People Movers) Act 1989.
- M514 The lessee shall not undertake nor permit others to undertake activities additional to those approved under the Skyrail Development Agreement, dated 11 November 1993 between the Chief Executive, Department of Transport and Skyrail Proprietary Limited, including but not limited to commercial activities or the operation of food or sales outlets or devices, or construct new infrastructure on the leased land or modify the infrastructure on the leased land such that it varies substantially from plans and specifications approved by the Chief Executive, Department of Transport without:
- (a) where required by the Chief Executive, Environmental Protection Agency, submission of an environment impact or any other study or information responding to terms of reference provided by the Chief Executive, Environmental Protection Agency at the cost of the lessee; and
  - (b) provision to the Chief Executive, Environmental Protection Agency of plans and specifications in respect to such activities and/or works and the materials, lighting layout and finishes to be utilised and indicating design and operational considerations which maximise the rainforest experience of patrons with particular reference to aural, visual and olfactory senses; and
  - (c) obtaining the approval of the Chief Executive, Environmental Protection Agency in writing to the said environment impact or other study and plans and specifications in respect of such works.
- M515 The lessee shall take all reasonable steps to ensure that no person (whether that person is an employee, representative or agent of the lessee or a passenger of the Licensee under Licence to Operate No. NQ01 or any subsequent Licence to Operate the people mover system granted to the lessee under the State Transport (People Movers) Act 1989, or has entered upon the lands on any basis with the permission of the lessee) shall take, destroy, or interfere in any way whatsoever with any native plants or animals or soil or the substratum, save and except where the lessee has been granted appropriate permission pursuant to the relevant legislation or regulation or at law.

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INTERNAL CURRENT STATE TENURE SEARCH  
NATURAL RESOURCES, MINES AND ENERGY, QUEENSLAND

Search Date: 10/09/2020 09:46

Title Reference: 40023162  
Date Created: 17/12/1999

## CONDITIONS

- M516 Subject to the requirements of the Wet Tropics World Heritage Protection and Management Act 1993 as applicable, the lessee shall allow any person authorised under the Forestry Act 1959 access to the leased land for the purpose of cutting and removing timber or removing other forest products, or quarry material, or other material from the leased land.
- M517 During the currency of this lease the lessee and its representatives, agents or assigns shall fully co-operate with the Chief Executive, Environmental Protection Agency, in respect of the environmental protection, management and monitoring of the leased land.
- M518 Any authorised improvements erected within or upon the leased land by the lessee, its servant or agents including without limiting the generality of the foregoing the tower supports to the cableway and the cableway itself shall at all times remain the property of the lessee provided however that the lessee may mortgage or transfer all of its right title and interest in such improvements notwithstanding anything to the contrary in this lease or any rule of law or equity to the contrary provided however that the mortgagee or transferee agrees to be bound by the terms of the lease and Licence to Operate No. NQ01, or any subsequent Licence to Operate the people mover system granted to the lessee under the State Transport (People Movers) Act 1989.
- M519 The lessee shall during the whole term of the lease maintain all authorised improvements on the holding existing at the commencement of the term of the lease in a good and substantial state of repair.
- M520 The lessee shall not destroy any trees on the leased land unless in accordance with a tree clearing permit under the provisions of the Land Act 1994 or the provisions relating to the clearing for routine management purposes as prescribed in the Land Regulations 1995. Any permit issued will address the requirements of the Wet Tropics World Heritage Protection and Management Act 1993.
- M521 The lessee shall to the satisfaction of the Chief Executive, Environmental Protection Agency, construct and/or maintain fencing and/or barriers to present a barrier to pedestrian egress beyond the lease boundary, where such egress could endanger persons or vulnerable plant communities.

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Title Reference: 40023162  
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## CONDITIONS

- M522 The lessee shall not collect water or significantly interfere with the natural flow of water on the leased land other than to collect rainwater directly from the roofs of station buildings without the express written approval of the Chief Executive, Environmental Protection Agency and the lessee shall at all times take all reasonable steps so as to prevent the occurrence of fires or visually apparent soil erosion or slippage, and in the event of fire, visually apparent soil erosion or slippage occurs, then the lessee shall immediately take steps as are necessary to control, limit, mitigate and remedy the effect of such events in consultation with and to the satisfaction of the Chief Executive, Environmental Protection Agency.
- M523 The lessee shall take all reasonable steps to ensure that no person (whether that person is an employee, representative or agent of the lessee or a passenger of the licensee operating under Licence to Operate No. NQ01 or any subsequent Licence to Operate the people mover system granted to the lessee under the State Transport (People Movers) Act 1989, or has entered upon the lands on any basis with the permission of the lessee) shall at any time introduce onto the leased land or allow the introduction of, for any purpose whatsoever, any plant, animal (except guide dogs), pest, pathogen or poison without the prior written approval of the Chief Executive, Environmental Protection Agency.
- M524 The lessee shall take all such steps as are necessary to ensure that no pollutant, chemical, mineral or substance is introduced to the leased land or upon the leased land so as to affect or threaten native plants or animals or the ecology and/or the integrity of the environment of the leased land.
- M525 The lessee has the responsibility for a duty of care for the leased land.
- M526 The lessee must give the Minister administering the Land Act 1994, the information the Minister administering the Land Act 1994 asks for about the lease.



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NATURAL RESOURCES, MINES AND ENERGY, QUEENSLAND

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## CONDITIONS

- M527 (a) The lessee shall and does hereby indemnify and keep indemnified the State, State Instrumentalities, the Mareeba Shire Council and the Cairns City Council against all damages, losses, costs and expenses which the State, State Instrumentalities, the Mareeba Shire Council and the Cairns City Council may sustain, expend or be put to by reason or on account of any neglect or default on the part of the lessee to observe and perform any of the covenants or agreements on the part of the lessee herein contained or implied.
- (b) The lessee shall and does hereby indemnify and keep indemnified the State, State Instrumentalities, the Mareeba Shire Council and the Cairns City Council in respect of any accident howsoever occurring, other than through the negligent or wilful act or omission of the State, State Instrumentalities, the Mareeba Shire Council and the Cairns City Council, its or their servants or agents, which may occur in connection with the use by the lessee its agents, employees, invitees, licensees, servants, visitors and the public at large of any part of the leased land and in connection with the use by the lessee its agents, employees and servants of any installation thereon.
- M529 The lessee shall ensure that any unauthorised release, accidental or otherwise of any chemical, mineral, toxin or substance of any kind with the capacity to adversely affect the wildlife, ecology and/or integrity of the environment of the leased land will be reported as soon as possible and within 24 hours of release to the Chief Executive, Environmental Protection Agency and will consult with the same and if directed ensure that all measures and steps are taken to immediately limit, restrict and diminish the effect of any such release upon the wildlife, ecology and/or integrity of the environment of the leased land, and to restore the leased land to the satisfaction of the Chief Executive, Environmental Protection Agency.
- M530 The lessee shall not dispose of solid waste, sewage, effluent or water contaminated by or affected by any chemical, mineral, toxin or potential toxin on the leased land without the consent of the Chief Executive, Environmental Protection Agency.
- M531 All substances brought onto the leased land for purposes of maintenance of the system as defined in Schedule 5 of Licence to Operate No. NQ01 granted to the lessee under the State Transport (People Movers) Act 1989 shall be non-toxic to native wildlife and be readily biodegradable where possible.
- M532 The lessee shall at its own cost, undertake regular monitoring and provide written reports to the Minister administering the Land Act 1994 at least annually and more frequently at the request of the Minister administering the Land Act 1994, on compliance with all conditions of this lease.

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CONDITIONS

- M533 The lessee must comply with reasonable directives and notices issued by the Chief Executive, Environmental Protection Agency in relation to activities which in his/her opinion may adversely impact on wildlife, places or objects of possible cultural heritage significance or value and/or the ecology or integrity of the environment of the leased land.
- M534 On discovery of objects of possible cultural heritage significance and/or value by the lessee or any person acting on its behalf, or with its permission, the lessee and that person must make all reasonable endeavours to protect those objects and notify the Chief Executive, Environmental Protection Agency by no later than the next working day after that discovery.
- M535 The lessee shall at all times permit and allow any delegate of the Director General, Department of Transport to have free and unrestricted access to the leased land.

ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by  
Lease No. 40023162

ADMINISTRATIVE ADVICES

Dealing	Type	Lodgement Date	Status	Location
700873457	WET TROPICS	25/09/1995 12:31	CUR	BE-MFLM -62
700873464	WET TROPICS	25/09/1995 12:33	CUR	BE-RECV -15
700873469	WET TROPICS	25/09/1995 12:33	CUR	BE-RECV -15
700873483	WET TROPICS	25/09/1995 12:36	CUR	BE-RECV -15
700873487	WET TROPICS	25/09/1995 12:38	CUR	BE-RECV -15
700873488	WET TROPICS	25/09/1995 12:39	CUR	BE-RECV -15
700873489	WET TROPICS	25/09/1995 12:40	CUR	BE-RECV -15

UNREGISTERED DEALINGS - NIL

\*\* End of Current State Tenure Search \*\*

Information provided under section 34 Land Title Act(1994) or  
section 281 Land Act(1994)

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## Current Skyrail Lease Conditions with proposed comments

Current Lease Conditions TL 0/213315	Proposed
<p><b>Condition B40</b></p> <p>For the purposes of this condition: "GST" means the goods and services tax which results from the enactment of A New Tax System (Good and Services Tax) Act 1999 and the related Acts which constitute the Commonwealth taxation reform (as amended from time to time).</p> <p>The Parties acknowledge that GST may be payable in respect of a supply made under the lease.</p> <p>Where GST becomes payable in respect of a supply made under this lease, the State (lessor) may recover the GST from the lessee by increasing the consideration payable by the lessee to the State by an amount equal to that which the State is obliged to remit to the Commonwealth as GST on the supply, and that amount may be recovered from the lessee as part of the monies payable to the State under this lease.</p> <p>The State shall upon request by the lessee, issue to the lessee a valid GST tax invoice in respect of any taxable supply made under this lease.</p>	<p>No longer required.</p>
<p><b>Condition M502</b></p> <p>The lessee shall use the leased land for Business (Elevated Passenger Cable Way) purposes and for purposes incidental thereto, in accordance with all relevant legislation and the provisions of Licence to Operate No. NQ01 or any subsequent Licence to Operate the people mover system granted to the lessee under the State Transport (People Movers) Act 1989.</p>	<p>Statutory Condition 1. Permitted Use</p> <p>The lessee must use the land only for the purpose for which the tenure was issued under the Land Act 1994.</p>
<p><b>Condition M503</b></p> <p>The annual rent shall be paid yearly in advance and shall be determined in accordance with the provisions of the Land Act 1994. The Minister administering the Land Act 1994 acknowledges that payment by the lessee of the licence fee payable pursuant to the Licence to Operate No. NQ01 or any subsequent Licence to Operate granted to the lessee under the State Transport (People Movers) Act 1989 will satisfy in full the lessee's obligation to pay rent under this condition and GST payable under condition B40.</p>	<p>Statutory Condition 3. Rent/Instalment</p> <p>The lessee must pay the annual rent/instalment in accordance with the Land Act 1994 and the Land Regulation 2020.</p> <p>For further information on how annual rent is determined, refer to the department's website at <a href="http://www.dnrme.qld.gov.au">www.dnrme.qld.gov.au</a>.</p>
<p><b>Condition M504</b></p> <p>The lessee shall pay the cost of any required resurvey. Any damage to vegetation for survey purposes is to be the minimum necessary to allow clear and unambiguous identification of the lease boundaries and must be approved by the Chief Executive, Environmental Agency on the first instance.</p>	<p>Regulatory Condition 4. Survey Cost</p> <p>If the land needs to be surveyed or re-surveyed the lessee must do this at their own cost under the Survey and Mapping Infrastructure Act 2003. This survey plan must be lodged in the land registry within the specified time.</p>
<p><b>Condition M505</b></p> <p>The lessee shall not utilise nor be permitted to utilise the provisions of Section 166 of the Land Act 1994.</p>	<p>Imposed Condition, Conversion or Renewal Condition 1</p> <p>Conversion of Term lease prohibited: The lessee of this lease is not allowed to make an application for conversion of this lease in terms of the Land Act 1994.</p>
<b>Condition M506</b>	

<p>The lessee shall take all reasonable steps to ensure that the operation of the Elevated Passenger Cable Way and all infrastructure and activities associated with or arising from such operation including but not limited to ambient noise and light levels, cause such impact or disturbance to native plants or animals, places or objects of possible cultural heritage significance or value and/or the ecology or integrity of the environment of the leased land, as is the minimum necessary to operate the Elevated Passenger Cable Way.</p>	
<p><b>Condition M507</b> Notwithstanding the term of this lease, in the event of surrender, expiry or termination of Licence to Operate No. NQ01 and any subsequent Licence to Operate the people mover system granted to the lessee under the State Transport (People Movers) Act 1989, and there is no issue of a further Licence to Operate the people mover system, this lease shall be at an end.</p>	
<p><b>Condition M508</b> No greater or additional means of access to the leased land than exists at the commencement date will be provided by the State or Local Government.</p>	<p>Regulatory Conditions; or Imposed Conditions 3. Access The provision of access, further access or services to the land will not be the responsibility of the State.</p>
<p><b>Condition M509</b> The lessee must keep any noxious plants on the leased land under control. On those areas within the Wet Tropics of Queensland World Heritage Area the lessee must also make all reasonable efforts to maintain the leased land free from plants and animals not native to the area, except where the retention of such plants and animals is agreed to by the Chief Executive, Environmental Protection Agency.</p>	<p>Statutory Condition 4. Noxious plants The lessee must keep noxious plants on the land under control. If the lessee does not comply with this condition, the Chief Executive may bring the noxious plants under control, the cost of which will be recovered from the lessee.</p>
<p><b>Condition M510</b> In the event of:- (a) Surrender of the lease by the lessee or any assigns (other than for the purpose of obtaining a new lease); (b) Expiration of the lease and non renewal; or (c) Forfeiture of the lease, the lessee shall, if requested by the Minister administering the Land Act 1994 so to do, undertake and carry out at the lessee's own cost and expense the demolition and removal of such improvements and rehabilitation of disturbed sites as directed by the Minister administering the Land Act 1994 and shall carry out such demolition, removal and rehabilitation to the requirements of and to the satisfaction of the Minister administering the Land Act 1994, and any relevant Authority. In the event of the lessee so failing to demolish and remove the improvements and rehabilitate disturbed sites within four (4) months of being requested to do so by the Minister administering the Land Act 1994, the Minister administering the Land Act 1994 shall be at liberty to demolish and remove the improvements and rehabilitate disturbed sites and is hereby authorised to do all such acts to the property of the lessee as is necessary to so demolish and remove the improvements and to restore the lessee's property to a</p>	

<p>safe condition and to rehabilitate disturbed sites. The Minister administering the Land Act 1994 may recover from the lessee the total cost incurred in the said demolition, removal, restoration and rehabilitation of the lessee's property. For the purpose of the demolition, removal, restoration and rehabilitation referred to herein the Minister administering the Land Act 1994 may draw upon the security held by the Chief Executive, Department of Transport in terms of Licence to Operate No. NQ01 or any subsequent Licence to Operate the people mover system granted to the lessee under the State Transport (People Movers) Act 1989. The lessee acknowledges that the obligations of the lessee under this condition shall be a continuing obligation notwithstanding the surrender, expiration or forfeiture of the lease. The Minister administering the Land Act 1994 acknowledges that fulfilment by the lessee of the licensee's obligations under clause 24 of the Licence to Operate No. NQ01 or any subsequent Licence to Operate the people movers system granted to the lessee under the State Transport (People Movers) Act 1989, will, notwithstanding the terms of this condition, fully satisfy the obligations of the lessee under this condition.</p>	
<p><b>Condition M511</b> No compensation for improvements or developmental work shall be payable by the Crown at the expiration or sooner determination of the term of the lease. Without limiting Condition M510 the lessee shall have the right to remove moveable improvements within a period of four (4) months provided all moneys due by the lessee to the Crown on any account whatsoever have been paid. Should the land be again made available for lease, the former lessee will be entitled to receive payment for the value of the improvements or developmental work, in accordance with the principles set out in the Land Act 1994.</p>	<p>Statutory Condition 6. Monies for Improvements No money for improvements is payable by the State on the forfeiture, cancellation, surrender or expiry of this lease but money may be payable if the State receives payment from an incoming lessee or buyer for the improvements on the land. However, the previous lessee may apply to the Minister / Chief Executive administering the Land Act 1994 to remove the improvements that belong to the lessee, within a period of 3 months from the date of the forfeiture, surrender, or expiry of this lease. The lessee may only undertake the removal of the improvements in the presence of an authorised representative of the department, if required by the Minister / Chief Executive administering the Land Act 1994. The lessee may only remove those improvements if all monies due from the lessee to the department under this lease have been paid.</p>
<p><b>Condition M512</b> The lessee shall not assign or transfer the lessee's interest in this lease or any part thereof other than in conjunction with the sale and transfer of the lessee's interest in all other land or parts thereof, both leasehold and freehold, through which the cableway passes on through or over, such sale and transfer to be completed prior to or contemporaneously with such assignment or transfer of the lessee's interest in this lease, and then only in conjunction with the transfer of Licence to Operate No. NQ01 or any subsequent Licence to Operate the people mover system granted to the lessee under the State Transport (People Movers) Act 1989.</p>	
<p><b>Condition M513</b></p>	



<p>The lessee shall comply with all conditions and requirements contained in Licence to Operate No. NQ01 or any subsequent Licence to Operate the people mover system granted to the lessee under the State Transport (People Movers) Act 1989.</p>	
<p><b>Condition M514</b> The lessee shall not undertake nor permit others to undertake activities additional to those approved under the Skyrail Development Agreement, dated 11 November 1993 between the Chief Executive, Department of Transport and Skyrail Proprietary Limited, including but not limited to commercial activities or the operation of food or sales outlets or devices, or construct new infrastructure on the leased land or modify the infrastructure on the leased land such that it varies substantially from plans and specifications approved by the Chief Executive, Department of Transport without:</p> <p>(a) where required by the Chief Executive, Environmental Protection Agency, submission of an environment impact or any other study or information responding to terms of reference provided by the Chief Executive, Environmental Protection Agency at the cost of the lessee; and</p> <p>(b) provision to the Chief Executive, Environmental Protection Agency of plans and specifications in respect to such activities and/or works and the materials, lighting layout and finishes to be utilised and indicating design and operational considerations which maximise the rainforest experience of patrons with particular reference to aural, visual and olfactory senses; and</p> <p>(c) obtaining the approval of the Chief Executive, Environmental Protection Agency in writing to the said environment impact or other study and plans and specifications in respect of such works.</p>	
<p><b>Condition M515</b> The lessee shall take all reasonable steps to ensure that no person (whether that person is an employee, representative or agent of the lessee or a passenger of the Licensee under Licence to Operate No. NQ01 or any subsequent Licence to Operate the people mover system granted to the lessee under the State Transport (People Movers) Act 1989, or has entered upon the lands on any basis with the permission of the lessee) shall take, destroy, or interfere in any way whatsoever with any native plants or animals or soil or the substratum, save and except where the lessee has been granted appropriate permission pursuant to the relevant legislation or regulation or at law.</p>	
<p><b>Condition M516</b> Subject to the requirements of the Wet Tropics World Heritage Protection and Management Act 1993 as applicable, the lessee shall allow any person authorised under the Forestry Act 1959 access to the leased land for the purpose of cutting and removing</p>	<p>Imposed Condition. State Forest 1. For term leases, perpetual leases, permit to occupy and road licence where Forest Products requires access to the land: The lessee must allow any person authorised under the Forestry Act 1959 access to the land for the purpose of cutting and removing timber or removing other forest products, or quarry material, or other</p>

timber or removing other forest products, or quarry material, or other material from the leased land.	material from the land. Except as hereinafter provided the lessee must not interfere with any forest products or remove any quarry material (including any stone, gravel, sand, earth, soil, rock, guano or clay which is not a mineral within the meaning of the Mineral Resources Act 1989) or other material upon the land without the permission of the Minister/Chief Executive administering the Land Act 1994 except under the authority of and in compliance in every respect with the requirements of a permit, licence, agreement or contract granted or made under the Forestry Act 1959.
<b>Condition M517</b> During the currency of this lease the lessee and its representatives, agents or assigns shall fully co-operate with the Chief Executive, Environmental Protection Agency, in respect of the environmental protection, management and monitoring of the leased land.	
<b>Condition M518</b> Any authorised improvements erected within or upon the leased land by the lessee, its servant or agents including without limiting the generality of the foregoing the tower supports to the cableway and the cableway itself shall at all times remain the property of the lessee provided however that the lessee may mortgage or transfer all of its right title and interest in such improvements notwithstanding anything to the contrary in this lease or any rule of law or equity to the contrary provided however that the mortgagee or transferee agrees to be bound by the terms of the lease and Licence to Operate No. NQ01, or any subsequent Licence to Operate the people mover system granted to the lessee under the State Transport (People Movers) Act 1989.	
<b>Condition M519</b> The lessee shall during the whole term of the lease maintain all authorised improvements on the holding existing at the commencement of the term of the lease in a good and substantial state of repair.	
<b>Condition M520</b> The lessee shall not destroy any trees on the leased land unless in accordance with a tree clearing permit under the provisions of the Land Act 1994 or the provisions relating to the clearing for routine management purposes as prescribed in the Land Regulations 1995. Any permit issued will address the requirements of the Wet Tropics World Heritage Protection and Management Act 1993.	Imposed Conditions: Quarry Material and Forest Products 2. The lessee must allow any person authorised under the Forestry Act 1959 access to the land for the purpose of cutting and removing timber or removing other forest products, or quarry material, or other material from the land. The lessee must not interfere with any forest products or remove any quarry material (including any stone, gravel, sand, earth, soil, rock, guano or clay which is not a mineral within the meaning of the Mineral Resources Act 1989) or other material upon the land without the permission of the Minister /Chief Executive administering the Land Act 1994 except under the authority of and in compliance in every respect with the requirements of a permit, licence, agreement or contract granted or made under the Forestry Act 1959.
<b>Condition M521</b>	

<p>The lessee shall to the satisfaction of the Chief Executive, Environmental Protection Agency, construct and/or maintain fencing and/or barriers to present a barrier to pedestrian egress beyond the lease boundary, where such egress could endanger persons or vulnerable plant communities.</p>	
<p><b>Condition M522</b> The lessee shall not collect water or significantly interfere with the natural flow of water on the leased land other than to collect rainwater directly from the roofs of station buildings without the express written approval of the Chief Executive, Environmental Protection Agency and the lessee shall at all times take all reasonable steps so as to prevent the occurrence of fires or visually apparent soil erosion or slippage, and in the event of fire, visually apparent soil erosion or slippage occurs, then the lessee shall immediately take steps as are necessary to control, limit, mitigate and remedy the effect of such events in consultation with and to the satisfaction of the Chief Executive, Environmental Protection Agency.</p>	
<p><b>Condition M523</b> The lessee shall take all reasonable steps to ensure that no person (whether that person is an employee, representative or agent of the lessee or a passenger of the licensee operating under Licence to Operate No. NQ01 or any subsequent Licence to Operate the people mover system granted to the lessee under the State Transport (People Movers) Act 1989, or has entered upon the lands on any basis with the permission of the lessee) shall at any time introduce onto the leased land or allow the introduction of, for any purpose whatsoever, any plant, animal (except guide dogs), pest, pathogen or poison without the prior written approval of the Chief Executive, Environmental Protection Agency.</p>	
<p><b>Condition M524</b> The lessee shall take all such steps as are necessary to ensure that no pollutant, chemical, mineral or substance is introduced to the leased land or upon the leased land so as to affect or threaten native plants or animals or the ecology and/or the integrity of the environment of the leased land.</p>	
<p><b>Condition M525</b> The lessee has the responsibility for a duty of care for the leased land.</p>	<p>Statutory Condition 2. Duty of Care The lessee has the responsibility for a duty of care, for the land under the Land Act 1994.</p>
<p><b>Condition M526</b> The lessee must give the Minister administering the Land Act 1994, the information the Minister administering the Land Act 1994 asks for about the lease.</p>	<p>Statutory Condition 5. Information to Chief Executive The lessee must give the Chief Executive administering the Land Act 1994, information the Chief Executive asks for about the tenure.</p>
<p><b>Condition M527</b> (a) The lessee shall and does hereby indemnify and keep indemnified the State, State Instrumentalities, the Mareeba Shire Council and the Cairns City Council against all damages, losses, costs and expenses which the State, State Instrumentalities, the Mareeba Shire</p>	<p>Regulatory Condition; or Imposed Conditions 1. Indemnity: The lessee indemnifies and agrees to keep indemnified the State, the Minister, and their representatives, (all the Indemnified parties) against all liability, costs, loss and expenses including claims in negligence (including any claims, proceedings or</p>

<p>Council and the Cairns City Council may sustain, expend or be put to by reason or on account of any neglect or default on the part of the lessee to observe and perform any of the covenants or agreements on the part of the lessee herein contained or implied.</p> <p>(b) The lessee shall and does hereby indemnify and keep indemnified the State, State Instrumentalities, the Mareeba Shire Council and the Cairns City Council in respect of any accident howsoever occurring, other than through the negligent or wilful act or omission of the State, State Instrumentalities, the Mareeba Shire Council and the Cairns City Council, its or their servants or agents, which may occur in connection with the use by the lessee its agents, employees, invitees, licensees, servants, visitors and the public at large of any part of the leased land and in connection with the use by the lessee its agents, employees and servants of any installation thereon.</p>	<p>demands brought by any third party, and any legal fees, costs and disbursements on an indemnity basis) arising from or incurred in connection with:</p> <ul style="list-style-type: none"> <li>a. the granting of this lease to the lessee; or</li> <li>b. the lessee's use and occupation of the land subject to the lease; or</li> <li>c. personal injury (including sickness and death) or property damage or loss in connection with the performance (or attempted or purported performance or non-performance) of the lease or a breach of the lease by the lessee.</li> </ul> <p>The lessee hereby releases and discharges to the full extent permitted by law, the Indemnified parties from all actions, claims, proceedings or demands and in respect of any loss, death, injury, illness or damage (whether personal or property and whether special, direct, indirect or consequential, including consequential financial loss) arising out of the use and occupation of the lease.</p> <p>To the full extent permitted by law, the State, the Minister and their representatives will not be liable to the lessee for any special, indirect or consequential damages, including consequential financial loss arising out of the use and occupation of the lease.</p>
<p><b>Condition M529</b></p> <p>The lessee shall ensure that any unauthorised release, accidental or otherwise of any chemical, mineral, toxin or substance of any kind with the capacity to adversely affect the wildlife, ecology and/or integrity of the environment of the leased land will be reported as soon as possible and within 24 hours of release to the Chief Executive, Environmental Protection Agency and will consult with the same and if directed ensure that all measures and steps are taken to immediately limit, restrict and diminish the effect of any such release upon the wildlife, ecology and/or integrity of the environment of the leased land, and to restore the leased land to the satisfaction of the Chief Executive, Environmental Protection Agency.</p>	
<p><b>Condition M530</b></p> <p>The lessee shall not dispose of solid waste, sewage, effluent or water contaminated by or affected by any chemical, mineral, toxin or potential toxin on the leased land without the consent of the Chief Executive, Environmental Protection Agency.</p>	
<p><b>Condition M531</b></p> <p>All substances brought onto the leased land for purposes of maintenance of the system as defined in Schedule 5 of Licence to Operate No. NQ01 granted to the lessee under the State Transport (People Movers) Act 1989 shall be non-toxic to native wildlife and be readily biodegradable where possible.</p>	
<p><b>Condition M532</b></p> <p>The lessee shall at its own cost, undertake regular monitoring and provide written reports to the Minister administering the Land Act 1994 at least annually and</p>	

more frequently at the request of the Minister administering the Land Act 1994, on compliance with all conditions of this lease.	
<b>Condition M533</b> The lessee must comply with reasonable directives and notices issued by the Chief Executive, Environmental Protection Agency in relation to activities which in his/her opinion may adversely impact on wildlife, places or objects of possible cultural heritage significance or value and/or the ecology or integrity of the environment of the leased land.	
<b>Condition M534</b> On discovery of objects of possible cultural heritage significance and/or value by the lessee or any person acting on its behalf, or with its permission, the lessee and that person must make all reasonable endeavours to protect those objects and notify the Chief Executive, Environmental Protection Agency by no later than the next working day after that discovery.	
<b>Condition M535</b> The lessee shall at all times permit and allow any delegate of the Director General, Department of Transport to have free and unrestricted access to the leased land.	

## Administrative Advices:

700873457 – Wet Tropics

700873464 – Wet Tropics

700873469 – Wet Tropics

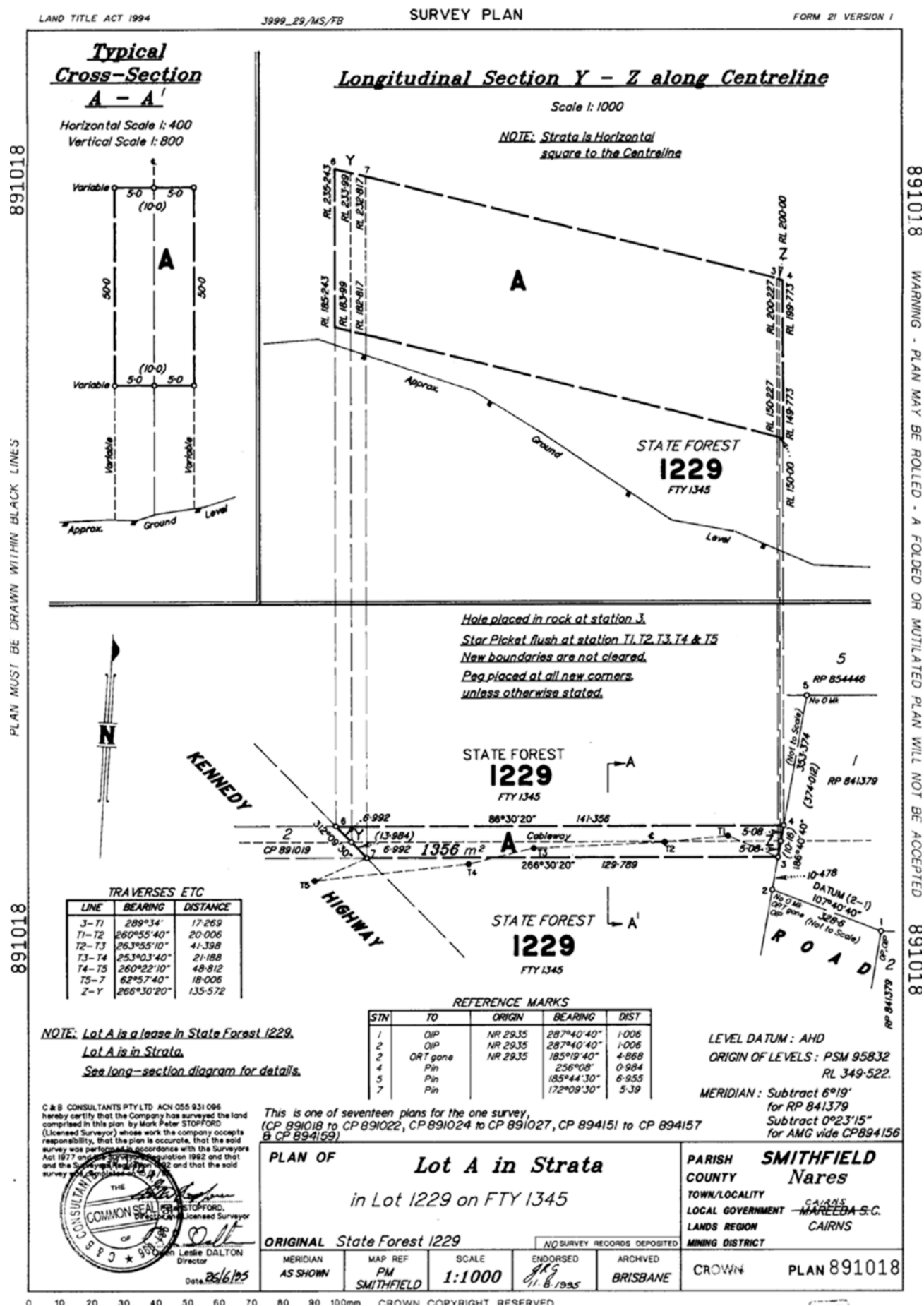
700873483 – Wet Tropics

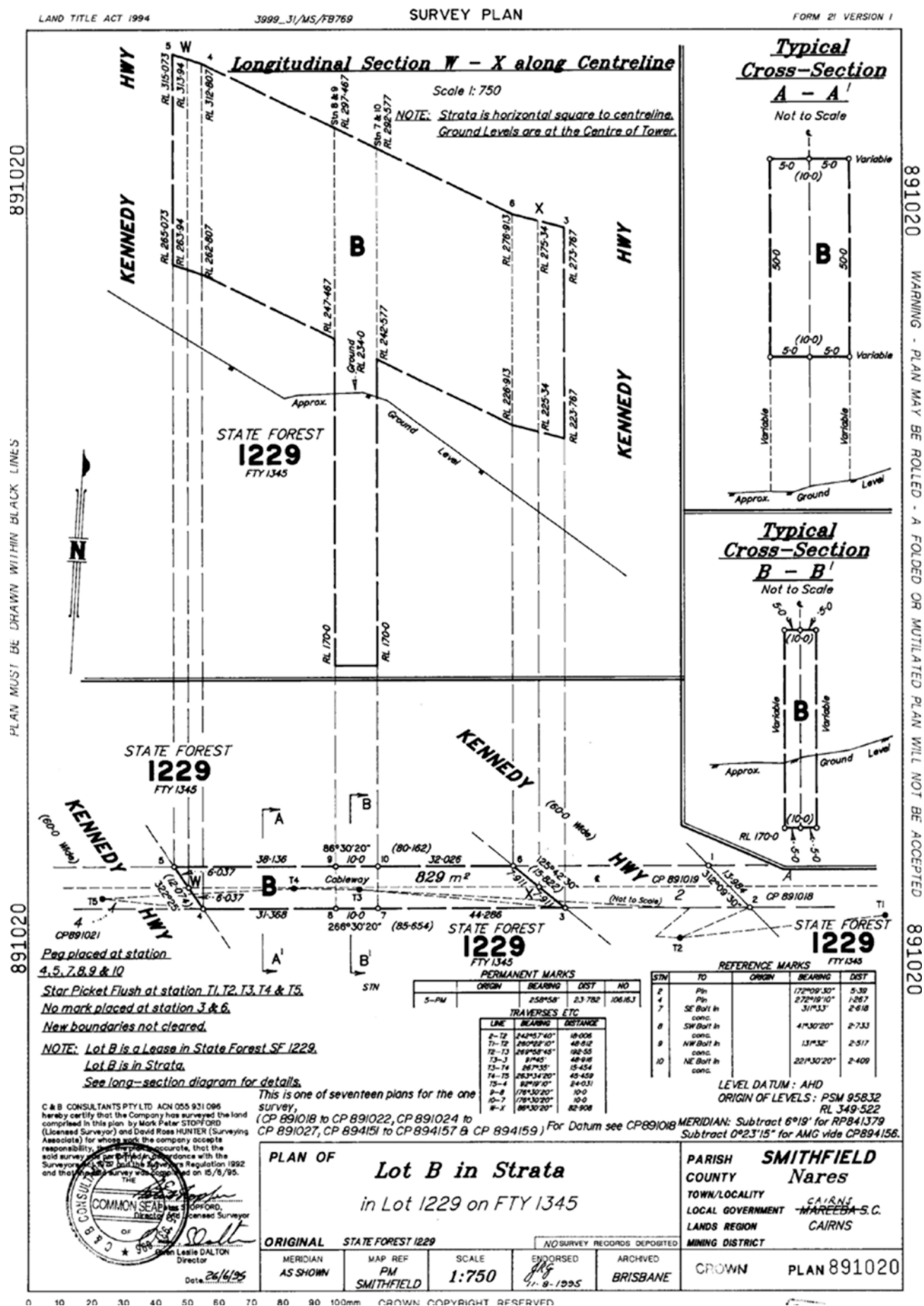
700873487 – Wet Tropics

700873488 – Wet Tropics

700873489 – Wet Tropics







LAND TITLE ACT 1994

3999\_34/MS/FB

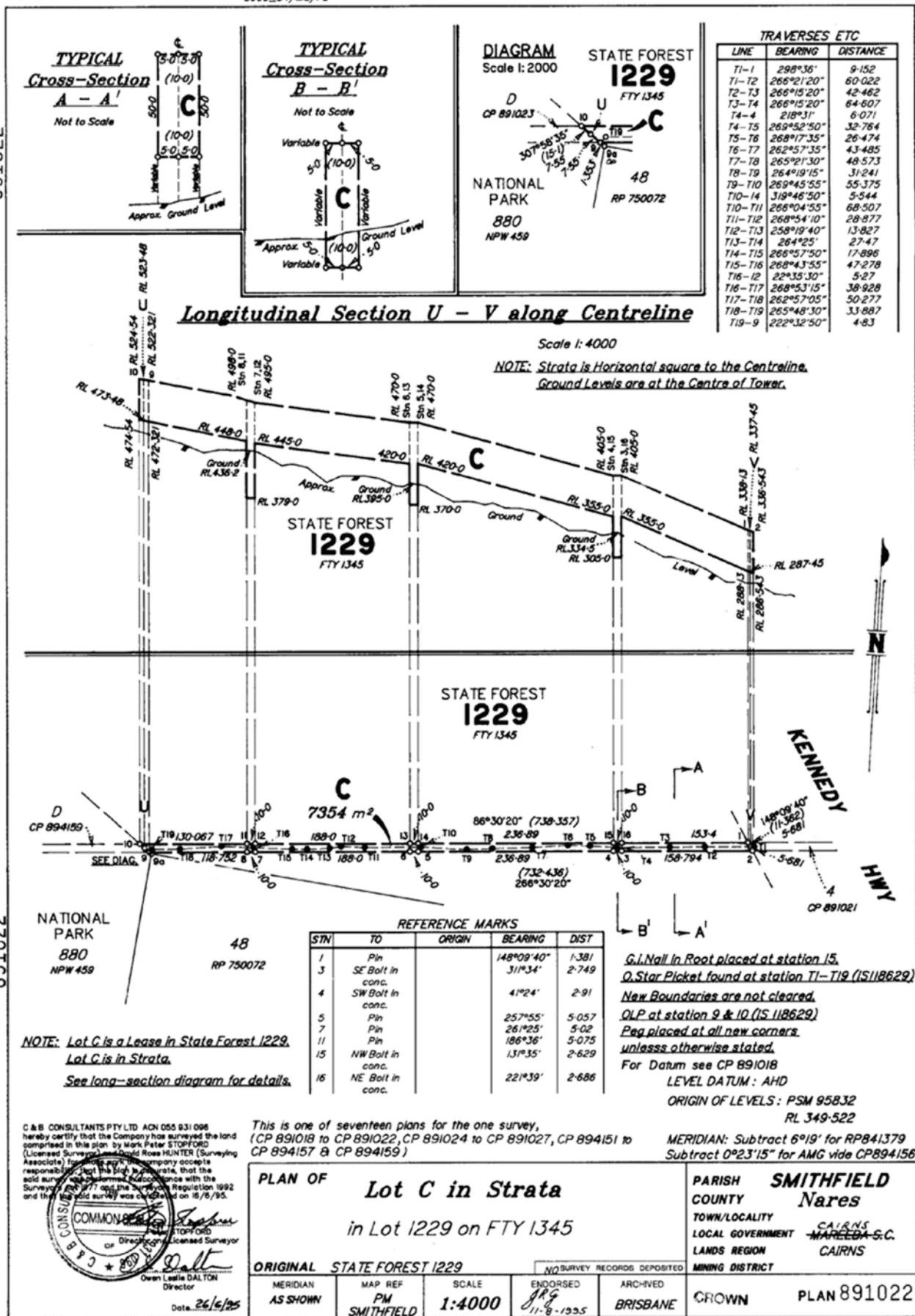
## SURVEY PLAN

FORM 21 VERSION 1

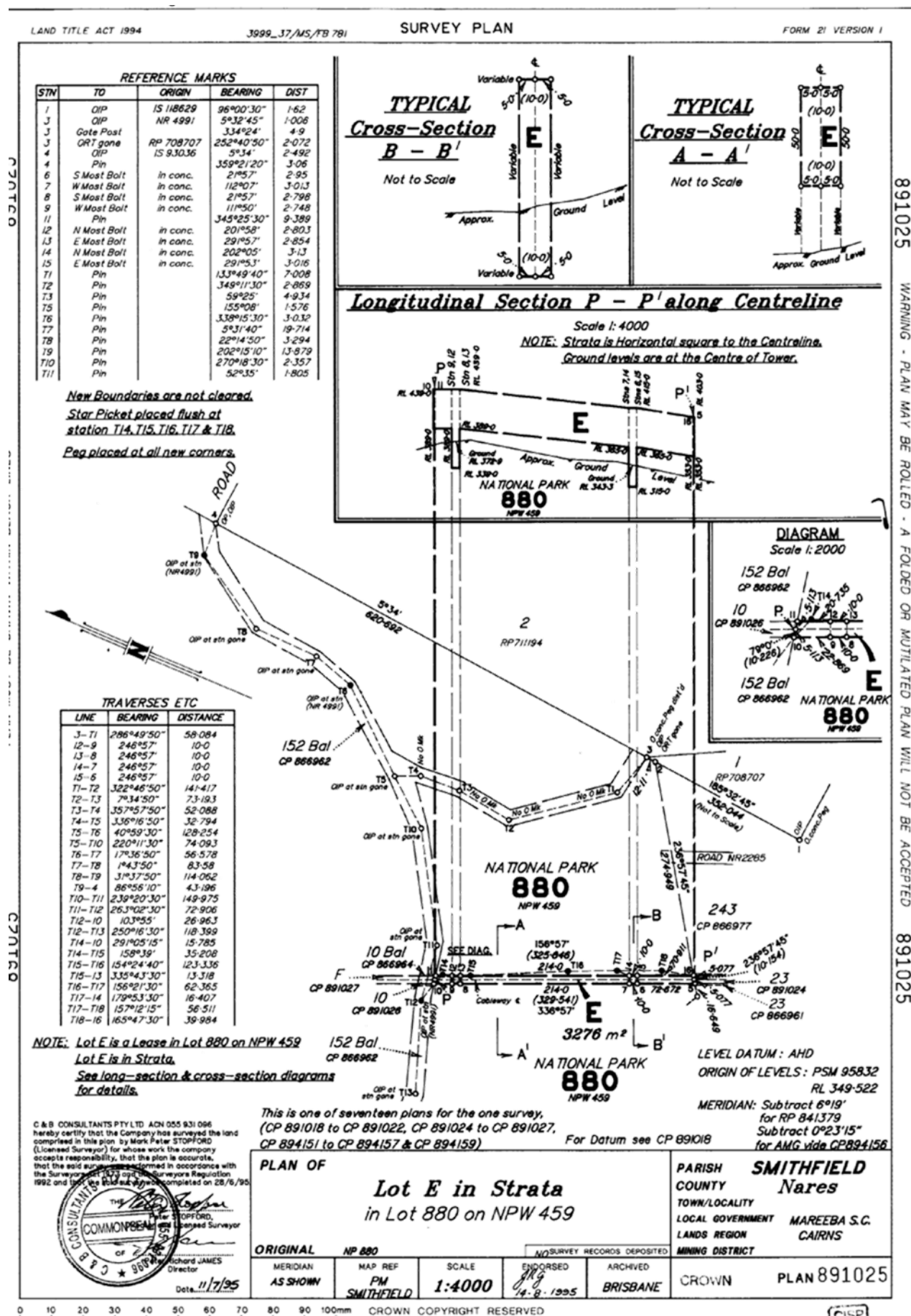
891022

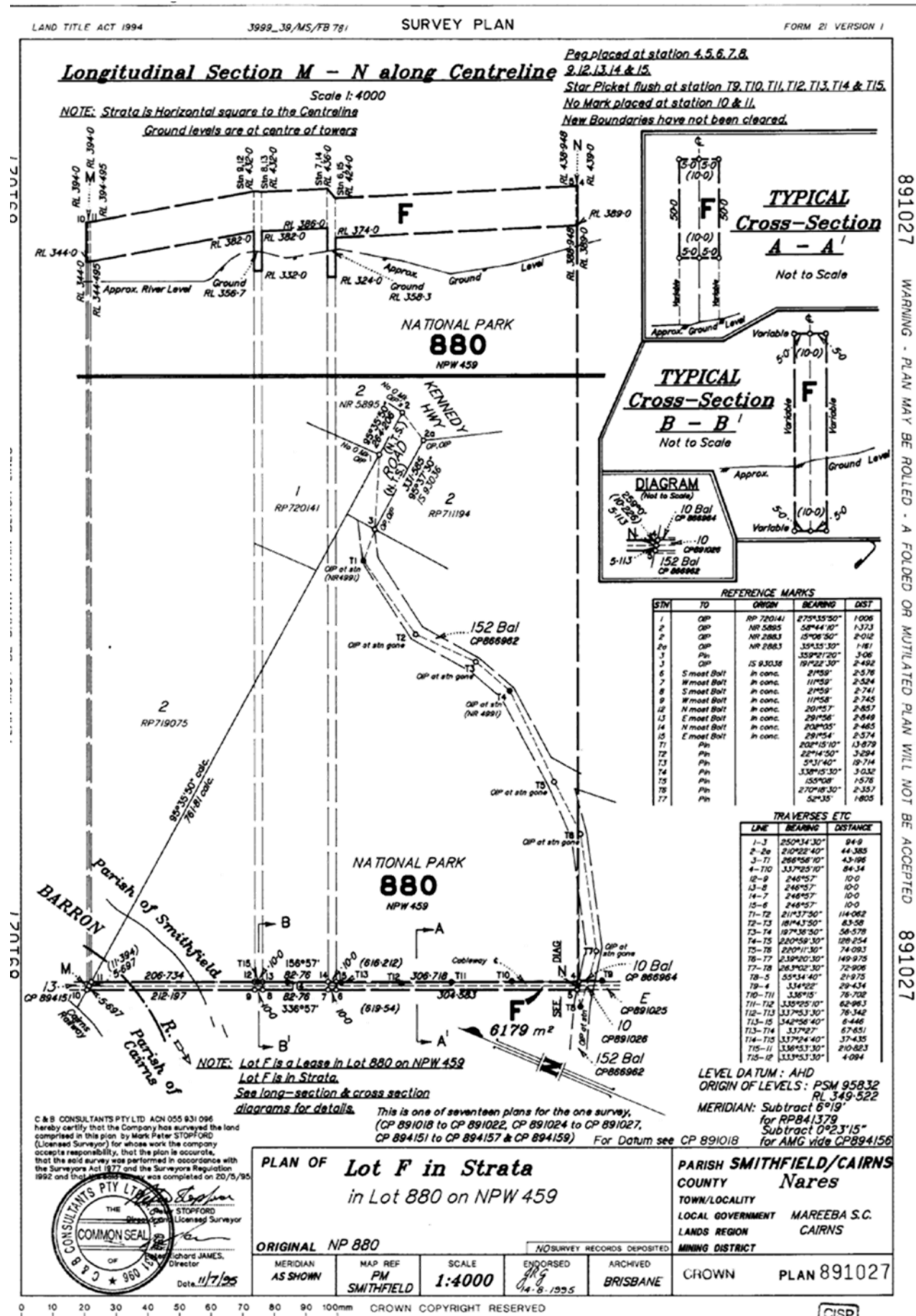
PLAN MUST BE DRAWN WITHIN BLACK LINES

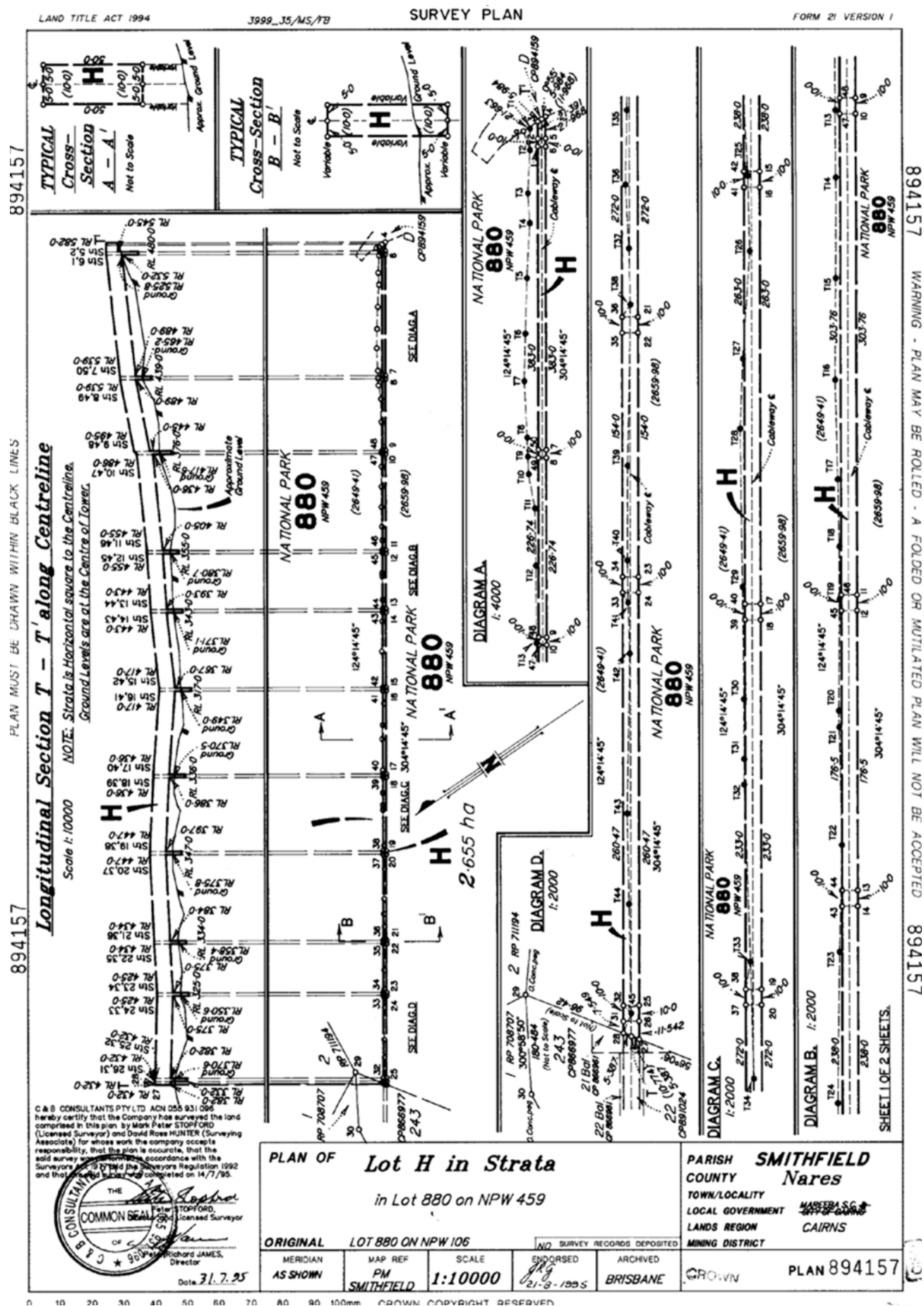
891022



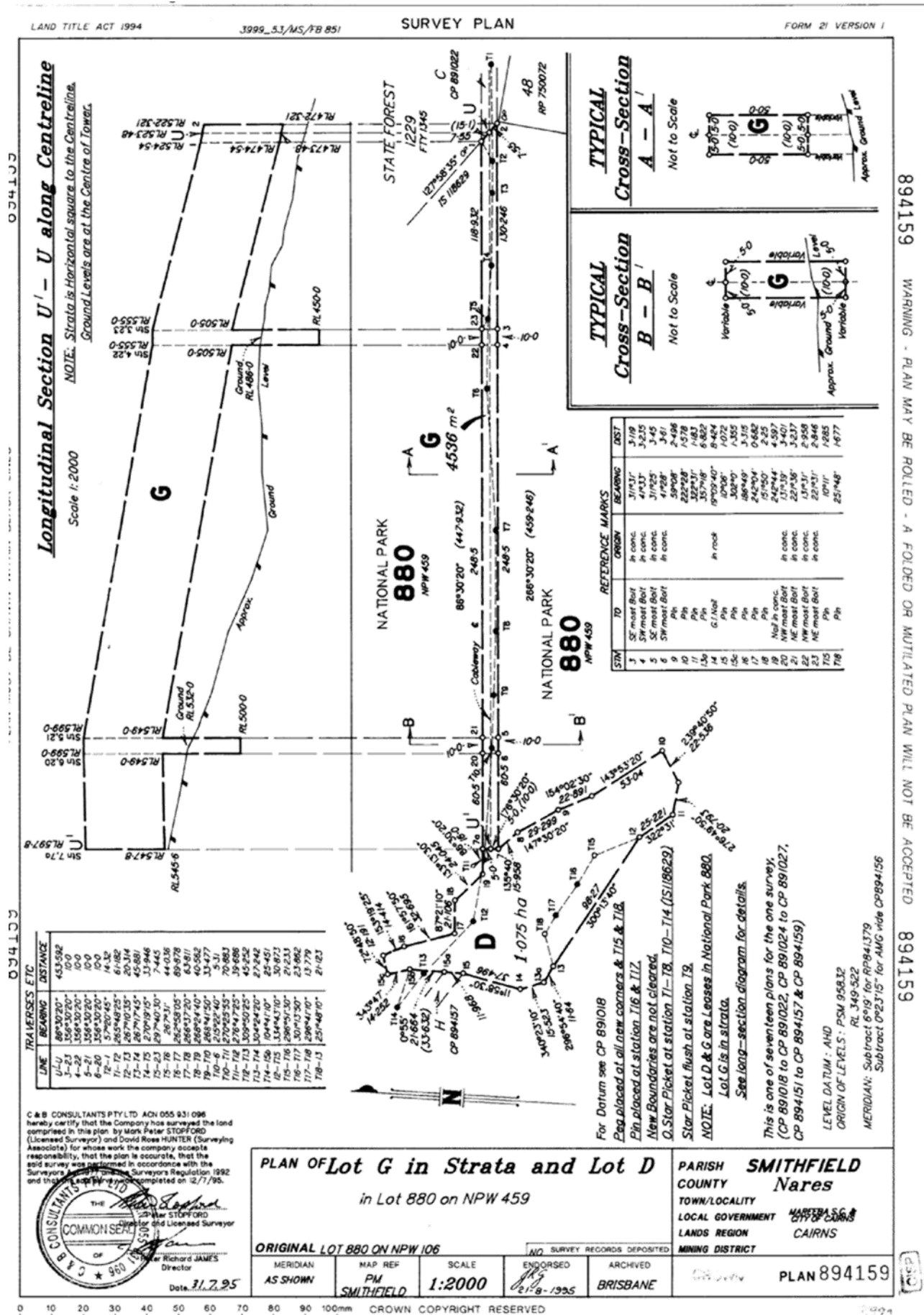
891022 WARNING - PLAN MAY BE ROLLED - A FOLDED OR MUTILATED PLAN WILL NOT BE ACCEPTED 891022













**8.4 RENEWAL OF SPECIAL LEASE 9/52334, OR CONVERSION TO FREEHOLD OVER LOT 18 ON DA840915, CETINICH ROAD, PADDYS GREEN**

**Date Prepared:** 4 January 2021

**Author:** Senior Planner

**Attachments:** 1. DNRME letter dated 23 December 2020 [↓](#)

---

**EXECUTIVE SUMMARY**

The Department of Natural Resources, Mines and Energy (DNRME) is considering an application for the renewal of Special Lease 9/52334 over Lot 18 on DA840915, situated at Cetinich Road, Paddys Green.

Special Lease 9/52334 was granted on 1 June 1992 for the purpose of water facility (dam site) and is due to expire on 31 May 2022. If renewed, the purpose of the special lease will continue as water facility (dam site).

DNRME seeks Council's views on the renewal of the special lease and also, the potential conversion to freehold.

**RECOMMENDATION**

That Council advise the Department of Natural Resources, Mines and Energy that Council has no objection to the renewal of Special Lease 9/52334 over Lot 18 on DA840915, situated at Cetinich Road, Paddys Green; or to the conversion of Lot 18 on DA840915 to freehold, subject to Lot 18 being amalgamated with adjoining Lot 127 on SP101839.

**BACKGROUND**

The Department of Natural Resources, Mines and Energy (DNRME) is considering an application for the renewal of Special Lease 9/52334 over Lot 18 on DA840915, situated at Cetinich Road, Paddys Green.

Lot 18 on DA840915 has an area of 8.932 hectares and is vacant with the exception of a seasonal waterway. The special lease is held by the owners of the adjoining freehold parcel described as Lot 127 on SP101839.

Special Lease 9/52334 was granted on 1 June 1992 for the purpose of water facility (dam site) and is due to expire on 31 May 2022. If renewed, the purpose of the special lease will continue as water facility (dam site).

DNRME seeks Council's views on the renewal of the special lease and also, the potential conversion of Lot 18 on DA840915 to freehold.

As Lot 18 on DA840915 does not have an area of 60 hectares or have frontage to a gazetted road, any freeholding should be conditional upon Lot 18 being amalgamated with adjoining Lot 127 on SP101839.

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**RISK IMPLICATIONS****LEGAL/COMPLIANCE/POLICY IMPLICATIONS**

The subject land is zoned Rural under the Mareeba Shire Council Planning Scheme 2016 and is presently unused.

There is no objection to the renewal of the special lease or the potential conversion to freehold, subject to its amalgamation with Lot 127 on SP101839.

**FINANCIAL AND RESOURCE IMPLICATIONS*****Capital***

Nil

***Operating***

Nil

**LINK TO CORPORATE PLAN**

**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**

The Department of Natural Resources, Mines and Energy will be informed of Council's decision by letter.



Queensland  
Government

Department of  
Natural Resources,  
Mines and Energy

Our reference: 2020/011232

23<sup>rd</sup> December 2020

Mareeba Shire Council  
PO Box 154  
MAREEBA QLD 4880

Emailed to: [info@msc.qld.gov.au](mailto:info@msc.qld.gov.au)

### **Renewal of Special Lease 9/52334\_Lot 18 on DA840915**

Dear Sir/Madam

Special Lease 9/52334 expires on 31/05/2022

The department is currently assessing an application for renewal of the abovementioned lease, the proposed use of which is for Water Facility (Dam Site) purposes.

The application for renewal of the lease will be assessed in terms of Section 159 of the *Land Act 1994*, after considering the views of all interested parties and an inspection of the land.

As part of our investigations into the renewal of Special Lease 9/52334, the department will undertake a most appropriate use assessment of the leased land.

Should it be determined the most appropriate use of the land is freehold tenure, the department may make an offer to convert the abovementioned lease to freehold tenure.

Please advise the department of your views or requirements regarding the renewal and/or conversion to freehold Special Lease 9/52334, that the department should consider when assessing this application.

A Smart map showing the subject land and the surrounding locality is attached for your reference.

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 01<sup>ST</sup> March 2021. If you offer an objection to the application, a full explanation stating the reason for such an objection should be forwarded to this office.

If you wish to provide a response but are unable to do so before this date, please contact Annie Dureau-Power as soon as possible 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.

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.



If you wish to discuss this matter, please contact Annie Dureau-Power on (07) 4447 9181.

Please quote reference number 2020/011232 in any future correspondence.

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 organization, without the express written permission of the Department.

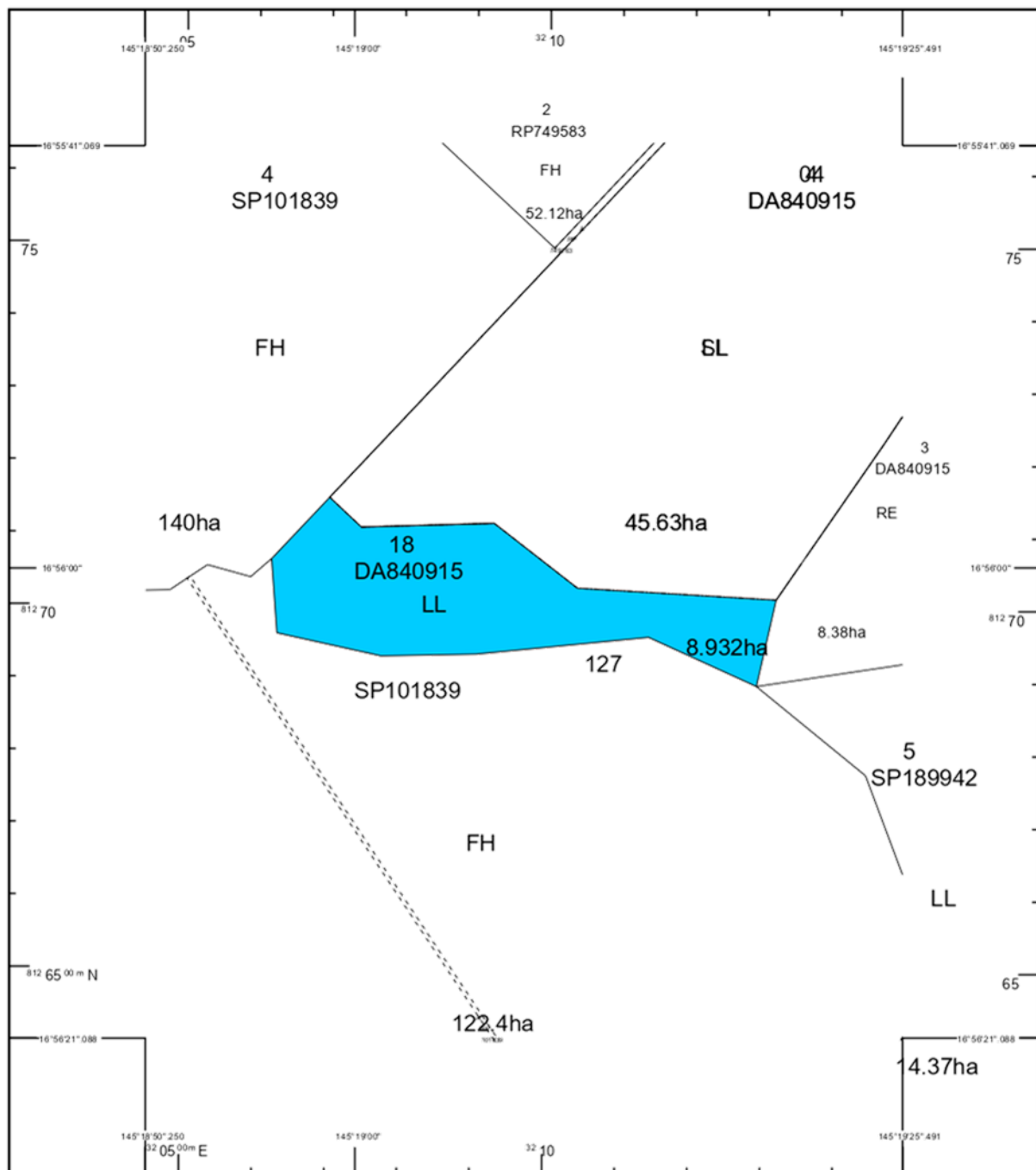
Yours sincerely,

*Annie Dureau-Power*

Anne Dureau-Power

Land Officer

DNRME Townsville  
PO BOX 5318  
Level 9  
445 Flinders Street  
Queensland 4810 Australia  
Telephone +61 7 44479181  
[www.dnrme.qld.gov.au](http://www.dnrme.qld.gov.au)  
ABN 59 020 847 551



STANDARD MAP NUMBER  
7964-23133

0 150 300 450 600 750 m  
HORIZONTAL DATUM GDA94 ZONE 55 SCALE 1 : 7500

MAP WINDOW POSITION &  
NEAREST LOCATION



#### SUBJECT PARCEL DESCRIPTION

DCDB  
Lot/Plan 18/DA840915  
Area/Volume 8.932ha  
Tenure LANDS LEASE  
Local Government MAREEBA SHIRE  
Locality PADDYS GREEN  
Segment/Parcel 9165/147

#### CLIENT SERVICE STANDARDS

PRINTED (dd/mm/yyyy) 10/12/2020  
For additional information regarding this SmartMap see page 2.  
Shading Rules have been applied.

DCDB 09/12/2020

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Despite Department of Natural Resources, Mines and Energy(DNRME)'s best efforts, DNRME 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.

For further information on SmartMap products visit  
<https://www.qld.gov.au/housing/buying-owning-home/property-land-valuations/smartmaps>

**SmartMap**

An External Product of  
SmartMap Information Services  
Based upon an extraction from the  
Digital Cadastral Data Base



(c) The State of Queensland,  
(Department of  
Natural Resources,  
Mines and Energy) 2020.

## **Additional Information Page**

### Shading Rules

 Lot Number = 18 and Plan Number = DA840915



**8.5 EXTENSION TO RELEVANT PERIOD - D WARD & G WRIGHT - MATERIAL CHANGE OF USE - ANIMAL HUSBANDRY-INTENSIVE (DEVELOPMENT OF A 50 CAT CATTERY) - LOT 4 ON RP749637 - 131 BOYLES ROAD, KURANDA - MCU/07/0027**

**Date Prepared:** 4 January 2021

**Author:** Senior Planner

**Attachments:**

1. **Negotiated Decision Notice dated 10 December 2008** [↓](#)
2. **Applicant's request to extend relevant period dated 7 November 2020**  
[↓](#)

APPLICATION		PREMISES	
<b>APPLICANT</b>	D Ward & G Wright	<b>ADDRESS</b>	131 Boyles Road, Kuranda
<b>DATE REQUEST FOR EXTENSION OF RELEVANT PERIOD LODGED</b>	7 November 2020	<b>RPD</b>	Lot 4 on RP749637
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use - Animal Husbandry-Intensive (expansion of dog kennel from 40 to 80 dogs and development of a 50 cat cattery)  Note: dog kennel expansion has been completed		
<b>FILE NO</b>	MCU/07/0027	<b>AREA</b>	15.64 hectares
<b>LODGED BY</b>	D Ward & G Wright	<b>OWNER</b>	D Ward & G Wright
<b>PLANNING SCHEME</b>	Mareeba Shire Planning Scheme 2004 (amendment no. 1 of 2007)		
<b>ZONE</b>	Myola zone		
<b>LEVEL OF ASSESSMENT</b>	Impact Assessment		
<b>SUBMISSIONS</b>	Twenty (20)		

## EXECUTIVE SUMMARY

Council approved a development application described in the above application details at its meeting held on 23 April 2008, subject to conditions. A subsequent request for a Negotiated Decision Notice was approved at its meeting held on 3 December 2008.

The application was impact assessable and 20 properly made submissions were received in response to public notification of the application.

The dog kennel expansion aspect of development approval MCU/07/0027 has been completed and is in use. The cattery aspect of development approval MCU/07/0027 has not commenced and will lapse unless a further extension to the relevant period is granted.

The applicant has subsequently lodged an application to extend the relevant period for a further two (2) years from 10 June 2021 to 10 June 2023.

It is recommended that the application be approved in full.

**OFFICER'S RECOMMENDATION**

1. "That in relation to the application to extend the relevant period for the following development approval:

<b>APPLICATION</b>		<b>PREMISES</b>	
<b>APPLICANT</b>	D Ward & G Wright	<b>ADDRESS</b>	131 Boyles Road, Kuranda
<b>DATE REQUEST FOR EXTENSION OF RELEVANT PERIOD LODGED</b>	7 November 2020	<b>RPD</b>	Lot 4 on RP749637
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use - Animal Husbandry-Intensive (expansion of dog kennel from 40 to 80 dogs and development of a 50 cat cattery)		

and in accordance with the Planning Act 2016,

- (a) The relevant period be extended for two (2) years from 10 June 2021 to 10 June 2023.
2. A Notice of Council's decision be issued to the applicant advising of Council's decision".

**THE SITE**

The site is described as Lot 4 on RP749637 and is located at 131 Boyles Road, Kuranda, approximately 1.2 kilometres from the intersection of Oakforest Road and Boyles Road.

The site has an area of approximately 15.64 hectares and a frontage of approximately 380 metres onto Boyles Road.

The site is relatively flat with a gentle fall towards Owen Creek situated to the east. The site retains much of its natural vegetation cover. Two (2) dwelling houses and the 80 dog kennel exist on the subject land.

Vehicular access to the property is obtained solely off Boyles Road, which is bitumen sealed between Oakforest Road and the site access.

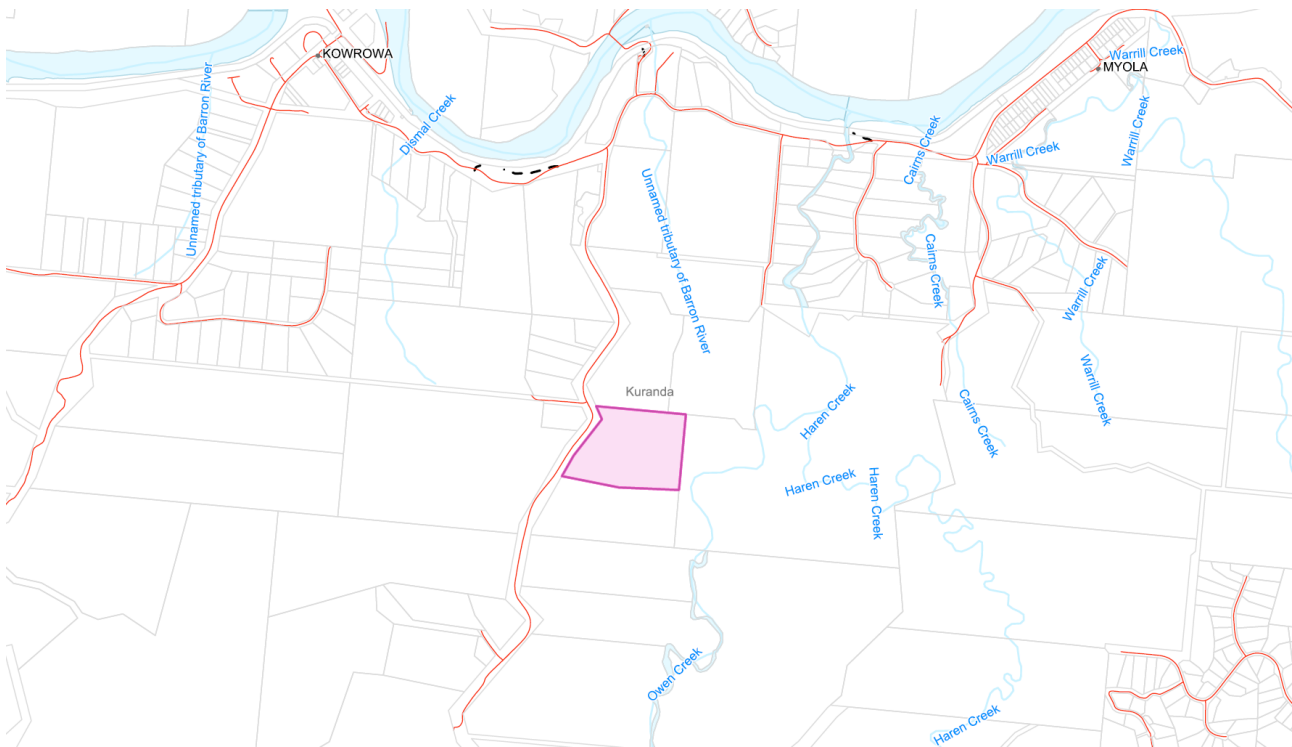
The subject land and immediately locality has a rural character.





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## BACKGROUND AND CONTEXT

Council at its Ordinary Meeting held on 23 April 2008 resolved to issue a Development Permit for the application made by D Ward and G Wright for the Material Change of Use of land described as Lot 4 on RP749637, Parish of Formartine, situated at 131 Boyles Road, Kuranda, for the purpose of expanding the established dog boarding kennel from 40 dogs to 80 dogs and development of a 50 cat cattery.

A decision notice was issued on 1 May 2008.

The applicants subsequently made representations to Council seeking the issue of a negotiated decision notice. Council at its Ordinary Meeting held on 3 December 2008 approved the issue of a negotiated decision notice.

A negotiated decision notice was issued on 10 December 2008 (**Attachment 1**).

Since 2008, Council has granted several extensions to the relevant period with the last extension ending on 10 December 2020.

The Queensland Government has applied an automatic six (6) month extension to development approvals as part of the response to COVID19.

Accordingly, the relevant period for the uncompleted aspects of MCU/07/0027 will lapse on 10 June 2021.

The dog kennel expansion has been completed and has been in use for several years.

The applicants have lodged an application (**Attachment 2**) to extend the relevant period for a further two (2) years from 10 June 2021 to 10 June 2023.

## ASSESSMENT AND DECISION REQUIREMENTS

### Assessment Rules

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.*

If a new application was lodged for this proposal it would be assessed under the Mareeba Shire Council Planning Scheme 2016.

The conditions of development approval MCU/07/0027 remain comprehensive and any new development approval would not be expected to have significantly different requirements.

The original development application was Impact Assessable and subject to public notification. 20 submissions were received, largely opposed to the dog kennel component of the development.

The Kuranda Pet Resort continues to operate on the subject land and the community's awareness of the development approval is considered high.

Complaints to Council about the operations of the dog kennel have been minimal over the past few years.

A further development application would be Impact Assessable and subject to public notification.

The dog kennel aspect of the current application attracted a considerable amount of community concern and opposition. This aspect of the current approval has commenced and will not lapse.

The potential lapsing only affects the cattery aspect of the development approval. If a further application was needed, it would be limited to the cattery aspect and as such, is not expected to attract the same level of community concern.

The original development application triggered referral to Council as a concurrence agency for a devolved environmentally relevant activity (ERA). This ERA has since been deleted from the *Environmental Protection Act 1994*.



TABLELANDS REGIONAL COUNCIL

File Ref: MCU/07/0027  
Admin Ref: BJM:kc

Mr Brian Millard  
4043 4371

## Decision Notice Approval

*Integrated Planning Act 1997 S 3.5.15*

10 December 2008

D Ward & G Wright  
131 Boyles Road  
KURANDA QLD 4881

Dear Sir/Madam

**APPLICATION FOR A DEVELOPMENT PERMIT - MATERIAL CHANGE OF USE - ANIMAL HUSBANDRY - INTENSIVE (EXPANSION OF ESTABLISHED DOG BOARDING KENNEL FROM 40 TO 80 DOGS AND DEVELOPMENT OF A 50 CAT CATTERY)  
LOT 4 ON RP749637, PARISH OF FORMARTINE  
SITUATED AT 131 BOYLES ROAD, KURANDA**

I wish to advise that, on 3 December 2008, the above development application was -

- Approved in full with conditions.

The conditions relevant to this approval are detailed in section 4 of this notice. These conditions are clearly identified to indicate whether the Assessment Manager or a Concurrence Agency imposed them.

### 1. Details of the approval -

The application seeks a **Development Permit for Material Change of Use- Animal Husbandry- Intensive (Expansion of Established Dog Boarding Kennel from 40 to 80 Dogs and Development of a 50 Cat Cattery) made assessable by Mareeba Shire Planning Scheme 2004.**

Atherton Office  
PO Box 573  
ATHERTON QLD 4883

PH: 07 4091 0700  
FAX: 07 4091 4300

Eacham Office  
PO Box 3  
MALANDA QLD 4885

PH: 07 4096 5311  
FAX: 07 4096 5086

Herberton Office  
PO Box 41  
HERBERTON QLD 4887

PH: 07 4096 2244  
FAX: 07 4096 2689

Mareeba Office  
PO Box 154  
MAREEBA QLD 4880

PH: 07 4030 3900  
FAX: 07 4092 3323

Email: [info@trc.qld.gov.au](mailto:info@trc.qld.gov.au)  
Website: [www.trc.qld.gov.au](http://www.trc.qld.gov.au)

C:\Users\brianm\Downloads\ECM\_1511509\_v2\_Negotiated Decision Notice for Ward & Wright (Kuranda Pet Resort) MCU 07 0027.doc

## DECISION NOTICE - APPROVAL

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**2. The relevant period for the approval -**

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

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

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.

**3. The approved plans -**

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

Plan / Document Number	Plan / Document Name	Date
	Proposed Dog Boarding Kennels (Site Plan)	25.03.2005
Sheet No 2	Proposed Dog Boarding Kennels (Floor Plan)	25.03.2005
Sheet No 13	Proposed Dog Boarding Kennels (Drainage Plan)	25.03.2005
	Plan of Buildings A, B & C (Side Elevation)	

**4. Conditions -****(A) DETAILS OF PREMISES AND APPROVED USE**

<b>LOCATION:</b>	131 Boyles Road, Kuranda
<b>PROPERTY DESCRIPTION:</b>	Lot 4 on RP749637, Parish of Formartine
<b>AREA OF LAND:</b>	15.64 hectares
<b>MATERIAL CHANGE OF USE:</b>	Animal Husbandry - Intensive (Expansion of established dog boarding kennel from 40 to 80 dogs and development of a 50 cat cattery)
<b>APPROVED PLANS:</b>	Site plan drawn by B Peach dated 25 March 2005.

**(B) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)****1. Proposal Plan**

Development of the site is to be substantially in accordance with the site plan drawn by B Peach dated 25 March 2005, subject to any alterations:

- found necessary by the Chief Executive 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. Access Works**

The applicant is to maintain the existing access onto Boyles Road to the Mareeba Shire Access Requirements of the FNQROC Development Manual and constructed to the satisfaction of the Development Engineer.

**3. All earthworks, access tracks, driveways, carparking areas and the like are to be gravel sealed so that the risk and consequences of erosion and dust are minimised. All earthworks are to be**



DECISION NOTICE - APPROVAL

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planted or otherwise protected from scour as soon as possible after works are carried out and to the satisfaction of the Manager Planning.

4. On site carparking is to be provided in accordance with the requirements of the Mareeba Shire Planning Scheme. Carparking shall be designed and constructed generally in accordance with the requirements of the Mareeba Shire Planning Scheme and to the satisfaction of the Manager Planning.
5. The applicant is to obtain Development Permits for Building and Plumbing Works prior to the construction or alteration of any building on site.
6. No sign other than a sign not exceeding one (1) square metre in area being displayed on the Boyles Road frontage of the subject site.
7. All animal wastes (except as in Item 8 below), including waste water from the animal enclosures are to be treated through an approved effluent disposal system. The effluent disposal system must have appropriate approvals to receive and treat effluent from intensive animal housing and be capable of adequately treating the daily load generated by the animals plus any other waste water resulting from cleaning the cattery. The applicant is required to monitor the performance of the effluent disposal system in accordance with the manufacturers instruction and shall keep records of such monitoring in regard to the quality of effluent disposed of, the quantity of effluent and the land suitability for effluent disposal to ensure the proper functioning of the effluent disposal system.
8. If animal faeces and other waste animal products are collected prior to cleaning of the animal housing areas, details of the method of disposal of the animal faeces must be provided to Council for approval. Untreated burial is not acceptable. Removal of any regulated waste from the premises must be by a suitably licensed waste removal operator.
9. No more than eighty (80) dogs and fifty (50) cats are to be housed overnight in the dog kennel and cattery at any one time.
10. A stormwater management plan will be provided to Council and maintained by the operator of the kennel/cattery. The plan will detail the control of stormwater entering and leaving the kennel/cattery or other areas where it may become contaminated with animal faecal matter, food or cleaning products so that the stormwater does not contaminate the surrounding soil, stormwater or waterways.
11. The floor and walls of the kennel/cattery which in the normal course of the operation of the kennel/cattery are likely to be contact surfaces for animals, animal faeces and urine and wash water, are to be constructed of an impervious surface and be properly drained to Council's satisfaction.
12. Wash water is not to be released to stormwater. It must be treated before disposal.
13. Exercising of dogs  
Dogs are to be exercised under supervision.
14. Storage and preparation of food  
All food is to be stored and prepared in a properly constructed building capable of being easily cleansed, maintained and kept free of vermin. All animal food must be stored in vermin proof containers.
15. Confinement of animals  
Animals shall at all times be kept within the confines of the kennels/cattery and exercise yards except during their receipt or release.



DECISION NOTICE - APPROVAL

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16. Acoustic Report

The applicant is to lodge an acoustic report prepared by a suitably qualified professional that addresses the potential noise impact from the proposed increased capacity kennels. The acoustic report must include, as a minimum:

- (i) Background noise measurements for a period of a week during the winter months when the influence of insect noise is minimised. The measurements must be made in accordance with the recommendations of the Queensland Environmental Protection Agency Noise Measurement Manual, and must exclude extraneous noise from the existing Kuranda Pet Resort, and other sources.
- (ii) Attended source noise measurements for individual dog barks, and semi-continuous noise levels from a group of dogs barking at the existing kennels, including frequency analysis. The measurements must note the number of dogs housed at the time, and estimate the number and type (or breed) of dog barking for the various source noise measurements.
- (iii) Noise modelling of the expected noise levels at the nearest receptors under a range of typical and worst case meteorological conditions must be completed, utilising the source noise data measured as per (ii).
- (iv) Results of the noise modelling must be compared to the assessment criterion for day, evening and night time periods to determine whether acoustic controls are required to achieve the acceptable noise levels.

17. Operational Noise Management Plan

The Applicant is required to submit for approval by Council an Operational Noise Management Plan containing best practice procedures that are to be implemented for minimising noise emissions from the premises.

- 18. Individual kennels and external exercise runs are to be visually shielded from all areas where other dogs are housed and from all areas where visitors and clients may arrive and depart. The visual shielding must be in place from the commencement of operations, and must comprise an opaque physical barrier or mature vegetation that is sufficiently dense to prevent visual contact between dogs in adjoining kennel units and adjoining exercise areas.
- 19. All buildings to be used for the housing of dogs are to be soundly constructed and soundproofed such that the measured noise levels at the nearest residential properties comply with the acoustic criteria defined in Condition 28.
- 20. The recommended noise controls as defined in the Acoustic Report referenced in Condition 16 must be implemented prior to commencement of operations, and maintained at all times thereafter.  
  
Four (4) acoustically treated kennels are to be provided prior to the commencement of operation. Should the five kennels prove insufficient to cater for the number of problem dogs that are recorded on the register, then the additional 6 isolation kennels are to be provided.
- 21. The approved Operational Noise Management Plan must be complied with at all times, and all records required to be maintained under the approved Operational Noise Management Plan must be available for inspection by Council on request.
- 22. Feeding of dogs is not to commence prior to 7 am or to occur after 6 pm.

DECISION NOTICE - APPROVAL

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23. Dogs are to be housed in individual kennels, except where they are habitually housed together and a shared kennel does not result in excessive barking or whining.
24. Public access to the premises is excluded outside of the hours of 7 am to 7 pm, including for the purposes of delivering and collecting animals and for deliveries of supplies.
25. The Operator of the facility must at, all times, actively manage noise from animals housed at the facility such that the occurrence of excessive noise is prevented. Excessive noise is noise that has the potential to breach the acoustic criteria defined in Condition 28.
26. Exercise in runs attached to individual kennels, or in the separate external exercise areas, is not to occur outside the hours of 7 am to 6 pm.
27. The operator must maintain a register of dogs that are known to bark excessively, or known to cause other kennelled dogs to bark excessively. If accepted for boarding, dogs on the register must be housed in the acoustic isolation kennels.
28. Noise from the operation of Kuranda Pet Resort shall be limited such that the adjusted average maximum noise level  $L_{Amax, adj, T}$  when measured at any adjacent noise sensitive place must not exceed:
  - (a) the background noise level + 5 dBA for daytime hours (7 am to 6 pm) and evening (6 pm to 10 pm);
  - (b) the background noise level + 3 dBA for night time hours (10 pm to 7 am);
 or, the noise limits specified in Table A, whichever is greater.

**Table A Noise Limits**

Period		Noise Limit $L_{Amax, adj, T}$	
		Area A <sup>1</sup>	Area B <sup>2</sup>
Day	7.00 am - 6.00 pm	35	33
Evening	6.00 pm - 10.00 pm	38	33
Night	10.00 pm - 7.00 am	36	30

NOTES: Area A - sites which adjoin clearings with extensive areas of moist, lank, grassland.  
Area B - dryer areas and forested sites.

For the purposes of the above noise limits the following procedures shall be used.

**Measurement Procedures**

1. Sound measurement instrumentation, measurement and reporting shall be in general accordance with the provisions of AS1055: Part 1-1997. Acoustics- Description and Measurement of Environmental Noise - Part 1: General Procedures.
2. The Background Noise Level
  - (i) The background noise level ( $L_{A90, T}$ ) during the relevant time period, T, refers to the average minimum A-weighted sound level in the absence of the noise under consideration.
  - (ii) When statistical analysis is used, the background noise level shall be taken as that noise level which is exceeded for 90 percent of the relevant time period, T (that is the  $L_{A90, T}$ ).

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## 3. The Measured Noise Level

The measured noise level shall be determined as the arithmetic average of the maximum instantaneous sound pressure levels in dB(A) due to noise from the subject site during the relevant time period, T.

## 4. Time and Place of Measurement

- (i) Noise from the subject site and the background noise level shall be measured in the vicinity of the relevant noise sensitive place at a distance of at least 3.5 m from the affected habitable building and any other building or sound reflecting structure.
- (ii) The microphone height shall be 1.5 m above local ground level except where this height would be insufficient to provide representative measurement of noise levels at habitable levels of the relevant building. In such cases the microphone height shall be equivalent to 1.5 m above the floor height of the highest habitable floor or at a height equivalent to the centre of the window of the most affected habitable room in the building, whichever is higher.
- (iii) A measurement interval of 15 minutes shall be used for noise measurements, except where this period is insufficient to provide a true representation of the characteristics of the noise under consideration. For noise due to dog barking, a minimum measurement period of 30 minutes is preferred.
- (iv) The noise from the subject site and the background noise level shall be measured at a time which is as close as practicable to the time of day that the noise from the subject site is alleged to be excessive.
- (v) Where it is not practically possible to measure the background level in the absence of the noise from the subject site, then the background level may be measured at another similar location where noise from the subject site is absent.

## 5. Adjustments to the Measured Noise Level

Where the noise from the subject site exhibits tonal or impulsive characteristics or is intermittent, the measured noise level shall be adjusted in accordance with Schedule A.

***Schedule A: Adjustments to the Measured Noise Level***

Characteristics of the noise		Adjustment dBA	
Tonal components:	If the tonal components are just perceptible	2	
	If the tonal components are readily perceptible	5	
Impulse components:	If the impulse components are just perceptible	2	
	If the impulse components are readily perceptible	5	
Intermittency:	Duration (D) of the noise as a percentage of the relevant time period.	$D \geq 50\%$	0
		$50\% > D \geq 1\%$	$10 \log_{10} \left( \frac{D}{100} \right)$
		$1\% > D$	-20

## 6. The Adjusted Measured Noise Level or in situations where no adjustments are applied, the Measured Noise Level, shall be compared with the noise limits.

## 7. All other conditions remain as agreed to by Council on 23 April 2008.

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8. In relation to Condition 17, the Operational Noise Management Plan be approved subject to the inclusion of the following clause:

19. A register of dogs that are known to bark excessively, or known to cause other kennelled dogs to bark excessively is to be maintained. If accepted for boarding, dogs on the register must be housed in the acoustic isolation kennels.

Note: The average maximum noise level is to be measured as the arithmetic average of the maximum instantaneous sound pressure levels in dB(A) of noise from activities at the Kuranda Pet Resort (such as barking dogs) measured over a 15 minute time period. During the measurement period, noise from the Kuranda Pet Resort must be representative of maximum noise levels (when dogs are barking intermittently or semi-continuously). Maximum noise levels from other sources are to be excluded from the measurements.

**(C) CONCURRENCE AGENCY RESPONSE (COUNCIL)**

**ENVIRONMENTALLY RELEVANT ACTIVITY CONDITIONS**

This Development Approval Consists of the following schedules:

Schedule A:	General Conditions
Schedule B:	Air Discharge Conditions
Schedule C:	Water Discharge Conditions
Schedule D:	Stormwater Management Conditions
Schedule E:	Land Application Conditions
Schedule F:	Noise Control Conditions
Schedule G:	Waste Management Conditions
Schedule H:	Self-Monitoring and Reporting Conditions
Schedule I:	Definitions

**SCHEDULE A – GENERAL CONDITIONS**

- (A1) The environmentally relevant activity must be constructed, operated and maintained in accordance with the plans, specifications and information submitted by the applicant which are approved by the Administering Authority as set out in the attached schedule to this development approval except that, in the event of an inconsistency arising between the application and the conditions of this development approval, the conditions of the development approval must apply.
- (A2) The holder of the development approval must not change the method of disposal or increase the amount of disposed waste under this development approval if the change is likely to increase the likelihood of the creation of a nuisance.
- (A3) Contaminants must not be released to the environment other than in accordance with the development approval.
- (A4) The holder of the development approval must install and operate all works and control equipment, and take all measures, perform all acts and do all things necessary to ensure compliance with the conditions of the development approval.
- (A5) A copy of this development approval must be kept in a location readily accessible to personnel carrying out the activity.
- (A6) The holder of the development approval must ensure that those persons responsible for day-to-day operations at the approved place are familiar with the conditions of this development approval.
- (A7) Any record required to be kept as a condition of the development approval must be kept at the approved place and be available for examination by an authorised person.

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- (A8) Copies of any record required to be kept by a condition of the development approval must be provided to any authorised person or the administering authority on request.

**SCHEDULE B – AIR DISCHARGE**

- (B1) Notwithstanding any other condition of the development approval, no odour determined by an authorised person to be noxious or offensive is to be released beyond the boundaries of the approved place.
- (B2) No release of contaminants, including but not limited to odour, dust, smoke, fumes, particulates and aerosols is to cause or be likely to cause an environmental nuisance beyond the boundaries of the approved place.
- (B3) No incineration or open burning is to be carried out on the approved place.

**SCHEDULE C – WATER DISCHARGE**

- (C1) Except as otherwise provided by the conditions of the water schedule of this development approval, the environmentally relevant activity must be carried out by such practical means, which may be necessary to prevent or minimise the release of contaminants to waters.
- (C2) Contaminants must not be directly or indirectly released from the approved place to any waters or the bed and banks of any waters (except as permitted under another schedule of this development approval)

**SCHEDULE D – STORMWATER MANAGEMENT**

- (D1) Except as provided by the conditions of the stormwater management schedule and the water schedule of this development approval, the environmentally relevant activity must be carried out by such practical means which may be necessary to prevent or minimise the contact of incident rainfall and stormwater runoff with wastes, contaminants or material to any stormwater drainage system, roadside gutter or water.
- (D2) Any stormwater leaving the approved place shall contain no visible floating oil, grease, scum, litter or other matter.
- (D3) Any spillage of wastes, contaminants or other materials must be cleaned up as quickly as practical. Such spillage must not be cleaned up by hosing, sweeping or otherwise releasing such wastes, contaminants or material to any stormwater drainage system, roadside gutter or water.
- (D4) All wastewater produced as a result of the environmentally relevant activity, including water produced from the washing of animals and animal accommodation is to be discharged to an approved effluent disposal system.

**SCHEDULE E – LAND APPLICATION**

- (E1) The environmentally relevant activity must be carried out by such practical means that may be necessary to prevent or minimise the release of contaminants to the land.

**SCHEDULE F – NOISE CONTROL**

- (F1) Except as otherwise provided by the condition of the Noise schedule of this development approval, the environmentally relevant activity must be carried out by such means that may be necessary to prevent or minimise the emission or noise.
- (F2) Noise from the operation of Kuranda Pet Resort must be limited such that the average maximum level of noise when measured at any adjacent noise sensitive place as the  $LA_{max,adj,T}$  must not exceed more than 5 dB(A) above the background noise level ( $LA_{90,T}$ ) for daytime hours (7 am to 6 pm) and evening (6 pm to 10 pm) and not more than 3 dB(A) above the background noise level for night time hours (10 pm to 7 am), where T is defined as 15 minutes.

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$LA_{max,adj,T}$  and  $LA_{90,T}$  must be measured in accordance with the Queensland Environmental Protection Agency Noise Measurement Manual.

Note: The average maximum noise level is to be measured as the arithmetic average of the maximum instantaneous sound pressure levels in dB(A) of noise from activities at the Kuranda Pet Resort (such as barking dogs) measured over a 15 minute time period. During the measurement period, noise from the Kuranda Pet Resort must be representative of maximum noise levels (when dogs are barking intermittently or semi-continuously). Maximum noise levels from other sources are to be excluded from the measurements.

**SCHEDULE G – WASTE MANAGEMENT**

- (G1) Waste must not be released to the environment or disposed contrary to the condition of this development approval.
- (G2) Waste must not be burnt or allowed to burn at the approved place or removed and burnt elsewhere.
- (G3) Where a recycling service is available, recyclable waste must not be deposited in the general waste stream.

**SCHEDULE H – SELF-MONITORING**

- (H1) All complaints received by the holder of this development approval of this environmentally relevant activity relating to operations at the approved place must be recorded in a logbook with the following details:
- ◆ time and date of complaint
  - ◆ contact details of the complainant
  - ◆ response and investigation undertaken as a result of the complaint
  - ◆ name of person responsible for investigating complaint
  - ◆ action taken as a result of the investigation of the complaint
- (H2) The complaints recorded as required by the above condition shall be maintained for a period of not less than 3 years.
- (H3) As soon as practical after becoming aware of any emergency or incident which results in the release of contaminants not in accordance, or reasonably expected to be not in accordance with the conditions of this development approval, the holder of this development approval, through their operator on site, must notify the administering authority of the release by telephone or facsimile.
- (H4) The notification of emergencies or incidents as required by condition H3 must include but not limited to the following:
- ◆ the name of the holder of this development approval
  - ◆ the location of the emergency or the incident
  - ◆ the name and telephone number of the designated contact person
  - ◆ the time of release
  - ◆ the time the holder of the development approval became aware of the release
  - ◆ the suspected cause of the release
  - ◆ the environmental harm and or the environmental nuisance caused, threatened or suspected to be caused by the release
  - ◆ actions taken to prevent any further release and mitigate any environmental harm or environmental nuisance caused by the release



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**SCHEDULE I – DEFINITIONS**

- (11) For the purpose of this development approval, any term not otherwise defined in legislation or in the definitions schedule of this development approval has the meaning conferred to that term in its common usage.
- (12) In the event of any inconsistency arising between the meaning of any term provided in the definitions schedule of this development approval and any common usage of that term, the meaning conferred in the definitions schedule of this development approval must apply.
- (13) For the purpose of this development approval the following definitions apply:
- “Act” means the Environmental Protection Act 1994  
 “Administering Authority” means the Tablelands Regional Council or its successor

**(D) ASSESSMENT MANAGER’S ADVICE**

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

**5. Other necessary development permits –**

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

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

**6. Conflict with laws and policies and reasons for the decision despite the conflict –**

The Assessment Manager considers the decision conflicts with the applicable codes/planning scheme and any other relevant local planning instrument—

Conflict with applicable codes/planning scheme and any other relevant local planning instrument	Reason for the decision, including a statement about the sufficient grounds to justify the decision despite the conflict
Strategic Framework (b)	(i) The proposed development fulfils Desired Environmental Outcome (h):
	(h) All members of the community have appropriate access to relevant services and facilities that meet their needs and create a sense of community satisfaction
Desired Environmental Outcome (o)	(ii) The proposed development promotes responsible pet ownership and will meet a community need.
	(iii) The proposed development is a more efficient use of

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Myola Zone Code 4.127 - Inconsistent Uses	<p>the existing kennel and no additional infrastructure is required to accommodate the increased number of dogs.</p> <p>(iv) Implementation of the noise management conditions suggested by Air Noise Environment Pty Ltd should result in the proposed development having a minimal/lesser impact on the amenity of the locality.</p>
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7. IDAS referral agencies -

The IDAS Referral Agencies applicable to this application are -

For an application involving	Name of referral agency	Status	Address
<b>MATERIAL CHANGE OF USE</b>			
For an <b>environmentally relevant activity (ERA)</b> , other than a mining activity, petroleum activity, mobile and temporary ERA or an ERA for which a code of environmental compliance has been made under the EP Reg; or	Local Government	Concurrence	Mareeba Shire Council PO Box 154 MAREEBA QLD 4880
For an <b>ERA</b> in a wild river area, other than a mining activity or petroleum activity, for which a code of environmental compliance has been made under the EP Reg			

8. Submissions -

There were **twenty (20)** properly made submissions about the application. In accordance with s 3.5.15(2)(j) of the IPA, the name and address of the principal submitter for each properly made submission are as follows -

Name of principal submitter	Address
1. Rhonda Young	200 Boyles Road, KURANDA QLD 4881
2. Rhys Scarrott	Lot 15, Cape Tribulation Road, DAINTREE QLD 4873
3. Cheryl Tonkin	High Chapparal Road, MYOLA QLD 4881
4. Elizabeth Tonkin & Matthew Cotton	PO Box 2399, MAREEBA QLD 4880
5. Jeffrey & Shona Ballantyne	R/N 33 Jeffrey Road, Russett Park, KURANDA QLD 4881
6. Simon Lloyd	21 Stratford Parade, STRATFORD QLD 4870
7. Karen Davies	120 Myola Road, KURANDA QLD 4881
8. Christian VanKoeverden	Lot 103 Boyles Road, KURANDA QLD 4881
9. Deborah King	PO Box 160, KURANDA QLD 4881
10. Gary Sparks	30 Jeffrey Road, Russett Park, KURANDA QLD 4881
11. Sandy Ball	KURANDA QLD 4881
12. Christine Isgar	19 High Chapparal Road, KURANDA QLD 4881
13. Hilary Skimming (Kuranda Pharmacy)	5 Conndoo Street, KURANDA QLD 4881
14. Tracey Ollington	165 Boyles Road, KURANDA QLD 4881
15. Robert & Mary Morrison	PO Box 384, KURANDA QLD 4881
16. Deborah Boulden	25 Hall Street, EDGE HILL QLD 4870
17. Elaine Cushman	PO Box 27, KURANDA QLD 4881

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18. Amanda Purkiss	<a href="mailto:Amanda@alchemy.net.au">Amanda@alchemy.net.au</a>
19. Lynda & Peter Barratt	PO Box 1024, KURANDA QLD 4881
20. Rosemary Marks	828 Alandele Avenue, LOS ANGELES CA 90036, USA

**9. Appeal rights -**

In accordance with the *Integrated Planning Act 1997* you may negotiate with Council or appeal to the Planning and Environment Court. A copy of the **Implementation Note, Note 16 - Negotiated Decision Notices and Implementation Note, Note 20 - Appeal and Declaratory Powers under the IPA** and the form 'Notice of Appeal' is enclosed for your information.

**10. When the development approval takes effect -**

This development approval takes effect -

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

OR

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

This approval will lapse if—

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

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

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

Yours faithfully

**STEVEN RIPPER**  
**GENERAL MANAGER ENVIRONMENT & DEVELOPMENT**

Enclosures - Approved plan/s of development, Implementation Note, Note 16 - Negotiated Decision Notices and Implementation Note, Note 20 - Appeal and Declaratory Powers under the IPA and the form 'Notice of Appeal'

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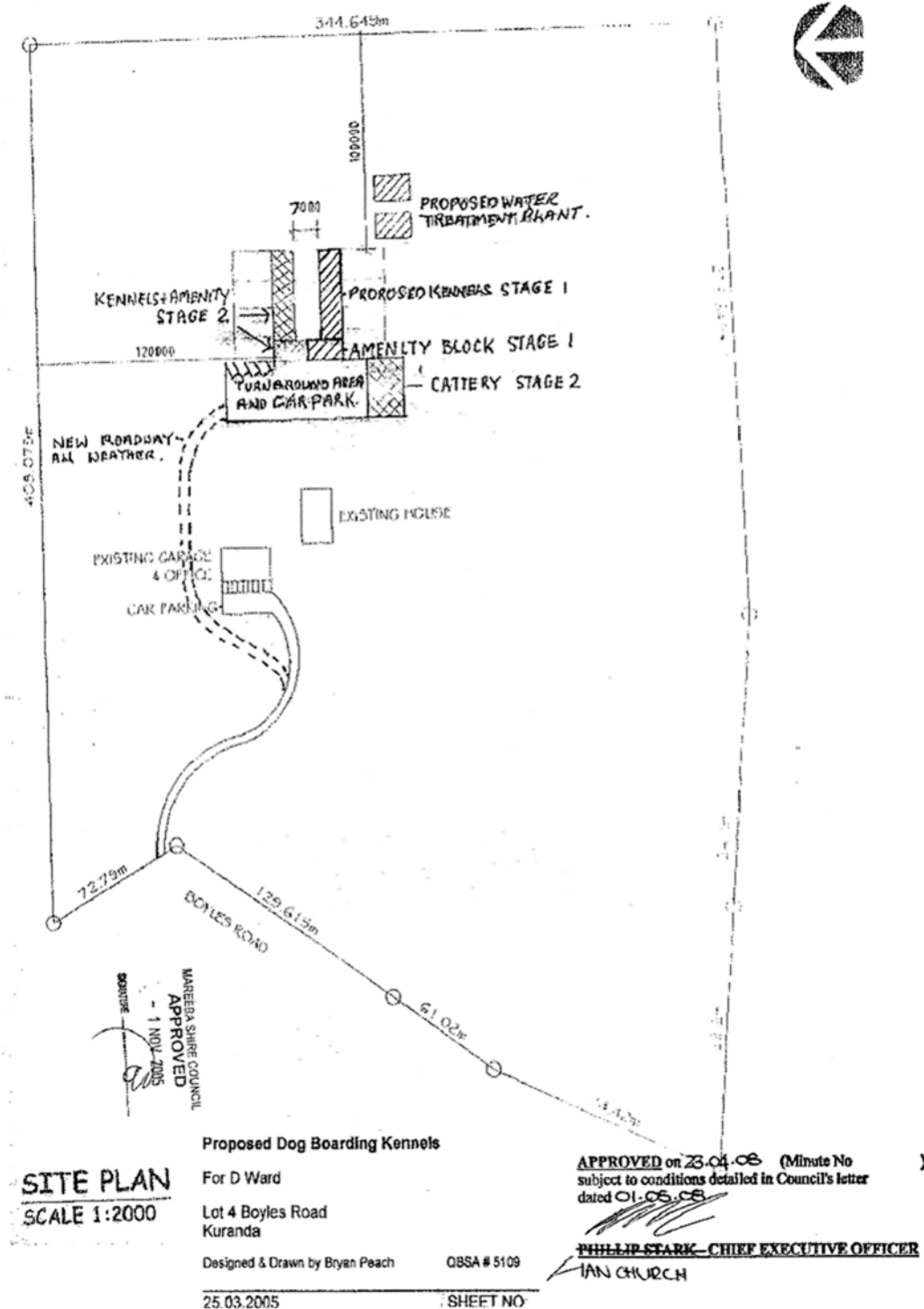
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**Copy:**

Tablelands Regional Council  
PO Box 154  
MAREBA QLD 4880

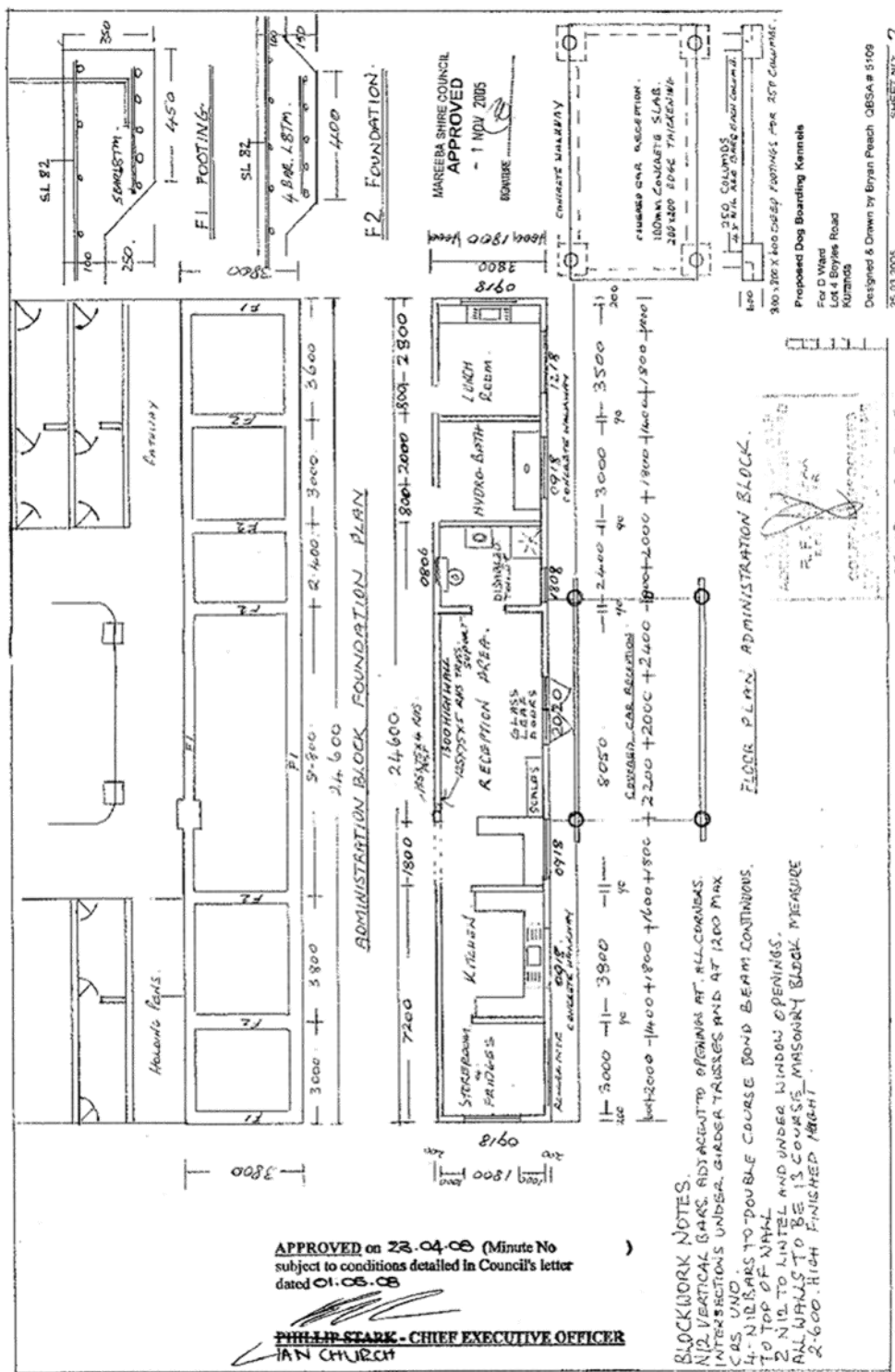
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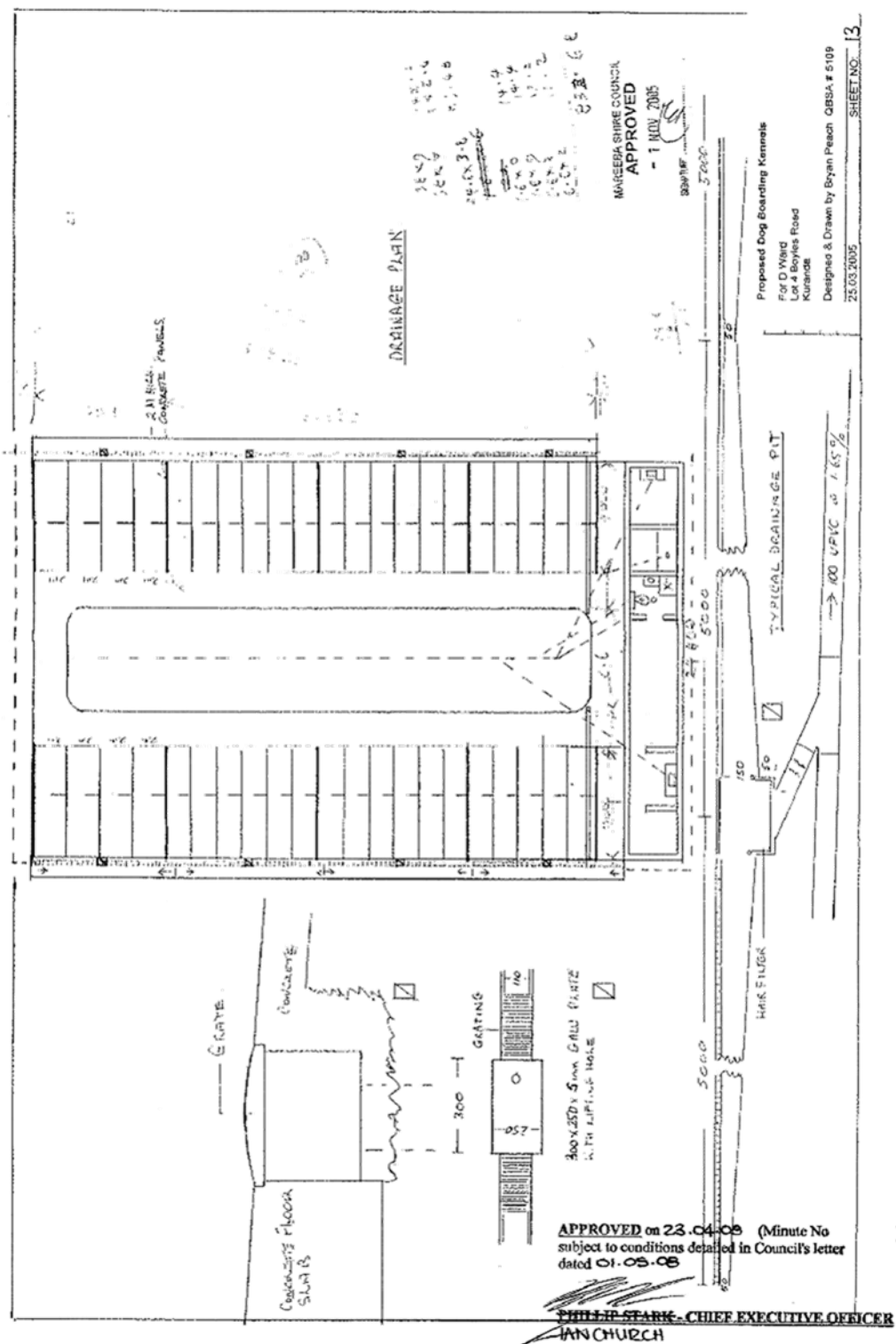
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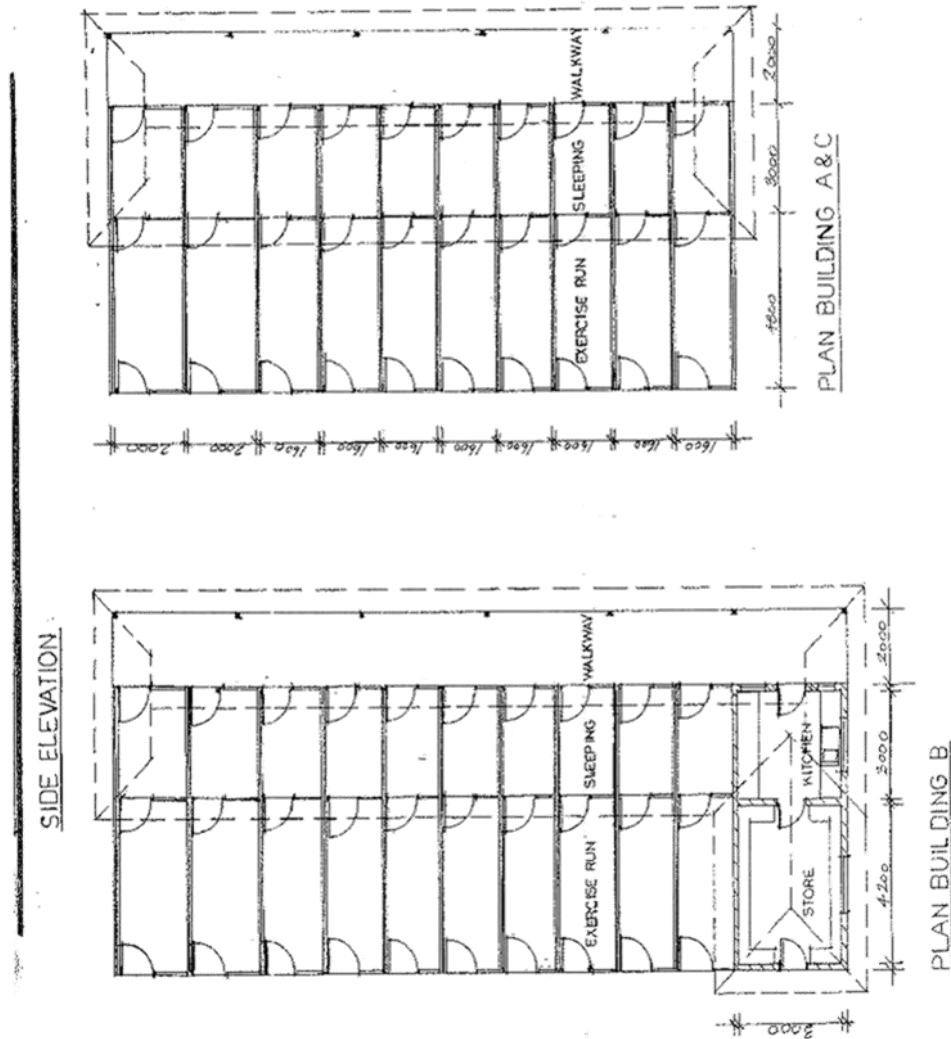




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APPROVED on 23.04.08 (Minute No )  
subject to conditions detailed in Council's letter  
dated 01.06.08

*[Signature]*  
**PHILIP STARK - CHIEF EXECUTIVE OFFICER**  
**IAN CHURCH**

November 7, 2020

Brian Millard  
Planning Department  
Mareeba Shire Council,  
Mareeba Office  
PO Box 154  
MAREEBA 4880

Dear Mr Millard,



**Kuranda Pet Resort – Extension of Permitted time to commence cattery operations**

At its meeting in January 2018, Mareeba Shire Council made its decision to extend the relevant period for the development of a 50-cat cattery here at Kuranda Pet Resort until the 10<sup>th</sup> December 2020.

We are still intending to build the cattery here, however the COVID pandemic put our plans on hold this year, so we are requesting a further extension of time to build the cattery.

We would appreciate your early consideration and advice as to whether such an extension is possible, and if so what fee is payable to Council.

Thankyou very much for considering our request for an extension, and we look forward to your written reply.

Yours sincerely

*emailed*

Diane Ward and Graham Wright  
Kuranda Pet Resort



<b>8.6</b>	<b>EXTENSION TO CURRENCY PERIOD &amp; CHANGE OF DEVELOPMENT APPROVAL - CA ARCHITECTS (R.A. FUNCTION SERVICES PTY LTD) - MATERIAL CHANGE OF USE - SHORT-TERM ACCOMMODATION - LOT 1 ON RP745867 - 189 FICHERA ROAD, MAREEBA - DA/16/0054</b>
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**Date Prepared:** 7 January 2021

**Author:** Planning Officer

**Attachments:**

1. **Decision Notice Approval** [↓](#)
2. **Amended Plans** [↓](#)
3. **Request to Extend Currency Period** [↓](#)
4. **Request for Minor Change to Development Approval** [↓](#)
5. **Concerns Raised by Neighbouring Property Owners** [↓](#)

APPLICATION		PREMISES	
<b>APPLICANT</b>	CA Architects	<b>ADDRESS</b>	189 Fichera Road, Mareeba
<b>DATE REQUEST FOR EXTENSION OF RELEVANT PERIOD LODGED</b>	12 October 2020	<b>RPD</b>	Lot 1 on RP745867
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use - Short-term Accommodation		
<b>FILE NO</b>	DA/16/0054	<b>AREA</b>	15.03 Ha
<b>LODGED BY</b>	Urban Sync Pty Ltd	<b>OWNER</b>	R.A. Function Services Pty Ltd
<b>PLANNING SCHEME</b>	Mareeba Shire Council Planning Scheme 2016		
<b>ZONE</b>	Rural Zone		
<b>LEVEL OF ASSESSMENT</b>	Impact Assessment		
<b>SUBMISSIONS</b>	No submissions received		

## EXECUTIVE SUMMARY

Council approved a development application described in the above application details at its Ordinary Meeting on 21 December 2016, subject to conditions. The application was impact assessable and no submissions were received in response to public notification of the application.

Urban Sync, on behalf of the applicant (R.A. Function Services Pty Ltd) has lodged a request to extend the currency period of the approval for a further four (4) years from 21 December 2020 to 21 December 2024. To date, building works on site have substantially commenced, with all 108 modular accommodation units positioned on site for fit-out. This demonstration of commitment to completing the development would ordinarily be sufficient justification to approve a request for a reasonable extension to an approval.

Some concerns have been raised by neighbouring landowners in relation to privacy and overlooking as a result of the position of the northern row of units which will predominately have views to the north with a dwelling situated approximately 100m from the norther-most accommodation unit. These concerns were not raised in submissions to the original development application.

Notwithstanding this, the applicant/developer has agreed to install privacy screening on the top floor balconies of certain unit blocks to block the view of the dwelling on the northern adjoining lot. The applicant/developer and Council officers also believe it necessary to commence the planting of the landscape buffering as soon as practically possible in order to ensure the buffering reaches maturity as soon as possible to create the intended visual buffer. In order to accommodate the negotiated changes, Urban Sync on behalf of the applicant has also lodged a request to amend the approval.

It is recommended that the applications to extend the currency period of the approval and to change the approval be approved in full.

### OFFICER'S RECOMMENDATION

1. "That in relation to the request to extend the currency period and request for minor change to the following development approval:

APPLICATION		PREMISES	
APPLICANT	CA Architects	ADDRESS	189 Fichera Road, Mareeba
DATE REQUEST FOR EXTENSION OF RELEVANT PERIOD AND MINOR CHANGE LODGED	12 October 2020 & 7 January 2021	RPD	Lot 1 on RP745867
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Short-term Accommodation		

and in accordance with the Planning Act 2016, the following

- (a) Condition 4.5 of Councils Decision Notice issued on 21 December 2016 be amended as follows:

#### 4.5 Landscape and Fencing

*Prior to the commencement of the use, the applicant / developer must prepare and submit a landscape plan in accordance with Planning Scheme Policy 6 for consideration and approval by Council's Delegated Officer. The landscape plan must include the following:*

- (i) *A minimum three (3) metre wide landscape buffer along the Fichera Road frontage of the site, north of the site access to the north-west corner of the site.*
- (ii) *A minimum two (2) metre wide landscape strip along the Fichera Road frontage of the site, south of the site access and up to the existing fruit trees at the southern end of the site.*
- (iii) *a minimum three (3) metre wide landscape buffer along the northern boundary of the site for a length of 50m from the north-west corner of the site.*



- (iv) *a minimum two (2) metre wide landscape buffer along the northern boundary of the site starting from the edge of the three (3) metre buffer (as outlined above in (iii)) to a point adjacent the easternmost accommodation unit.*
- (v) *a minimum of one (1) shade tree for every six (6) parking spaces.*
- (vi) *any landscaping proposed amongst the 27 cabin blocks.*

*Landscaping associated with points (i), (ii), (iii) and (iv) should include ground cover, shrubs and trees that will grow to form an effective buffer of no less than six (6) metres in height. Existing mango trees are able to be used as part of the landscape buffers. **Landscaping associated with points (i), (ii), (iii) and (iv) must be planted, mulched and irrigated prior to 30 June 2021 or a later date where strictly agreed to by Council.***

~~*All remaining*~~ Landscaping *associated with points (v) and (vi) must* ~~*works shall*~~ be undertaken prior to the commencement of the use. ~~*and All Landscaping*~~ must be mulched, irrigated and maintained for the life of the development and to the satisfaction of Council's Delegated Officer.

- (b) Condition 4.9 be included in the amended Decision Notice as follows:

**4.9 Privacy Screening**

*4.9.1 Prior to the occupation of any top floor accommodation unit in Unit Blocks 5, 7, 9, 11 and 13, the applicant/developer must ensure directional privacy screening is installed external to the top floor balconies of Units contained in Unit Blocks 5, 7, 9, 11 and 13 to effectively screen from view the dwelling and immediate surrounding yard of northern adjoining Lot 2 on RP745867.*

*4.9.2 Once the landscape buffering required by Condition 4.5 has reached maturity and, in the opinion of Council's delegated officer is providing an effective visual buffer to protect the privacy and amenity of northern adjoining Lot 2 on RP745867, the privacy screening required by Condition 4.9.1 may be removed at the discretion of the applicant/developer.*

- (c) The relevant period be extended for 4 years from 21 December 2020 to 21 December 2024.

2. A Notice of Council's decision be issued to the applicant and the Department of State Development, Infrastructure, Local Government and Planning, State Assessment and Referral Agency (SARA) via email CairnsSARA@dsdmip.gov.au (reference: SDA-1016-034130) advising of Council's decision".

## THE SITE

The subject site is situated at 189 Fichera Road, Mareeba and is described as Lot 1 on RP745867. The site is generally regular in shape with a total area of 15.03 hectares and is zoned *Rural* under the Mareeba Shire Council Planning Scheme 2016. The site contains approximately 267 metres of frontage to Fichera Road, which is constructed to a 4m wide bitumen sealed standard with narrow

gravel shoulders for the extent of the frontage. The site is currently accessed off Fichera Road via a single gravel/bitumen crossover.

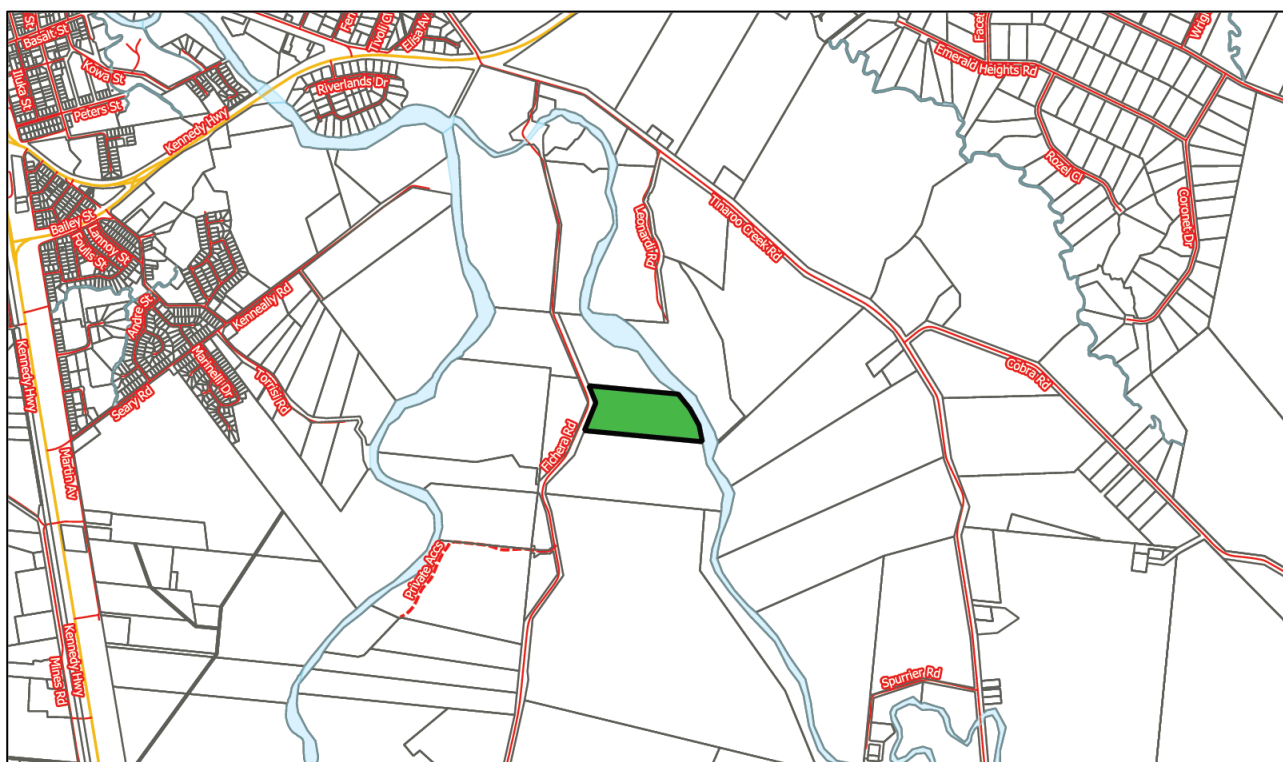
The site is improved by de Brueys Boutique Winery. Infrastructure associated with the winery is clustered adjacent the southern boundary of the site and includes a cellar, wine production/storage areas, machinery shed, caretakers residence, greenhouse, wedding chapel/gazebo, two (2) indoor reception venues (100-120 seats), open air deck (120 seats) and associated catering facilities. Multiple mature fruit orchards are located across the site as well as a large dam situated behind the winery.

The site generally falls from the south-west to the north-east, draining into Tinaroo Creek which adjoins the eastern boundary. The majority of the land has been cleared with the exception of some mature vegetation retained towards the centre of the site and along Tinaroo Creek.



**Map Disclaimer:**

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



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## BACKGROUND AND CONTEXT

Council, at its Ordinary Meeting on 21 December 2016 approved an application made by Urban Sync on behalf of CA Architects (acting for R.A. Function Services Pty Ltd) for a development permit for material change of use - short-term accommodation on land described as Lot 1 on RP745867, situated at 189 Fichera Road, Mareeba. The approval authorised the construction of 108 short-term accommodation units on-site for use as tourist accommodation. The Decision Notice is included as **Attachment 1**.

In July 2017, Urban Sync, on behalf of the applicant wrote to Council seeking confirmation of acceptance of an amended set of development plans. Council officers considered the plans to be generally in accordance with what was originally approved and advised Urban Sync that a formal change to the original approval was required. These amended plans remain current and are included in **Attachment 2**.

Urban Sync, on behalf of the applicant (R.A. Function Services Pty Ltd) has subsequently lodged a request to extend the currency period of the approval for a further 4 years from 21 December 2020 to 21 December 2024 (**Attachment 3**). To date, building works on site have substantially commenced, with all modular accommodation unit shells positioned on site for fit-out. This alone would ordinarily be sufficient justification to award any request for an extension to an approval.

Some concerns have been raised by neighbouring landowners in relation to privacy and overlooking as a result of the position of the northern row of units which will predominately have views to the north. These concerns were outlined in a report prepared by Victor G Feros Town Planning Consultants which is included as **Attachment 5**. As a result of the concerns raised, the

applicant/developer has agreed to install privacy screening on the top floor balconies of certain unit blocks to block the view of the dwelling on the northern adjoining lot. The applicant/developer and Council officers also believe it necessary to commence the planting of the landscape buffering as soon as practically possible in order to ensure the buffering reaches maturity as soon as possible and creates the intended visual buffer. In order to accommodate the negotiated changes, Urban Sync on behalf of the applicant has also lodged a request to amend the approval (**Attachment 4**).

## ASSESSMENT AND DECISION REQUIREMENTS

### Request to Extend the Currency Period

#### Assessment rules

Section 87 (1) of the *Planning Act 2016* states that Council, when assessing an extension application may consider any matter that the assessment manager considered relevant, even if the matter was not relevant to assessing the original development application.

Matters that the assessment manager (Council) deem necessary are summarised as follows:

- ***The consistency of the approval, including its conditions, with the current laws and policies applying to similar development at the time of lodging the extension request.***

#### Applicable Planning Instruments

- *Mareeba Shire Council Planning Scheme 2016*

#### Comment

The original development application was assessed against the Mareeba Shire Council Planning Scheme 2016. If a fresh application was lodged for the same development, it would be assessed against the same Planning Scheme.

The existing approval is reasonably conditioned to minimise amenity impacts on neighbouring properties which would likely be the main relevant town planning concern raised by submitters in the event that a fresh impact assessable application was lodged.

Since construction of the development has commenced, concerns have been raised by adjoining property owners which are summarised in a report prepared by Victor G Feros Town Planning Consultants and included as **Attachment 5**. The main relevant concerns raised in the report relate to privacy and visual amenity impacts on the northern neighbouring allotment. As a result of these concerns, the applicant/developer has agreed to amend the existing approval to include the following:

- An amendment to Condition 4.5 - Landscaping and Fencing to require the planting to be completed prior to 30 June 2021 in order to ensure the landscape buffering reaches maturity and is effective at providing a screening mechanism as soon as possible; and
- The inclusion of an additional condition requiring privacy screening be installed on the top floor units of unit blocks 5, 7, 9, 11 and 13 in order to limit the views of the dwelling and yard surrounding the dwelling on the northern adjoining lot.

- *Far North Queensland Regional Plan 2009-2031*

Comment

The FNQ Regional Plan 2009-2031 is adequately reflected within the current Mareeba Shire Council Planning Scheme 2016. If a fresh application was lodged, separate assessment against the Regional Plan would not be required.

- *State Planning Policy*

Comment

The SPP is adequately reflected within the current Mareeba Shire Council Planning Scheme 2016. If a fresh application was lodged, separate assessment against the SPP would not be required.

- ***The community's awareness of the development approval***

Comment

The original development application was assessed against the Mareeba Shire Council Planning Scheme 2016. If a fresh application was lodged for the same development, it would be assessed against the same Planning Scheme.

- ***whether, if the request were refused –***

***(i) further rights to make a submission may be available for a further development application; and***

***(ii) the likely extent to which those rights may be exercised;***

Comment

The original development application was assessed against the Mareeba Shire Council Planning Scheme 2016. If a fresh application was lodged for the same development, it would be assessed against the same Planning Scheme.

The existing approval is reasonably conditioned to minimise amenity impacts on neighbouring properties which would likely be the main town planning concern raised by submitters in the event that a fresh impact assessable application was lodged.

Since construction of the development has commenced, concerns have been raised by adjoining property owners which are summarised in a report prepared by Victor G Feros Town Planning Consultants and included as **Attachment 5**. The main relevant concerns raised in the report relate to privacy and visual amenity impacts on the northern neighbouring allotment. As a result of these concerns, the applicant/developer has agreed to amend the existing approval to include the following:

- An amendment to Condition 4.5 - Landscaping and Fencing to require the planting to be completed prior to 30 June 2021 in order to ensure the landscape buffering reaches maturity as soon as possible and is effective at providing a screening mechanism as soon as possible; and



- The inclusion of an additional condition requiring privacy screening be installed on the top floor units of unit blocks 5, 7, 9, 11 and 13 in order to limit the views of the dwelling on the northern adjoining lot to unit guests.

- ***the views of any referral agency for the development approval.***

Comment

The original application required referral to the then Department of Infrastructure, Local Government and Planning as a Concurrence Agency for the development impacts on the State Controlled Kennedy Highway. Concurrence Agencies (now called Referral Agencies) are no longer required to consent to an extension of the currency period. The Departments Concurrence Agency response remains current.

**Request to Change Development Approval**

**Minor change for a development approval - Planning Act 2016**

*Schedule 1: Substantially different development (Development Assessment Rules)*

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

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

*Minor change means a change that—*

*(a) for a development application (not applicable).*

*(b) for a development approval—*

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

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

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

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

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

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

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

2. *An assessment manager or responsible entity must determine if the proposed change would result in substantially different development for a change—*

*(a) made to a proposed development application the subject of a response given under section 57(3) of the Act and a properly made application;*

*(b) made to a development application in accordance with part 6;*



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

#### Comment

The proposed changes to the development approval as outlined below constitutes a *minor change* to the approval.

#### **Assessing and deciding applications for minor changes**

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

- *The information the applicant included with the application*

#### Comment

The details of the request to change the approval was provided by the applicant in a letter to Council dated 7 January 2021 (**Attachment 4**). The requested changes and Council officer response/s are addressed below.

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

#### Comment

The original development application was impact assessable and no submissions were received during the public notification period.

Since construction of the development has commenced, concerns have been raised by adjoining property owners which are summarised in a report prepared by Victor G Feros Town Planning Consultants and included as **Attachment 5**. The main relevant concerns raised in the report relate to privacy and visual amenity impacts on the northern neighbouring allotment. As a result of these concerns, the applicant/developer has agreed to amend the existing approval to include the following:

- An amendment to Condition 4.5 - Landscaping and Fencing to require the planting to be completed prior to 30 June 2021 in order to ensure the landscape buffering reaches maturity as soon as possible and is effective at providing a screening mechanism as soon as possible; and
- The inclusion of an additional condition requiring privacy screening be installed on the top floor units of unit blocks 5, 7, 9, 11 and 13 in order to limit the views of the dwelling on the northern adjoining lot to unit guests.
- *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 below.
- *Another matter that the responsible entity (Council) considers relevant.*  
Comment  
No other matter is considered relevant.

## REQUEST TO CHANGE THE DEVELOPMENT APPROVAL

### **Condition 4.5 - Landscaping and Fencing**

#### *4.5 Landscape and Fencing*

*Prior to the commencement of the use, the applicant / developer must prepare and submit a landscape plan in accordance with Planning Scheme Policy 6 for consideration and approval by Council's Delegated Officer. The landscape plan must include the following:*

- (i) A minimum three (3) metre wide landscape buffer along the Fichera Road frontage of the site, north of the site access to the north-west corner of the site.*
- (ii) A minimum two (2) metre wide landscape strip along the Fichera Road frontage of the site, south of the site access and up to the existing fruit trees at the southern end of the site.*
- (iii) a minimum three (3) metre wide landscape buffer along the northern boundary of the site for a length of 50m from the north-west corner of the site.*
- (iv) a minimum two (2) metre wide landscape buffer along the northern boundary of the site starting from the edge of the three (3) metre buffer (as outlined above in (iii)) to a point adjacent the easternmost accommodation unit.*
- (v) a minimum of one (1) shade tree for every six (6) parking spaces.*
- (vi) any landscaping proposed amongst the 27 cabin blocks.*

*Landscaping associated with points (i), (ii), (iii) and (iv) should include ground cover, shrubs and trees that will grow to form an effective buffer of no less than six (6) metres in height. Existing mango trees are able to be used as part of the landscape buffers.*

*All landscaping works shall be undertaken prior to the commencement of the use and must be mulched, irrigated and maintained for the life of the development and to the satisfaction of Council's Delegated Officer.*

#### Request by Applicant

The following request was included in a letter to Council on 7 January 2021 (**Attachment 4**):

*"We refer to the above-described matter and advise that Urban Sync Pty Ltd (Urban Sync) has been commissioned by R.A. Function Services Pty Ltd (the Applicant) to submit this confirmation letter to Mareeba Shire Council (Council) advising that the Applicant is agreeable to the following changes to the existing approval:*

- The addition of a condition requiring directional screening to the top floor balconies of unit blocks 5, 7, 9, 11 & 13 screening unit occupants view of the northern adjoining dwelling and yard; and*
- The amendment of the landscaping condition to include a timing clause requiring the landscaping to be carried out prior to 30 June 2021.*

*We trust that this correspondence will now allow the request to extend the currency period application to be progressed for approval. Should you require any further information or clarification on any matters regarding this application, please do not hesitate to contact on office on the email provided below."*

#### Response

The requested change to Condition 4.5 was prompted by Council officers after concerns were raised regarding visual amenity and privacy impacts on the northern adjoining lot as well as Fichera Road users. These concerns are included in the report prepared by Victor G Feros Town Planning Consultants and included as **Attachment 5**.

The applicant/developer agreed to request the change to try and alleviate any concerns prior to Council deciding the current request to extend the approvals currency period.

It is recommended that Condition 4.5 be amended to reflect the requested change as follows:

#### *4.5 Landscape and Fencing*

*Prior to the commencement of the use, the applicant / developer must prepare and submit a landscape plan in accordance with Planning Scheme Policy 6 for consideration and approval by Council's Delegated Officer. The landscape plan must include the following:*

- (i) A minimum three (3) metre wide landscape buffer along the Fichera Road frontage of the site, north of the site access to the north-west corner of the site.*

- (ii) *A minimum two (2) metre wide landscape strip along the Fichera Road frontage of the site, south of the site access and up to the existing fruit trees at the southern end of the site.*
- (iii) *a minimum three (3) metre wide landscape buffer along the northern boundary of the site for a length of 50m from the north-west corner of the site.*
- (iv) *a minimum two (2) metre wide landscape buffer along the northern boundary of the site starting from the edge of the three (3) metre buffer (as outlined above in (iii)) to a point adjacent the easternmost accommodation unit.*
- (v) *a minimum of one (1) shade tree for every six (6) parking spaces.*
- (vi) *any landscaping proposed amongst the 27 cabin blocks.*

*Landscaping associated with points (i), (ii), (iii) and (iv) should include ground cover, shrubs and trees that will grow to form an effective buffer of no less than six (6) metres in height. Existing mango trees are able to be used as part of the landscape buffers. **Landscaping associated with points (i), (ii), (iii) and (iv) must be planted, mulched and irrigated prior to 30 June 2021 or a later date where strictly agreed to by Council.***

*~~All remaining~~ Landscaping **associated with points (v) and (vi) must** ~~works shall~~ be undertaken prior to the commencement of the use. ~~and All Landscaping~~ must be mulched, irrigated and maintained for the life of the development and to the satisfaction of Council's Delegated Officer.*

### **Additional Condition**

Since construction of the development has commenced, concerns have been raised by adjoining property owners which are summarised in a report prepared by Victor G Feros Town Planning Consultants and included as **Attachment 3**. The main relevant concerns raised in the report relate to privacy and visual amenity impacts on the northern neighbouring allotment. As a result of these concerns, the applicant/developer has agreed to amend the existing approval to include the following:

- An amendment to Condition 4.5 - Landscaping and Fencing to require the planting to be completed prior to 30 June 2021 in order to ensure the landscape buffering reaches maturity as soon as possible and is effective at providing a screening mechanism as soon as possible; and
- The inclusion of an additional condition requiring privacy screening be installed on the top floor units of unit blocks 5, 7, 9, 11 and 13 in order to limit the views of the dwelling on the northern adjoining lot to unit guests.

As such, it is recommended that an additional condition be include on Development Approval DA/16/0054 as follows:

#### 4.9 Privacy Screening

- 4.9.1 Prior to the occupation of any top floor accommodation unit in Unit Blocks 5, 7, 9, 11 and 13, the applicant/developer must ensure directional privacy screening is installed external to the top floor balconies of Units contained in Unit Blocks 5, 7, 9, 11 and 13 to effectively screen from view the dwelling and immediate surrounding yard of northern adjoining Lot 2 on RP745867.*
- 4.9.2 Once the landscape buffering required by Condition 4.5 has reached maturity and, in the opinion of Council's delegated officer is providing an effective visual buffer to protect the privacy and amenity of northern adjoining Lot 2 on RP745867, the privacy screening required by Condition 4.9.1 may be removed at the discretion of the applicant/developer.*

65 Rankin Street  
PO Box 154 MAREEBA QLD 4880

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W: [www.msc.qld.gov.au](http://www.msc.qld.gov.au)  
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21 December 2016

Council Ref: DA/16/0054  
Our Ref: BM:CE:nj  
Your Ref: 16-137

CA Architects  
C/- Urban Sync Pty Ltd  
PO Box 2970  
CAIRNS QLD 4870

## Decision Notice Approval

*Sustainable Planning Act 2009 s334 and s335*

Dear Applicant/s

**APPLICATION FOR MATERIAL CHANGE OF USE - SHORT-TERM ACCOMMODATION  
LOT 1 ON RP745867  
SITUATED AT 189 FICHERA ROAD, MAREEBA**

I wish to advise that, at Council's Ordinary Meeting held on 21 December 2016, 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 - Short-Term Accommodation

#### 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 –

- Compliance Permit for Plumbing and Drainage Work

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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. Other approvals required from Council**

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

**4. Submissions -**

There **were no** properly made submissions about the application.

**5. 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.

**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:

- 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 demonstrate to 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 additional payment condition/s within these 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.

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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 The applicant/developer must ensure the approved short term accommodation use is operated and managed (including noise generated by guests) to not exceed a maximum noise level of 3dB(A) above background levels as measured from noise sensitive locations.

3.5.2 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 approved 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 new 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.

No filling or excavation is to occur below the Q100 flood hazard level.

3.8 Bushfire Management

A Bushfire Management Plan for the site, incorporating evacuation procedures for guests, 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.

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**3.8a Length of Stay**

The maximum length of stay for guests must not typically exceed 3 consecutive months, unless otherwise approved by Council's delegated officer.

**3.9 Signage**

3.9.1 No more than 1 advertising sign for the approved development is permitted on the subject site.

3.9.2 The sign must not exceed a maximum sign face area of 6m<sup>2</sup> and must not move, revolve, strobe or flash.

3.9.3 The sign must be kept clean, in good order and safe repair for the life of the approval.

3.9.4 The sign must be removed when no longer required.

3.9.5 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 Council Planning Scheme - July 2016 and is in a rural locality. The signage should generally state the following:

*"Guest should take note:*

- *The locality may be used for intensive rural uses;*
- *Guests may experience off site effects from rural activities, 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."*

**3.11 Slope Stability**

For any 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.

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**4. Infrastructure Services and Standards****4.1 Access**

The site's existing access crossover must be upgraded/constructed (from the edge of Fichera Road to the property boundary) in accordance with FNQROC Development Manual standards, to the satisfaction of Council's delegated officer. The access must be widened to accommodate two directional traffic.

**4.2 Roadworks – External Construction**

Prior to the commencement of the use, the following sections of Fichera Road must be widened to a 6.5 metre bitumen sealed width (1.25m either side) in accordance with D1.4 (Road Class 100 - 999) of the FNQROC Development Manual:

- from the Fichera/Tinaroo Creek Road intersection kerbing to the point in which the existing sealed width reaches 6.5 metres approaching the Tinaroo Creek Bridge (approximate distance of 250 metres); and
- from a point approximately 20 metres north of the site access (where the pavement width falls below 6.5 metres) to a point approximately 500 metres north along Fichera Road (where the pavement width widens to 6.5 metres).

A second bitumen coat must be applied to the entire pavement width for the full length of the abovementioned road sections to bind the widening works with the existing bitumen.

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

**4.3 Stormwater Drainage/Water Quality**

4.3.1 As part of any subsequent application for Operational Works, the applicant must submit a Stormwater Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual to the satisfaction of Council's delegated officer.

4.3.2 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.

4.3.3 As part of any subsequent application for operational works the applicant must also provide a Stormwater Quality 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 Urban Stormwater Quality Planning

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Guideline and the Queensland Water Quality Guideline to the satisfaction of Council's delegated officer.

4.3.4 The Stormwater Quality Management Plan must include an Erosion and Sediment Control Plan that meets or exceeds the Soil Erosion and Sedimentation Control Guidelines (Institute of Engineers Australia) to the satisfaction of Council's delegated officer.

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

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

**4.4 Car Parking/Internal Driveways**

4.4.1 The applicant/developer must ensure the development is provided with at least 104 on-site car parking spaces which are available solely for the parking of vehicles associated with the use of the premises.

4.4.2 The internal driveway servicing the development must be widened to a width of at least 6 metres for its entire length and should include speed control devices to minimise dust nuisance.

4.4.3 All car parking spaces and internal roads must be surfaced to at least a compacted gravel standard, delineated, and appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer.

4.4.4 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 in accordance with Planning Scheme Policy 6 for consideration and approval by Council's Delegated Officer. The landscape plan must include the following:

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- (i) A minimum 3 metre wide landscape buffer along the Fichera Road frontage of the site, north of the site access to the north-west corner of the site.
- (ii) A minimum 2 metre wide landscape strip along the Fichera Road frontage of the site, south of the site access and up to the existing fruit trees at the southern end of the site.
- (iii) a minimum 3 metre wide landscape buffer along the northern boundary of the site for a length of 50m from the north-west corner of the site.
- (iv) a minimum 2 metre wide landscape buffer along the northern boundary of the site starting from the edge of the 3 metre buffer (as outlined above in (iii)) to a point adjacent the easternmost accommodation unit.
- (v) a minimum of 1 shade tree for every 6 parking spaces.
- (vi) any landscaping proposed amongst the 27 cabin blocks.

Landscaping associated with points (i), (ii), (iii) and (iv) should include ground cover, shrubs and trees that will grow to form an effective buffer of no less than six (6) metres in height. Existing mango trees are able to be used as part of the landscape buffers.

All landscaping works shall be undertaken prior to the commencement of the use and must be mulched, irrigated and maintained for the life of the development and 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 the development 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 (AS/NZS1547) to the satisfaction of the Council's delegated officer.

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

**5. Additional Payment Condition (section 650 of the Sustainable Planning Act 2009)**

- 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 applicant/developer must pay \$85,845.00 as a contribution toward trunk infrastructure with the amount of the contribution increased on 1 July each year in accordance with the increase for the PPI index for the period starting on the day the development approval takes effect, adjusted by reference to the 3-yearly PPI index average to the date of payment.
- 5.3 The trunk infrastructure for which the payment is required is:
  - The trunk transport network servicing the land (\$85,845.00)
- 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;

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- 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.

5.6 The value, as agreed by Council's delegated officer, of the external works required under Condition 4.2 will be credited towards the additional payment required under Condition 5.2. Any credit will not exceed \$85,845.00.

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

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

(c) Compliance with applicable codes/policies

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

(d) Compliance with Acts and Regulations

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

(e) Environmental Protection and Biodiversity Conservation Act 1999

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

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duty of care guidelines and cultural heritage search forms, may be obtained from [www.datsip.qld.gov.au](http://www.datsip.qld.gov.au)

(C) CONCURRENCE AGENCY CONDITIONS

Department of Infrastructure, Local Government and Planning conditions dated 10 November 2016.

**7. IDAS referral agencies –**

The IDAS Referral Agencies applicable to this application are –

MATERIAL CHANGE OF USE				
<p><b>All State Transport Infrastructure</b> 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 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>

**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
0986_SK A005	Location Plan	CA Architects	11/08/2016
0986_SK A010	Proposed Site Plan	CA Architects	11/08/2016
0986_SK A021	Proposed Site Plan with Satellite	CA Architects	11/08/2016
0986_SK A51	Site - Typical Module	CA Architects	11/08/2016
0986_SK A081	Streetscape	CA Architects	11/08/2016

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0986_SK A901	Typical Unit Image	CA Architects	11/08/2016
0986_SK A401	Elevations	CA Architects	11/08/2016
0986_SK A501	Sections	CA Architects	11/08/2016
0986_SK A100	Plan - Lower Level	CA Architects	11/08/2016
0986_SK A101	Plan - Upper Level	CA Architects	11/08/2016

**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
- 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.

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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 –

- 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)

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Mareeba Shire Council

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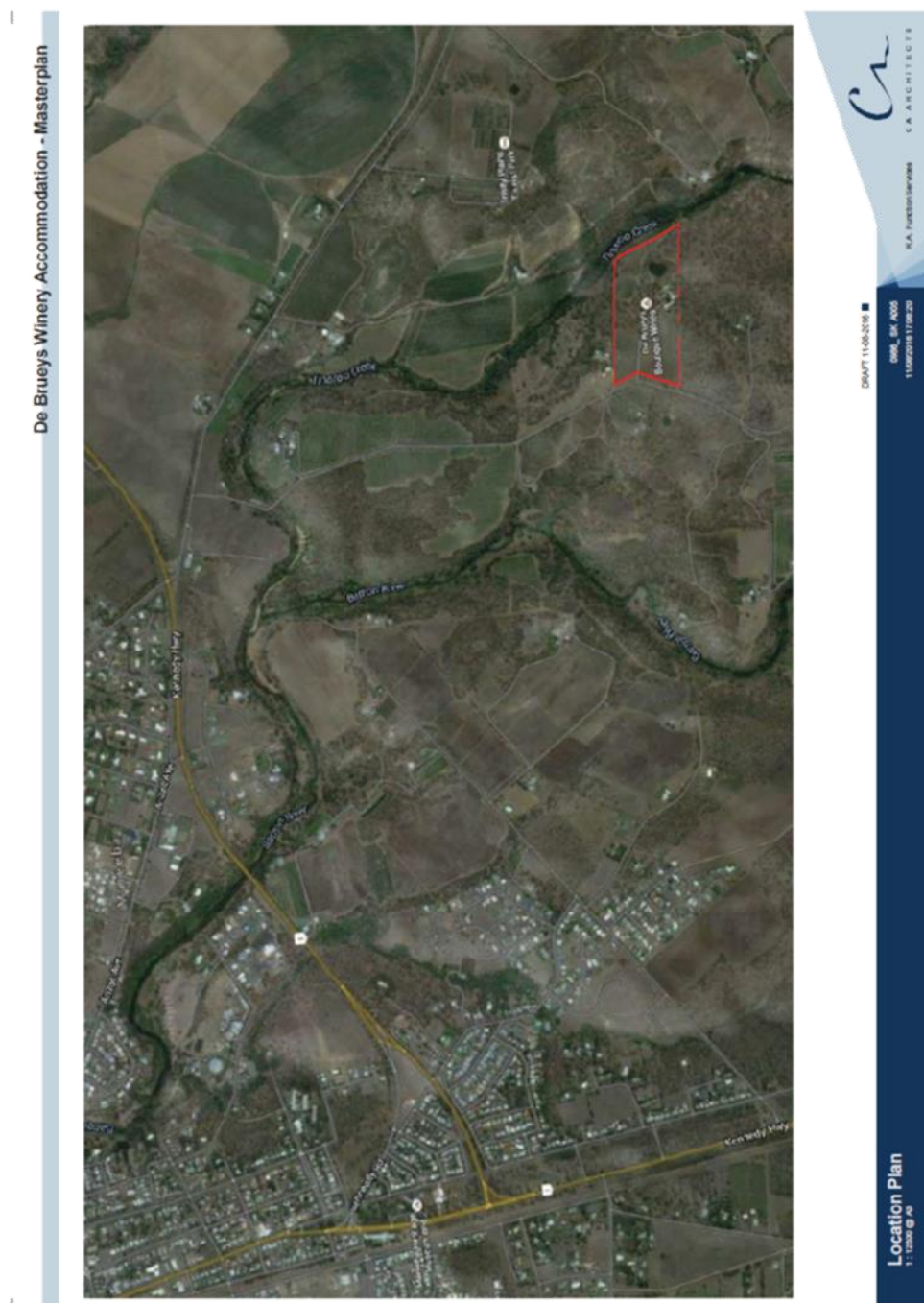
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ATTACHMENT 1 - APPROVED PLANS OF DEVELOPMENT (ECM VS 3844642)



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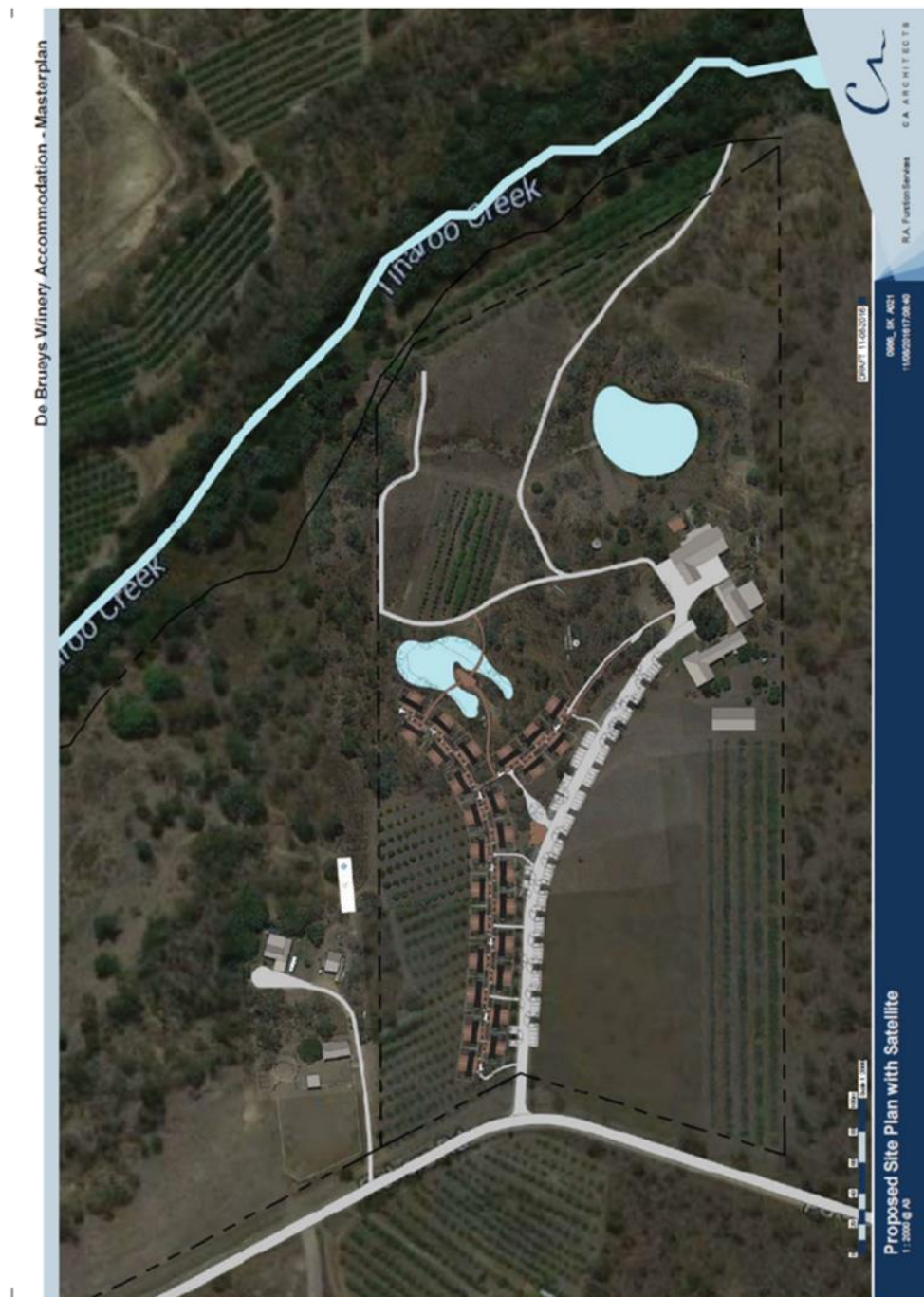
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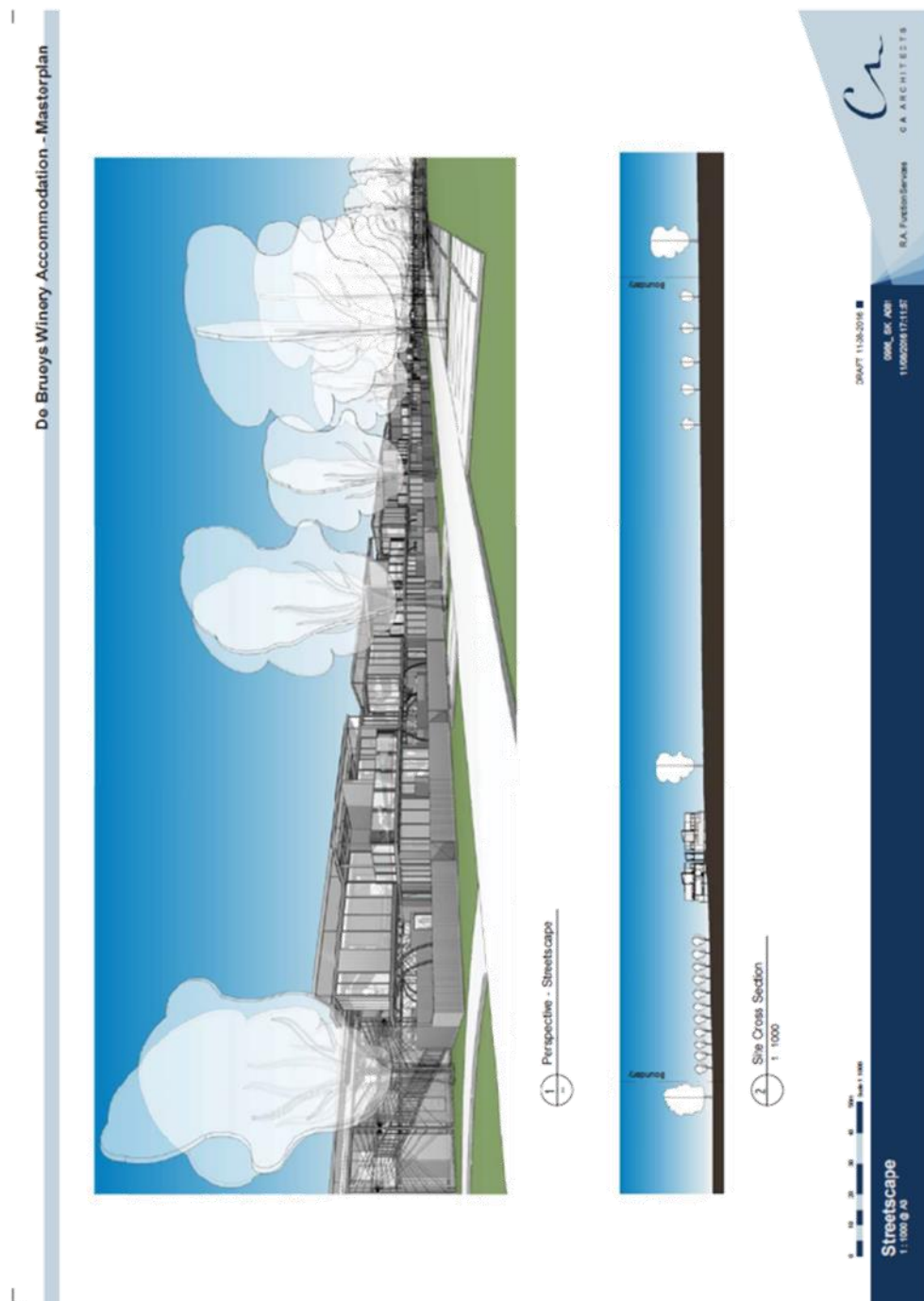
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De Brueys Winery Accommodation - Masterplan



Typical Unit Image

DEPT 11-02-2016

RA Fulton Services CA ARCHITECTS

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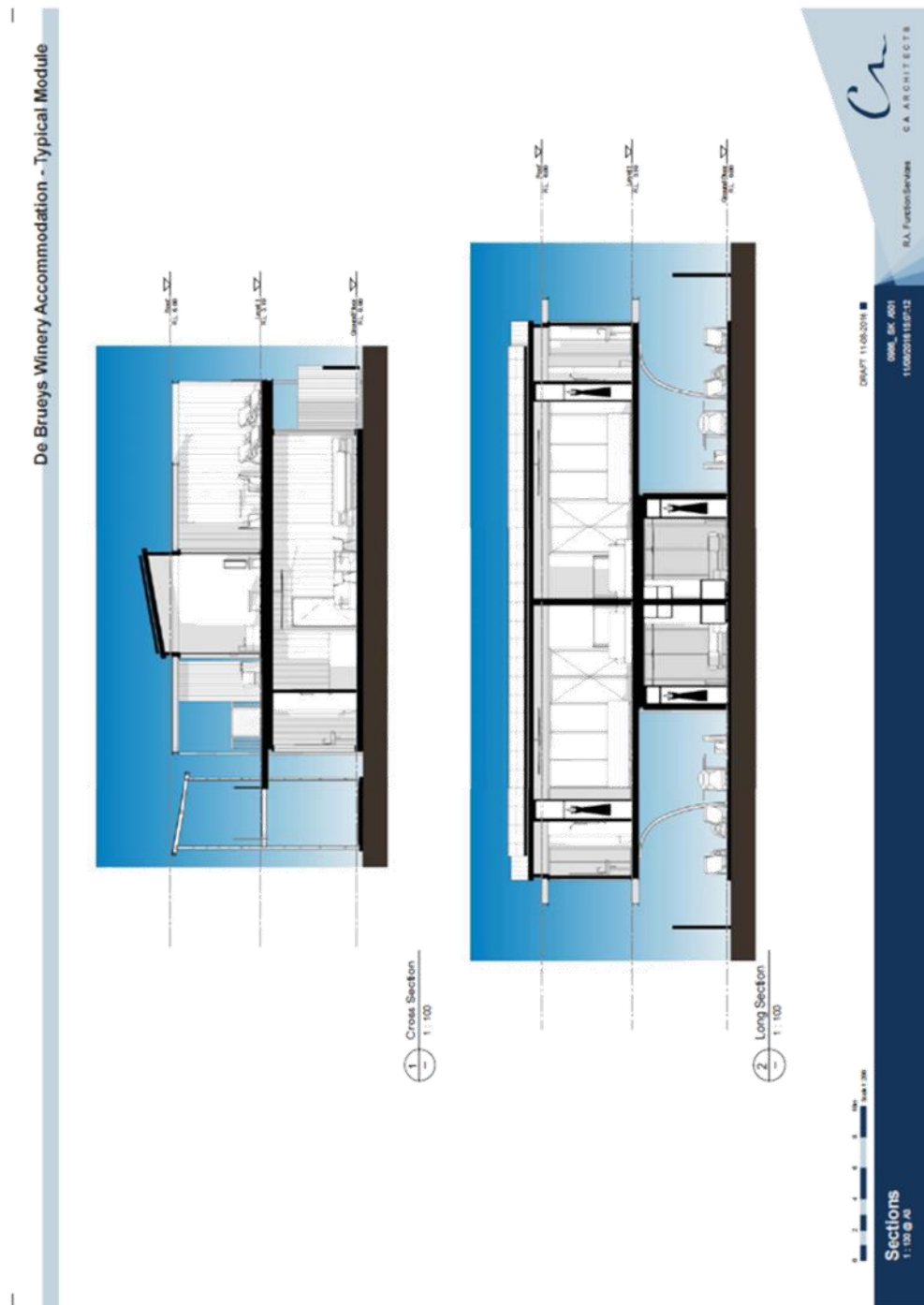
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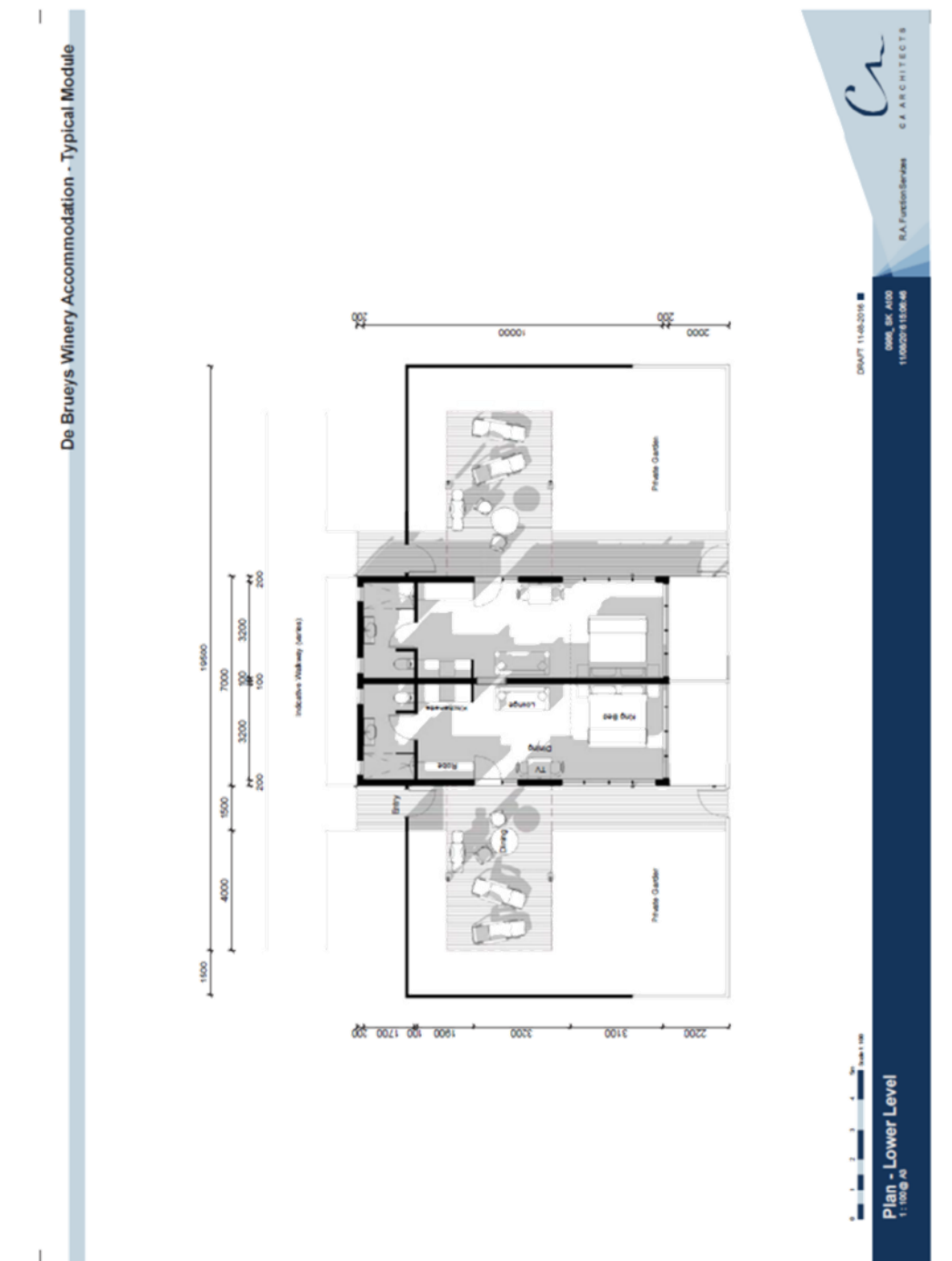
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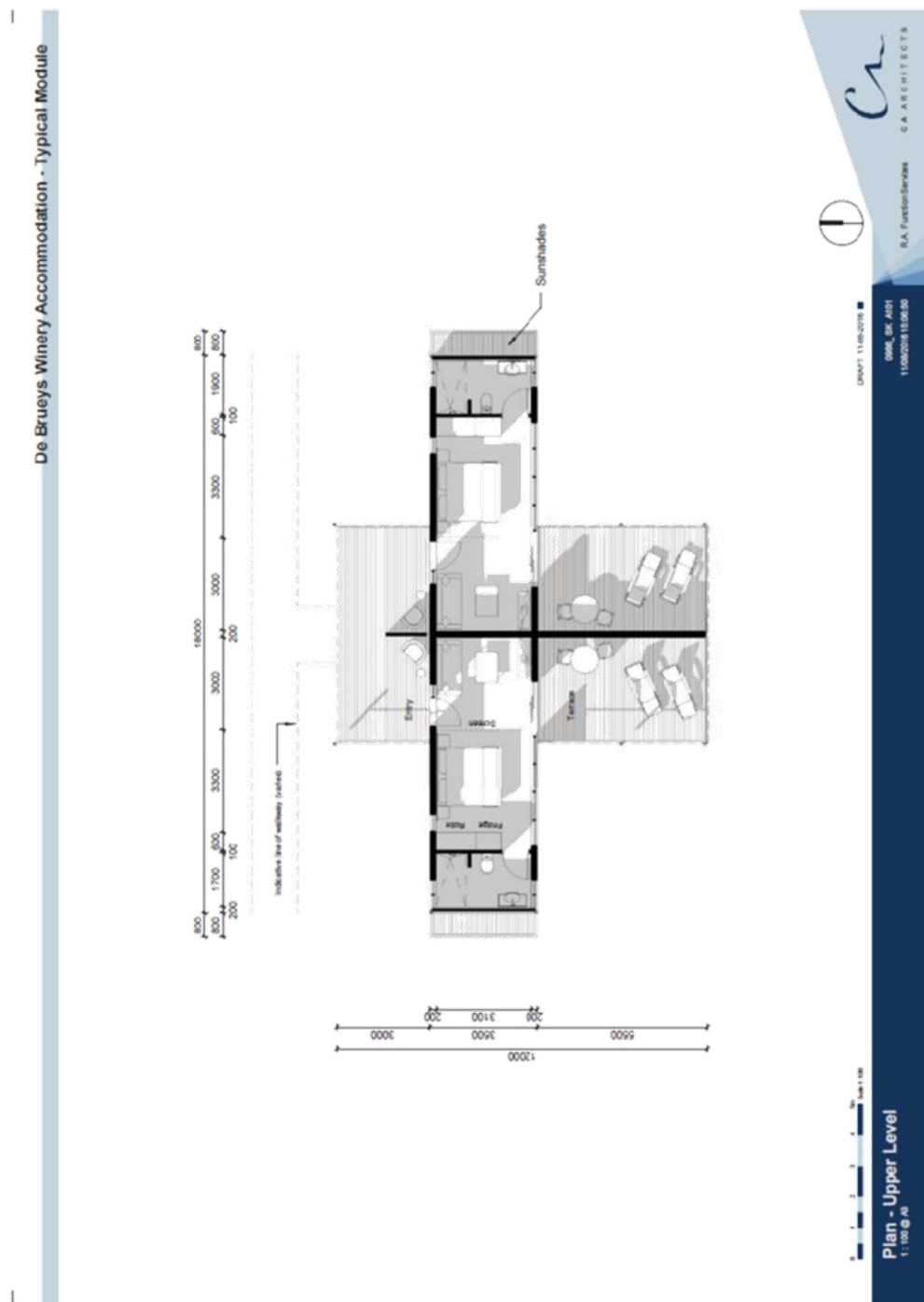
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**ATTACHMENT 2 - CONCURRENCE AGENCY CONDITIONS**



Department of Infrastructure,  
Local Government and Planning

SARA reference: SDA-1016-034130  
Council reference: DA/16/0054  
Applicant reference: 16-137

10 November 2016

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

Attn: Brian Millard

Dear Sir / Madam

**Concurrence agency response—with conditions**

Application for a material change of use (short-term accommodation) on land situated at 189 Fichera Road, Mareeba and described as Lot 1 on RP745867 (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 12 October 2016.

**Applicant details**

Applicant name: CA Architects  
Applicant contact details: C/- Urban Sync Pty Ltd  
PO Box 2970  
Cairns QLD 4870  
matt@urbansync.com.au

**Site details**

Street address: 189 Fichera Road, Mareeba  
Lot on plan: Lot 1 on RP745867  
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

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SDA 1C16 034130

**Application details**

Proposed development: Development permit for a material change of use (short-term accommodation)

**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	Short term accommodation (proposed new modular accommodation facilities)	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—Development impacting on 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**.

**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>				
Auxiliary left-turn treatment (AUL) on a rural road	Austrroads: Guide to Road Design – Part 4A: Unsignalised and Signalised Intersections	2010	Figure 8.4	-

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

For further information, please contact Bec Turner, A/ Planning Officer, SARA Far North QLD on 4037 3208, or email [bec.turner@dilgp.qld.gov.au](mailto:bec.turner@dilgp.qld.gov.au) who will be pleased to assist.

Department of Infrastructure, Local Government and Planning

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SDA 1016 034130

Yours sincerely



Brett Nancarrow  
Manager (Planning)

cc: CA Architects, C/- Urban Sync Pty Ltd, Attn.: Matt Ingram - [matt@urbansync.com.au](mailto:matt@urbansync.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

Department of Infrastructure, Local Government and Planning

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SDA-1016-034130

SARA reference: SDA-1016-034130  
Council reference: DA/16/0054  
Applicant reference: 16-137

**Attachment 1—Conditions to be imposed**

No.	Conditions	Condition timing
<b>Material change of use for short term accommodation</b>		
<p><b>Schedule 7, Table 3, Item 2: Development impacting on State transport infrastructure—</b> Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i>, the chief executive administering the Act nominates the Director-General of the <b>Department of Transport and Main Roads</b> 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:</p>		
1.	<p>(a) Road works comprising of the upgrading of the Mareeba-bound Rural Auxiliary Left-turn - short (AUL(S)) to comply with an Rural Auxiliary Left-turn (AUL) standard, must be provided at the Kennedy Highway / Tinaroo Creek Road intersection.</p> <p>(b) The road works must be designed and constructed in accordance with Austroads. Guide to Road Design – Part 4A. Unsignalised and Signalised Intersections, Figure 8.4 Auxiliary left-turn treatment (AUL) on a rural road, dated 2010.</p>	(a) and (b): Prior to the commencement of use.

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SDA-1015-034130

SARA reference: SDA-1015-034130  
Council reference: DA/16/C054  
Applicant reference: 16-137

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

The reasons for this decision are:

- to ensure the road works on, or associated with, the state-controlled road network are undertaken in accordance with applicable standards;
- to ensure the development achieves the applicable provisions and outcomes of Module 19 – State transport network functionality of the State Development Assessment Provisions (version 1.9).

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SDA-1016-034130

SARA reference: SDA-1016-034130  
Council reference: DA/16/0054  
Applicant reference: 16-137

**Attachment 3—Further advice**

General advice	
Ref.	Advertising device
1.	<p>A local government should obtain advice from the Department of Transport and Main Roads (DTMR) if it intends to approve the erection, alteration or operation of an advertising sign or another 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.</p> <p>Note: DTMR has powers under section 111 of the <i>Transport Operations (Roads Use Management – Accreditation and Other Provisions) Regulations 2005</i> to require removal or modification of an advertising sign and/or a device which is deemed that it creates a danger to traffic.</p>
Further development permits, compliance permits or compliance certificates	
Ref.	Road access approval
2.	<p>Under sections 62 and 33 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from the Department of Transport and Main Roads to carry out road access works (including driveways) on a state-controlled road. Please contact the Department of Transport and Main Roads on 4045 7144 at the Cairns district office to make an application for road works approval. This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ).</p> <p><b>The road access approval process takes time – please contact Transport and Main Roads as soon as possible to ensure that gaining an access approval is not delayed.</b></p>

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SDA-1016-034130

SARA reference: SDA-1016-034130  
Council reference: DA/16/0054  
Applicant reference: 16-137

**Attachment 4—Approved plans and specifications**

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## Guide to Road Design – Part 4A: Unsignalised and Signalised Intersections

Table 8.2: Dimensions for AUL(S) treatment on major leg

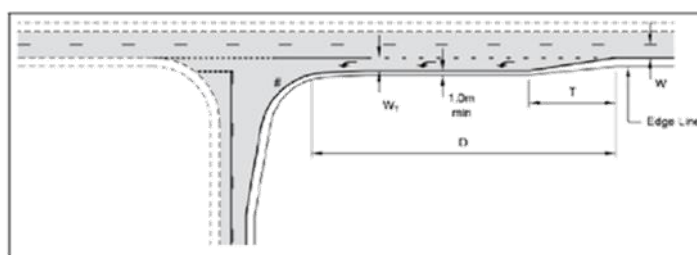
Design speed of major road approach (km/h)	Diverge/deceleration length D (m) <sup>1</sup>	Taper length T (m) <sup>2</sup>
50	15	15
60	25	15
70	35	20
80	45	20
90	55	25
100	70	30
110	85	30
120	100	35

1. Based on a 20% reduction in through road speed at the start of the taper and a value of deceleration of 3.5 m/s<sup>2</sup> (Table 5.2). Adjust for grade using the 'correction to grade', Table 5.3.
2. Based on a turn lane width of 3.0 m.

Source: QDMR (2006)

**8.2.3 Rural Auxiliary Left-turn Lane Treatment (AUL)**

A diagram of an AUL turn treatment on the major leg of a rural road is shown in Figure 8.4. The length of the auxiliary left-turn lane should not be restricted to the minimum if there is little difficulty in making it longer and the demand warrants the treatment (Section 4.8).



## Notes:

1. If For setting out details of the left-turn geometry, use to vehicle turning path software or templates.
2. Approaches to left-turn slip lanes can create hazardous situations between cyclists and left-turning motor vehicles. Treatments to reduce the number of potential conflicts at left-turn slip lanes are given in this guide.
3. The dimensions of the treatment are defined thus:

**W** = Nominal through lane width (m) (incl. widening for curves). For a new intersection on an existing road, the width is to be in accordance with the current link strategy.

**W<sub>t</sub>** = Nominal width of turn lane (m) (incl. widening for curves based on the design turning vehicle) = 3.0 m minimum.

**D** = Diverge/deceleration length including taper – Table 5.2. (Adjust for grade using the 'correction to grade' in Table 5.3).

**T** = Physical taper length (m) given by:

$$T = \frac{0.33VW_t}{3.6}$$

**V** = Design speed of major road approach (km/h).

Figure 8.4: Auxiliary left-turn treatment (AUL) on a rural road

Department of Transport and Main Roads note:  
Site specific requirements may not reflect this example in its entirety. Detailed drawings will be issued upon application for Road Works / Road Access Works.

Austroads 2010

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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



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- (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.

Mareeba Shire Council

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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.

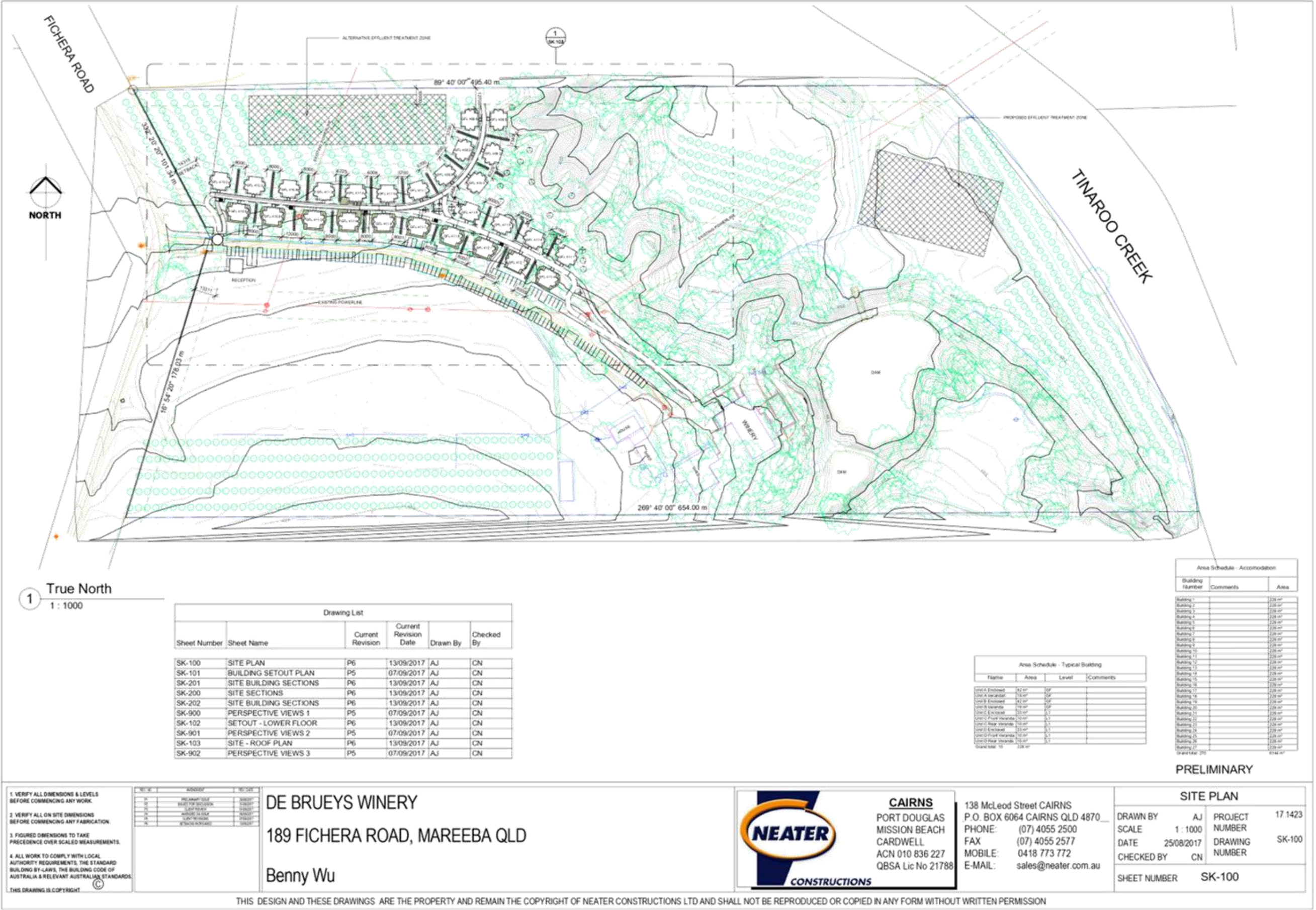
**463 ADDITIONAL AND EXTENDED APPEAL RIGHTS FOR SUBMITTERS FOR PARTICULAR DEVELOPMENT APPLICATIONS**

- (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.









1 Building Setout Plan  
1 : 500


NOTE: WALKWAYS 1600mm WIDE, 2000mm WIDE PASSING BAYS TO BE PROVIDED IN ACCORDANCE WITH AS1428.1 : 2009

PRELIMINARY

- 1. VERIFY ALL DIMENSIONS & LEVELS BEFORE COMMENCING ANY WORK.
  - 2. VERIFY ALL ON SITE DIMENSIONS BEFORE COMMENCING ANY FABRICATION.
  - 3. FIGURED DIMENSIONS TO TAKE PRECEDENCE OVER SCALED MEASUREMENTS.
  - 4. ALL WORK TO COMPLY WITH LOCAL AUTHORITY REQUIREMENTS, THE STANDARD BUILDING BY-LAWS, THE BUILDING CODE OF AUSTRALIA & RELEVANT AUSTRALIAN STANDARDS.
- THIS DRAWING IS COPYRIGHT ©

REV	DESCRIPTION	DATE
1	ISSUED FOR TENDERS	25/08/2017
2	REVISED TO REFLECT COMMENTS	25/08/2017
3	REVISED TO REFLECT COMMENTS	25/08/2017
4	REVISED TO REFLECT COMMENTS	25/08/2017

**DE BRUEYS WINERY**  
**189 FICHERA ROAD, MAREEBA QLD**  
**Benny Wu**



**CAIRNS**  
PORT DOUGLAS  
MISSION BEACH  
CARDWELL  
ACN 010 836 227  
QBSA Lic No 21788

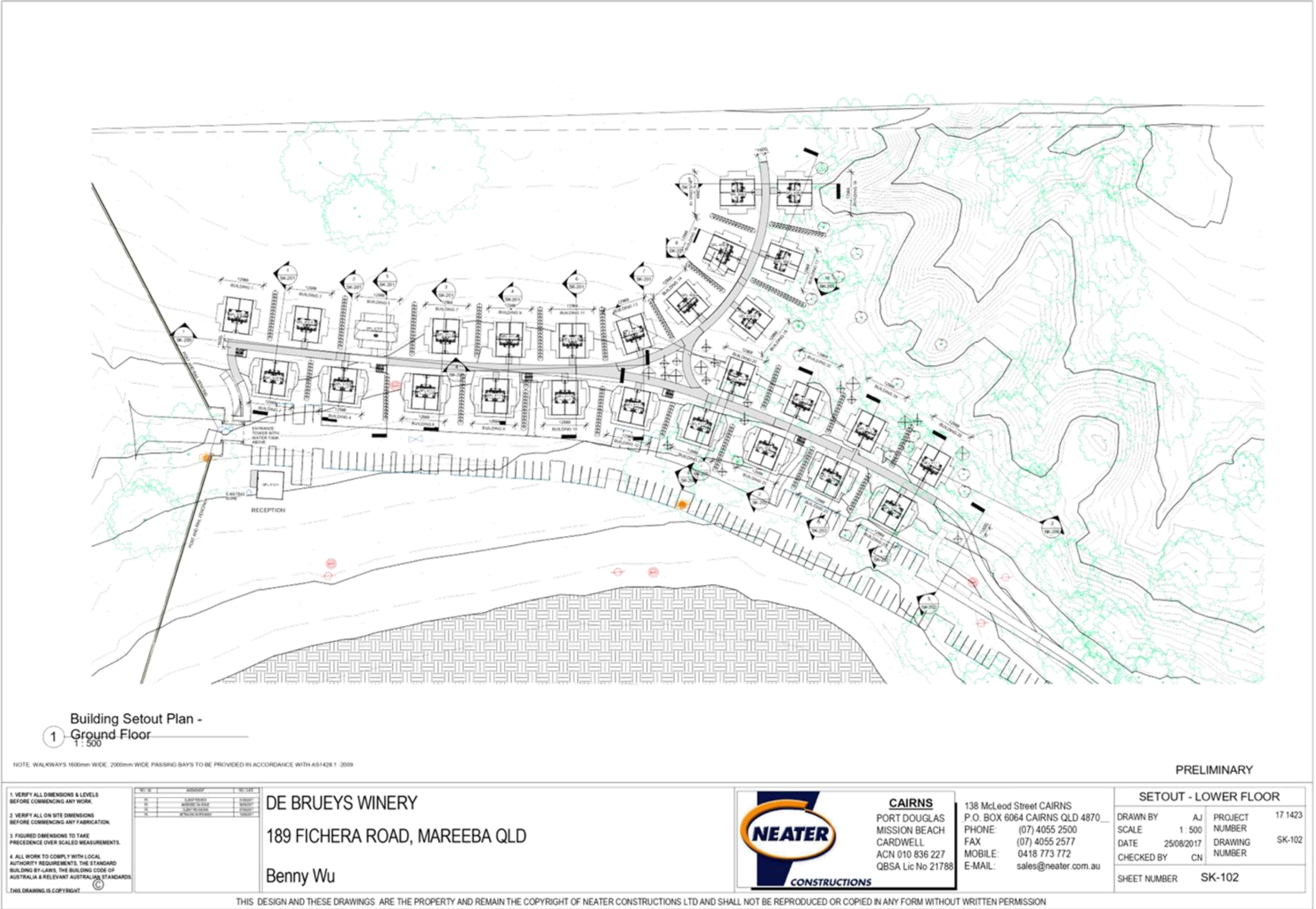
138 McLeod Street CAIRNS  
P.O. BOX 6064 CAIRNS QLD 4870  
PHONE: (07) 4055 2500  
FAX: (07) 4055 2577  
MOBILE: 0418 773 772  
E-MAIL: sales@neater.com.au

BUILDING SETOUT PLAN			
DRAWN BY	AJ	PROJECT	17 1423
SCALE	1 : 500	NUMBER	
DATE	25/08/2017	DRAWING	SK-101
CHECKED BY	CN	NUMBER	
SHEET NUMBER	SK-101		

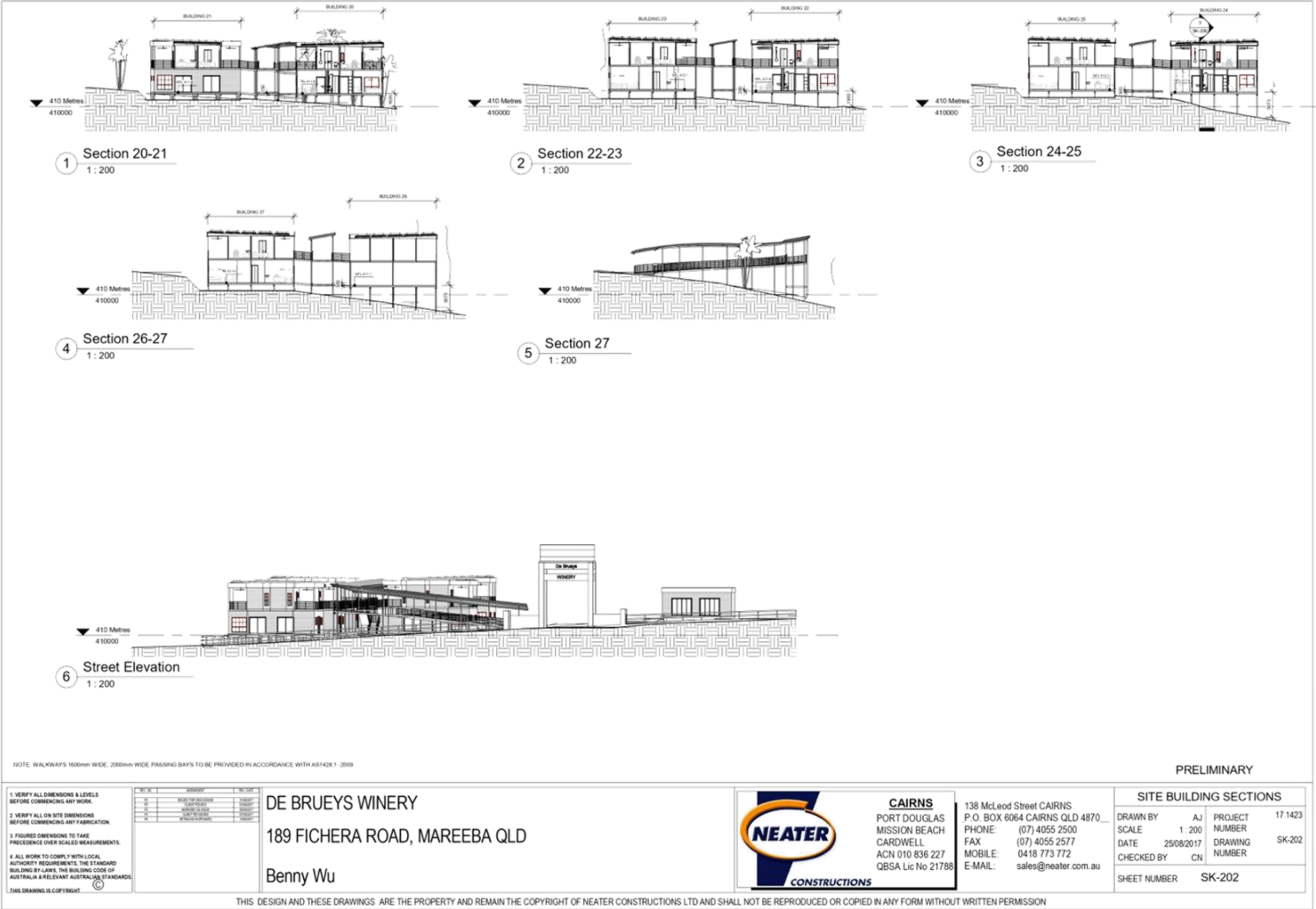
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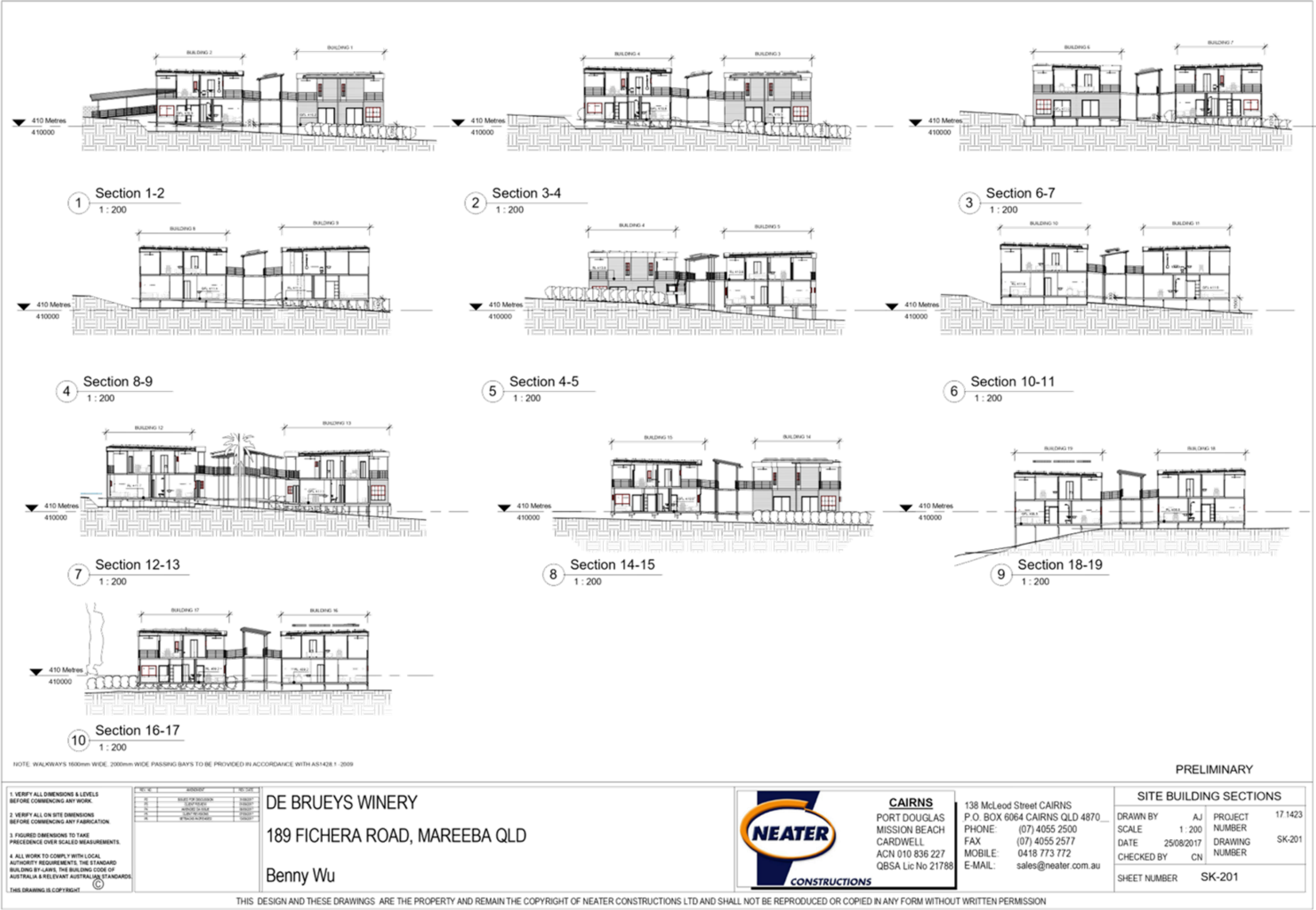
13/09/2017 11:04:56 AM

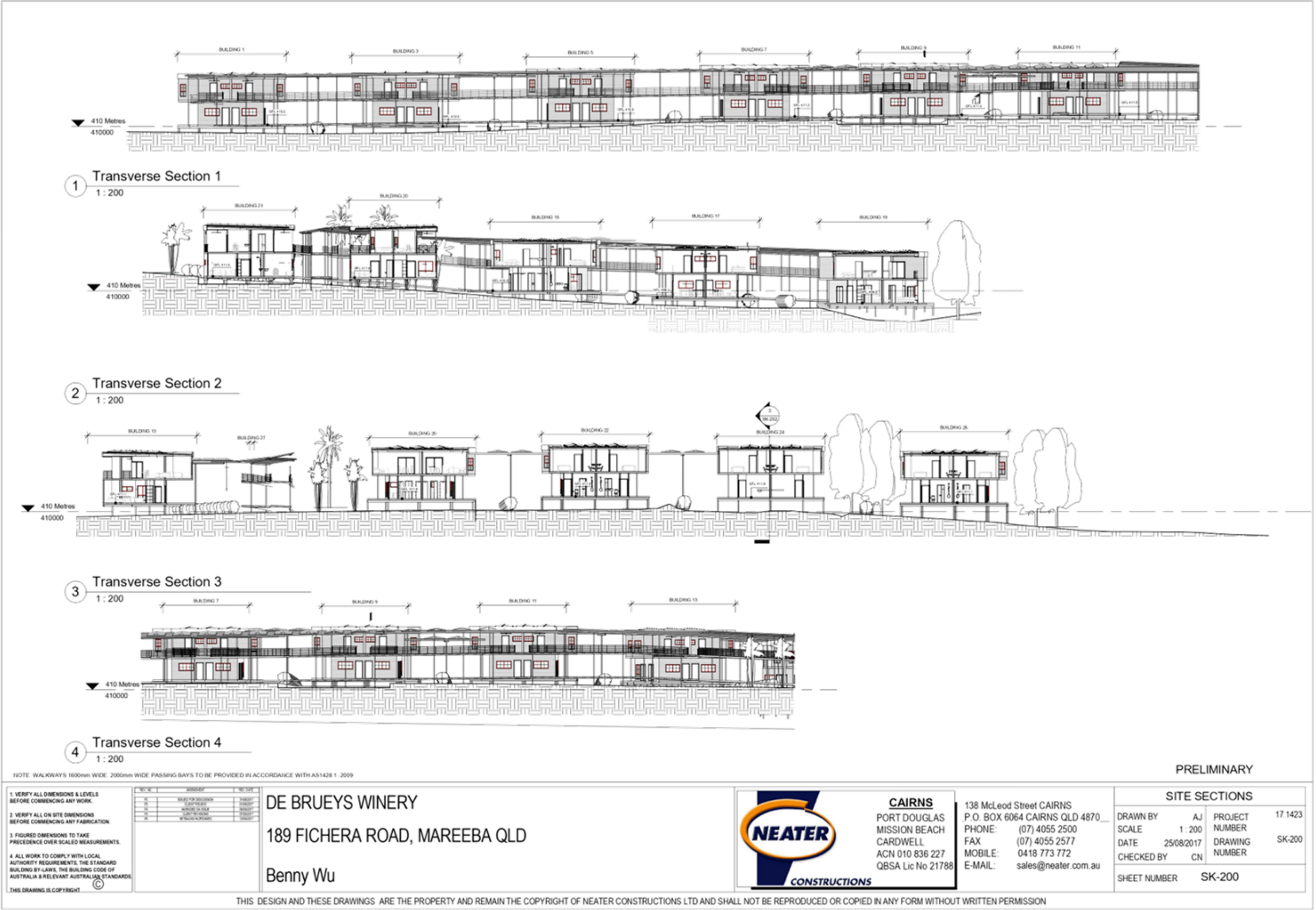
















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ABN 83 169 940 649

12 October 2020

Our Ref: 20-557  
Your Ref: DA/16/0054

**Chief Executive Officer**

Mareeba Shire Council  
PO Box 154  
MAREEBA QLD 4880

Attention: Mr Brian Millard – Senior Planner ([BrianM@msc.qld.gov.au](mailto:BrianM@msc.qld.gov.au))

Dear Brian,

**RE: REQUEST FOR AN EXTENSION TO THE CURRENCY PERIOD UNDER S86 OF THE PLANNING ACT 2016 FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE - SHORT-TERM ACCOMMODATION OVER LAND LOCATED AT 189 FICHERA ROAD, MAREEBA, MORE FORMALLY DESCRIBED AS LOT 1 ON RP745867.**

We refer to the above-described matter and advise that Urban Sync Pty Ltd (Urban Sync) has been commissioned by R.A. Function Services Pty Ltd (the Applicant) to lodge this 'extension application' requesting an extension to the currency period under s86 of the *Planning Act 2016* ('PA') to a Development Permit granted by Mareeba Shire Council, via a Decision Notice on 21 December 2016.

In support of this request, we **enclose** the following to assist with your assessment:

- Extension Application Form as **Attachment 1**
- A copy of the relevant approval that is the subject of this request as **Attachment 2**

In accordance with s86(2)(b) and Council's Schedule of Fees 2020/21 Financial Year, Councils' application fee in the amount of **\$500.00 NO GST** will be paid to facilitate lodgement of the application, upon an invoice being issued by Council.

In accordance with s86(2)(b)(ii), as the Applicant is the owner of the land, no land owners consent is required to accompany this application.

We trust this application can now be progressed for assessment. Should you require any further information or clarification on any matters regarding this application, please do not hesitate to contact on office on the email provided below.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Matt Ingram'.

Matt Ingram  
Senior Planner

E [matt@urbansync.com.au](mailto:matt@urbansync.com.au) | T 07 4051 6946 | M 0488 200 229

[www.urbansync.com.au](http://www.urbansync.com.au)

Document Set ID: 3880478

Version: 1, Version Date: 13/10/2020

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Limitation: This report has been prepared on behalf of Urban Sync Pty Ltd for our client, R.A. Function Services Pty Ltd and considers the instructions and requirements of R.A. Function Services Pty Ltd with regards to the development being proposed. This report should not be relied upon by any third party and Urban Sync Pty Ltd accepts no liability or responsibility for the reliance on this report, or data contained within the report, by any third party.

Reference	Revision	Date	Prepared by	Checked by	Authorised by
20-557	1.0	09/10/2020	JJP	MDI	MDI

09/10/2020

FINAL Version 1.0

**Urban Sync Pty Ltd**

**Level 1, 17 Aplin Street, CAIRNS QLD 4870**

[www.urbansync.com.au](http://www.urbansync.com.au)

[admin@urbansync.com.au](mailto:admin@urbansync.com.au)



## 1 DEVELOPMENT SITE

The site the subject of this extension application is located at 189 Fichera Road, Mareeba, more formally described as Lot 1 on RP745867 (see **Figure 1**). The site is currently operated as 'DeBrueys Boutique Winery' which produces wines from tropical fruits and is improved with:

- A wine cellar
- Wine production/storage areas, a machinery shed, caretakers residence, and greenhouse
- A function venue which includes a wedding chapel/gazebo, two (2) separate reception venues (100-120 indoor seats), a 120 seat open air deck, and catering facilities
- Sealed access road and car parking
- Fruit orchards
- Large dam and bore
- Fencing and other minor infrastructure, typical of a site located in the rural area.

## 2 DEVELOPMENT BACKGROUND AND PROPOSAL

The originating application (the application) was lodged under the *Mareeba Shire Council Planning Scheme 2016* (Planning Scheme) and sought approval to establish modular, boutique accommodation facilities that will support and operate in tandem with the existing winery. The facility will, however, also cater for persons/guests not visiting/utilising the winery.

The technical assessment of the development was completed under the Planning Scheme, with the application being Impact Assessable and triggered referral to the State Assessment Referral Agency (SARA) under the now repealed *Sustainable Planning Regulation 2009* (SPR) for potential impacts on the State-controlled Road network. Council resolved to approve the application, subject to conditions and with consideration on matters such as traffic, access, vehicle manoeuvrability, design and amenity, all of which were required to ensure compliance with the Planning Scheme. A Development Permit was issued on 21 December 2016 and approved the following aspect of development:

- **Development Permit for a Material Change of Use – Short-term Accommodation**

This Development Permit is valid for four (4) years and is due to lapse on **21 December 2020**. Works have commenced on the development, with all buildings recently being relocated to the site and an Operational Works for all internal and external works having been lodged with Council in September 2020. Accordingly, the Applicant now seeks a further **four (4) year extension** to the relevant period for the above-mentioned development approval to allow time to coordinate the required further approvals and undertake the remaining site works. If approved, this extension would result in the development approval lapsing on **21 December 2024**.

## 3 STATUTORY ELEMENTS - DECIDING THE REQUEST

Under s87(1) of the PA, when deciding the request, it is acknowledged that the Assessment Manager may have regard to:

*"Consider any matter that the assessment manager considers relevant, even if the matter was not relevant to assessing the development application."*

This extension application provides an overview of matters considered relevant to the assessment and confirms the consistency of the approval with:

- The Planning Scheme, and any current local laws and policies





- The FNQROC Development Manual
- State legislation
- State Planning Policies
- Regional Plan
- State Development Assessment Provisions.

## 4 CONSISTENCY OF THE APPROVAL WITH PLANNING FRAMEWORKS

### 4.1 Local Instruments – Mareeba Shire Council Planning Scheme 2016.

The Planning Scheme commenced on 1 July 2016, with the application being lodged on 23 September 2016. On 21 June 2017, Council made the PA alignment amendments under the Alignment Amendment Rules and section 293 of the PA to the Planning Scheme. This amendment commenced on 3 July 2017 and was intended to have the general effect of aligning the Planning Scheme with the PA.

It is acknowledged that there may be some minor discrepancies between the aligned Planning Scheme and the original 2016 Planning Scheme, although these discrepancies generally relate to administrative details. In general, the purpose and intent of the relevant codes of the Planning Scheme have not changed since the development was approved in December 2016. Accordingly, if a fresh Material Change of Use application were lodged for the development, it is not considered that a substantially different assessment outcome, nor suite of conditions would be issued. With this in mind, it seems unreasonable to refuse this request and make the applicant undergo a new application when the outcome of any such application is unlikely to differ significantly from that which is already approved.

### 4.2 FNQROC Development Manual

The approval was issued while Version 6 (2014) of the FNQROC Development Manual was in effect. It is acknowledged that as the current version of the FNQROC Development Manual is version 7 (2017), there may be some inconsistencies between the approval and current engineering standards.

These inconsistencies however, if present, are not expected to be significant enough to warrant refusal of this request, any such inconsistencies are able to be addressed through the Operational Works application currently with Council for assessment. This in turn, will ensure compliance with today's relevant engineering requirements/standards.

### 4.3 Planning Act 2016

The application was lodged, assessed and approved while the now repealed *Sustainable Planning Act 2009* (SPA) was in effect. On 3 July 2017, the new *Planning Act 2016* (QLD) (PA) came into effect. While the current State legislation is different from that when the application was lodged, assessed and approved, it is not considered that the approval is 'inconsistent' with the requirements or overarching intent of the PA.

### 4.4 State Planning Policy

The current State Planning Policy (SPP) came into effect in July 2017, after the approval was issued. At the time of the application being lodged, assessed and approved, the Queensland Single State Planning Policy (July 2014) was in effect and the following State Interests were applicable to the site/development:

- Water Quality (Climatic Regions – Stormwater Management Design Objectives)
- Natural Hazards, Risk, and Resilience (Flood Hazard Area – Level 1 – Queensland Floodplain Assessment Overlay) & Bushfire Hazard Area (Bushfire Prone Area); and
- Strategic Airports and Aviation Facilities (Wildlife Hazard Buffer Zone).



The current SPP mapping confirms that the site is now affected by the following State interests:

- Agriculture (Important Agricultural Areas & Agricultural land Classification- Class A & B)
- Biodiversity (MSES – Regulated Vegetation (Category R & Intersecting a Watercourse))
- Natural Hazards Risk and Resilience (Flood Hazard – Level 1 – Queensland Floodplain Assessment Overlay & Bushfire Prone Area)
- Strategic Airports and Aviation Facilities (Wildlife Hazard Buffer Zone).

It is acknowledged that since the original approval, the SPP has been amended and the site now reflects two (2) additional State interests, being Agriculture and Biodiversity. In regard to the Agriculture interest, the site operates as a winery and as a result, the site comprises a number of fruit orchards. A small portion of these existing fruit orchards located towards the north-western portion of the site will be cleared to facilitate the development; however, the remainder of the site will continue to grow fruit orchards to support the winery. As a result, we are of the view that the Agricultural values of the site are able to be maintained and the development will not compromise the site's ability to be used for Agricultural uses in the future.

In regard to the Biodiversity interest, the development is not proposed over, nor does it propose to remove, any of the identified Regulated Vegetation over the site. Furthermore, the area of the site mapped as containing the Biodiversity values covers a portion of the existing orchard farm and some sparse vegetation, of which we believe do not actually involve any biodiversity values. As a result, we are of the view that this interest is not applicable in this instance.

We acknowledge here that the elements that were assessed as part of the original application, being the Strategic Airports and Aviation Facilities and the Natural Hazards Risk and Resilience, have since been updated and amended to reflect the most recent interests in land use planning and development. Despite these minor amendments, the overall project is still able to present significant consistency with the outcomes of the SPP and any minor inconsistencies are not expected to be significant enough to warrant refusal of this request.

#### 4.5 Far North Queensland Regional Plan 2009-2031

The Far North Queensland Regional Plan 2009-2031 (FNQRP) was introduced before the approval was issued. Hence, the existing approval has already been assessed against the FNQRP, and it was determined that the approval was not inconsistent with the requirements or intent of the FNQRP.

#### 4.6 State Development Assessment Provisions

The SDAP Version 1.1 commenced on 1 July 2013, well before the approval was issued over the site. SDAP version 1.9 commenced on 22 July 2016 and are the relevant provisions that the application was assessed against included:

- Module 17: Public Passenger Transport
  - 17.1 Public Passenger Transport State Code.
- Module 18: State Transport Infrastructure Protection
  - 18.1 Filling, Excavation and Structure State Code; and
  - 18.2 Stormwater and Drainage Impacts on State Transport Infrastructure State Code.
- Module 19: State Transport Network Functionality
  - 19.1 Access to State-controlled Roads State Code; and
  - 19.2 Transport Infrastructure and Network Design State Code.



If the application were to be assessed today, it would be assessed against SDAP 2.6 (7 February 2020) – State Code 6 – Protection of State Transport Networks. While there may be some ‘minor’ inconsistencies between the original assessment and any ‘new’ elements to the SDAP module, the overall project continues to present significant consistency with the outcomes of the SDAP Code and any other minor inconsistencies are not expected to be significant enough to warrant refusal of this request.

---

### 5 CONCLUSION

Urban Sync acknowledges that there may be some minor inconsistencies between the approval and current laws and policies. However, these inconsistencies are minor in nature and able to be addressed as required prior to construction being finalised. The fundamental constraints affecting the project were and continue to be addressed through the proposal material and in the development conditions. Accordingly, we consider that these inconsistencies are not substantial enough to warrant a refusal of the request in this instance, in particular when any new application would be unlikely to produce a substantially different suite of conditions from that contained in the current approval.

The applicant now requests Council’s support for an extension to the currency period for four (4) years until **21 December 2024**. We trust this information is sufficient for your purposes. Should you require any additional information or wish to discuss this request in further detail, please do not hesitate to contact me.

Yours faithfully,



Matt Ingram  
Senior Planner

E matt@urbansync.com.au | T 07 4051 6946 | M 0488 200 229



**ATTACHMENT 1:**  
**EXTENSION APPLICATION 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)	R.A. Function Services Pty Ltd
Contact name (only applicable for companies)	C/- Matt Ingram of Urban Sync Pty Ltd
Postal address (P.O. Box or street address)	PO Box 2970
Suburb	Cairns
State	Queensland
Postcode	4870
Country	Australia
Email address (non-mandatory)	<a href="mailto:matt@urbansync.com.au">matt@urbansync.com.au</a>
Contact number	(07) 4051 6946
Applicant's reference number(s) (if applicable)	20-557

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 type="checkbox"/> Yes – the written consent of the owner(s) is attached to this extension application <input checked="" 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"/> Development permit <input type="checkbox"/> Preliminary approval	DA/16/0054	21 December 2016	Mareeba Shire Council

**5) Further details**

5.1) Provide the currency period for this development approval.

Four (4) Years

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*

Four (4) Years

---

**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.





T 07 4051 6946  
E [admin@urbansync.com.au](mailto:admin@urbansync.com.au)  
O Level 1, 17 Aplin Street, Cairns  
M PO Box 2970, Cairns Q 4870  
ABN 83 169 940 649

7 January 2021

Our Ref: 20-557  
Your Ref: DA/16/0054

**Chief Executive Officer**

Mareeba Shire Council  
PO Box 154  
MAREEBA QLD 4880

Attention: Mr Carl Ewin – Planning Officer ([CarlE@msc.qld.gov.au](mailto:CarlE@msc.qld.gov.au))

Dear Carl,

**RE: CONFIRMATION LETTER TO MAREEBA SHIRE COUNCIL IN REGARD TO AGREED CHANGES TO THE EXISTING MATERIAL CHANGE OF USE APPROVAL FOR SHORT-TERM ACCOMMODATION OVER LAND LOCATED AT 189 FICHERA ROAD, MAREEBA, MORE FORMALLY DESCRIBED AS LOT 1 ON RP745867.**

We refer to the above-described matter and advise that Urban Sync Pty Ltd (Urban Sync) has been commissioned by R.A. Function Services Pty Ltd (the Applicant) to submit this confirmation letter to Mareeba Shire Council (Council) advising that the Applicant is agreeable to the following changes to the existing approval:

- The addition of a condition requiring directional screening to the top floor balconies of unit blocks 5, 7, 9, 11 & 13 screening unit occupants view of the northern adjoining dwelling and yard; and
- The amendment of the landscaping condition to include a timing clause requiring the landscaping to be carried out prior to 30 June 2021.

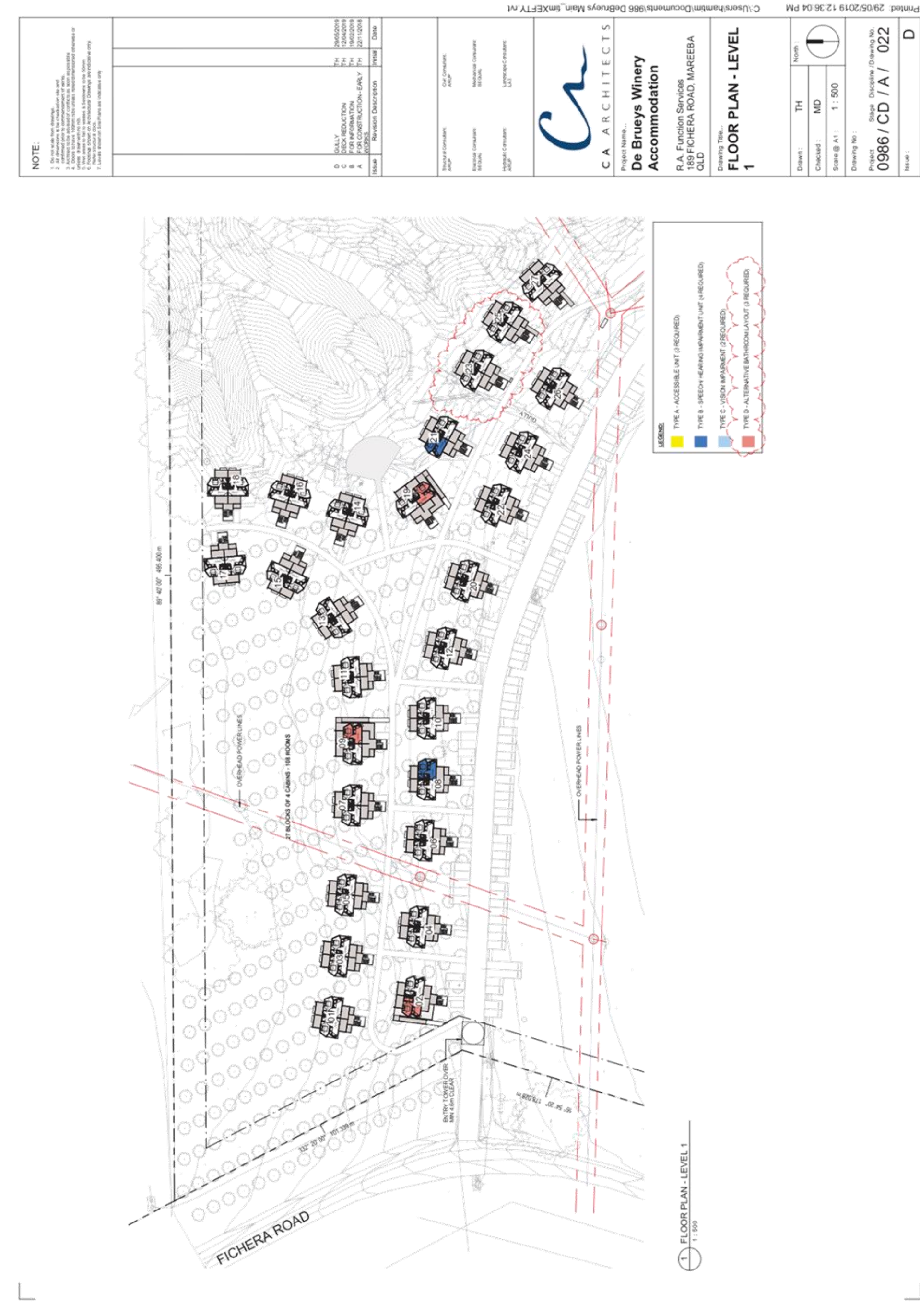
We trust that this correspondence will now allow the request to extend the currency period application to be progressed for approval. Should you require any further information or clarification on any matters regarding this application, please do not hesitate to contact our office on the email provided below.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Justin Phipps'.

Justin Phipps  
Town Planner

E [justin@urbansync.com.au](mailto:justin@urbansync.com.au) | T 4051 6946 | M 0458 902 541



3 November 2020

**Victor G Feros Town Planning Consultants**

195 Dornoch Terrace  
corner Gladstone Road  
Highgate Hill **Brisbane** 4101  
Queensland Australia

Telephone 07 3844 2882  
Facsimile 07 3846 1840  
brisbane@ferosplanning.com.au

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 – C1200

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

Attention: Brian Millard

Dear Sir,

**RE: REPRESENTATIONS IN RELATION TO AN APPROVED DEVELOPMENT ON LAND AT 189  
FICHERA ROAD, MAREEBA AND DESCRIBED AS LOT 1 ON RP745867  
COUNCIL REFERENCE: DA/16/0054**

We advise that we act as Town Planning Consultants and Agent for and on behalf of Martin and Jacqueline Perkowicz, residents and land owners of 233 Fichera Road and Nicky and Clint Tilse, residents and land owners of 179 Fichera Road in relation to the above described matter.

Reference is also made to our discussion on Friday 23 October 2020 and Monday 26 October 2020 in relation to providing representations to Council in relation to this matter.

As discussed it is confirmed that the attached representations can be included within Council's agenda to be considered at its next meeting.

We await Council's further advice in relation to this matter and invite further discussions.

Yours faithfully,



Victor G Feros OAM BA MUS MPIA (Life Fellow) CMILT LGTP (Q)  
Principal  
VICTOR G FEROS TOWN PLANNING CONSULTANTS

Medal of the Order of Australia  
"For service to Town Planning"

Adjunct Professor, School of Earth & Environmental Sciences  
The University of Queensland

Life Fellow, Planning Institute of Australia

Appointed Referee, Development Tribunals  
Queensland Government

cc: Martin and Jacqueline Perkowicz

cc: Nicky and Clint Tilse

IN CONTINUOUS PRACTICE SINCE 1976

Principal  
**Victor G Feros**  
BA MUS LFPPIA CMILT LGTP(Q)

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) MPIA LGTP(Q)

**Victor G Feros**  
Town Planning  
Consultant Pty Ltd  
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Victor G Feros  
Town Planning Consultants  
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## BACKGROUND AND REPRESENTATIONS REPORT

### APPROVED DEVELOPMENT ON LAND AT 189 FICHERA ROAD, MAREEBA AND DESCRIBED AS LOT 1 ON RP745867 – COUNCIL REFERENCE: DA/16/0054

#### 1.00 INTRODUCTION

This Report has been prepared on behalf of Martin and Jacqueline Perkowicz, residents and land owners of 233 Fichera Road and Nicky and Clint Tilse, residents and land owners of 179 Fichera Road.

Both properties adjoin the land the subject of these representations and described as Lot 1 on RP745867 and located at 189 Fichera Road, Mareeba.

The location and locality of the relevant properties are shown in **Figure 1** and **Figure 2**.

The purpose of these representations is as follows:-

- a) identify the relevant Town Planning and other approvals and statutory town planning documentation relevant to the subject site and surrounding lands;
- b) identify the community concerns and observations in relation to the current approvals and likely further actions to be undertaken by the proponent;
- c) identify the impacts that the proposal will have on the adjoining properties; and
- d) express the recommended actions by Council in relation to the current approval and further actions in order to mitigate the impacts on adjoining properties.

Council is advised that these representations are submitted to Council on the basis that Martin and Jacqueline Perkowicz and Nicky and Clint Tilse, while they have no legal entitlement to appeal any decision made by Council, are nonetheless concerned members of the immediate community and, in the interests of openness and accountability should be afforded an opportunity to be heard.

Accordingly, these representations are made to Council to express the concerns in the expectation that Council will act in the best interests of the adjoining landowners in the locality and ensure that the Applicant, at all times, acts strictly within the confines of any approvals granted, existing or prospective.

#### 2.00 RELEVANT DOCUMENTS AND BACKGROUND INFORMATION

To provide context for these representations the following approvals and documents are identified:-

- a) the Mareeba Shire Planning Scheme (2016). The planning application was lodged in accordance with this scheme;
- b) Council's Decision Notice dated 21 December 2016 (Council Reference: DA/16/0054) for Material Change of Use – Short-term Accommodation;
- c) Application for Operational Works for the internal and external civil works associated with a proposed 'short-term accommodation' land use dated 18 August 2020 (Applicant Reference: 20-557) (Council Reference: OPW/20/0003);
- d) Current Request to extend currency period of approval;
- e) Council Information Request for the Operational Works Application dated 21 October 2020;
- f) Liquor Licenses for De Brueys Boutique Wines (License Numbers: 180246 and 180514)

For further guidance on the intended development reference is also made to an article in The Express Newspaper dated 24 October 2020 (refer to **Attachment A**) including further comments made by the proponent in relation to further development of the site.

### 3.00 SCOPE OF CURRENT APPROVAL

The further development of the site is determined by the underlying Decision Notice dated 21 December 2016. Within the Mareeba Shire Planning Scheme (2016) the land is zoned Rural.

A principal element of this Decision Notice determining the scope of the approved development of the site is identified as follows:-

- a) specific approval is issued for Short-term Accommodation within the provisions of the Mareeba Shire Council Planning Scheme (2016). Short-term Accommodation is defined as follows:-

Use	Definition	Examples include	Does not include the following examples
<b>Short-term accommodation</b>	<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	Hotel, rooming accommodation, tourist park

This is an Impact Assessable Use within the Rural Zone.

- b) the Decision Notice makes specific reference to the extent of development approval and this is limited to:-
- i) 108 single bedroom cabins;
  - ii) swimming pool; and
  - iii) community BBQ/activity space;
- c) the scope of the approved use is further emphasised by Condition 3.8 conditioning the length of stay stating that *"the maximum length of stay for guests must not typically exceed 3 consecutive months unless otherwise approved by Council's delegated officer"*;
- d) to acknowledge that development is located within a Rural Zone, Condition 3.10 requires a sign to be erected on the land advising guests that the surrounding area is used for intensive rural uses and guests may experience off-site effects from rural activities; and

- e) as a matter of confirmation, the approved development does not permit the uses and activities specified by the following defined uses within the Mareeba Shire Council Planning Scheme (2016) and the levels of assessment within the Rural Zone for each use are also identified:-
- i) multiple dwelling (Impact Assessment);
  - ii) non-resident workforce accommodation (Impact Assessment);
  - iii) relocatable home park (Impact Assessment);
  - iv) resort complex (Impact Assessment);
  - v) retirement facility (Impact Assessment);
  - vi) rooming accommodation (Impact Assessment);
  - vii) rural workers accommodation (Exempt, Self or Code Assessment); and
  - viii) tourist park (Code Assessment if expanding an existing Tourist Park and Impact Assessment if new development).

#### **4.00 ADJOINING LAND OWNER CONCERNS**

Following the review of the available information and observations made by the adjoining landowners the following concerns are identified for Council's consideration and further action as required.

##### **4.01 Scope of the Use**

The current Decision Notice is specific in limiting the approved use to 108 single room cabins, swimming pool and BBQ/activity space.

The land owners express the concerns that the intended development will be outside the scope of the current approval.

These concerns are highlighted by recent statements attributed by the proponent in an article contained within the Express Newspaper (refer to **Attachment A**).

These statements include reference to the development as:-

- *"resort and a well being centre";*
- *"the winery is also planned to stay open with another bar to be added";*
- *"hoping to have food grown on the property to be used in their restaurant";*
- *"over 100 people will be working at the resort";*
- *"some of the facilities will include a water and sports park, playground, catering facilities, including a restaurant and kitchen";*
- *"stage 1 of the resort is now expected to open at the end of 2021";*
- *"stage 2, we are looking at a water and sports park for locals and interstate travellers" and*
- *"stage 3 we are looking at an online gaming facility where people from around the world can come and compete in E-sports".*



Given the above statements made by the proponent and other observations of the adjoining land owners, Council should request a statement of clarification from the proponent in relation to:-

- a) the scope and scale of the development and in particular the uses proposed to be established on the site; and
- b) the compliance or otherwise of the proposal with the current development approval.

Based on this advice, Council, it is submitted, should determine compliance with the current development approval and the need or otherwise for the proponent to obtain further planning approvals for the proposal.

In addition, it is submitted that Council should establish the appropriate protocols with the proponent and any subsequent owners of the development that the use of the land remains at all times within the scope of the relevant planning approvals.

#### **4.02 Liquor Licensing Considerations**

The land is subject to the liquor licenses for a Wine Producer (reference 180246) and a Commercial Other – Subsidiary on Premises (reference 180514).

Both licenses have limited scope and the statements attributed to the proponent for the proposed development would require either modifications to existing or new licenses to be obtained.

These changes to liquor licensing arrangements are not anticipated by the current approval nor should these changes be supported due to adverse impacts upon the amenity of surrounding residents resulting from extended hours of operation and excess noise, among other considerations.

It is submitted that as part of the ongoing review and monitoring of the development of the site Council should liaise with the Office of Liquor and Gaming Regulation (OLGR) in relation to ensuring that the OLGR is aware of the scope and intensity of the proposed development and identify on behalf of the surrounding residents the unsuitability of any intensification of liquor licenses issued for the land due to adverse impacts on amenity of surrounding uses.

#### **4.03 Visual Impact**

The conditions of approval within the Decision Notice include approved unit layout, elevations and sections that clearly articulate the style and appearance of the proposed units.

It is submitted that Council should closely monitor by way of regular site inspections to ensure the appearance and external building materials and colours are consistent and are generally in accordance with the approved plans.

The adjoining landowners are concerned that the appearance of the structures currently developed on the land are not consistent with and have detrimental impacts upon the desirable rural character of the surrounding locality.

#### 4.04 Change of Approved Plan

The owners (Tilse) of the land adjoining the site to the north are aware of the changes made to the layout plan included within the Decision Notice.

A comparison of the following plans is shown by **Attachment B – Comparison Plan**:-

- a) the approved Proposed Site Plan included within Council's Decision Notice dated 21 December 2016;
- b) the amended plan dated 13 September 2017 (Rev. No. P6) determined by Council to be "generally in accordance" with the approved plan.

It is noted that the position of the cabins shown in the amended plan appear to be generally consistent with the position of the cabins shown by the Operational Works application.

The following observations are made in relation to the comparison of the plans:-

- a) as shown by both plans a set back of approximately 12.7m is maintained between the proposed cabins and the northern boundary. However, the position of the closest cabins adjacent to the northern boundary (as shown by approved plan) have been relocated approximately 70 metres to the west and are therefore closer to the existing dwelling;
- b) as shown by the comparison plan, the closest cabin to the northern boundary identified by the approved plan was located approximately 165 metres from the residence where as the closest cabin to the northern boundary shown by the amended plan is now located approximately 100 metres from the residence;
- c) it is submitted that the relocation of the cabins will have a significant impact on the amenity of the existing residence to the north due to privacy, visual amenity, noise disruption and light overspill;
- d) given the additional adverse impact due to the relocation of the cabins it is reasonable and appropriate to impose conditions within any Operational Works or subsequent approvals to protect the residential amenity of the residence located to the north;

#### 4.05 Inadequate Setbacks and Buffering

- a) Adjoining Land to the North

The owners (Tilse) of land adjoining the site to the north have particular concerns in relation to privacy and visual amenity and general amenity consideration in relation to noise and light overspill.

This is of particular concern given the matters identified in Section 4.04 in relation to the change to the approved plan and the relocation of the cabins closer to the existing residence.

The current conditions of approval require provision of a 2-3m wide landscape strip along the northern boundary.

The landowners raise the following concerns:-

- a) the width of the landscape strip is inadequate to establish a suitable visual buffer between the existing uses to the north and the proposed development;
- b) the proponent will not establish nor will it maintain the landscape strip in accordance with the conditions of approval; and
- c) variations will be made to the currently approved development to locate uses closer to the northern boundary.

The landowners to the north seek that Council review the requirements for the provision of landscaping buffers as part of the approval of the operational works application to increase the size of the vegetation buffer and that suitable landscape maintenance requirements are implemented.

It is further requested that Council consult with the landowner to gain suitable input and comment prior to the issue of any approval for the operational works.

b) Adjoining Land to the South

The owners (Perkowicz) of land adjoining to the south have particular concerns in relation to visibility of the cabins from the residence located on Lot 2.

The residents have expansive and long distant views of the desirable surrounding rural landscape due to the elevated position of the residence.

The position, visual prominence and intensity of the proposed development is disruptive to the views of residents located to the south.

The landowners to the south seek that Council review the requirements for the provision of landscaping to establish a visual screening of the development when viewed from the south as part of the approval of the Operational Works application and that suitable landscape maintenance requirements are implemented.

It is further submitted that Council consult with the landowner to gain suitable input and comments prior to the issue of any approval for the Operational Works.

c) Fichera Road Frontage

Similar concerns are issued by both landowners in relation to setbacks, visual amenity and the establishment of landscape buffers along the road frontage of the site.

d) Overall Considerations

Overall, particular concerns are raised about the adequacy of the current requirements within the conditions of approval and both landowners seek to be consulted prior to Council issuing any approval for the operational works.

## **5.00 TRAFFIC CONSIDERATIONS**

The adjoining landowners have identified traffic concerns resulting from the proposal. These concerns should be considered within the context of the stated intent of the proponent to refocus of intended visitors to Australian travellers and presumably with an emphasis given to "self drive tourists".

The increase in traffic use generated by the proposal is expected to:-

- a) reduce traffic safety on the surrounding rural roads due to limited design capacity; and
- b) create a conflict between "tourist traffic" and existing rural and other heavy vehicles using the surrounding road network and in particular the single lane Fichera Road bridge and Lockwood Road and Henry Hannam Drive connecting with the Kennedy Highway to the south.

These matters should be investigated and where required addressed by a traffic study undertaken by Council.

#### **6.00 CONCLUSION AND RECOMMENDED ACTION**

This report is submitted to Council in order to express the very real concerns and fears held for the adjoining landowners in relation to the detrimental impacts that the development will have upon the amenity of the surrounding locality.

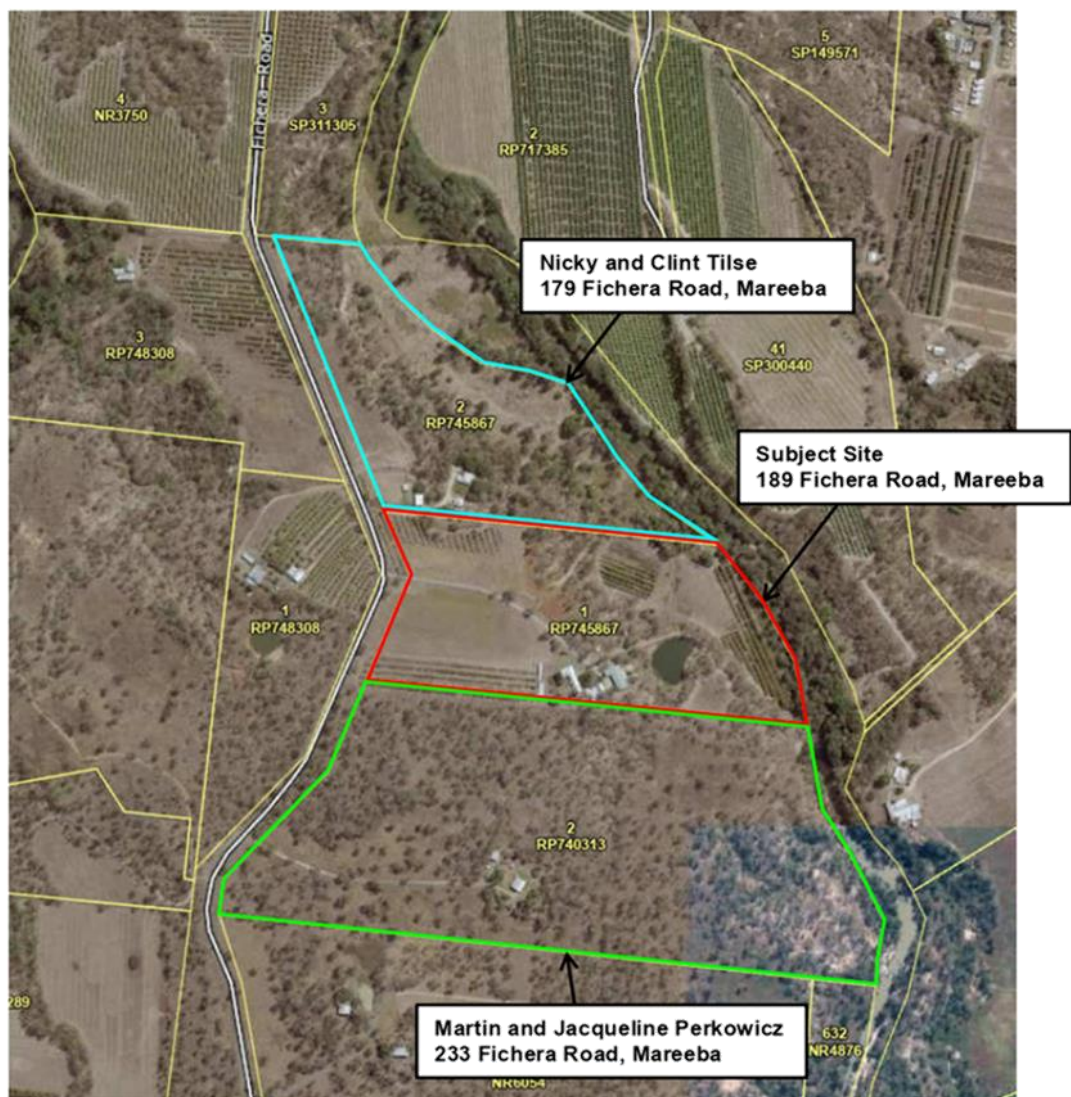
It is respectfully requested that Council, as the Local Planning Authority undertake the following:-

- a) closely monitor the development of the subject site to ensure that the development accords with the scope of the current approval in relation to the use, development intensity and appearance;
- b) request that the proponent provide a statement of clarification for the development;
- c) where required undertake action to ensure that the proponent complies with the conditions of approval;
- d) undertake a detailed review of the current operational works application to ensure that suitable landscape buffers and maintenance requirements are included as part of suitable conditions of approval;
- e) liaise with the OLGR to express concerns on behalf of the community in relation to the intensification of the existing Liquor Licenses;
- f) undertake a comprehensive traffic investigation for the surrounding road network to determine the impact of the proposal on traffic safety; and
- g) maintain regular contact with both adjoining landowners to ensure that both owners are fully informed of Council's investigations and actions undertaken for items a) to f) above and where required invite the landowners to provide comments and input.

Both landowners and consultants acting on their behalf are available to meet with Council and the proponent to discuss the content of this Report.

**Victor G Feros Town Planning Consultants**  
**3 November 2020**

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SUBMISSION IN RELATION TO APPLICATION  
FOR LAND AT

189 FICHERA ROAD, MAREEBA

LOCATION



FIGURE 1 NOVEMBER 2020



Document Set ID: 2889067  
Version: 1 Version Date: 03/11/2020







## ATTACHMENT A

### Multi-million dollar resort going ahead.

By [Phil Brandel](#)

Posted on Saturday 24 October, 2020



On the building site at Fichera Road (L-R) Polly Pan, Owner Benny Wu, Builder Peter Harris and Project Manager Mark Nie

Despite COVID putting a halt to international travel, one developer is still moving ahead with his dream of an international resort in Mareeba.

The development at De Brueys Boutique Winery at 189 Fichera Rd, may have slowed due to COVID, but it's still business as usual.

The new resort has been designed by CA Architects in Cairns and when finished will consist of 27 blocks of four 4 cabins/rooms, totalling 108 rooms.

Owner and Developer Benny Wu said he was involved in mining but as he got older he decided he wanted to do something greener for the planet.

Mr Wu said, "He is focused on the resort and a wellbeing centre, he wants everything to be eco friendly and he has been thinking about a facility like this for the past 20 years."

While the initial target demographic was Chinese travellers, that focus has changed slightly due to border closures. The resort will be aimed at 50 per cent Australian and 50 per cent Asian travellers, with families and retirees now the new target demographic.

The winery is also planned to stay open with another bar to be added inside and to go along with the green theme sewerage, water and solar will all be supplied onsite, they are also hoping to have food grown on the property to be used in their restaurant.



**8.7 FURTHER DEALING WITH APPLICATION FOR LEASE OVER PART OF LOT 619 ON OL72, SHOWN AS LOT A ON DRAWING TSV20003, LOCALITY OF WATSONVILLE**

**Date Prepared:** 4 January 2021

**Author:** Senior Planner

**Attachments:** 1. DNRME email dated 10 December 2020 [↓](#)

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**EXECUTIVE SUMMARY**

The Department of Natural Resources, Mines and Energy (DNRME) is continuing with the consideration of the application for the issue of a lease over land shown as Lot A on Drawing TSV20003. The land is part of Occupational Licence 619, described as Lot 619 on OL72, Locality of Watsonville.

Council has previously offered no objection to the issue of this lease for an electrical network communications facility/tower.

Unrelated to the proposed lease, DNRME has identified that part of the Mount Wallum tourist drive is located within Lot 619 on OL72, instead of the adjoining Baldy Mountain Forest Reserve.

To remove any potential liability issues for the lessee of Lot 619 on OL72, DNRME intends to move those parts of Lot 619 on OL72 containing the Mount Wallum tourist drive (Lots A, B and C on Drawing CNS20/097P) into the Baldy Mountain Forest Reserve.

DNRME seeks Council's views on the transfer of Lots A, B and C into the Baldy Mountain Forest Reserve, described as Lot 1 on AP19246.

**RECOMMENDATION**

That Council offer no objection to the transfer of land shown as Lots A, B and C on Drawing CNS20/097P from Lot 619 on OL72 to the Baldy Mountain Forest Reserve, described as Lot 1 on AP19246.

**BACKGROUND**

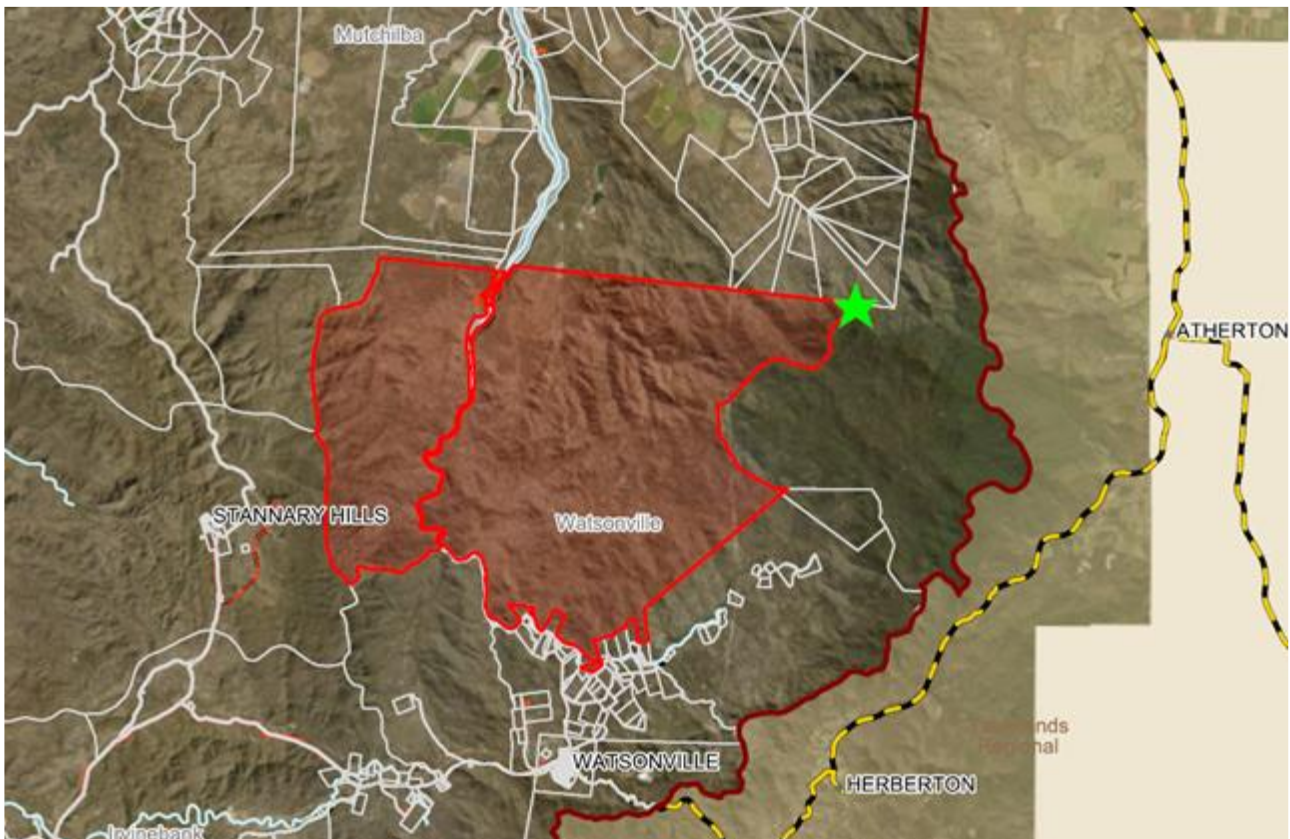
DNRME is currently considering an application for the issue of a lease over land shown as Lot A on Drawing TSV20003, having an area of approximately 1,410m<sup>2</sup>.

Council at its Ordinary Meeting on 17 June 2020 offered no objection to the issue of a lease over land shown as Lot A on Drawing TSV20003, being part of Lot 619 on OL72, for the purpose of an electrical network communications facility/tower.

DNRME investigations have identified that part of the Mount Wallum tourist drive is located within Lot 619 on OL72, instead of the adjoining Baldy Mountain Forest Reserve. As the Mount Wallum tourist drive is open to the public, this creates liability issues for the lessee of Lot 619 on OL72.

To remove any potential liability issues for the lessee of Lot 619 on OL72, DNRME intends to move those parts of Lot 619 on OL72 containing the Mount Wallum tourist drive (Lots A, B and C on Drawing CNS20/097P) into the Baldy Mountain Forest Reserve.

DNRME seeks Council's views on the transfer of Lots A, B and C into the Baldy Mountain Forest Reserve, described as Lot 1 on AP19246.



**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

## **RISK IMPLICATIONS**

### **LEGAL/COMPLIANCE/POLICY IMPLICATIONS**

Lot 619 on OL72 is zoned Rural under the Mareeba Shire Council Planning Scheme 2016. The Baldy Mountain Forest Reserve is zoned Conservation.

The proposed transfer of land will not significantly change the size of each allotment, nor will it change the existing use of either allotment.

### **FINANCIAL AND RESOURCE IMPLICATIONS**

***Capital***

Nil

***Operating***

Nil

### **LINK TO CORPORATE PLAN**

**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**

The Department of Natural Resources, Mines and Energy will be informed of Council's decision by letter.



**Brian Millard**

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**From:** SHORE Janelle <Janelle.Shore@dnrme.qld.gov.au>  
**Sent:** Thursday, 10 December 2020 4:28 PM  
**To:** Info (Shared)  
**Subject:** Proposed excision of part of Occupational Licence 619, described as Lot 619 on OL72, for inclusion with adjoining Protected Area Estate, described as Lot 1 on AP19246, locality of Watsonville  
**Attachments:** Views Request - MSC.pdf; Views Response - Council - No Objection.pdf; Drawing CNS20-097P.pdf

Good Afternoon

Reference is made to previous correspondence in relation to an application to lease for a communications facility/tower to control and manage the electrical network and associated access track (copy of correspondence attached).

Investigations into the application to lease has identified that part of the Mount Wallum tourist drive is located partly within Occupational Licence 619, described as Lot 619 on OL72. As the Mount Wallum tourist drive is highly popular with locals and tourists alike, if any vehicular accidents were to occur on that part of the Mount Wallum tourist drive that is located within Occupational Licence 619, then the Occupational Licensee will be liable for any public liability claims.

It is also noted that due to the steep terrain of the Mount Wallum tourist drive, the area is not considered suitable nor does it appear that it has been utilised for grazing purposes as permitted by Occupational Licence 619. The Mount Wallum tourist drive also serves as a firebreak between the Occupational Licence and the adjoining Baldy Mountain Forest Reserve, described as Lot 1 on AP19246.

Consequently, to address any potential public liability issues for the licensee and to retain the whole of the Mount Wallum tourist drive for the benefit of the community, it is considered that the most appropriate use and tenure of that part of Occupational Licence 619 that contains the Mount Wallum tourist drive, shown as Lots A, B & C on Drawing CNS20/097P (attached), be excised from Occupational Licence 619 and included in with the adjoining Forest Reserve for management within the Protected Area Estate.

Please advise this department if Council has any views and/or comments in relation to this proposed action. Objections to the proposed action, and any views or requirements that may affect the future use of the land should be received **by close of business on 27 January 2021**. If you offer an objection to the proposed action, a full explanation stating the reason for the objection 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.

If you wish to discuss this matter please contact Janelle Shore, Land Officer, State Land Asset Management on (07)40285624.

All future correspondence relative to this matter is to be referred to the department 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 2020/013667 in any future correspondence.

Yours sincerely



**Janelle Shore**  
Land Officer  
State Land Asset Management, Land Services  
Service Delivery - North Region  
Department of Resources

---

P: 07 40285624

E: [Townsville.SLAMS@dnrme.qld.gov.au](mailto:Townsville.SLAMS@dnrme.qld.gov.au)

A: 25 Mabel Street, Atherton Qld 4883 | PO Box 5318, Townsville Qld 4810

W: [www.dnrme.qld.gov.au](http://www.dnrme.qld.gov.au)

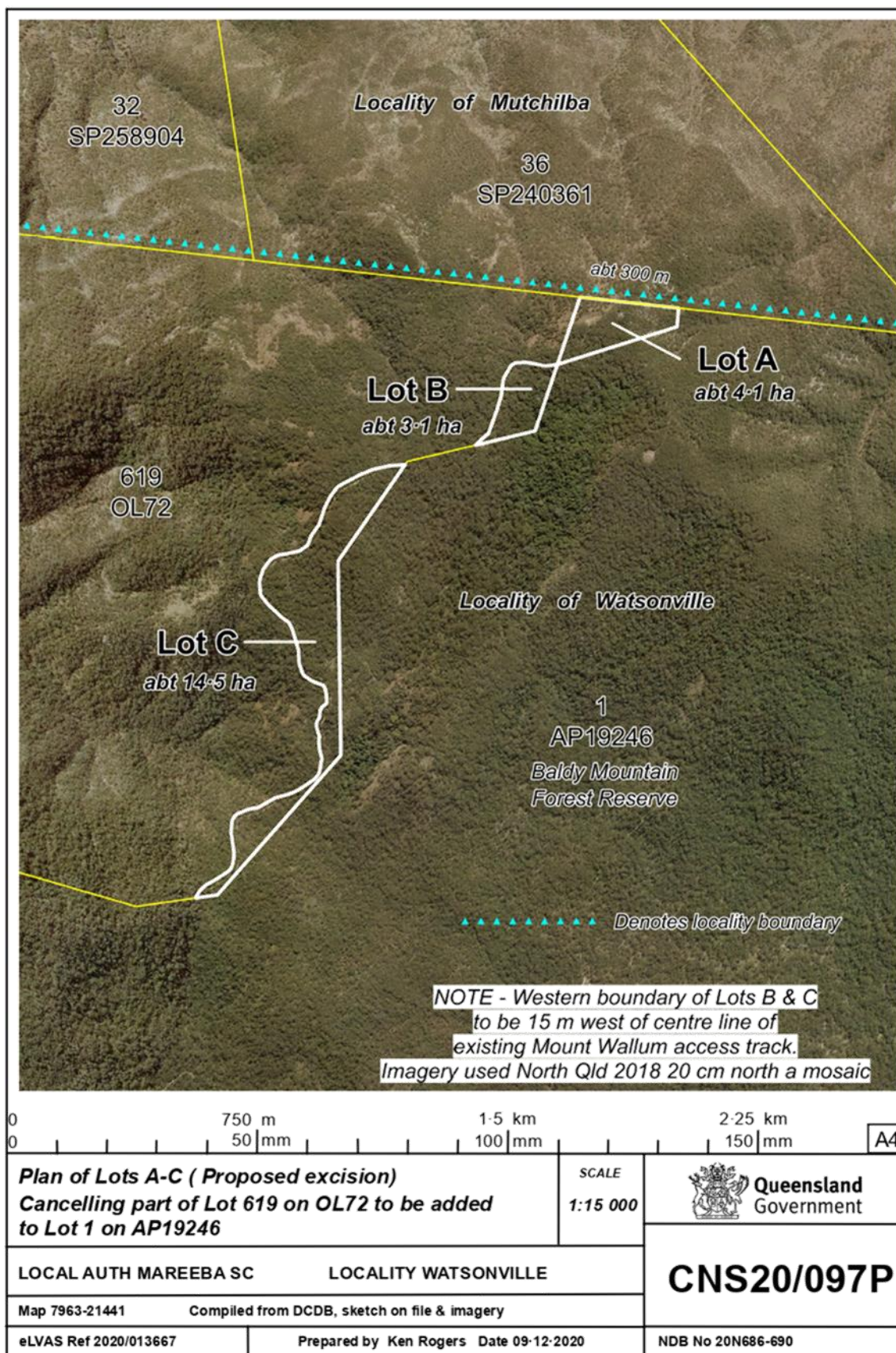
All applications to change tenure or for use of State land administered under the Land Act are to be forwarded to the central point of lodgement. The central point of lodgement email address is [SLAMlodgement@dnrme.qld.gov.au](mailto:SLAMlodgement@dnrme.qld.gov.au). For more information, please refer to [Application forms](#) on the department's webpage.

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File/Ref number: 2019/002297

19 May 2020

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



Dear Sir

**Application to lease over part of Occupational Licence 619, described as Lot 619 on OL72, shown as Lot A on Drawing TSV20003**

The department has received the above application to lease over part of Occupational Licence 619, described as Lot 169 on OL72. The proposed use of the land is for a communications facility/tower to control and manage the electrical network and associated access track.

The enclosed Smartmap shows the subject land and the surrounding locality.

Access to the site is proposed to be via Atherton off Rifle Range Road through part of Herberton Range State Forest, described as Lot 194 on FTY1870, and Baldy Mountain Forest Reserve, described as Lot 1 on AP19246, on the Mount Wallum scenic tourist drive.

From aerial photography it appears that the proposed tower site (22 x 14m) and the associated access track is at the top of Mount Wallum and may be proposed to be located on or in the near vicinity of the well used Mount Wallum scenic tourist drive within Occupational Licence 619.

Some options that may be considered suitable for the proposal are:

- i) the issue of a term lease over the proposed tower site and access track within Occupational Licence 619 (as shown on Drawing TSV20003) and an easement for access purposes within the Herberton Range State Forest and Baldy Mountain Forest Reserve;
- ii) the issue of a term lease over the proposed tower site only (22 x 14m) and an easement for access purposes over the access track within Occupational Licence 619 and an easement for access purposes within the Herberton Range State Forest and Baldy Mountain Forest Reserve.

In addition, if in the event the proposed term lease is granted over the current Mount Wallum scenic tourist drive, the applicant has advised that it is prepared to either construct alternative tracks outside the proposed lease area as noted on Drawing TSV20003, or to continue to provide public access along the current Mount Wallum scenic tourist drive, to allow continued public access along the tourist drive.

Postal :  
DNRME Atherton  
PO Box 5318  
Townsville Qld 4810

Telephone : (07)4028 5624



Please advise the department of your views or requirements including any local non-indigenous cultural heritage values 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 30 June 2020**. If you offer an objection to the application, a full explanation stating the reason for the objection 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. An extension to this due date will only be granted in exceptional circumstances.

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.

If you wish to discuss this matter please contact Janelle Shore, Land Administration Officer, State Land Asset Management on (07)40285624.

All future correspondence relative to this matter is to be referred to the department 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 2019/002297 in any future correspondence.

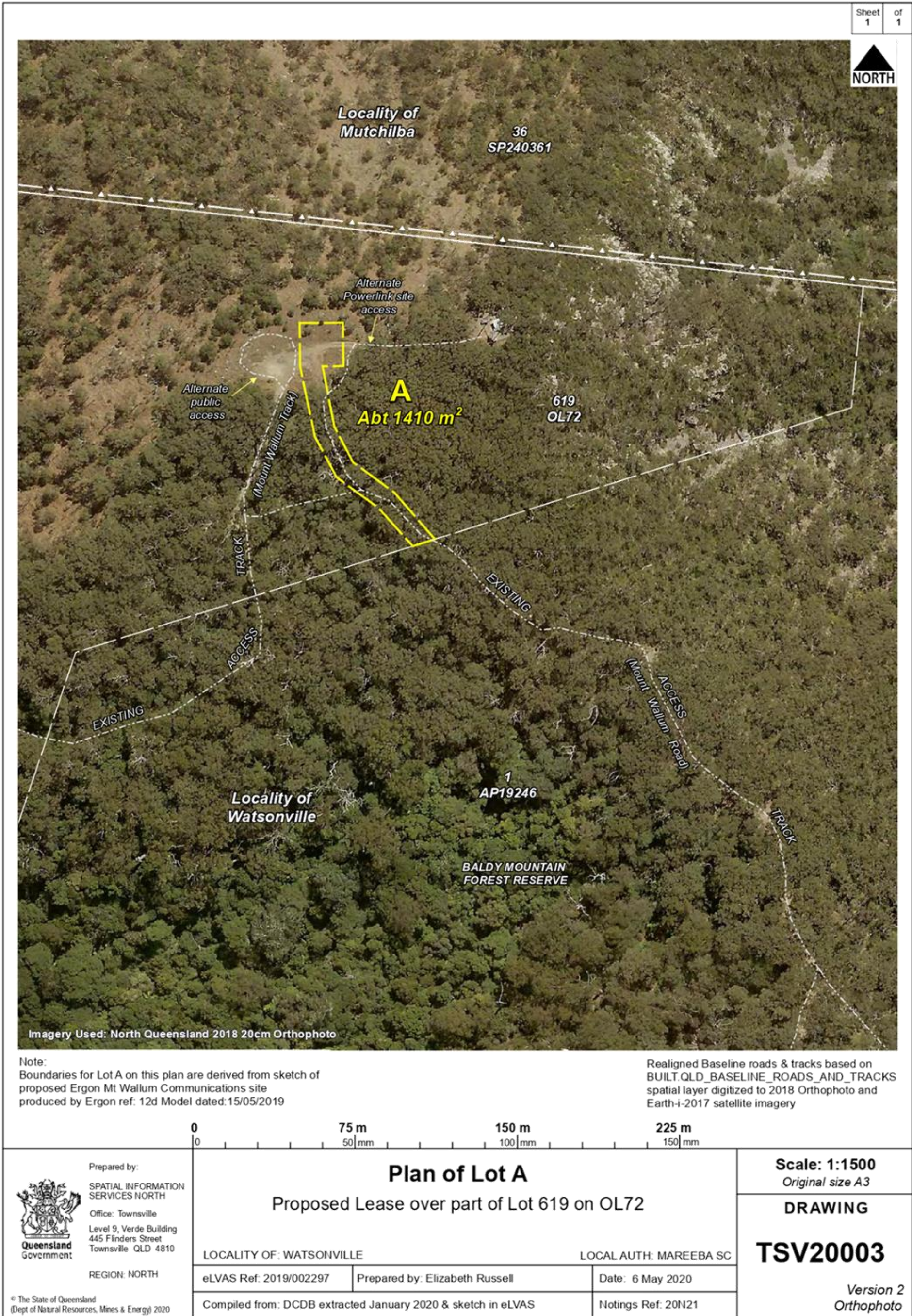
Yours sincerely



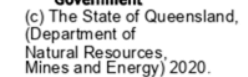
Janelle Shore  
Land Administration Officer

encl - Drawing TSV20003  
- Smartmap












## **Additional Information Page**

### Shading Rules

 Lot Number = 619 and Plan Number = OL72



**Mareeba**  
SHIRE COUNCIL

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)

Council Ref: URP-TEN

Our Ref: Lot 619 on OL72

Your Ref: 2019/002297

18 June 2020

Department of Natural Resources and Mines  
State Land Asset Management  
PO Box 5318  
TOWNSVILLE QLD 4810

Attn: Janelle Shore  
Email: [Townsville.SLAMS@dnrme.qld.gov.au](mailto:Townsville.SLAMS@dnrme.qld.gov.au)

Dear Janelle

***APPLICATION FOR LEASE OVER LOT A ON DRAWING TSV20003  
PART OF LOT 619 ON OL72***

I refer to your correspondence regarding the application for Lease over the above land.

This matter was considered at Council's Ordinary Meeting held on 17 June 2020, and the following was resolved;

That Council offer no objection to the issue of a lease over land shown as Lot A on Drawing TSV20003, being part of Lot 619 on OL72, for the purpose of an electrical network communications facility/tower and advise the Department of Natural Resources, Mines and Energy that Council does not have knowledge of any local non-indigenous cultural heritage values associated with the land.

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**

---

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

<b>8.8</b>	<b>A GROOT - CONCURRENCE AGENCY REFERRAL FOR BUILDING WORKS (CLASS 10A SHED) - LOT 4 ON SP218658 - 9 CATERINA CLOSE, MAREEBA - CAR/20/0016</b>
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**Date Prepared:** 8 January 2021

**Author:** Senior Planner

**Attachments:** 1. [Site Plan](#) ↓  
2. [Building Plans](#) ↓

#### APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICATION NO:	CAR/20/0016		
RPD:	Lot 4 on SP218658	ADDRESS:	9 Caterina Close, Mareeba
APPLICANT:	A Groot C/- Northern Building Approvals 3B Margherita Close Mareeba QLD 4880	OWNER:	Norcrete Pty Ltd
ASSESSMENT MANAGER	Northern Building Approvals 3B Margherita Close Mareeba QLD 4880	DATE OF REFERRAL CONFIRMATION NOTICE	8 January 2021
TYPE OF REFERRAL:	Concurrence agency referral for building works (Class 10A Shed) assessable against the Residential Dwelling House and Outbuilding Overlay Code of the Mareeba Shire Council Planning Scheme 2016		
PLANNING SCHEME:	Mareeba Shire Council Planning Scheme 2016		
ZONE:	Low Density Residential		

#### EXECUTIVE SUMMARY

Northern Building Approvals is in receipt of a development application for building works (Class 10a Shed) described in the above application details.

Under the Planning Regulation 2017, Mareeba Shire Council is a referral agency for consideration of the amenity and aesthetic impacts. A referral confirmation notice was issued to the applicant on 8 January 2021.

The area of the proposed shed is substantially larger than the maximum area nominated by Acceptable Outcome AO2.1 of the Residential Dwelling House and Outbuilding Overlay Code, and in Council officer's opinion the development fails to satisfy the related higher order Performance Outcome PO2.

If built, the proposed shed is likely to dominate the subject land and be inconsistent with the scale and character of development in the Low density residential zone.

It is recommended that a referral agency response be issued to the Assessment Manager directing that this application for building works be refused.

#### OFFICER'S RECOMMENDATION

- That in relation to the following development application:

APPLICATION		PREMISES	
APPLICATION NO:	CAR/20/0016		
RPD:	Lot 4 on SP218658	ADDRESS:	9 Caterina Close, Mareeba
APPLICANT:	A Groot C/- Northern Building Approvals 3B Margherita Close Mareeba QLD 4880	OWNER:	Norcrete Pty Ltd
ASSESSMENT MANAGER	Northern Building Approvals 3B Margherita Close Mareeba QLD 4880	DATE OF REFERRAL CONFIRMATION NOTICE	8 January 2021
TYPE OF REFERRAL:	Concurrence agency referral for building works (Class 10A Shed) assessable against the Residential Dwelling House and Outbuilding Overlay Code of the Mareeba Shire Council Planning Scheme 2016		
PLANNING SCHEME:	Mareeba Shire Council Planning Scheme 2016		
ZONE:	Low Density Residential		

and in accordance with section 56 of the Planning Act 2016, the Assessment Manager be notified that the Mareeba Shire Council, as a Referral Agency for building work assessable against the Mareeba Shire Council Planning Scheme 2016, requires the Assessment Manager to refuse the development application for building works as outlined in the submitted material in (A) for the reasons set out in (B):

## (A) SUBMITTED MATERIAL:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
-	Planning Report 9 Caterina Close	Northern Building Approvals	-
A01	Site Plan	A Groot	16/12/20
RSCL-567145 01A	Notes & Specifications	Rapid Sheds & Construction	15 Dec 20
RSCL-567145 02A	OHS-Notes_Class-10	Rapid Sheds & Construction	15 Dec 20
RSCL-567145 03A	Roof Framing Plan	Rapid Sheds & Construction	15 Dec 20
RSCL-567145 04A	Roof Framing Plan	Rapid Sheds & Construction	15 Dec 20
RSCL-567145 05A	Roof Framing Plan	Rapid Sheds & Construction	15 Dec 20
RSCL-567145 06A	Elevation Framing	Rapid Sheds & Construction	15 Dec 20
RSCL-567145 07A	Elevation Framing	Rapid Sheds & Construction	15 Dec 20
RSCL-567145 08A	Roof Sheeting Plan	Rapid Sheds & Construction	15 Dec 20
RSCL-567145 09A	Elevation Sheeting	Rapid Sheds & Construction	15 Dec 20
RSCL-567145 10A	Elevation Sheeting	Rapid Sheds & Construction	15 Dec 20
RSCL-567145 11A	Connection Detail	Rapid Sheds & Construction	15 Dec 20
RSCL-567145 12A	Connection Detail	Rapid Sheds & Construction	15 Dec 20
RSCL-567145 13A	Connection Detail	Rapid Sheds & Construction	15 Dec 20
RSCL-567145 14A	Connection Detail	Rapid Sheds & Construction	15 Dec 20
RSCL-567145 15A	Typical Roller Door Detail	Rapid Sheds & Construction	15 Dec 20
RSCL-567145 16A	Typical Roller Door Detail	Rapid Sheds & Construction	15 Dec 20
RSCL-567145 17A	Detail Column	Rapid Sheds & Construction	15 Dec 20

## (B) REASONS FOR REFUSAL:

1. The size of the proposed shed is in conflict with Performance Outcome PO2 and Acceptable Outcome AO2.1 of the Residential Dwelling House and Outbuilding Overlay Code.

**PO2**

*Domestic outbuildings:*

- (a) *do not dominate the lot on which they are located; and*
- (b) *are consistent with the scale and character of development in the zone in which the land is located.*

**AO2.1**

*Where located in the Low density residential zone or the Medium density residential zone, domestic outbuildings do not exceed:*

- (a) *100m<sup>2</sup> in gross floor area; and*
- (b) *5.5 metres in height above natural ground level.*

Reasons for conflict

Under PO2, the requirement for this domestic outbuilding is that it not dominate the lot on which it is located; and that it be consistent with the scale and character of development in the Low density residential zone.

Apart from a small shed, which is likely to be removed to make way for the proposed shed, the subject land is vacant. The shed will be oriented with its 28 metre long, 6.058 high southern side generally presenting to Caterina Close. The length of this wall, its height and the sheds location within the subject land will dominate the subject lot.

The size of the proposed shed is significantly larger in scale than any other domestic outbuilding approved in the Low density residential zone since the commencement of the Mareeba Shire Council Planning Scheme 2016 in July 2016. For comparison, the largest shed previously approved has an area of 126m<sup>2</sup>.

In the opinion of Council, there is no situation in which the proposed shed can be considered as being consistent with the scale and character of development in the Low density residential zone.

2. The proposed shed will have an extremely adverse effect on the amenity, or likely amenity, of the locality; and will be in extreme conflict with the character of the locality.

**THE SITE**

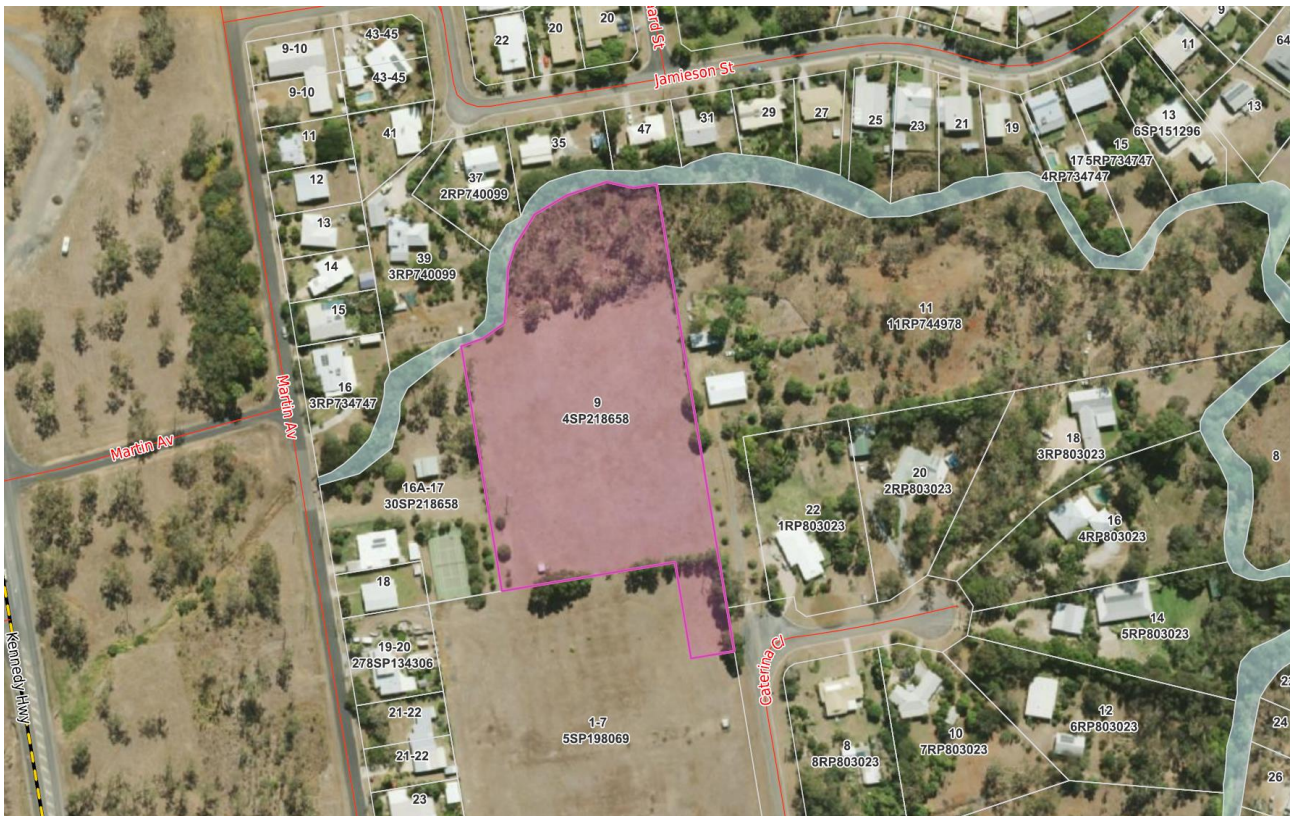
The subject site is situated at 9 Caterina Close, Mareeba and is described as Lot 4 on SP218658. The site is irregular in shape with an area of 17,110m<sup>2</sup> and is zoned Low density residential under the Mareeba Shire Council Planning Scheme 2016.

The site has 20 metres of frontage to Caterina Close, with a 20 metre wide access handle extending to the main body of the allotment. Caterina Close is bitumen sealed for the frontage of the subject land.

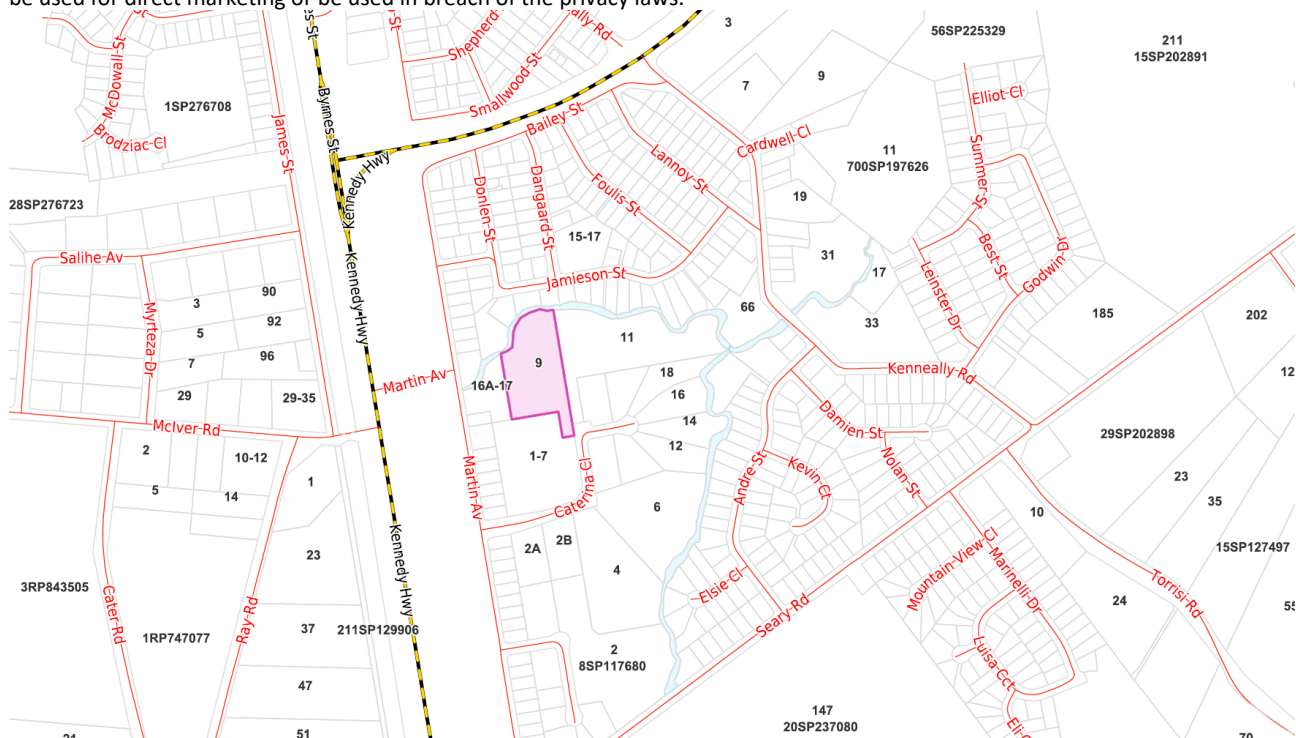
The site is improved by a small shed in the south-western corner. Some vegetation remains over the northern tip of the land, adjacent to the unnamed waterway.

The site is serviced by most urban services, with the exception of town sewer. All surrounding lots are zoned Low density residential and most are developed with single dwellings.



**Map Disclaimer:**

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

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**DESCRIPTION OF PROPOSED DEVELOPMENT**

A Groot (Norcrete Pty Ltd), the landowner, propose the construction of a class 10a shed on land described as Lot 4 on SP218658, situated at 9 Caterina Close, Mareeba.

The proposed shed will have dimensions of 28m x 12m x 6.058m (high - ridge height), will be slab on ground, steel and iron construction and will be sited in the south-western corner of the allotment, seven (7) metres off the western boundary and 15 metres from the southern boundaries.

The proposed shed has a roof area of 336m<sup>2</sup> and a gross floor area (GFA) of 288m<sup>2</sup>.

The site is zoned Low density residential under the planning scheme.

The Residential Dwelling House and Outbuildings Overlay Code establishes a 100m<sup>2</sup> GFA limit for domestic outbuildings in the Low density residential zone. The proposed 288m<sup>2</sup> shed will exceed this GFA limit by 188m<sup>2</sup>, as such, the Mareeba Shire Council is a Referral Agency for the proposed building work.

Northern Building Approvals has been engaged by the applicant as the Assessment Manager.

**PLANNING SCHEME DESIGNATIONS**

Zone:	Low density residential zone
Overlays:	Residential Dwelling House and Outbuilding Overlay Code

**RELEVANT PLANNING INSTRUMENTS**

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

**(A) Mareeba Shire Council Planning Scheme 2016**

Mareeba Shire Council is a referral agency for this application under section 9.3.2.1.1 of the Planning Regulation 2017.

Section 9.3.2.1.1 is as follows:

*Development application for building work that is assessable development under section 1 and is for a building or structure that is-*

- (a) a single detached class 1(a)(i) building, class 1(a)(ii) building made up of not more than 2 attached dwellings or a class 10 building or structure; and*
- (b) in a locality, and of a form, for which the local government has, by resolution or in its planning scheme, declared that the form may-*
  - (i) have an extremely adverse effect on the amenity, or likely amenity, of the locality; or*
  - (ii) be in extreme conflict with the character of the locality*

Council has concurrence powers for this particular referral.

The Planning Regulation 2017 states that Council's assessment must be against the following:

*Whether the building or structure will impact on the amenity or aesthetics of the locality, including, for example, whether the building or structure complies with a matter stated in a local instrument that regulates impacts on amenity or aesthetics*

The Residential dwelling house and outbuilding overlay code of the Mareeba Shire Council Planning Scheme 2016 regulates impacts on amenity and aesthetics.

### **8.2.10 Residential dwelling house and outbuilding overlay code**

#### **8.2.10.1 Application**

- (1) This code applies to assessing development where:
  - (a) land the subject of development is located within a 'Residential dwelling house and outbuilding area' identified on the **Residential dwelling house and outbuilding overlay maps (OM-010a-o)**; and
  - (b) it is identified in the assessment benchmarks for assessable development and requirements for accepted development column of an assessment table in Part 5 of the planning scheme.

#### **8.2.10.2 Purpose**

- (1) The purpose of the Residential dwelling house and outbuilding overlay code is to ensure that Dwelling houses, including residential outbuildings, are appropriately designed, located and serviced within the residential areas of the shire.
- (2) The purpose of the code will be achieved through the following overall outcomes:
  - (a) Development is designed and located to minimise any adverse impacts on the natural environment and amenity of surrounding uses;
  - (b) Development provides a high level of amenity and is reflective of the surrounding character of the area;
  - (c) Development is responsive to site characteristics and employs best practice industry standards;
  - (d) Development has a sufficient number of parking spaces designed in a manner to meet the requirements of the user;
  - (e) Development is provided with suitable vehicular access in a way that does not compromise the safety and efficiency of the surrounding road network;
  - (f) Parking spaces and associated manoeuvring areas are safe and functional;
  - (g) Development is provided with an adequate, safe and reliable supply of potable, fire-fighting and general use water in accordance with relevant standards;
  - (h) Development is connected to infrastructure that provides for the treatment and disposal of wastewater and ensures there are no adverse impacts on water quality, public health, local amenity or ecological processes;
  - (i) Development is connected to infrastructure that provides for the disposal of stormwater and ensures that there are no adverse impacts on water quality or ecological processes;
  - (j) Development is provided with electricity and telecommunications services that meet desired requirements;
  - (k) Development is connected to a nearby electricity network with adequate capacity without significant environment, social or amenity impact;

- (l) Development does not affect the efficient functioning of public utility mains, services or installations; and
- (m) Work associated with development does not cause adverse impacts on the surrounding area.

### 8.2.10.3 Criteria for assessment

**Table 8.2.10.3A – Residential dwelling house and outbuilding overlay code - For accepted development subject to requirements and assessable development**

Performance outcomes	Acceptable outcomes	Complies	Comments
<b>For accepted development subject to requirements and assessable development</b>			
<b>Height</b>			
<b>PO1</b> Building height takes into consideration and respects the following: <ul style="list-style-type: none"> <li>(a) the height of existing buildings on adjoining premises;</li> <li>(b) the development potential, with respect to height, on adjoining premises;</li> <li>(c) the height of buildings in the vicinity of the site;</li> <li>(d) access to sunlight and daylight for the site and adjoining sites;</li> <li>(e) privacy and overlooking; and</li> <li>(f) site area and street frontage length.</li> </ul>	<b>AO1</b> Development has a maximum building height of: <ul style="list-style-type: none"> <li>(a) 8.5 metres; and</li> <li>(b) 2 storeys above ground level.</li> </ul>	✓	The development does not exceed 8.5 metres in height and two storeys.
<b>Outbuildings and residential scale</b>			
<b>PO2</b> Domestic outbuildings: <ul style="list-style-type: none"> <li>(a) do not dominate the lot on which they are located; and</li> <li>(b) are consistent with the scale and character of development in the zone in which the land is located.</li> </ul>	<b>AO2.1</b> Where located in the Low density residential zone or the Medium density residential zone, domestic outbuildings do not exceed: <ul style="list-style-type: none"> <li>(a) 100m<sup>2</sup> in gross floor area; and</li> <li>(b) 5.5 metres in height above natural ground level.</li> </ul>	x	<b>Refer to planning discussion at the end of this report.</b>

Performance outcomes	Acceptable outcomes	Complies	Comments
	<b>A02.2</b> Where located in the Rural residential zone and on lots equal to or less than 2 hectares, domestic outbuildings do not exceed: (a) 150m <sup>2</sup> in gross floor area; and (b) 5.5 metres above natural ground level.	n/a	Not applicable.
	<b>A02.3</b> Where located in the Rural residential zone and located on lots greater than 2 hectares, domestic outbuildings do not exceed: (a) 200m <sup>2</sup> in gross floor area; and (b) 8.5 metres above natural ground level.	n/a	Not applicable.
<b>Gross floor area</b>			
<b>PO3</b> 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.	<b>A03</b> Gross floor area does not exceed 600m <sup>2</sup> .	✓	Gross floor area in excess of 600m <sup>2</sup> is not being proposed.
<b>Secondary dwellings</b>			

Performance outcomes	Acceptable outcomes	Complies	Comments
<b>PO4</b> Where a Dwelling house involves a secondary dwelling, it is designed and located to: <ul style="list-style-type: none"> <li>(a) not dominate the site;</li> <li>(b) remain subservient to the primary dwelling; and</li> <li>(c) be consistent with the character of the surrounding area;</li> </ul>	<b>AO4.1</b> The secondary dwelling is located within: <ul style="list-style-type: none"> <li>(a) 10 metres of the primary dwelling where on a lot that has an area of 2 hectares or less; or</li> <li>(b) 20 metres of the primary dwelling where on a lot that has an area of greater than 2 hectares.</li> </ul>	n/a	Not applicable.
	<b>AO4.2</b> A secondary dwelling has a maximum gross floor area of 100m <sup>2</sup> .	n/a	Not applicable.
<b>Car parking</b>			
<b>PO5</b> Development provides sufficient car parking to accommodate the demand likely to be generated by the use, having regard to the: <ul style="list-style-type: none"> <li>(a) nature of the use;</li> <li>(b) location of the site;</li> <li>(c) proximity of the use to public transport services;</li> <li>(d) availability of active transport infrastructure; and</li> <li>(e) accessibility of the use to all members of the community.</li> </ul>	<b>AO5</b> Car parking spaces are provided in accordance with the following minimum rates: <ul style="list-style-type: none"> <li>(a) one covered space per dwelling house; and</li> <li>(b) one space per secondary dwelling.</li> </ul>	n/a	Not applicable.
<b>Vehicle crossovers</b>			
<b>PO6</b> Vehicle crossovers are provided to: <ul style="list-style-type: none"> <li>(a) ensure safe and efficient access between the road and premises;</li> </ul>	<b>AO6.1</b> Vehicular access to/from Council roads is designed and constructed in accordance with the Standard drawings in Planning Scheme Policy 4 - FNQROC Regional Development Manual.	n/a	Not applicable.



Performance outcomes	Acceptable outcomes	Complies	Comments
(b) minimize interference with the function and operation of roads; and	<b>A06.2</b> Development on a site with two or more road frontages provides vehicular access from the lowest order road.	n/a	Not applicable.
(c) minimise pedestrian to vehicle conflict.	<b>A06.3</b> A secondary dwelling shares a vehicle crossover with the primary dwelling.	n/a	Not applicable.
<b>PO7</b> Access, manoeuvring and car parking areas include appropriate pavement treatments having regard to: <ul style="list-style-type: none"> <li>(a) the intensity of anticipated vehicle movements;</li> <li>(b) the nature of the use that they service; and</li> <li>(c) the character of the surrounding locality.</li> </ul>	<b>A07</b> Access, manoeuvring and car parking areas include pavements that are constructed in accordance with <b>Table 8.2.10.3B</b> .	n/a	Not applicable.

Performance outcomes	Acceptable outcomes	Complies	Comments
<b>Water supply</b>			
<b>PO8</b> Each lot has an adequate volume and supply of water that: <ul style="list-style-type: none"> <li>(a) meets the needs of users;</li> <li>(b) is adequate for fire-fighting purposes;</li> <li>(c) ensures the health, safety and convenience of the community; and</li> <li>(d) minimises adverse impacts on the receiving environment.</li> </ul>	<b>A08.1</b> Development is connected to a reticulated water supply system in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual other than where located in the Rural residential zone and outside a reticulated water supply service area.	n/a	Not applicable.
	<b>A08.2</b> Development, where located outside a reticulated water supply service area and in the Rural residential zone is provided with: <ul style="list-style-type: none"> <li>(a) a bore or bores are provided in accordance with the Design Guidelines set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual; or</li> <li>(b) on-site water storage tank/s: <ul style="list-style-type: none"> <li>(i) with a minimum capacity of 90,000L;</li> <li>(ii) fitted with a 50mm ball valve with a camlock fitting; and</li> <li>(iii) which are installed and connected prior to the occupation or use of the development.</li> </ul> </li> </ul>	n/a	Not applicable.

Performance outcomes	Acceptable outcomes	Complies	Comments
<b>Wastewater disposal</b>			
<b>PO9</b> Each lot provides for the treatment and disposal of effluent and other waste water that: <ul style="list-style-type: none"> <li>(a) meets the needs of users;</li> <li>(b) is adequate for fire-fighting purposes;</li> <li>(c) ensures the health, safety and convenience of the community; and</li> <li>(d) minimises adverse impacts on the receiving environment.</li> </ul>	<b>A09.1</b> Development is connected to a reticulated sewerage system in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual other than where located in the Rural residential zone and outside a reticulated sewerage service area.	n/a	Not applicable.
	<b>A09.2</b> An effluent disposal system is provided in accordance with ASNZ 1547 On-Site Domestic Wastewater Management (as amended) where development is located in the Rural residential zone and outside a reticulated sewerage service area.	n/a	Not applicable.

Performance outcomes	Acceptable outcomes	Complies	Comments
<b>Stormwater infrastructure</b>			
<b>PO10</b> Stormwater infrastructure is designed and constructed to collect and convey the design storm event to a lawful point of discharge in a manner that mitigates impacts on life and property.	<b>AO10.1</b> Where located within a Priority infrastructure area or where stormwater infrastructure is available, development is connected to Council's stormwater network in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual.	n/a	Not applicable.
	<b>AO10.2</b> On-site drainage systems are constructed: <ul style="list-style-type: none"> <li>(a) to convey stormwater from the premises to a lawful point of discharge; and</li> <li>(b) in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual.</li> </ul>	n/a	Not applicable.
<b>Electricity supply</b>			

Performance outcomes	Acceptable outcomes	Complies	Comments
<b>PO11</b> Each lot is provided with an adequate supply of electricity	<b>AO11</b> The premises: (a) is connected to the electricity supply network; or (b) has arranged a connection to the transmission grid; or (c) where not connected to the network, an independent energy system with sufficient capacity to service the development (at near average energy demands associated with the use) may be provided as an alternative to reticulated electricity where: (i) it is approved by the relevant regulatory authority; and (ii) it can be demonstrated that no air or noise emissions; and (iii) it can be demonstrated that no adverse impact on visual amenity will occur.	n/a	Not applicable.
<b>Telecommunications infrastructure</b>			
<b>PO12</b> Each lot is provided with an adequate supply of telecommunication infrastructure.	<b>AO12</b> Development is provided with a connection to the national broadband network or telecommunication services.	n/a	Not applicable.

Performance outcomes	Acceptable outcomes	Complies	Comments
<b>Existing public utility services</b>			
<b>PO13</b> Development and associated works do not affect the efficient functioning of public utility mains, services or installations.	<b>AO13</b> Public utility mains, services are relocated, altered or repaired in association with the works so that they continue to function and satisfy the relevant Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual.	n/a	Not applicable.
<b>Excavation and filling</b>			
<b>PO14</b> Excavation or filling must not have an adverse impact on the: (a) streetscape; (b) scenic amenity; (c) environmental values; (d) slope stability; (e) accessibility; or (f) privacy of adjoining premises.	<b>AO14.1</b> Excavation or filling does not occur within 1.5 metres of any site boundary.	n/a	Not applicable.
	<b>AO14.2</b> Excavation or filling at any point on a lot is to be no greater than 1.5 metres above or below natural ground level.	n/a	Not applicable.
	<b>AO14.3</b> Earthworks batters: (a) are no greater than 1.5 metres in height; (b) are stepped with a minimum width 2 metre berm; (c) do not exceed a maximum of two batters and two berms (not greater than 3.6 metres in total height) on any one lot; (d) have a slope no greater than 1 in 4; and (e) are retained.	n/a	Not applicable.



Performance outcomes	Acceptable outcomes	Complies	Comments
	<b>AO14.4</b> Soil used for filling or spoil from excavation is not stockpiled in locations that can be viewed from: (a) adjoining premises; or (b) a road frontage, for a period exceeding 1 month from the commencement of the filling or excavation.	n/a	Not applicable.
	<b>AO14.5</b> All batters and berms to be constructed in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual.	n/a	Not applicable.
	<b>AO14.6</b> Retaining walls have a maximum height of 1.5 metres and are designed and constructed in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development manual.	n/a	Not applicable.
	<b>AO14.7</b> Excavation or filling at any point on a lot is to include measures that protect trees at the foot or top of cut or fill batters by the use of appropriate retaining methods and sensitive earth removal or placement and in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development manual.	n/a	Not applicable.

**Table 8.2.10.3B—Pavement Standards for Access, Manoeuvring and Car Parking areas**

Compacted Gravel Base (minimum thickness)	Surfacing Options
75mm	Reinforced concrete with a minimum thickness of: <ul style="list-style-type: none"> <li>• 100mm for parking areas; and</li> <li>• 150mm for access ways.</li> </ul>
150mm	Asphalt with a minimum thickness of 25mm
150mm	Two coat sprayed bitumen seal
150mm	Concrete pavers
Not applicable	Minimum 150mm thickness compacted gravel suitable for all weather and dust free

Note—Where more than one surfacing option is listed, any one of the treatments listed may be provided.

## PLANNING DISCUSSION

Compliance/Non-compliance with Performance Outcome PO2 and Acceptable Outcome AO2.1 is discussed below:

### **PO2**

*Domestic outbuildings:*

- (a) *do not dominate the lot on which they are located; and*
- (b) *are consistent with the scale and character of development in the zone in which the land is located.*

### **AO2.1**

*Where located in the Low density residential zone or the Medium density residential zone, domestic outbuildings do not exceed:*

- (a) *100m<sup>2</sup> in gross floor area; and*
- (b) *5.5 metres in height above natural ground level.*

## **Applicant's Representations**

*This development is for building works – proposed shed: size: 28.0 m x 12.0 m – 336 m<sup>2</sup> in size with a 4.0 m open section, height: 5.0 m walls and around 6.0 m at the ridge. This application is required due proposed new shed producing total size of domestic outbuildings greater than 100 m<sup>2</sup> and greater than 5.5 m high within the Low Density Residential Zone. The gross floor area of the shed is 288m<sup>2</sup> under the Mareeba Shire Planning Scheme (enclosed area) due to the open 4.0m open section.*

*The shed is intended to be used by the owner for domestic storage of boats, large caravan, camp-trailer, large 4x4 vehicles, etc. The height of the shed at around 6.0m at the ridge and 5.0m at the side walls. This height is required due the larger roller door openings in the side walls which provide access for the large off-road caravan and space above for the roller door system.*

*The proposed shed will not dominate the lot as the property is very large for low density residential zone at 1.711ha size. Additionally, this very large size of the property allows the shed to have very large compliant setbacks at 7.0m from the western side boundary and 15.0m from the southern side boundary which will not affect the overlook and privacy of the adjacent dwellings. Moreover, the street frontage to the lot is small and offset due to the shape of the property, therefore, the street scape will not be influenced by this development.*

*Additionally, the height of the shed is less than maximum building height 8.5m.*

*The fact is that development is appropriate in scale for this lot as the property is 1.711ha in size and generally complies with all relevant aspects of the planning scheme. Your swift action to approve this development is appreciated.*

**Council Officer Comments**

The subject land is located in the Low density residential zone. The proposed shed would have a GFA of 288m<sup>2</sup> and a roofed area of 336m<sup>2</sup>.

The highest part of the proposed shed above natural ground level (ridge) is 6.058 metres.

The proposed shed clearly fails to comply with AO2.1.

It is therefore necessary to assess the proposed development against the higher order performance outcome PO2.

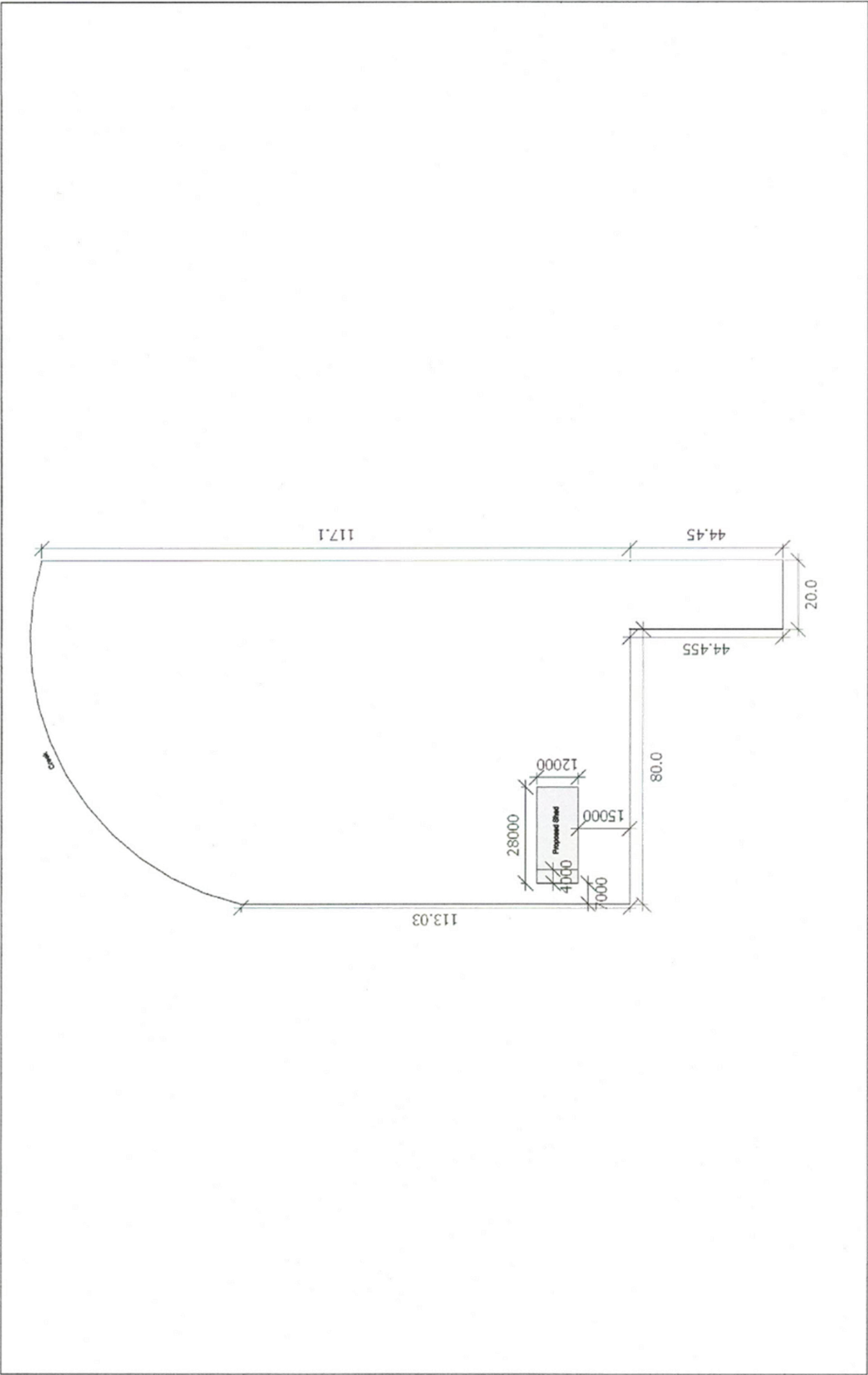
Under PO2, the requirement for this domestic outbuilding is that it not dominate the lot on which it is located; and that it be consistent with the scale and character of development in the Low density residential zone.


Apart from a small shed, which is likely to be removed to make way for the proposed shed, the subject land is vacant. The shed will be oriented with its 28 metre long, 6.058 high southern side generally presenting to Caterina Close. The length of this wall, its height and the sheds location within the subject land will dominate the subject lot.

The size of the proposed shed is significantly larger in scale than any other domestic outbuilding approved in the Low density residential zone since the commencement of the Mareeba Shire Council Planning Scheme 2016 in July 2016. For comparison, the largest shed previously approved has an area of 126m<sup>2</sup>.

In the opinion of Council officers, there is no situation in which the proposed shed can be considered as being consistent with the scale and character of development in the Low density residential zone.

It is recommended that a referral agency response be issued to the Assessment Manager directing that this application for building works be refused.



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REVISIONS		REMARKS	
1	MM/DD/YY	16/12/20	Drawn by: Aaron Groot 16/12/20
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5			
Copyright Tropic Coast Homes		Proposed Shed at lot 4 Caterina Close Mareeba	
			

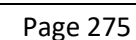


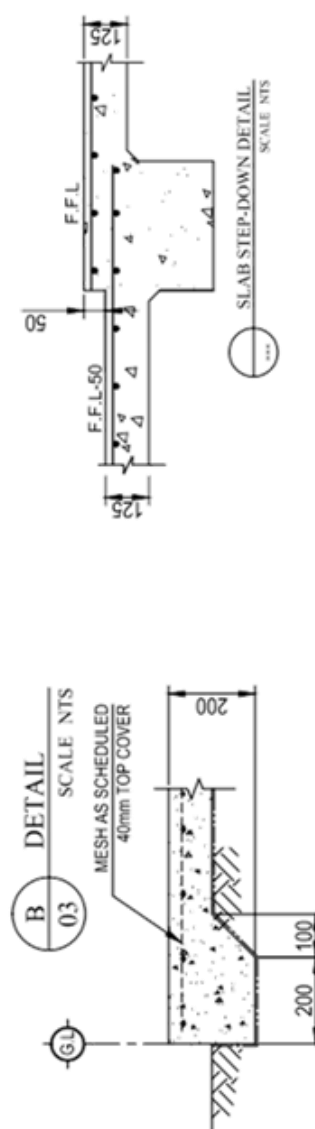




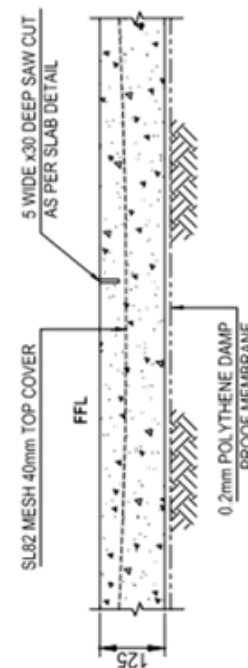
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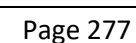




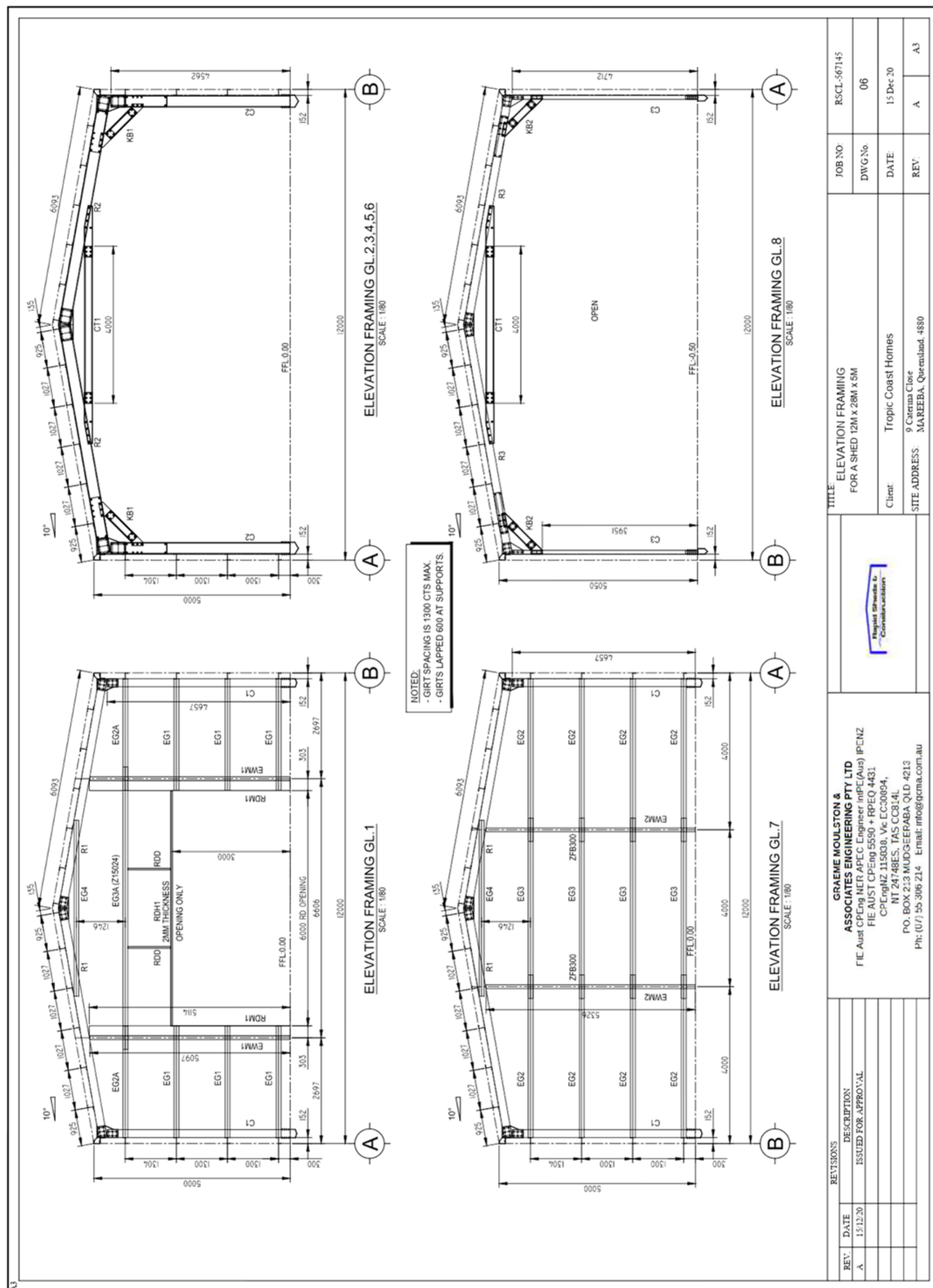


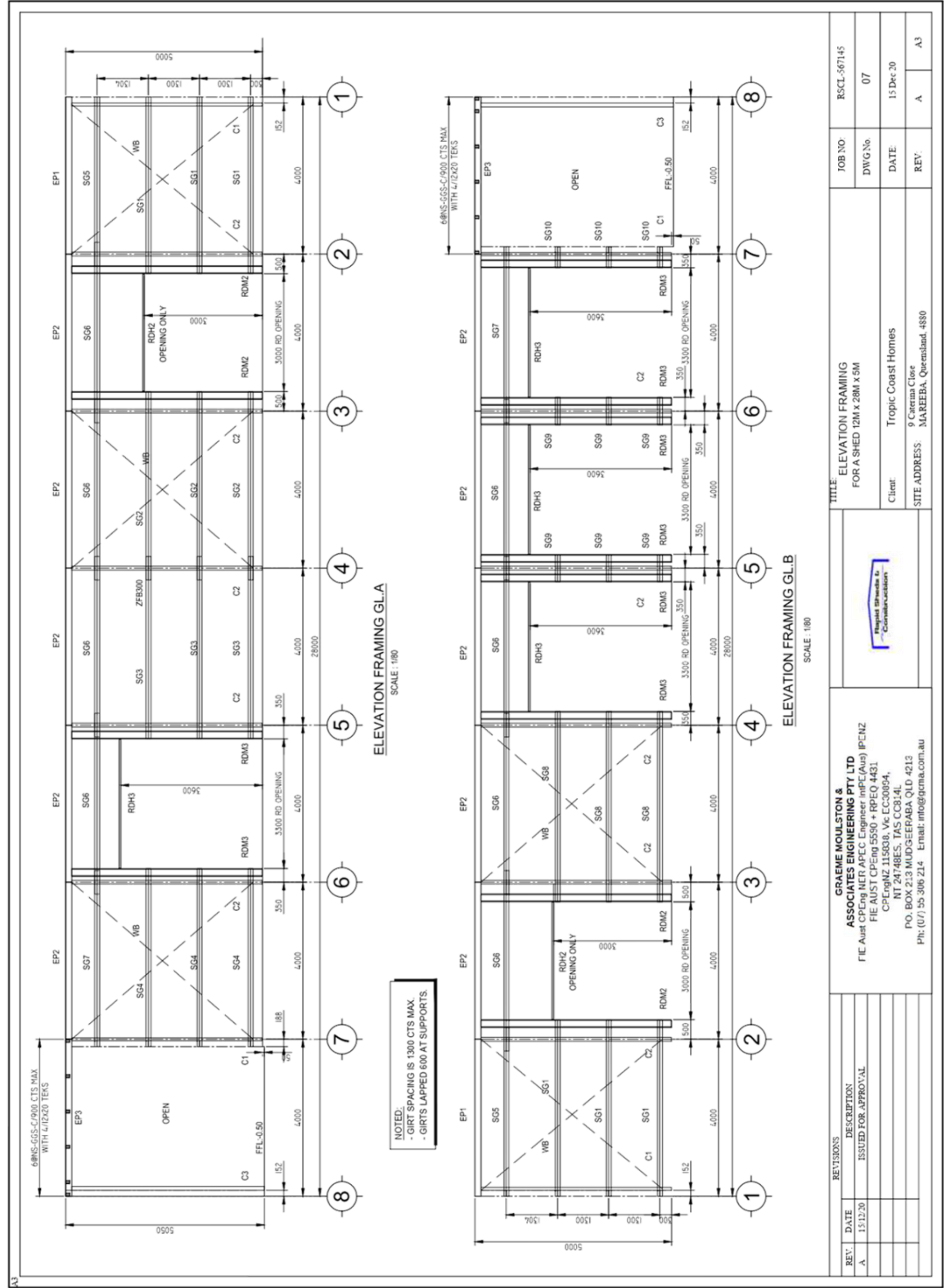
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SCALE : N.T.S

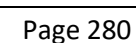
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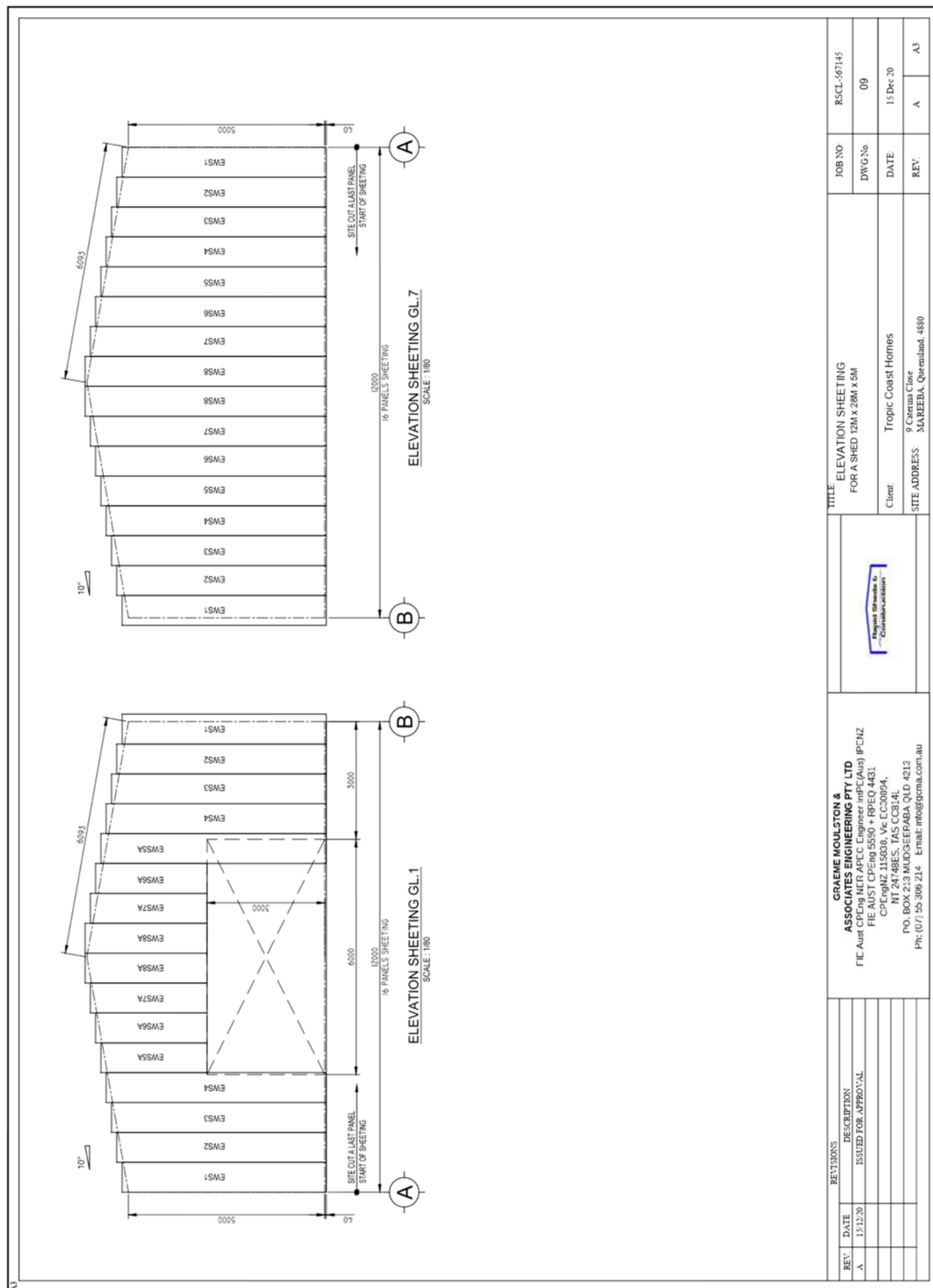


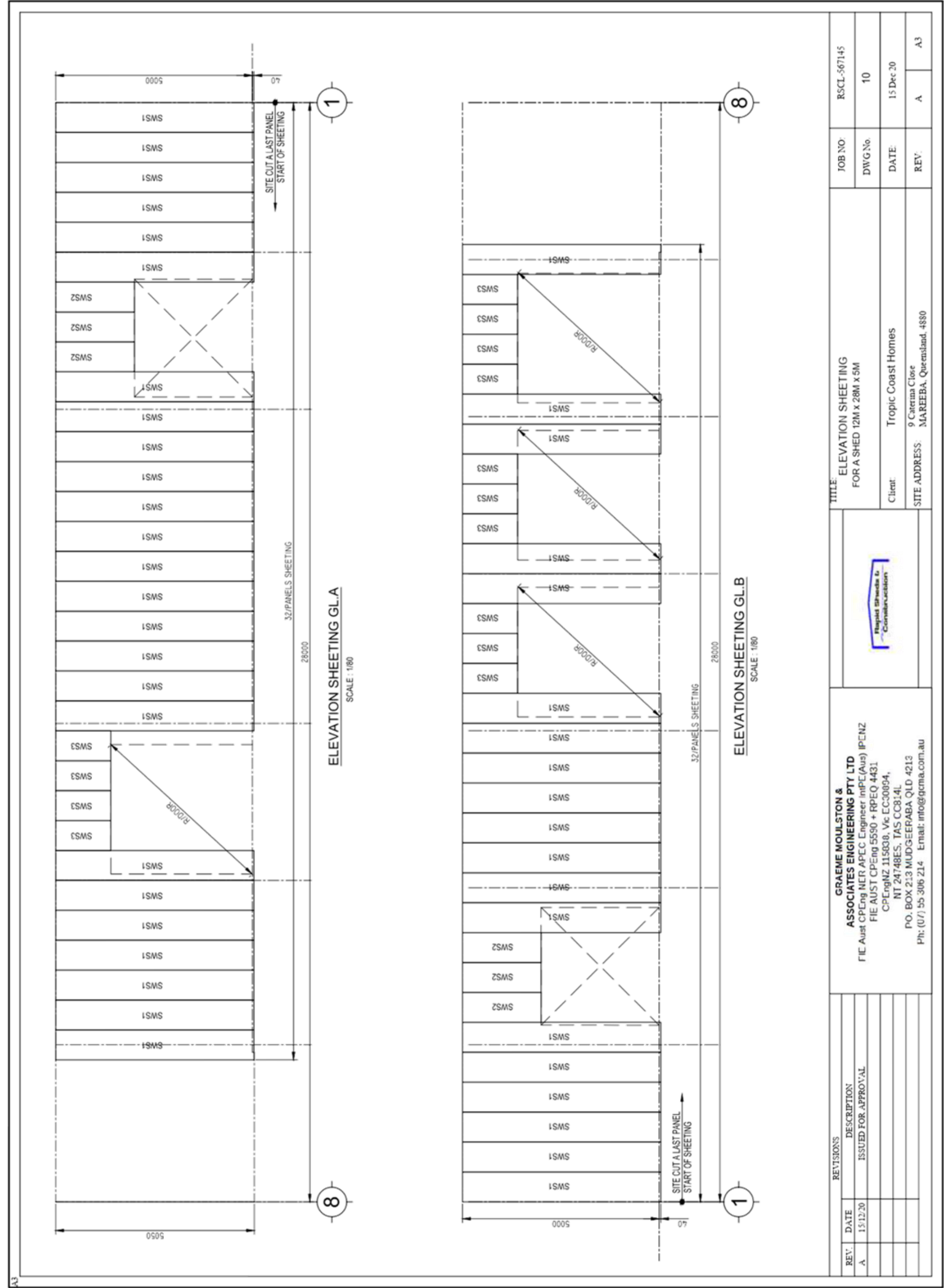


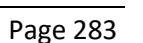


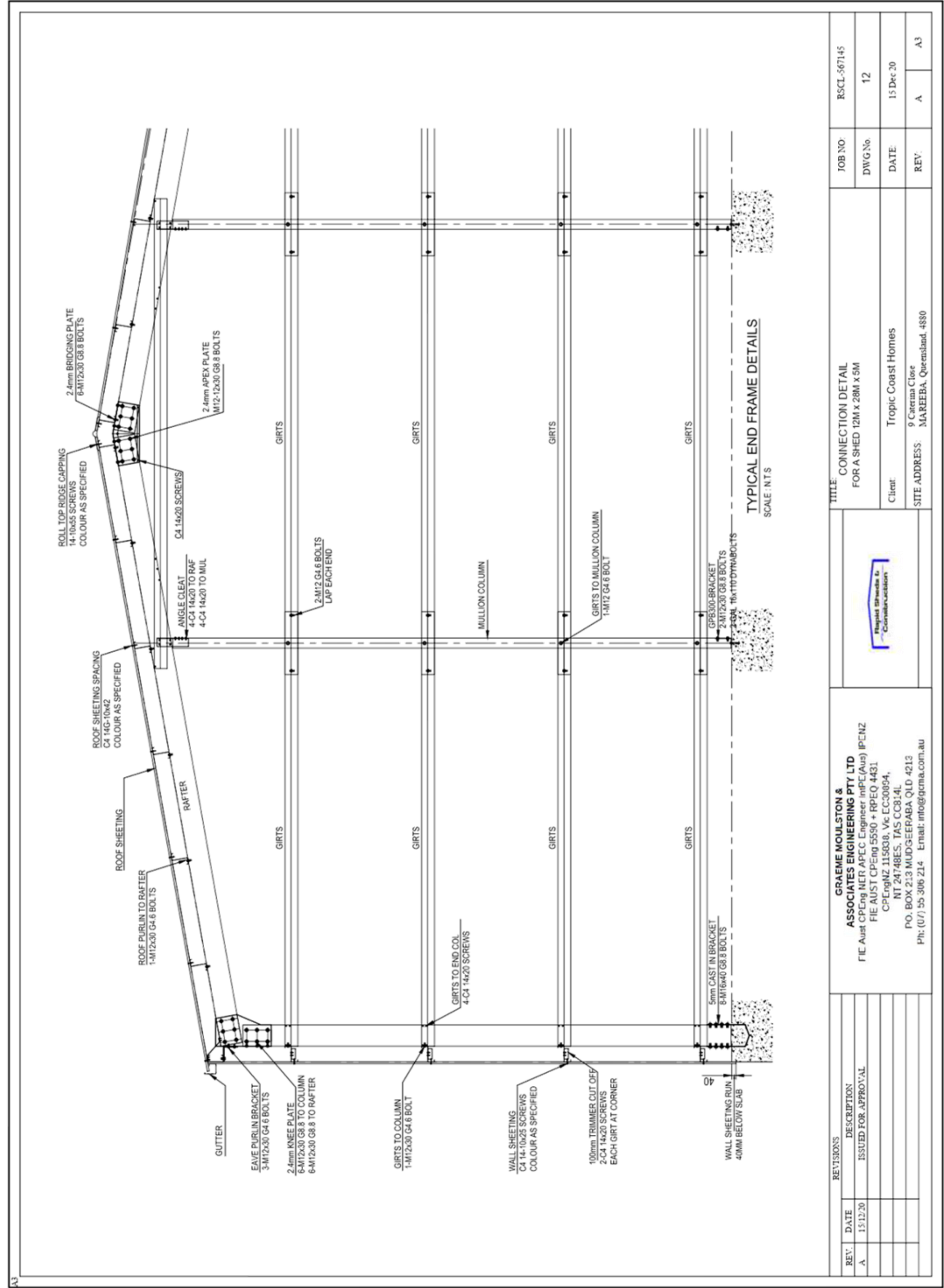


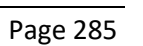




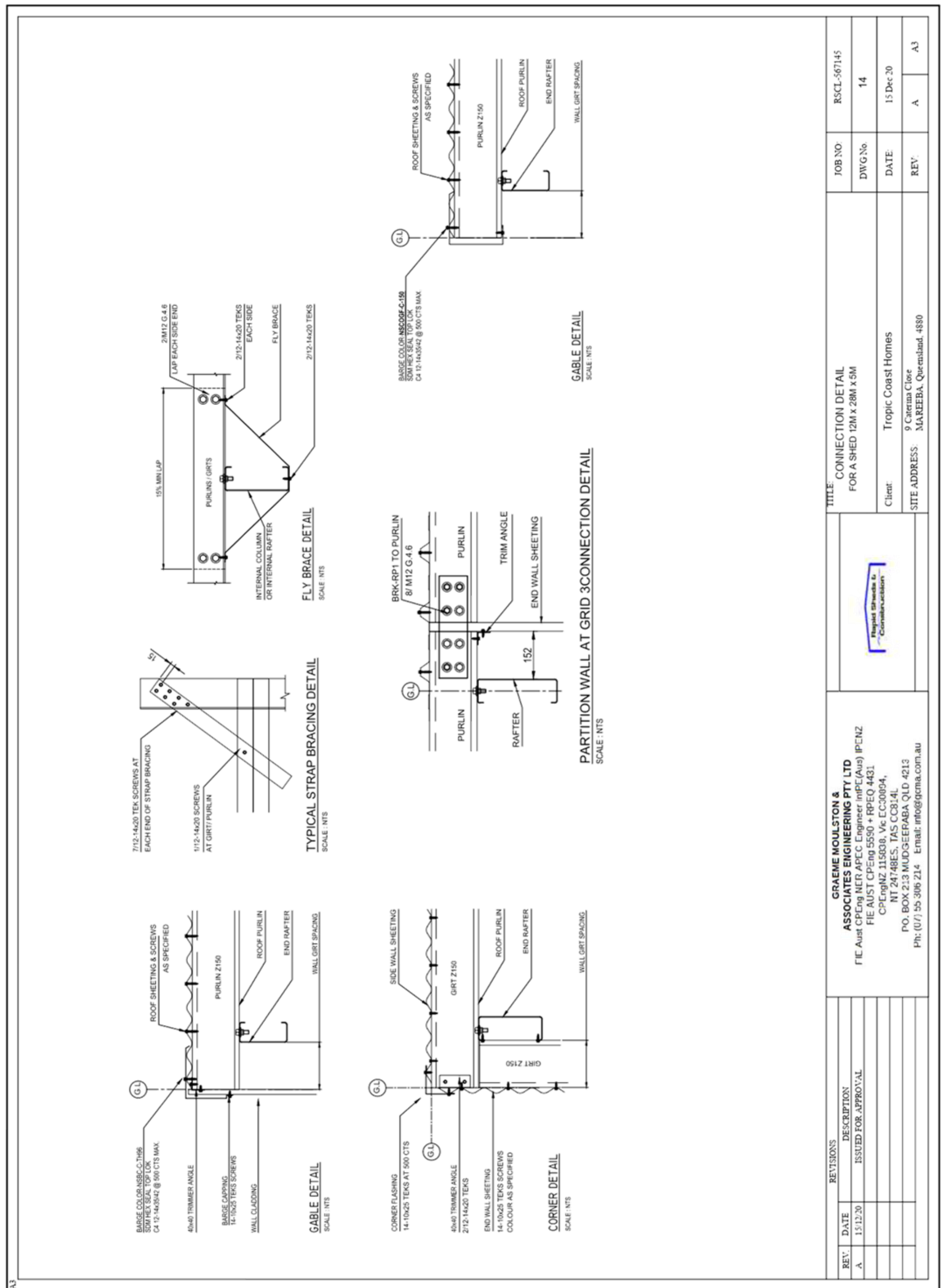




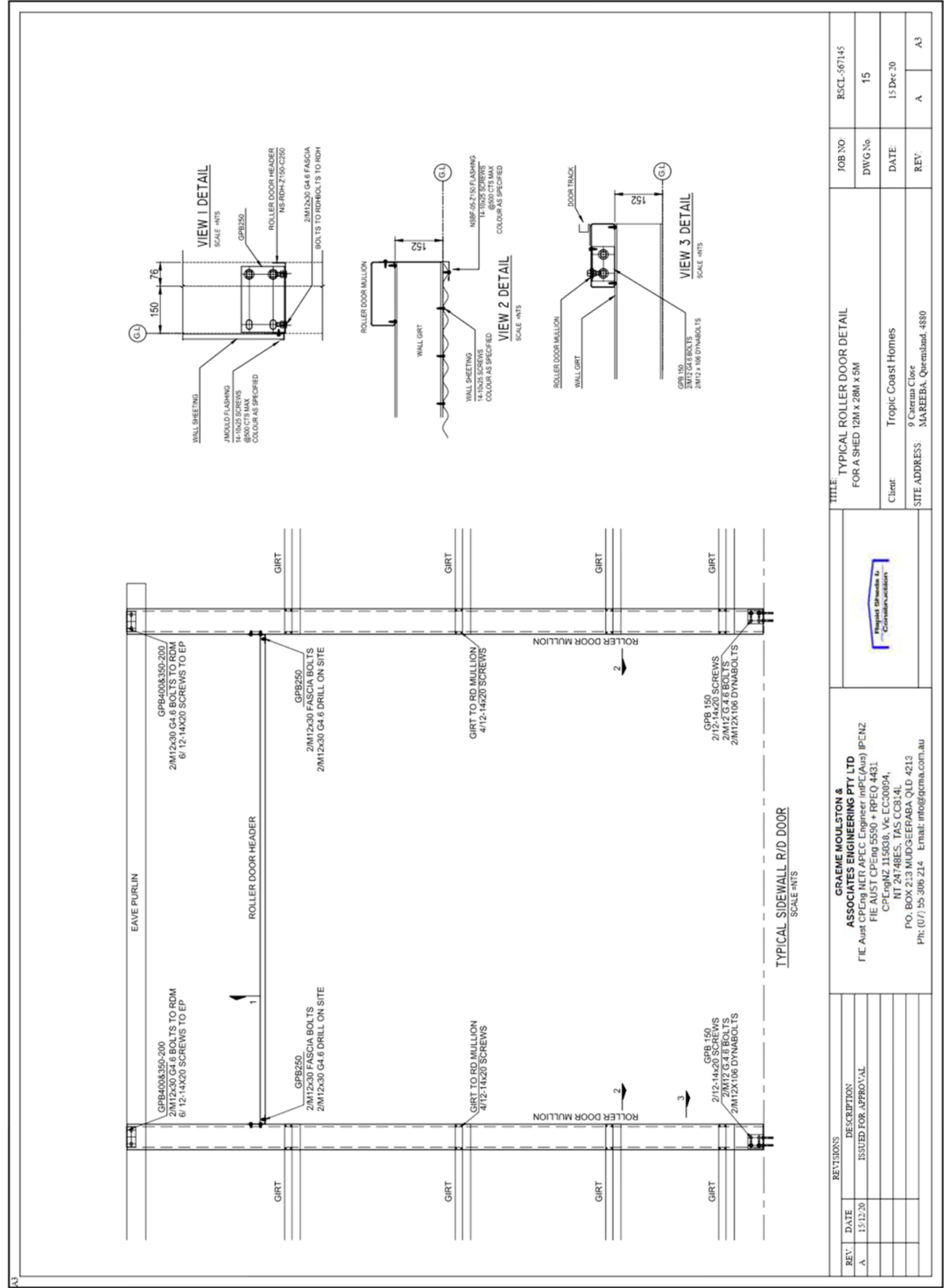


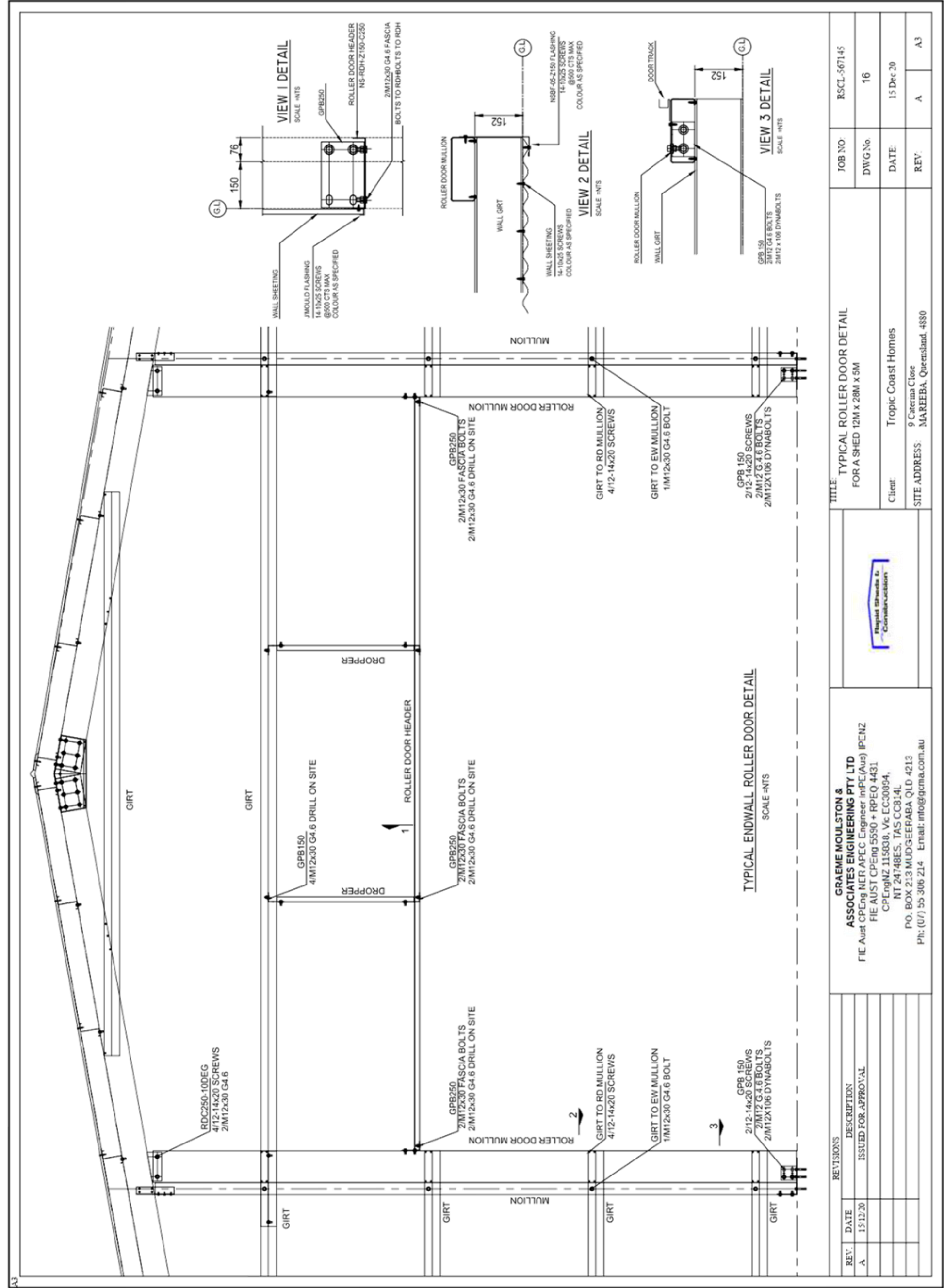


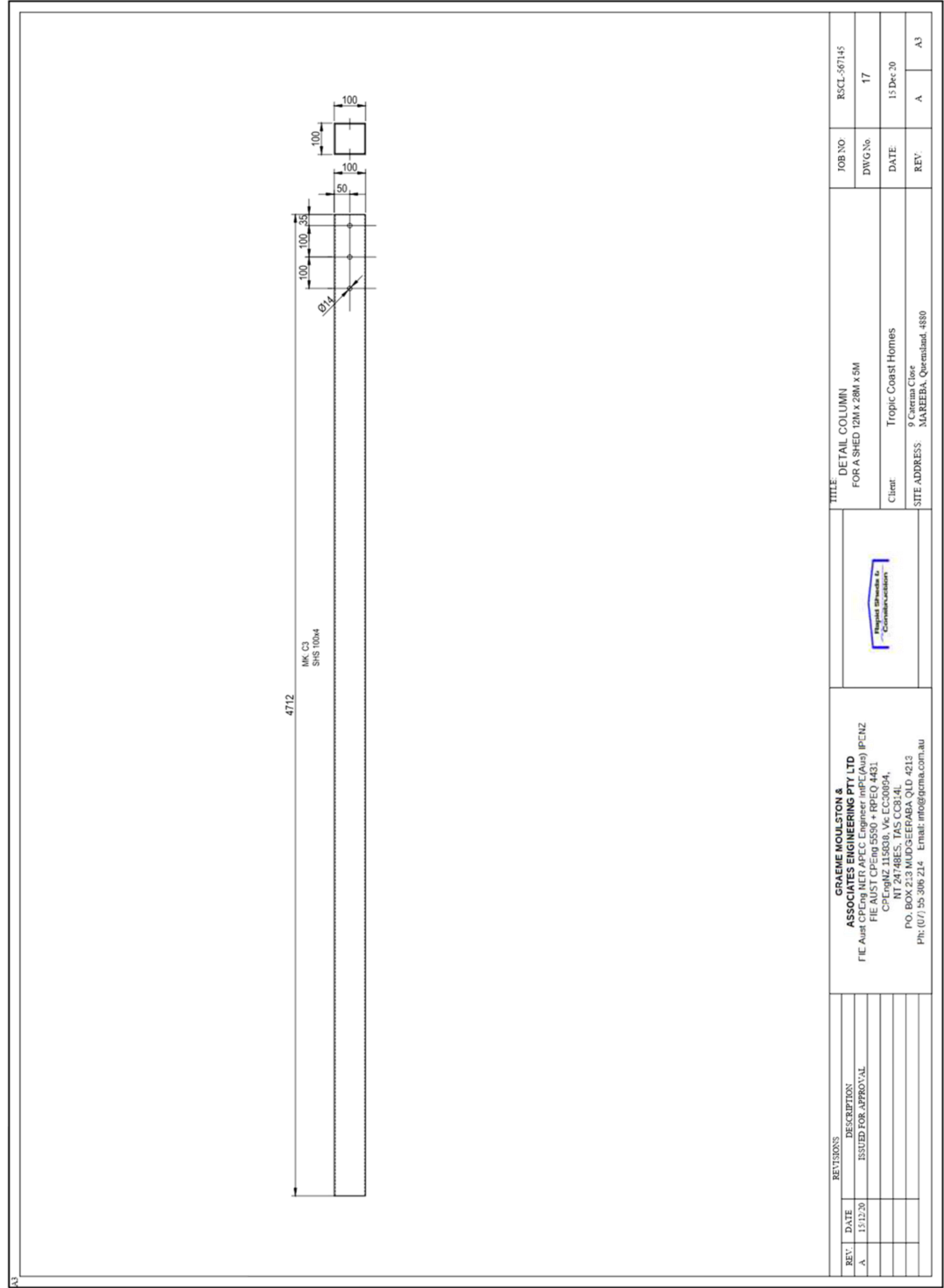














**8.9 APPLICATION FOR EXTENDED LIQUOR TRADING HOURS - ANT HILL HOTEL - LOT 42 ON RP857690 & LOT 320 ON CPM3563, 79 BYRNES STREET & 126 WALSH STREET, MAREEBA**

**Date Prepared:** 7 January 2021

**Author:** Senior Planner

**Attachments:** 1. [Department of Justice and Attorney General letter dated 5 January 2021](#)  
[↓](#)

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**EXECUTIVE SUMMARY**

The Office of Liquor and Gaming Regulation has written to Council advising that an application has been made to extend the trading hours for the Commercial Hotel liquor licence over land described as Lot 42 on RP857690 and Lot 320 on CPM3563, situated at 79 Byrnes Street and 126 Walsh Street, Mareeba.

The applicant is LHG Pty Ltd and the licenced premises is the Anthill Hotel.

It is proposed to extend the trading hours for the Drive Through and Bottle Shop to 9:00am to 12:00am Monday to Sunday. The current Drive Through and Bottle Shop trading hours are 10:00am to 12:00am Monday to Sunday.

The 9:00am opening would make the Ant Hill Drive Through and Bottle Shop trading hours consistent with the Gateway Hotel Drive Through and Bottle Shop and both bottle shops established in the Coles and IGA shopping centres.

It is recommended that Council offers no objection to the extended trading hours.

**RECOMMENDATION**

That Council advise the Office of Liquor and Gaming Regulation of the Department of Justice and Attorney General that Council has no objection to the extended liquor trading hours for the Commercial Hotel liquor licence over land described as Lot 42 on RP857690 and Lot 320 on CPM3563, situated at 79 Byrnes Street and 126 Walsh Street, Mareeba, subject to the standard trading conditions.

**BACKGROUND**

LHG Pty Ltd have made an application to the Office of Liquor and Gaming Regulation to extend the trading hours for the Commercial Hotel liquor licence over land described as Lot 42 on RP857690 and Lot 320 on CPM3563, situated at 79 Byrnes Street and 126 Walsh Street, Mareeba.

The licenced premises is the Anthill Hotel.

It is proposed to extend the trading hours for the Drive Through and Bottle Shop to 9:00am to 12:00am Monday to Sunday. The current Drive Through and Bottle Shop trading hours are 10:00am to 12:00am Monday to Sunday.

Council officers have reviewed the trading hours for the Gateway Hotel Drive Through and Bottle Shop and the bottle shops established in the Coles and IGA shopping centres. These other licenced premises already open at 9:00am each day.





## 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.



**RISK IMPLICATIONS**

Nil

**LEGAL/COMPLIANCE/POLICY IMPLICATIONS**

Lot 42 on RP857690 and Lot 320 on CPM3563 are zoned Centre under the Mareeba Shire Council Planning Scheme 2016.

The Anthill Hotel and bottle shop is lawfully established under the planning scheme.

The planning scheme does not restrict the proposed extended trading hours.

**FINANCIAL AND RESOURCE IMPLICATIONS*****Capital***

Nil

***Operating***

Nil

**IMPLEMENTATION/COMMUNICATION**

The Office of Liquor and Gaming Regulation will be informed of Council decision following the ordinary meeting.



File Ref: 1010224/LAB08  
Contact: Customer Support Team  
Phone 1300 072 322

Office of Liquor and Gaming Regulation

Department of  
Justice and Attorney-General

Chief Executive Officer  
Mareeba Shire Council

Email: [info@msc.qld.gov.au](mailto:info@msc.qld.gov.au)

Dear Sir/Madam

**ANTHILL HOTEL (MAREEBA) - MAREEBA**

**Application for Extended Trading Hours**

**Real Property Description: Lot 42 on RP 857690 and Lot 320 on CPM3563**

**Applicant's contact details: Ms Tammy Tye, Minter Ellison Lawyers,**

**Phone: (07) 5553 9409, Email: [tammy.tye@minterellison.com](mailto:tammy.tye@minterellison.com)**

An application for extended trading hours for a licensed premises within your area of authority has been received at this office. Details of the application are as follows:

Applicant:	LHG Pty Ltd
Name of Premises:	Anthill Hotel (Mareeba)
Street Address:	79 Byrnes Street, Mareeba
Current Trading Hours:	10:00 am to 12:00 am – Monday to Tuesday - Main Premises 10:00 am to 2:00 am – Wednesday to Sunday - Main Premises 10:00 am to 2:00 am – Thursday to Saturday - Ant Eatery Dining Room 10:00 am to 12:00 am – Sunday to Wednesday- Ant Eatery Dining Room 10:00 am to 12:00 am – Monday to Sunday - Drive Through and Bottle Shop
Proposed Trading Hours:	10:00 am to 12:00 am – Monday to Tuesday - Main Premises 10:00 am to 2:00 am – Wednesday to Sunday - Main Premises 10:00 am to 2:00 am – Thursday to Saturday - Ant Eatery Dining Room 10:00 am to 12:00 am – Sunday to Wednesday- Ant Eatery Dining Room 9:00 am to 12:00 am – Monday to Sunday - Drive Through and Bottle Shop
Type of Licence:	Commercial Hotel

Please find attached a copy of the Liquor Licence Premises Details report which outlines the current details of the liquor licence.

Office of Liquor and Gaming Regulation  
63 George Street  
BRISBANE QLD 4000  
Locked Bag 180  
CITY EAST QLD 4002

Telephone +61 1300 072 322  
Facsimile +61 7 3738 8531  
Email [OLGRlicensing@justice.qld.gov.au](mailto:OLGRlicensing@justice.qld.gov.au)  
Website [www.business.qld.gov.au/liquor-gaming](http://www.business.qld.gov.au/liquor-gaming)  
ABN 13 846 673 994

By law, the relevant local government authority for the locality must be informed of the application and afforded the opportunity to:

- Comment on the reasonable requirements of the public in the locality.
- Object to the grant of the application on the grounds that the amenity, quiet or good order of the locality would be lessened.

If you do not support the application, your comments or objection should include full particulars of:

- The grounds upon which the objection is made.
- The facts, evidence or reasons upon which it is based.

If this application relates to a new licensed premises and there is no trading history to rely on, your objection may be based on anecdotal evidence, particularly in relation to the reasonable requirements of the public.

In the interests of natural justice, any comment or objection you provide may be referred to the applicant.

In considering your comments, including the likelihood of adverse health, public safety and amenity issues, the Commissioner for Liquor and Gaming may also impose licence conditions to mitigate any risk posed by the application.

The Commissioner's decision may be subject to review by the independent Queensland Civil and Administrative Tribunal. Substantiating any comments or objections as requested will ensure the Commissioner's decision is appropriately evidence-based and more capable of withstanding scrutiny in any subsequent review.


**Compliance with local town planning requirements is requested to be confirmed in your reply to this letter.**

Any comments or objection provided may be referred to the applicant.

Please advise whether you have any comments on, or objections to, the granting of the application. In accordance with section 117(3) of the *Liquor Act 1992* your comments or objection should be received by 20 January 2021.

If you require clarification on any of these matters, please do not hesitate to contact the Customer Support Team on telephone 1300 072 322.

Yours sincerely

  
Warwick O'Neill  
**Licensing Officer**  
5 / 1 / 2021



## Office of Liquor and Gaming Regulation

## Liquor licence premises details

## Premise details:

**Licence number:** 80125  
**Licence type:** Commercial Hotel  
**Status:** Issued

## Premises description:

## MAIN PREMISES:

79 BYRNES STREET  
 MAREEBA QLD 4880  
 Phone: 0432055099

## ANTHILL HOTEL (MAREEBA)

## Real property description:

LAND DESCRIBED AS LOT 42 ON RP857690 AND LOT 320 ON CPM3563, COUNTY OF NARES, PARISH OF TINAROO.

## Licensed area description:

Premises situated on the corner of Middlemiss and Byrne Streets, Mareeba.

## Trading hours description:

10:00 AM to 12:00 AM	Monday - Tuesday	MAIN PREMISES
10:00 AM to 02:00 AM	Wednesday - Sunday	MAIN PREMISES
10:00 AM to 02:00 AM	Thursday - Saturday	ANT EATERY DINING ROOM
10:00 AM to 12:00 AM	Sunday - Wednesday	ANT EATERY DINING ROOM
10:00 AM to 12:00 AM	Monday - Sunday	DRIVE-THRU & BOTTLE SHOP

(excluding Christmas Day, New Year's Eve, Good Friday and Anzac Day, the trading hours of which are prescribed in the Liquor Act 1992)

## ID Scanner Status:

SNP Region: Rest of State

## Licensee(s):

Name	Interim authority?	Start date	To date
LHG PTY LTD	No	26-MAY-2009	

## Condition(s):

## Standard Condition(s)

- LL274 Liquor may be sold or supplied only whilst the premises adheres to its principal activity of the sale of liquor for consumption on the licensed premises, or on and off the premises.
- LL003 Persons under the age of 18 years shall not be in areas of the licensed premises where entertainment is being conducted at any time after 10:00pm.
- LL004 Liquor may not be sold for consumption off the licensed premises after 12midnight or be taken away from the premises after 12:30am.
- LL125 Liquor may be sold for consumption off the main licensed premises in the course of the licensee providing catering services for a function to persons genuinely attending the function for consumption by those persons at the function. This approval is subject to the condition that liquor must not be sold to a person who is unduly intoxicated. Catering to public functions is subject to approval of a commercial public event permit.

## Registered interest(s):

Name	Type	Start date	To date
HANNA MANAGEMENT GROUP PTY LTD ATF HANNA MANAGEMENT FAMILY TRUST	FREEHOLD OWNER	23-AUG-2013	
WESTPAC BANKING CORPORATION	MORTGAGEE	02-FEB-2009	
LHG PTY LTD	LESSEE	27-JAN-2009	

Office of **Liquor and Gaming Regulation**

Whilst every care is taken to ensure the accurate compilation of this information, Department of Justice and Attorney-General (Incorporating the Office of Liquor and Gaming Regulation) expressly disclaims all liability for errors or omissions of any kind whatsoever (whether negligent or otherwise) or for any loss, damage or other consequence which may arise from any person relying on this information.



**8.10 KURANDA RECREATION CENTRE - LEASE TENURE**

**Date Prepared:** 4 January 2021  
**Author:** Senior Compliance Officer  
**Attachments:** Nil

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**EXECUTIVE SUMMARY**

This report seeks Council approval for imposition upon the Kuranda Recreation Centre Incorporated (KRC) of a final 14-day deadline date of 3 February 2021.

Should KRC fail to make payment in full for the outstanding amount of \$4,069.33 for rates relevant to Lease A on SP320497 in Lot 1 SP315701 Fallon Road Kuranda, Council commence lease termination actions under the terms of the Lease.

**RECOMMENDATION**

That Council grant the Kuranda Recreation Centre Incorporated a final 14-day deadline date of 3 February 2021 for payment of outstanding rates to the order of \$4,069.33. Failure to provide full payment by this date, Council will:

1. terminate the lease in accordance with the terms of the lease; and
2. call for a tender from interested parties to lease the premises.

**BACKGROUND**

Council has been engaged in protracted dealings with the KRC since mid-2020 relevant to non-payment of outstanding rates. The outstanding rates specifically applies to the water consumption and amount to \$4,069.33.

Council has granted the KRC with significant water remissions on rates.

Council wrote to the KRC on 22 October 2020 requesting completion of an agreement for payment of outstanding rates by way of instalment arrangement along with provision of the most recent financial statements by 12 November 2020. On 10 November 2020, the KRC provided Council with the required financial statements and a completed application for arrangement to pay rates by instalment. The application was completed for the amount of \$2,310.65 accompanied by a request for Council to waive the remaining balance of \$1,758.68.

Council has undertaken assessment of financial statements provided by KRC to determine their position as a going concern and capability to continue to maintain and occupy the Premises at Fallon Road Kuranda. The club has been assessed as being in a sound financial position.

On date of 17 November 2020, Council wrote to the KRC to inform them of Council's position for payment of outstanding rates and advised that Council will not consider the matter of further rebates on the water consumption component of outstanding rates. Council further extended to the KRC until 27 November 2020 to provide a commitment to payment of the full outstanding amount of \$4,069.33 either by way of immediate full payment or partial payment with instalment agreement for any residual amount.

The KRC responded on 27 November 2020 with further contentions on the matter of responsibility for the excess water charges. The KRC have provided no further response and have not submitted the required revised application for an arrangement to pay rates by instalment for the full outstanding amount of \$4,069.33.

**RISK IMPLICATIONS**

Nil

**FINANCIAL AND RESOURCE IMPLICATIONS*****Operating***

Potential loss of rates revenue.

**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.

**IMPLEMENTATION/COMMUNICATION**

KRC to be advised of Council's decision.

**8.11 Q-MSC2020-26 AGISTMENT PERMIT - BOWERS STREET MAREEBA**

**Date Prepared:** 5 January 2021

**Author:** Senior Compliance Officer

**Attachments:** 1. Lot 539 SP146295 Staged Agistment Area [↓](#)

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**EXECUTIVE SUMMARY**

This entry seeks Council approval for award of Contract No. Q-MSC2020-26 for a land tenure instrument for agistment purposes over a portion (Stage 1) of Lot 539 SP146295, Bowers Street Mareeba.

**RECOMMENDATION**

That Council:

1. awards Contract No. Q-MSC2020-26 for a land tenure instrument for agistment purposes over a portion (Stage 1) of Lot 539 SP146295, Bowers Street Mareeba to HMBT Pty Ltd, ABN 60 679 054 253; and
2. authorises Council's Chief Executive Officer to negotiate and finalise an appropriate land tenure instrument for agistment purposes with HMBT Pty Ltd in accordance with the *Land Act 1994* (Qld) and relevant Council policies.

**BACKGROUND**

Lot 539 SP146295 is bordered by the Mareeba Industrial Park and Adil Road to the north of Mareeba. Council is the Trustee of the Reserve which holds a gazetted purpose of Pasturage as assigned and allocated by the State.

To determine the level of public interest in Lot 539, Council called for public submissions in early December of 2020 by way of request for quotation for tenure over the entirety of Lot 539 SP146295, Bowers Street Mareeba for the purposes of agistment of cattle.

The issuing of a land tenure instrument for agistment holds as its primary purpose the reduction of ground vegetation fuel reduction as a fire mitigation land management measure. The quotation scope declared a staged approach for access to the greater 526 acre Lot 539 commencing with the most eastern portion at Bowers Street (Stage 1) through to the western portion (Stage 2) and finally the central portion (Stage 3) - see staged agistment area map attached. The staged approach held the intention of providing the successful submitter with sufficient time to install the substantial fencing required to prevent encroachment of livestock upon the complex network of SunWater channels dissecting Stage 3 and to enable acquisition of the necessary SunWater channel crossing permit necessary for the lawful movement of livestock between the three stages.

**QUOTATION SUBMISSION**

As at quotation submission closing date of 17 December 2020, only one (1) submission was received within which the submitter expressed an interest only in the eastern Stage 1, Bowers Street portion of the greater Lot 539 proposed land opening sequence. The single submission provided for the required minimum standard boundary fencing installation, an annual tenure permit fee to the order

of \$850.00 plus GST with nil SunWater channel crossing permit and nil Council water meter installation required.

Importantly, the quotation submitter requested tenure for a period of 10 years. The scope of the request for quotation stipulated a 'permit' tenure instrument on the basis that Council currently regulates tenure for agistment by way of what it has called an occupancy permit which is issued under Council's *Use of Council Land for Agistment Purposes Policy*. Permits are issued on the basis that they are short term and these instruments will not accommodate a 10 year tenure term.

### **TENURE INSTRUMENT OPTIONS**

Lot 539 is a Reserve and Council is the Trustee. The Reserve has been set aside for the purpose of 'Pasturage'. The purpose of the Reserve is not a 'community purpose' as defined under the Land Act. As the Reserve has not been set aside for a 'community purpose' it is not a reserve with a general right of entry for the public - as there would be for, by way of example, a recreation reserve. The use of the Reserve for pasturage and agistment necessitates that it must be securely fenced.

The type of tenure may be dictated by the requirements of potential tenure holders and Council policy. Below are some of the options available.

#### ***Trustee Lease***

Council may enter into a lease over the whole or part of the Reserve. A lease can be entered into with a maximum term of 30 years and will accommodate the ten (10) year period requested by the submitter. Options of renewal are not permitted. Importantly, a lease will provide a lessee with the *exclusive right to occupy* the relevant part of the land. A survey plan is required as the lease is required to be registered and this is a cost which may reasonably be recovered by negotiation with the submitter along with any lease preparation and land title registry lodgement fees. Ministerial approval to the grant of the lease is not required so long as the lease is consistent with the purpose for which the Reserve was set aside and the current Prescribed Terms relevant to trustee leases.

#### ***Trustee Permit***

Council may issue a trustee permit. A trustee permit may be issued for a maximum of three (3) years. If a trustee permit is for more than one year it must be registered on title. Trustee permits must also be consistent with Section 5 of the *Land Regulation 2020* (Qld) (LR). Section 5 of the LR provides that a trustee permit must be consistent with any land management plan that may exist in relation to the land, cannot allow the construction of improvements on the land, including on its boundary, but fencing is allowed, A trustee permit cannot be renewed or assigned.

### **NATIVE TITLE**

A determination exists over the Land. Tenure may be granted over the land so long as it is permitted under the Indigenous Land Use Agreement or the *Native Title Act 1993* (Cth) (NT Act). A lease for a purpose that is consistent with the purpose of the Reserve is permitted under section 24JA of the NT Act.

### **RISK IMPLICATIONS**

#### **Environmental**

A trustee's functions include protecting and maintaining the land and, so far as is reasonable, controlling noxious plants on the trust land.

#### **Infrastructure and Assets**

Where a lease instrument is negotiated.

**Legal and Compliance**

Council as trustee holds responsibility for a duty of care for the trust land to include effective management of the land under section 46 of the *Land Act 1994* (Qld).

**FINANCIAL AND RESOURCE IMPLICATIONS*****Capital***

Nil

***Operating***

Council currently undertakes annual fire mitigation activities on Lot 539 at a significant cost. The issuing of a land tenure instrument over Stage 1 portion may assist in reducing the cost of these activities.

**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.

**IMPLEMENTATION/COMMUNICATION**

Successful quotation submitter to be notified of resolution and any tenure options and associated fees.





Map Grid of Australia Zone 55 (GDA94)



## Reserve Lot 539 on SP146295

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Document ID: SAHD-8896339  
Version: 1 | Version Date: 09/12/2020



### Legend

-  Mareeba Shire Council   
  Gates   
  Lot Boundary  
 Reserve - Pasturage   
 Roads   
 Fence (Total = 8980m)  
 Sunwater Limited





**8.12 COUNCIL POLICY REVIEW**

**Date Prepared:** 4 January 2021

**Author:** Senior Compliance Officer

**Attachments:** 1. Environmental Protection and Sustainability Policy [↓](#)  
2. Climate Change Resilience Policy [↓](#)

---

**EXECUTIVE SUMMARY**

As part of the ongoing organisation-wide compliance policy review work, amended and newly created instruments along with instruments marked for repeal are presented to Council for consideration.

**RECOMMENDATION**

That Council:

1. Repeal the following policy:
  - a. Environmental Management Policy - adopted 21 June 2017.
2. Adopts the following policies:
  - a. Climate Change Resilience Policy;
  - b. Environmental Protection and Sustainability Policy.

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

This instrument seeks to declare a principled approach to addressing enterprise risk resulting from the increased potential for the occurrence of extreme weather events as may be imposed by climate change, in particular as applies to the potential for the impact of an event upon business continuity. Key areas of risk are identified and framed in the context of opportunities arising for Council to benefit from existing and emerging program partnerships which focus on development of climate change resilience initiatives and how these might be leveraged.

**Environmental Protection and Sustainability Policy**

This instrument replaces Council's extant Environmental Management Policy and seeks to establish an updated framework for environmental protection and sustainability across Council in alignment with the objectives of Council's current Corporate Plan via a due diligence approach to decision making to minimise environmental and biosecurity harm and associated risk. Council's commitment to observance of general statutory duty and obligation is declared with a focus upon considerations in the key strategic environmental planning areas of sustainable waste management and natural asset protection and management.

**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 above new policy and any accompanying procedure and guideline instruments are to be published on Council's website for community reference.



## Environmental Protection and Sustainability Policy

Policy Type	Governance Policy	Version:	1.0
Responsible Officer	Manager Development and Governance	Date Approved:	20/01/2021
Review Officer:	Senior Environmental Advisor	Review Due:	19/12/2024
Author:	Senior Environmental Advisor	Commencement:	20/01/2021

### 1. PURPOSE

This policy has been developed in recognition of the many natural assets of the Shire and the value that its residents and visitors place upon them. The intent of this policy is to build upon Council's current Corporate Plan and to establish the framework for environmental protection and sustainability within the organisation.

Mareeba Shire has a diversity of landscapes ranging from a Wet Tropics World Heritage Area to the dry savannah environmental zones. It is home to many outstanding natural values such as the Barron River Falls, Mt Lewis, the historic limestone karst structures at Chillagoe, and a variety of unique fauna.

The Shire's dominant land use is primary production, has less than 5% urban land use and is also rich in mineral resources. Located with the tropical to subtropical zones, it experiences dry cool winters and a wet season spanning from December to April each year. There are two distinct water catchments of the Mitchell and Barron Rivers, where the Mitchell flows to the Gulf of Carpentaria and the Barron River flows to the World Heritage Great Barrier Reef lagoon.

### 2. SCOPE

This policy is applicable to all of Council and its employees in all decisions and activities. The policy does not address staff welfare (health and safety) as it is covered by the Council's Worksafe Program.

### 3. POLICY STATEMENT

#### 3.1 LEGISLATION COMPLIANCE

Council acknowledges and endeavours to comply with:

- all relevant environmental legislation and regulations by undertaking due diligence prior to projects and activities and by implementing all reasonable and practicable measures to minimise environmental and biosecurity harm and risk (**General Environmental Duty**) (**General Biosecurity Obligation**).
- the conditions and exemption requirements for environmental statutory approvals such as:
  - Environmental Authority for Council's Environmentally Relevant Activities under the *Environmental Protection Act 1994* (Qld) (EP Act)
  - Protected Flora Permit and Vegetation Management Permit
  - Wet Tropics Infrastructure Maintenance Permit

Page 1 of 4

#### Human Rights Compatibility Statement

The *Human Rights Act 2019* (HR Act) (Qld) came into effect on 1 January 2020 and will mean fairer laws, policies and practices by public entities when dealing with the community on a day-to-day basis. This policy has been drafted in alignment with obligations under s 58 of the HR Act.

Environmental Protection and Sustainability Policy
--

- implementation of the current *State Planning Policy* relevant to environmental matters.

### 3.2 NATURAL ASSET PROTECTION AND MANAGEMENT

Council will consider the protection of the natural environment in Council business through:

- the identification and consideration of environmental risks, in particular by implementing Council's *Biosecurity Plan 2020 -2025* and fire management plans
- undertaking staff training and environmental awareness
- preparation of environmental management plans and procedures, and
- when deemed necessary, Council will investigate and exercise its regulatory powers to facilitate environmental protection.

Council will continue Council's membership of the Reef Guardian Council Program and development of its *Reef Guardian Council Action Plan* which underpins Council's commitment to clean and healthy waterways, improved environmental outcomes and managing the effects of climate change.

Council will partner with Natural Resource Management (NRM) groups, industry bodies and community groups to facilitate efficient and effective natural asset protection and management.

Council will plan and undertake fire prevention on land managed by Council by maintaining firebreaks and undertaking fire prevention burns to protect adjacent properties and to minimise environmental damage.

### 3.3 SUSTAINABLE WASTE MANAGEMENT

Council will provide for environmentally responsible waste and wastewater management infrastructure to enable a growing and confident Mareeba Shire.

Council will pursue appropriate and cost effective strategies to minimise waste, realise circular economy opportunities and reduce littering and illegal dumping through the implementation of its *Waste Management Services Strategy 2018 - 2027*.

### 3.4 AN ENVIRONMENTALLY SUSTAINABLE FUTURE

Council will prepare for a sustainable future by:

- having regard to environmental sustainability considerations when developing the Council Planning Scheme
- being as resilient as possible through proactively identifying and where possible mitigating for potential climate change risks
- meeting legislated exhaust emission design standards to reduce pollution
- conducting energy consumption audits and identifying opportunities for improved energy efficiency and supply
- strategic planning for drinking water schemes including water security, treatment and reticulation, and
- implementing a strategy for active recreation and to provide quality public spaces and facilities to encourage active communities and to improve the visual appeal and liveability within the Shire

Environmental Protection and Sustainability Policy
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**4. REPORTING**

The EP Act requires all persons to notify any environmental incident that threatens environmental harm within 24 hours to their Supervisor / Manager or Director as appropriate (**Duty to Notify**).

All incidents that threaten environmental harm will be reported to the State Environmental Regulator within 24 hours. All breaches of the Environmental Authority will be notified within 24 hours to the State Environmental Regulator.

All reporting required under the statutory authorities will be complied with and any identified biosecurity prohibited matters will be notified to the State Biosecurity Agency as soon as practicable.

**5. DEFINITIONS**

Term	Meaning
Biosecurity Matter	<ul style="list-style-type: none"> <li>• A living thing, other than human or part of a human; or</li> <li>• A pathogenic agent that can cause disease in: <ul style="list-style-type: none"> <li>○ a living thing other than a human; or</li> <li>○ human, by the transmission of the pathogenic agent from the animal to the human; or</li> </ul> </li> <li>• A disease; or</li> <li>• A contaminant.</li> </ul>
Circular Economy	This approach to waste management aims to keep waste materials being recycled in the economy at their highest value for as long as possible in recognition that recycling produces more jobs and less environmental impact than landfilling.
Climate Change	A change in the state of the climate that can be identified ( <i>e.g.</i> by statistical tests) by changes in the mean and/or variability of its properties, and that persists for an extended period of time, typically decades or longer.
Duty to Notify	The duty to notify requires a person or a company to give notice to the State Environmental Regulator where serious or material environmental harm (that is not authorised under the EP Act) is caused or threatened.
Environmental Authority	Council holds a statutory authority to operate a number of prescribed activities under the EP Act.
Environmental Harm	Any adverse effect, or potential adverse effect (whether temporary or permanent and of whatever magnitude, duration or frequency) on an environmental value, and includes environmental nuisance.
Environmental Sustainability	Development which aims to meet the needs of growing and confident Mareeba shire, while conserving our ecosystems for the benefit of future generations.
General Biosecurity Obligation	A person must take all reasonable and practicable measures to prevent or minimise the biosecurity risk, prevent or minimise adverse effects on a biosecurity consideration, and minimise the likelihood of causing a biosecurity event.
General Environmental Duty	A person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm.
Reef Guardian	A steward for the Great Barrier Reef taking voluntary actions beyond what is required by law and sharing information. These actions will help to improve the economic sustainability of industries operating in the Great Barrier Reef Region and ensure the environmental sustainability of the Marine Park.
Waste	A left over or unwanted by-product. It can be a gas, liquid, solid or energy or a combination. Waste can be municipal, commercial, industrial in origin

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Environmental Protection and Sustainability Policy
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	or from construction and demolition activities. Council's <i>Waste Management Services Strategy 2018 - 2027</i> provides a set of guiding principles to inform decisions about waste.
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**6. RELATED DOCUMENTS AND REFERENCES**

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*Biosecurity Act 2014 (Qld)*  
*Biosecurity Plan 2020 -2025 (MSC)*  
*Climate Change Resilience Policy (MSC)*  
*Corporate Plan 2021 - 2025 (MSC)*  
*Environmental Authority EPPR01792213*  
*Environmental Protection Act 1994 (Qld)*  
*Mareeba Shire Council Planning Scheme*  
*Reef Guardian Council Action Plan (MSC)*  
*Waste Management Services Strategy 2018 - 2027 (MSC)*  
*Waste Reduction and Recycling Act 2011 (Qld)*

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**7. REVIEW**

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It is the responsibility of the Manager Development and Governance to monitor the adequacy of this policy and implement and approve appropriate changes. This policy will be formally reviewed every four (4) years or as required by Council.



## Climate Change Resilience Policy

Policy Type	Governance Policy	Version:	1.0
Responsible Officer	Manager Development and Governance	Date Approved:	20/01/2021
Review Officer:	Senior Environmental Advisor	Review Due:	19/12/2024
Author:	Senior Environmental Advisor	Commencement:	20/01/2021

### 1. PURPOSE

Managing Climate Change risks to council services, infrastructure and operations, and supporting the community, are critical responsibilities of local government.

In accordance with the Enterprise Risk Management Framework, Policy and Process, Enterprise Risk assessments have been undertaken with senior management. It was determined that climate change poses a significant risk which has the potential to be damaging to the organisation, or presents opportunities which require action to be taken.

Climate change crosses a number of enterprise risk categories including strategic, financial, operational, human resources and macro risks. Climate change presents potential for business discontinuity, increased insurance risk, infrastructure failure, greater workplace and safety risk to workers in prolonged heat conditions and increased local disaster management due to increased acts of nature. A lack of climate change response may also present reputational risk.

While Enterprise Risk tends to focus on disbenefits, it is also considered in terms of opportunities and benefits. Across the organisation, risk assessments in terms of climate change also present a number of unique opportunities that may have positive implications for Council and the environment.

Mareeba Shire spans the wet tropics and monsoonal north natural resource regions. It is recognised that climate change in these regions has been scientifically projected to result in an increase in average temperatures in all seasons, more hot days and warm spells, changing rainfall, increased intensity of extreme rainfall events and fewer but more intense cyclone events. It is noted that the natural variability in the climate system on an annual or decadal basis will mask the observation of the climate change trend.

The key documented areas of risk for Councils (in a non coastal zone) are:

- *stormwater runoff and flooding*: impacts are likely to be short term and episodic;
- *infrastructure instability*: this may include damage to infrastructure that is not built to withstand the impacts of increased flooding, winds and temperature;
- *structural damage to buildings* resulting from extreme weather events and falling trees;
- *demand for energy and water*: this is linked to the availability and quality of water;
- *fire risk and air quality*: this is linked to managing bushfire hazards; and
- *impacts on public open spaces*: including esplanades, drains, roads, footpaths and facilities.

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#### Human Rights Compatibility Statement

The *Human Rights Act 2019* (HR Act) (Qld) came into effect on 1 January 2020 and will mean fairer laws, policies and practices by public entities when dealing with the community on a day-to-day basis. This policy has been drafted in alignment with obligations under s 58 of the HR Act.

Climate Change Resilience Policy
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This policy outlines Mareeba Shire Council's response for a *growing, confident and sustainable Shire*, in terms of climate change.

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**2. SCOPE**

This policy is applicable to all of Council and its employees in all decisions and activities.

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**3. POLICY STATEMENT**

Mareeba Shire Council will undertake the following to minimise the impact of climate change and to realise potential opportunities:

- Continue as a member of the Queensland Climate Resilient Council network administered by the Local Government Association of Queensland.
- Participate in the Reef Guardian program which is a collaborative stewardship program that collectively advocates in response to threats such as climate change.
- Partner with Natural Resource Management (NRM) groups, industry bodies and community groups to, where possible develop climate change resilience within the shire.
- Continue to review and improve efficiency in electricity usage.
- Maintain reliability of Council's drinking water schemes through its high priority water allocation from Sunwater and an ongoing renewal program for water infrastructure resilience.
- Undertake high level strategic planning for water security including advocacy for regional water supply.
- Plan and undertake fire prevention activities on land managed by Council.
- Develop the Council Planning Scheme having regard to climate resilience matters such as climate smart design, avoidance of development in hazard and flood prone areas, and ensuring adequate water provision.
- Proactively implement practicable planning and building measures as climate change adaptive measures are developed.
- Work with Queensland Reconstruction Authority towards resilience building for infrastructure and community preparation, response and recovery from disasters.

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**4. REPORTING**

No additional reporting is required.

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**5. DEFINITIONS****Adaptation / Resilience**

The process of adjustment to actual or expected climate and its effects. Adaptation can be autonomous or planned.

Climate Change Resilience Policy

**Climate**

The average weather experienced at a site or region over a period of many years, ranging from months to many thousands of years. The relevant measured quantities are most often surface variables such as temperature, rainfall and wind.

**Climate Change**

A change in the state of the climate that can be identified (*e.g.* by statistical tests) by changes in the mean and/or variability of its properties, and that persists for an extended period of time, typically decades or longer.

**Climate Projection**

A climate projection is the simulated response of the climate system to a scenario of future emission or concentration of greenhouse gases and aerosols, generally derived using climate models. Climate projections are distinguished from climate predictions by their dependence on the emission/concentration/radiative forcing scenario used, which in turn is based on assumptions concerning, for example, future socioeconomic and technological developments that may or may not be realised.

**Monsoon**

A monsoon is a tropical and subtropical seasonal reversal in both the surface winds and associated rainfall, caused by differential heating between a continental-scale land mass and the adjacent ocean. Monsoon rains occur mainly over land in summer.

**Enterprise Risk**

A risk to the business is any action or event that has the potential to impact on the achievement of business objectives. Risk also arises as much from the possibility that opportunities will not be realised as it does from the possibility that threats will materialise or that errors will be made.

**Enterprise Risk Management Process**

The systematic application of management policies, procedures and practices to the activities of communicating, consulting, establishing the context, and identifying, analysing, evaluating, treating, monitoring and reviewing risk.

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**6. RELATED DOCUMENTS AND REFERENCES**

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Baker & McKenzie, 2011 Local Government Risk of Liability in the Face of Climate Change - Resolving Uncertainties, A Report for the Australian Local Government Association.

Climate Planning, 2018 Queensland Climate Resilient Councils, Climate Change Adaptation Governance Assessment, Detailed Governance Assessment Report for Mareeba Shire Council.

CSIRO, 2016 [climatechangeinaustralia.gov.au](http://climatechangeinaustralia.gov.au)

*Enterprise Risk Management Policy* (MSC).

*Enterprise Risk Management Process* (MSC).

*Environmental Protection and Sustainability Policy* (MSC).

Local Government Association of Queensland, 2020 Queensland Climate Resilient Councils, <https://qcrc.lgaq.asn.au/>

Climate Change Resilience Policy
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*Use of Council land for Agistment Purposes Policy (MSC).*

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**7. REVIEW**

It is the responsibility of the Manager Development and Governance to monitor the adequacy of this policy and implement and approve appropriate changes. This policy will be formally reviewed every four (4) years or as required by Council.

**8.13 FINANCIAL STATEMENTS PERIOD ENDING 31 DECEMBER 2020****Date Prepared:** 15 December 2020**Author:** Manager Finance**Attachments:** 1. Budgeted Income Statement by Fund 2020/21 Budget [↓](#)**EXECUTIVE SUMMARY**

The purpose of this report is to provide Council with an overview of financial matters for the period 1 July 2020 to 31 December 2020.

**RECOMMENDATION**

That Council:

1. receives the Financial Report for the period ending 31 December 2020;
2. authorises the write off for outstanding rates and charges for Lot 1 MLG 20392;
3. endorse the transition of tendering processes to the Nex Gen Procurement Ecosystem.

**BACKGROUND**

Each month, year to date financial statements are prepared in order to monitor actual performance against budgets.

For the period ending 31 December 2020, the actual results are in line with the year to date budget.

The budgeted figures reflect the 2020/21 Budget as adopted by Council at the 17 June 2020 meeting. There are no issues or concerns to discuss or highlight at this stage.

***December 2020 - Snapshot***

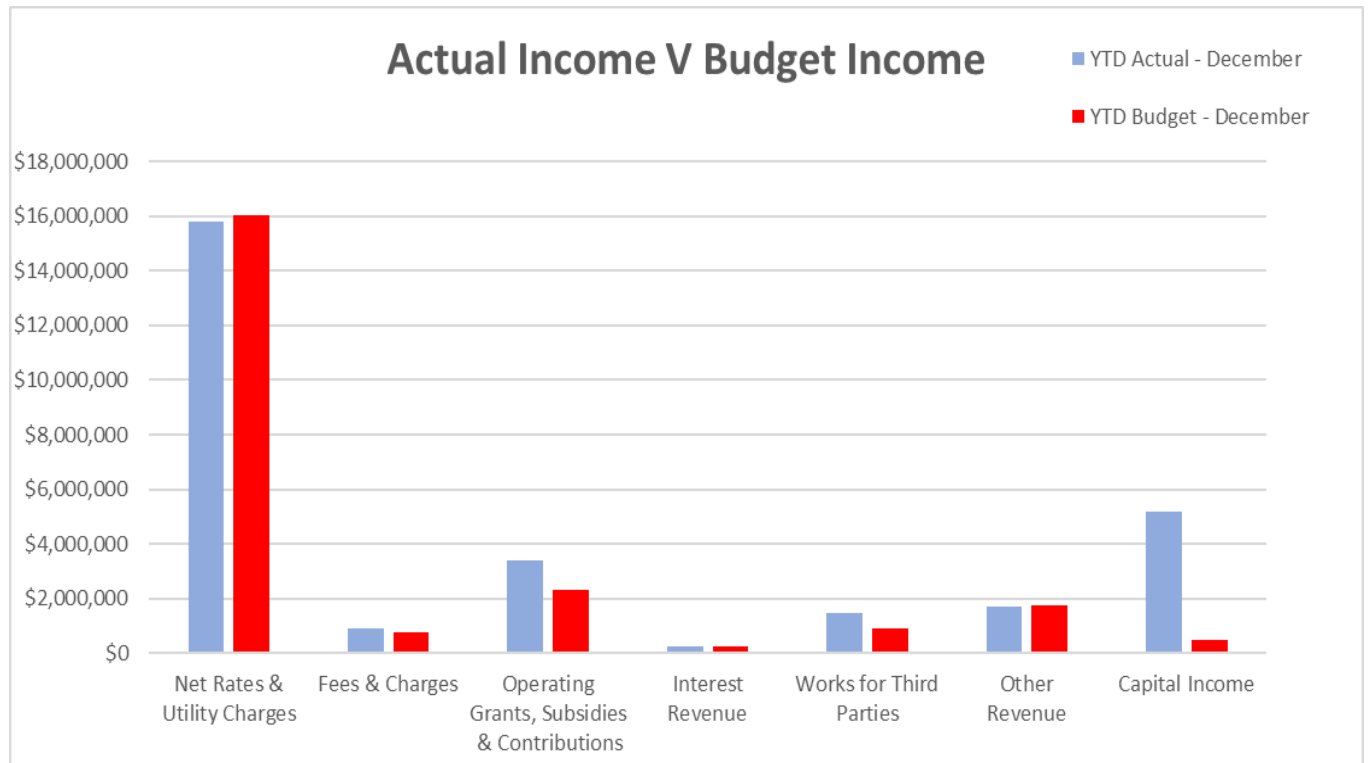
Total Operating Income	\$	23,534,324
Total Operating Expenditure	\$	23,898,056
Operating Surplus/(Deficit)	\$	(363,732)
Total Capital Income (grants, developer contributions)	\$	5,205,572
<b>Net Result - Surplus/(Deficit)</b>	<b>\$</b>	<b>4,841,840</b>



Income Analysis

Total income (including capital income of \$5,205,572) for the period ending 31 December 2020 is \$28,739,896 compared to the YTD budget of \$22,578,144.

The graph below shows actual income against budget for the period ending 31 December 2020.



	Actual YTD	Budget YTD	Note
Net Rates & Utility Charges	15,801,809	16,040,709	1
Fees & Charges	896,105	780,775	2
Operating Grants, Subsidies & Contributions	3,380,082	2,320,367	
Interest Received	263,672	250,250	3
Works for Third Parties	1,493,157	916,750	4
Other Revenue	1,699,499	1,772,293	
Capital Income	5,205,572	497,000	5

## Notes:

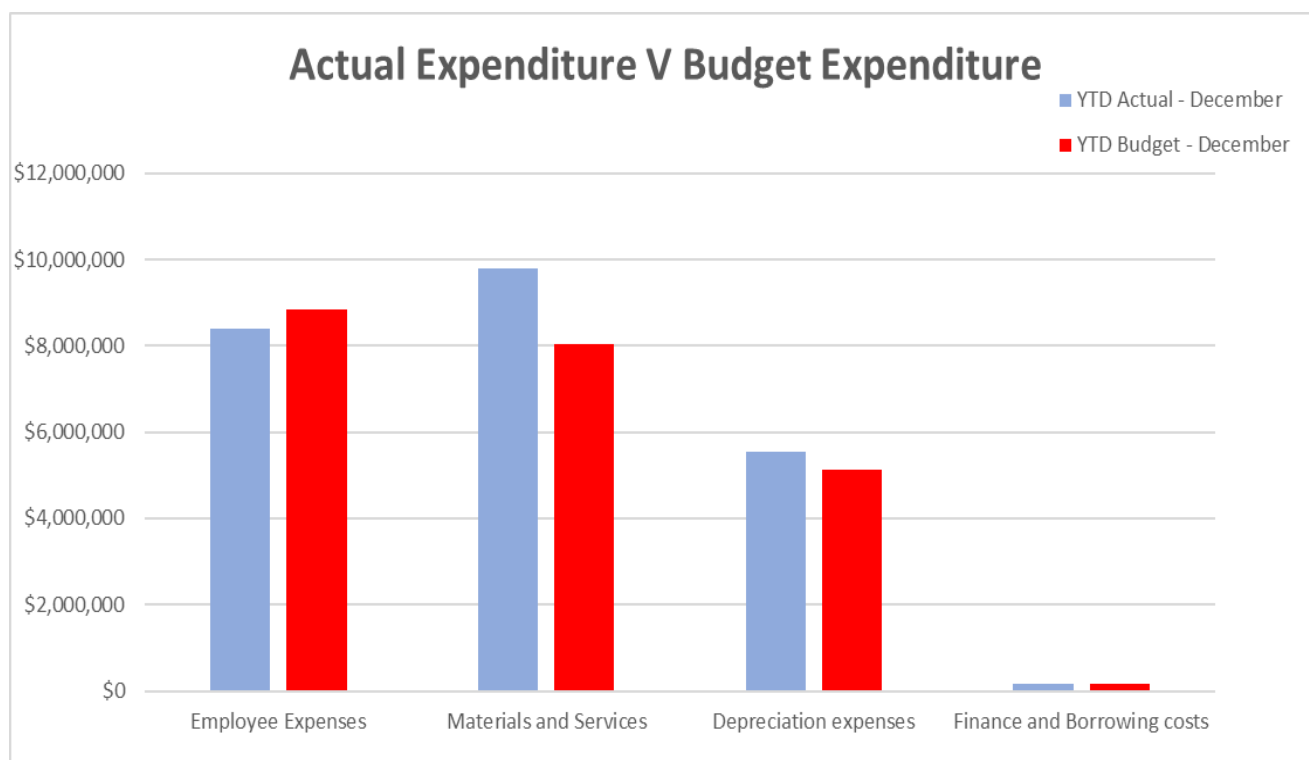
1. Rates for the half year ending 31 December 2020 were levied in August. The variance relates to the COVID19 rate rebate remission.
2. Revenue from building and plumbing domestic applications, town planning applications and cemeteries are tracking higher than YTD budget.
3. Interest income is tracking above budget due to term deposit that matured in December.

4. Favourable result due to 3<sup>rd</sup> party works which were not 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 result in a small surplus.
5. Council has already received \$4.2M in capital grants towards W4Q4, TIDS, R2R, Chillagoe water project and NDRRA betterment plus \$1M in developer contributions.

### Expenditure Analysis

Total expenses for the period ending 31 December 2020 is \$23,898,056 compared to the YTD budget of \$22,176,173.

The graph below shows actual expenditure against budget for the period ending 31 December 2020.



	Actual YTD	Budget YTD	Note
Employee expenses	8,399,911	8,839,544	<b>1</b>
Materials & Services	9,793,343	8,043,976	<b>2</b>
Depreciation expenses	5,529,418	5,138,797	
Finance & Borrowing costs	175,384	153,857	<b>3</b>

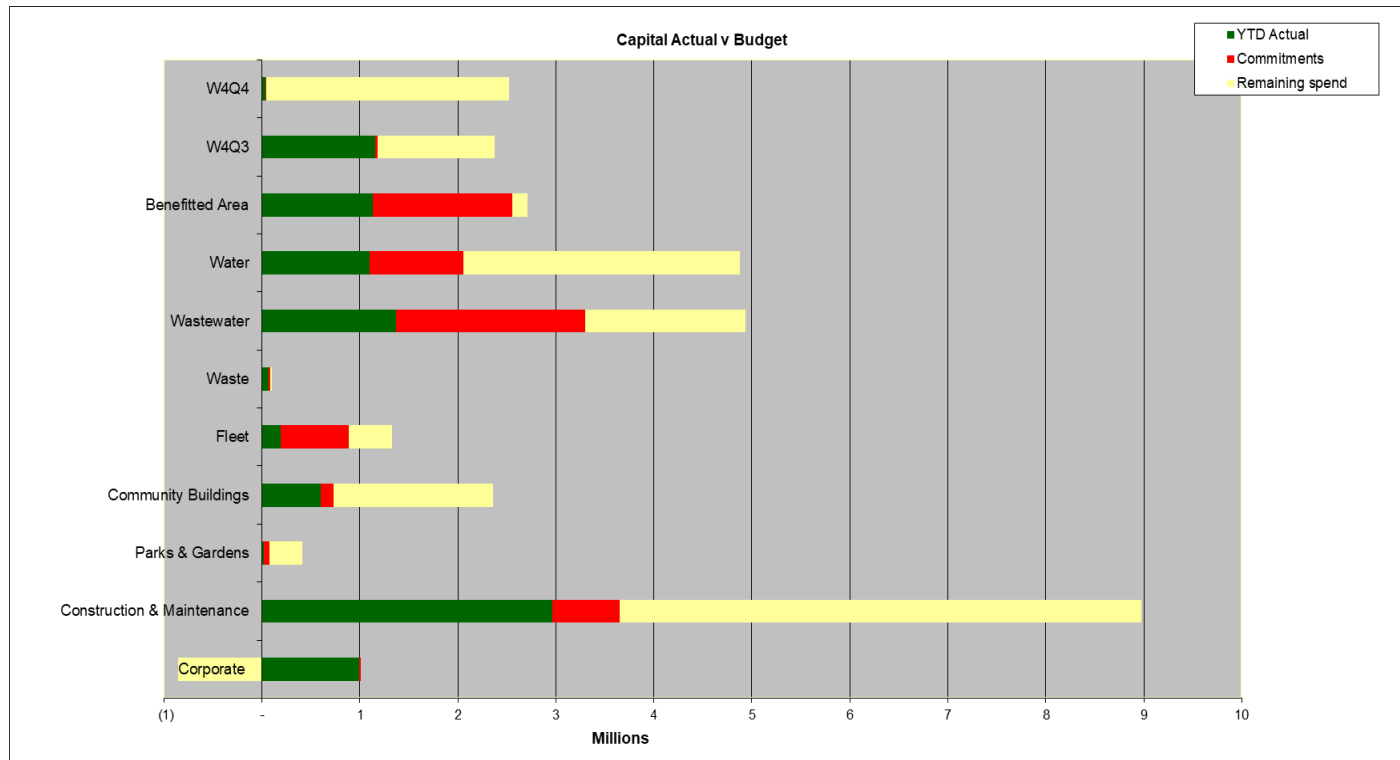
### Notes:

1. There are no significant issues to report. The reason for the variance is a timing issue for the annual increment, staff absences, vacancies and staff working on capital.
2. The vast majority of this variance relates to NDRRA expenditure. This will be offset once claims are submitted and Council is reimbursed.

3. Stores write-off of old or obsolete stock is contributing to the overspend. Stores write offs are an annual audit process which is not budgeted for and are offset by savings and sale of surplus stock (auction proceeds).

### Capital Expenditure

Total capital expenditure of \$15,579,914 (including commitments) has been spent for the period ending 31 December 2020 against the 2020/21 adjusted annual capital budget of \$30,740,307. This budget figure includes carry overs from 2019/20 of \$14,928,673 and new and additional funds required for 2020/21 capital projects of \$91,634.



In a bid to maximise the usage of available space at the Mareeba cemetery, a new beam was constructed between an uncommitted beam and the road, effectively becoming the first beam in the section. The beam is single sided and, based on a plot pitch of 1.4m, will accommodate 42 interments or two (2) years capacity based on current usage of the full grave slab section. It was imperative to build this beam before Council inter on the existing beam as the presence of monuments will complicate construction. The cost of this construction was \$15,000 which will be recovered by the subsequent reservation and interment fees.

### Loan Borrowings

Council's loan balance is as follows:

QTC Loans

\$7,821,941

## Rates and Sundry Debtors Analysis

### Rates and Charges

The total rates and charges payable as at 31 December 2020 are \$2,064,561 which is broken down as follows:

Status	31 December 2020		31 December 2019	
	No. of properties	Amount	No. of properties	Amount
Valueless land	18	755,508	18	877,752
Payment Arrangement	86	90,042	140	95,476
Collection House	292	853,796	285	781,798
Exhausted – awaiting sale of land	8	154,476	9	114,365
Sale of Land	7	109,031	8	104,396
Other (includes supplementary rates)	280*	101,708	313	74,487
<b>TOTAL</b>	<b>691</b>	<b>2,064,561</b>	<b>773</b>	<b>2,048,274</b>

\* Of this total, there are 167 properties with a rates balance of less than \$10.

The Rate Notices for the period ending 31 December 2020 were issued on 10 August 2020 with the discount due date being 18 September 2020. Total Gross Rates and Charges levied for this six (6) month period totalled \$17,189,439.

Collection House collected \$76,535 for the month of December 2020.

Council Officers have commenced the process in acquiring the identified valueless land properties, this process will take up to 12 months to complete.

Council has identified a property that it is unable to recover the outstanding rates and charges for. All recovery processes have been exhausted, the company is deregistered, and Collection House has closed the account. Council officers are recommending that it be written off as there is no property that can be sold. This property is a mining lease which now has been cancelled and as a result, Council is unable to recoup the monies outstanding.

Property	38557
Legal Description	Lot 1 MLG 20392
Total Outstanding Charges	\$16,542.40

### Sundry Debtors

The total outstanding for Sundry Debtors as at 31 December 2020 is \$1,053,292 which is made up of the following:

Current	30 days	60 days	90 + days
\$584,503	\$23,750	\$13,701	\$431,338
55%	2%	1%	41%

**Procurement**

Council currently uses *Tenderlink* as the online procurement platform to administer tender processes.

LGAQ in partnership with Vendorpanel have created an alternative solution called the '*Nex Gen Procurement Ecosystem*' which aims to simplify the entire procurement process while increasing transparency. Nex Gen provides a multi-component solution that encompasses the Vendorpanel electronic tendering platform, Arcblue data analytics services and a Procurement Portal to direct and access all procurement activities. Summary of benefits are listed below:

- Unlimited tenders and quotes can be administered on an annual basis;
- \$0 set up costs and \$0 annual fee - Fully funded by LGAQ for a period of 10 years;
- Ability to create and administer prequalified panels and local supplier lists;
- Increased compliance and contract management;
- 10 year agreement

**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

<b>Budgeted Income Statement by Fund 2020/21 Budget</b>			
<b><u>Consolidated</u></b>			
	<b>Actual YTD</b>	<b>Budget YTD</b>	<b>2020/21</b>
<b>Revenue</b>			
Rates and utility charges	17,091,501	17,061,526	34,123,050
Less Discounts and Pensioner Remissions	(1,289,692)	(1,020,817)	(2,041,634)
<b>Net Rates and Utility Charges</b>	<b>15,801,809</b>	<b>16,040,709</b>	<b>32,081,416</b>
Fees and Charges	896,105	780,775	1,367,076
Operating Grants and Subsidies	3,007,948	2,259,867	7,500,988
Operating Contributions	372,134	60,500	196,000
Interest Revenue	263,672	250,250	500,500
Works for Third Parties	1,493,157	916,750	1,833,500
Other Revenue	1,699,499	1,772,293	3,464,797
<b>Total Operating Revenue</b>	<b>23,534,324</b>	<b>22,081,144</b>	<b>46,944,277</b>
<b>Expenditure</b>			
Employee Expenses	8,399,911	8,839,544	18,272,559
Materials and Services	9,793,343	8,043,975	14,348,805
Depreciation expense	5,529,418	5,138,797	10,277,597
Finance and Borrowing costs	175,384	153,857	306,139
<b>Total Operating Expenses</b>	<b>23,898,056</b>	<b>22,176,173</b>	<b>43,205,100</b>
<b>Operating Surplus/(Deficit)</b>	<b>(363,732)</b>	<b>(95,029)</b>	<b>3,739,177</b>
<b>Capital Income</b>			
Capital Contributions	1,020,714	-	-
Capital Grants and Subsidies	4,192,103	497,000	3,163,665
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	(7,245)	-	(263,100)
<b>Total Capital Income</b>	<b>5,205,572</b>	<b>497,000</b>	<b>2,900,565</b>
<b>Net Result</b>	<b>4,841,840</b>	<b>401,971</b>	<b>6,639,742</b>



<b>Budgeted Income Statement by Fund 2020/21 Budget</b>			
<b>General</b>			
	<b>Actual YTD</b>	<b>Budget YTD</b>	<b>2020/21</b>
<b>Revenue</b>			
Rates and utility charges	9,333,111	9,250,041	18,500,081
Less Discounts and Pensioner Remissions	(1,289,692)	(1,020,817)	(2,041,634)
<b>Net Rates and Utility Charges</b>	<b>8,043,419</b>	<b>8,229,224</b>	<b>16,458,447</b>
Fees and Charges	801,964	628,275	1,062,076
Operating Grants and Subsidies	3,005,323	2,259,867	7,500,988
Operating Contributions	3,085	23,000	46,000
Interest Revenue	150,596	145,000	290,000
Works for Third Parties	1,451,940	916,750	1,833,500
Other Revenue	1,006,256	923,543	1,867,297
<b>Total Operating Revenue</b>	<b>14,462,583</b>	<b>13,125,659</b>	<b>29,058,308</b>
<b>Expenditure</b>			
Employee Expenses	7,746,387	8,063,219	16,701,034
Materials and Services	5,533,770	3,342,650	5,140,769
Depreciation expense	3,897,203	3,489,893	6,979,788
Finance and Borrowing costs	111,287	90,094	180,188
<b>Total Operating Expenses</b>	<b>17,288,647</b>	<b>14,985,856</b>	<b>29,001,779</b>
<b>Operating Surplus/(Deficit)</b>	<b>(2,826,064)</b>	<b>(1,860,197)</b>	<b>56,529</b>
<b>Capital Income</b>			
Capital Contributions	591,546	-	-
Capital Grants and Subsidies	3,458,597	497,000	3,163,665
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	9,336	-	(229,000)
<b>Total Capital Income</b>	<b>4,059,479</b>	<b>497,000</b>	<b>2,934,665</b>
<b>Net Result</b>	<b>1,233,415</b>	<b>(1,363,197)</b>	<b>2,991,194</b>

<b>Budgeted Income Statement by Fund 2020/21 Budget</b>			
<b><u>Waste</u></b>			
	<b>Actual YTD</b>	<b>Budget YTD</b>	<b>2020/21</b>
<b>Revenue</b>			
Rates and utility charges	1,989,712	1,972,711	3,945,422
Less Discounts and Pensioner Remissions	-	-	-
<b>Net Rates and Utility Charges</b>	<b>1,989,712</b>	<b>1,972,711</b>	<b>3,945,422</b>
Fees and Charges	92,081	120,000	240,000
Operating Grants and Subsidies	2,625	-	-
Operating Contributions	-	-	-
Interest Revenue	15,887	25,000	50,000
Works for Third Parties	-	-	-
Other Revenue	636,043	827,750	1,555,500
<b>Total Operating Revenue</b>	<b>2,736,348</b>	<b>2,945,461</b>	<b>5,790,922</b>
<b>Expenditure</b>			
Employee Expenses	183,536	176,988	366,637
Materials and Services	1,975,715	2,316,414	4,626,185
Depreciation expense	177,157	185,807	371,614
Finance and Borrowing costs	-	-	-
<b>Total Operating Expenses</b>	<b>2,336,408</b>	<b>2,679,209</b>	<b>5,364,436</b>
<b>Operating Surplus/(Deficit)</b>	<b>399,940</b>	<b>266,252</b>	<b>426,486</b>
<b>Capital Income</b>			
Capital Contributions	11,818	-	-
Capital Grants and Subsidies	-	-	-
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	-	-	-
<b>Total Capital Income</b>	<b>11,818</b>	<b>-</b>	<b>-</b>
<b>Net Result</b>	<b>411,758</b>	<b>266,252</b>	<b>426,486</b>

<b>Budgeted Income Statement by Fund 2020/21 Budget</b>			
<b><u>Wastewater</u></b>			
	<b>Actual YTD</b>	<b>Budget YTD</b>	<b>2020/21</b>
<b>Revenue</b>			
Rates and utility charges	2,622,187	2,565,528	5,131,057
Less Discounts and Pensioner Remissions	-	-	-
<b>Net Rates and Utility Charges</b>	<b>2,622,187</b>	<b>2,565,528</b>	<b>5,131,057</b>
Fees and Charges	2,060	32,500	65,000
Operating Grants and Subsidies	-	-	-
Operating Contributions	-	-	-
Interest Revenue	46,034	42,500	85,000
Works for Third Parties	1,108	-	-
Other Revenue	22,634	-	-
<b>Total Operating Revenue</b>	<b>2,694,023</b>	<b>2,640,528</b>	<b>5,281,057</b>
<b>Expenditure</b>			
Employee Expenses	167,848	252,911	508,172
Materials and Services	727,303	853,263	1,638,130
Depreciation expense	754,968	774,446	1,548,892
Finance and Borrowing costs	64,097	63,763	125,951
<b>Total Operating Expenses</b>	<b>1,714,216</b>	<b>1,944,383</b>	<b>3,821,145</b>
<b>Operating Surplus/(Deficit)</b>	<b>979,807</b>	<b>696,145</b>	<b>1,459,912</b>
<b>Capital Income</b>			
Capital Contributions	185,346	-	-
Capital Grants and Subsidies	-	-	-
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	-	-	(9,100)
<b>Total Capital Income</b>	<b>185,346</b>	<b>-</b>	<b>(9,100)</b>
<b>Net Result</b>	<b>1,165,153</b>	<b>696,145</b>	<b>1,450,812</b>

<b>Budgeted Income Statement by Fund 2020/21 Budget</b>			
<b><u>Water</u></b>			
	<b>Actual YTD</b>	<b>Budget YTD</b>	<b>2020/21</b>
<b>Revenue</b>			
Rates and utility charges	3,090,687	3,215,008	6,430,015
Less Discounts and Pensioner Remissions	-	-	-
<b>Net Rates and Utility Charges</b>	<b>3,090,687</b>	<b>3,215,008</b>	<b>6,430,015</b>
Fees and Charges	-	-	-
Operating Grants and Subsidies	-	-	-
Operating Contributions	-	-	-
Interest Revenue	30,618	12,500	25,000
Works for Third Parties	40,109	-	-
Other Revenue	34,566	21,000	42,000
<b>Total Operating Revenue</b>	<b>3,195,980</b>	<b>3,248,508</b>	<b>6,497,015</b>
<b>Expenditure</b>			
Employee Expenses	298,600	346,426	696,716
Materials and Services	1,441,788	1,438,359	2,797,223
Depreciation expense	665,688	650,741	1,301,483
Finance and Borrowing costs	-	-	-
<b>Total Operating Expenses</b>	<b>2,406,076</b>	<b>2,435,526</b>	<b>4,795,422</b>
<b>Operating Surplus/(Deficit)</b>	<b>789,904</b>	<b>812,982</b>	<b>1,701,593</b>
<b>Capital Income</b>			
Capital Contributions	232,004	-	-
Capital Grants and Subsidies	733,506	-	-
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	(16,581)	-	(25,000)
<b>Total Capital Income</b>	<b>948,929</b>	<b>-</b>	<b>(25,000)</b>
<b>Net Result</b>	<b>1,738,833</b>	<b>812,982</b>	<b>1,676,593</b>

<b>Budgeted Income Statement by Fund 2020/21 Budget</b>			
<b><u>Benefited Area</u></b>			
	<b>Actual YTD</b>	<b>Budget YTD</b>	<b>2020/21</b>
<b>Revenue</b>			
Rates and utility charges	55,804	58,238	116,475
Less Discounts and Pensioner Remissions	-	-	-
<b>Net Rates and Utility Charges</b>	<b>55,804</b>	<b>58,238</b>	<b>116,475</b>
Fees and Charges	-	-	-
Operating Grants and Subsidies	-	-	-
Operating Contributions	369,049	37,500	150,000
Interest Revenue	20,537	25,250	50,500
Works for Third Parties	-	-	-
Other Revenue	-	-	-
<b>Total Operating Revenue</b>	<b>445,390</b>	<b>120,988</b>	<b>316,975</b>
<b>Expenditure</b>			
Employee Expenses	3,539	-	-
Materials and Services	114,767	93,289	146,498
Depreciation expense	34,402	37,910	75,820
Finance and Borrowing costs	-	-	-
<b>Total Operating Expenses</b>	<b>152,708</b>	<b>131,199</b>	<b>222,318</b>
<b>Operating Surplus/(Deficit)</b>	<b>292,682</b>	<b>(10,211)</b>	<b>94,657</b>
<b>Capital Income</b>			
Capital Contributions	-	-	-
Capital Grants and Subsidies	-	-	-
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	-	-	-
<b>Total Capital Income</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Net Result</b>	<b>292,682</b>	<b>(10,211)</b>	<b>94,657</b>

**8.14 AUDITOR-GENERAL'S 2020 FINAL REPORT**

**Date Prepared:** 13 January 2021

**Author:** Manager Finance

**Attachments:** 1. MSC Final Management Report [↓](#)

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**EXECUTIVE SUMMARY**

Section 213 of the *Local Government Regulation 2012* requires that the auditor-general's observation report be tabled following receipt of the report.

**RECOMMENDATION**

That Council receive and note the attached report.

**BACKGROUND**

Each financial year Council's financial statements must be audited and for the 2019/20 financial year Council's auditors are Grant Thornton as the contract auditors on behalf of Queensland Audit Office.

Auditors were onsite from 17 August to 21 August 2020. During this period, Council received positive feedback from the auditors and no major issues or concerns were reported.

An auditor-general's observation report is a report about the audit prepared under section 54 of the *Auditor-General Act 2009* that includes observations and suggestions made by the auditor-general about anything arising out of the audit.

**FINANCIAL AND RESOURCE IMPLICATIONS*****Capital***

Nil

***Operating***

Nil

**RISK IMPLICATIONS**

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.

**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





## SENSITIVE

30 September 2020

Mrs Angela Toppin  
Mayor  
Mareeba Shire Council  
PO Box 154  
MAREEBA QLD 4880

Dear Angela

### Final Management Report for Mareeba Shire Council

We have completed our 2020 financial audit for Mareeba Shire Council. The Auditor-General issued an unmodified audit opinion on your financial statements.

As per section 213 of the Local Government Regulation, you must present this report at the next ordinary meeting of the Council.

### Reporting on issues identified after the closing report

Issues and other matters formally reported to management and an update on actions taken by management to resolve these issues is included as Appendix A to this letter. Our rating definitions for internal control deficiencies is shown in Appendix B.

### Report to parliament

Each year we report the results of all financial audits and significant issues to Parliament.

This year we intend to include the results of our audit of Mareeba Shire Council in our report to Parliament on the results of the Local Government sector. In this report we will comment on the results of our audit of your financial report, any significant internal control issues we identified, and the overall results of the sector, including, major transactions and events. We will discuss the proposed content of our report with your Chief Executive Officer and will continue to consult as we draft our report. Formally, you will have an opportunity to comment on our report and for these comments to be included in the final report.

### Audit fee

The final audit fee for this year will be \$119,600 exclusive of GST (2019: \$116,750). This is in line with the estimate in our external audit plan.

### Financial reporting maturity level

QAO are in the process of finalising a new financial statement preparation reporting tool, called the financial reporting maturity model. This model allows for scalable assessment of financial reporting preparation processes which aims to better reflect the differences in size and maturity of public sector entities. For future years, we are planning to move to assessing the process according to the new maturity model. In the interim we will commence working with management to understand their expected / desired positioning of maturity.

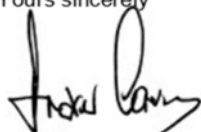
Queensland Audit Office  
Level 13, 53 Albert Street, Brisbane Qld 4000  
PO Box 15396, City East Qld 4002

Phone 07 3149 6000  
Email [qao@qao.qld.gov.au](mailto:qao@qao.qld.gov.au)  
Web [www.qao.qld.gov.au](http://www.qao.qld.gov.au)  
 Queensland Audit Office (QAO)

We would like to thank you and your staff for their engagement in the audit this year, and look forward to working with your team again next year.

If you have any questions about this letter or would like to discuss any matters regarding our audit service, please contact me on 07 4046 8803 or Sri Narasimhan on 07 3149 6208.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Andrew Comes', written over a horizontal line.

Andrew Comes  
Engagement Partner

Enc.

cc. Peter Franks, Chief Executive Officer  
Ruth Faulkner, Chair, Audit Committee

SENSITIVE – until tabled in Council

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## Appendix A1—Internal control issues



### Significant deficiencies, deficiencies and other matters

The following table details control deficiencies and other matters identified since our last report dated 28 April 2020. It includes a response from management.

Our risk ratings are as follows—refer to [Our rating definitions](#) for more detail.



Significant deficiency



Deficiency



Other matters



### Deficiencies

#### 20IC-1 Adequate review and checks in place throughout the valuation process

##### Control environment

We identified a large decrease in the fair value of one of the minor culverts revalued, which was found to be the result of a data entry error. Management then identified a further 21 assets that were affected by this error.

##### Implication

The data entry error resulted in an understatement of minor culverts by \$2.5m which has subsequently been corrected by management. In this case, management was able to identify all affected assets and audit was able to quantify the extent of the data entry error. Although immaterial to the balance of property, plant and equipment, this data entry error might have been identified earlier with a specific review procedure in place in the valuation process.

##### QAO recommendation

Management should implement an additional procedure to the valuation review process to ensure asset IDs are matched between the asset register and the valuation report data received back from the valuers to ensure asset IDs are not duplicated.

##### Management response

Council has already added another step/ control to the process to ensure assets are not duplicated. Prior to allocating asset numbers to new assets identified by the revaluation, an additional reconciliation of the current asset register will be conducted.

Responsible officer: Manager Finance/ Asset Accountant

Status: Resolved

Action date: September 2020

SENSITIVE – until tabled in Council

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**Deficiencies****20IC-2 Presentation of auditor-general's observation report  
Information and communication**

The Local Government Regulation 2012 (s213) requires that all Auditor-General observation reports provided to the Mayor must be tabled at the next ordinary meeting of the Council. Auditor-General's observation report means the interim and the final management letters. The interim and final management letters addressed to the Mayor for the 2019 audit were not tabled at any subsequent ordinary Council meeting.

**QAO recommendation**

Council should ensure that going forward all Auditor-General observation reports that are addressed to the Mayor are tabled at the next ordinary Council meeting. This will comprise the interim management letter and final management letter but not the closing report, which should not be tabled with Council.

**Management response**

The interim report for the 2020 audit was tabled with Council at the next meeting following its issue. The final management letter will also be tabled. We will undertake this for each subsequent year.

Responsible officer:	Manager Finance
Status:	Resolved
Action date:	June 2020

**Other matters****20OM-1 Formal sign off on inventory count sheets**

During the attendance of the stocktake for the year ended 30 June 2020 it was identified that the stock count sheets are not signed by the stock counter on completion of the count sheet.

**Implication**

Formal documentation of the staff member performing the count ensures that appropriate personnel can be followed up where stock count variances may be identified.

**QAO recommendation**

Management should implement a process as part of the stocktake procedures to ensure all stock count sheets once completed are signed by the staff member performing the count.

**Management response**

Agree with the QAO recommendation. Management will ensure all completed stock sheets are signed off by the staff member performing the count. To ensure this happens, a sign off field will be printed on the stocktake sheets.

Responsible officer:	Manager Finance/ Stores Coordinator
Status:	Resolved
Action date:	September 2020

SENSITIVE – until tabled in Council

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## Appendix A2—Financial reporting issues



The following tables detail financial reporting issues identified through our audit since our last report dated 28 April 2020. It includes a response from management.

Our risk ratings are as follows—refer to [Our rating definitions](#) for more detail.



High



Medium



Low



### Medium risk issues

#### 20FR-1 Initial application of AASB 1058 *Income of Not-for-Profit Entities* impacting recognition of capital grants from the prior year

##### Observation

On applying the new accounting standard AASB 1058 *Income of Not-for-Profit Entities* for capital grants we noted that the recognition criteria for such grants has changed under the new standard with capital grants being recognised in line with the progression of the projects to which the grant relates.

Council's obligations with respect to the Mareeba Airport Upgrade and Ootann Road grants were satisfied as Council's costs were incurred, however at 1 July 2019 the related capital revenue that should have been recognised was not adjusted as an opening balance adjustment but was recognised as the grants were paid to Council during the year.

This has resulted in management subsequently recording an adjustment totalling \$3.9m and \$531k respectively to reduce grant income in the year ended 30 June 2020 and increase the retained surplus at 1 July 2019 – the treatment being "as if" the accrued income was recognised at the start of the reporting period.

Other errors were identified into grants received or receivable from QRA in the year to 30 June 2019 and to 30 June 2020 which required subsequent adjustments

##### Implication

Where the initial application of AASB 1058 *Income of Not-for-Profit Entities* is not applied it can result in a material misstatement to the financial statements.

##### QAO recommendation

The implementation of this new standard will not recur, however, the application of this accounting standard will be ongoing and Council will need to track and identify those grants where year-end adjustments are required to ensure Council recognises the appropriate amount of respective revenue for the year.

##### Management response

Council acknowledges the recommendation. This was the first year the new standards were implemented. Council has gained a greater understanding of this standard and applying it to grants received. A new process has already been developed on updating the grants register to bring in more detail. This will be updated monthly with the intention of discussing this further with the Auditors in our preparation for subsequent audits and making sure Council can make the appropriate entries and disclosures in the appropriate format for the 2021 financial statements.

Responsible officer:	Manager Finance/ Financial Accountant
Status:	Resolved
Action date:	September 2020

SENSITIVE – until tabled in Council

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## Appendix B—Our rating definitions



### Internal rating definitions

	Definition	Prioritisation of remedial action
<b>Significant deficiency</b> 	<p>A significant deficiency is a deficiency, or combination of deficiencies, in internal control that requires immediate remedial action.</p> <p>Also, we increase the rating from a deficiency to a significant deficiency based on:</p> <ul style="list-style-type: none"> <li>the risk of material misstatement in the financial statements</li> <li>the risk to reputation</li> <li>the significance of non-compliance with policies and applicable laws and regulations</li> <li>the potential to cause financial loss including fraud, or</li> <li>where management has not taken appropriate timely action to resolve the deficiency.</li> </ul>	<p>This requires immediate management action to resolve.</p>
<b>Deficiency</b> 	<p>A deficiency arises when internal controls are ineffective or missing, and are unable to prevent, or detect and correct, misstatements in the financial statements. A deficiency may also result in non-compliance with policies and applicable laws and regulations and/or inappropriate use of public resources.</p>	<p>We expect management action will be taken in a timely manner to resolve deficiencies.</p>
<b>Other matter</b> 	<p>An other matter is expected to improve the efficiency and/or effectiveness of internal controls, but does not constitute a deficiency in internal controls. If an other matter is not resolved, we do not consider that it will result in a misstatement in the financial statements or non-compliance with legislative requirements.</p>	<p>Our recommendation may be implemented at management's discretion.</p>

### Financial reporting issues

	Potential effect on the financial statements	Prioritisation of remedial action
<b>High</b> 	<p>We assess that there is a high likelihood of this causing a material misstatement in one or more components (transactions, balances and disclosures) of the financial statements, or there is the potential for financial loss including fraud.</p>	<p>This requires immediate management action to resolve.</p>
<b>Medium</b> 	<p>We assess that there is a medium likelihood of this causing a material misstatement in one or more components of the financial statements.</p>	<p>We expect management action will be taken in a timely manner.</p>
<b>Low</b> 	<p>We assess that there is a low likelihood of this causing a material misstatement in one or more components of the financial statements.</p>	<p>We recommend management action to resolve; however, a decision on whether any action is taken is at management's discretion.</p>

SENSITIVE – until tabled in Council

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## 9 INFRASTRUCTURE SERVICES

### 9.1 INFRASTRUCTURE SERVICES, CAPITAL WORKS MONTHLY REPORT - DECEMBER 2020

**Date Prepared:** 12 January 2021

**Author:** Director Infrastructure Services

**Attachments:** 1. Capital Works Highlights - December 2020 [↓](#)

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#### EXECUTIVE SUMMARY

The purpose of this report is to provide an update on capital works projects undertaken by the Infrastructure Services Department during the month of December 2020.

#### RECOMMENDATION

That Council receives the Infrastructure Services Capital Works Monthly Report for the month of December 2020.

#### BACKGROUND

Council's Capital Works program is focussed on renewal and upgrade of Council infrastructure to achieve Council's corporate vision of "A growing, confident and sustainable Shire". The program is funded through a combination of Council's own funding and external grants and subsidies.

#### RISK IMPLICATIONS

##### Financial

The capital works program is tracking within budget.

##### Infrastructure and Assets

Projects included in the current capital works program were identified through Council's Project Prioritisation Tool (PPT) which uses a risk-based, multi-criteria approach to rank projects in order of priority. The PPT is aligned with Council's Long-Term Financial Plan and Asset Management sub-plans, which focus of renewal of existing assets.

#### FINANCIAL AND RESOURCE IMPLICATIONS

##### *Capital*

All capital works are listed in and funded by the 2020/21 Capital Works Program.

#### LINK TO CORPORATE PLAN

**Transport and Council Infrastructure:** The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

#### IMPLEMENTATION/COMMUNICATION

## Infrastructure Services Capital Works Report Project Highlights - December 2020



**Project Name:** Chillagoe Critical Water Infrastructure Project (Reservoir Replacement)

**Program:** Water

### Background

The purpose of the project is to replace the two (2) existing steel Chillagoe Town Drinking Water Reservoirs with a larger concrete reservoir and significantly increase the usable holding capacity from 190KL to 500KL. The higher capacity reservoir will be cyclone rated to current standards, provide adequate fire-fighting capacity and increase the calculated drinking water storage from nine hours to three days, strengthening this remote and vulnerable community's resilience in a disaster situation.

This project is co-funded through the Queensland Government's Building our Regions (BOR) Program and the Australian Government's Building Better Regions Funding Program (BBRF).

### Scope of Works

The works includes demolition of the two steel existing reservoirs and construction of a new concrete reinforced reservoir and all associated pipe work, electrical, SCADA and telemetry connections. Works also include clearing, site earth works, construction and testing and commissioning of the new reservoir, reinstatement, clean up and restoration of the site.

### Progress Update

The first of two (2) wall sections were poured in late December, prior to the Christmas break. Civform were due to recommence works and pour the second wall section in early January, however access to the site has been limited due to wet weather resulting in the access road being impassable. This will be rectified so work can recommence once weather conditions improve.



*Ring beam formed up in preparation for concreting*



*Formwork for Reservoir Wall concrete pour*

## Infrastructure Services Capital Works Report Project Highlights - December 2020



**Project Name:** Mareeba Heritage Centre Deck Refurbishment

**Program:** Facilities

### Background

The Mareeba Heritage Centre and Visitor Information Centre incorporates elements of the traditional 'Queenslander' into its aesthetic design, including large timber decks to the front and rear of the building. Both decks are exposed to high wear through foot traffic and timber furniture movement, which has resulted in the need to undertake significant maintenance to ensure it continues to be a welcoming and iconic part of the facility.

### Scope of Works

The scope of work includes the floor sanding and re-coating of both decks to ensure longevity and aesthetic appeal is maintained. A significant constraint associated with the works was ensuring the minimisation of impact to the operation of the Heritage Centre and Café during the work.

### Progress Update

The project is now complete with works undertaken during the Christmas shutdown.



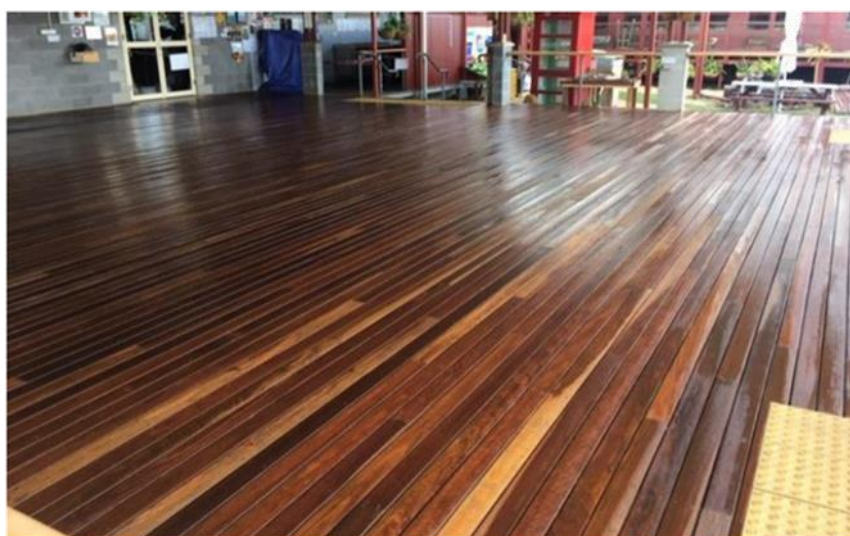
*Sanding Front Deck*



*Front Deck Partially Sanded*



*Recoating Front Deck*



*Completed Back Deck*



## Infrastructure Services Capital Works Report Project Highlights - December 2020



**Project Name: Barron Falls Walking Trail**

**Program: Kuranda Infrastructure Fund**

### **Background**

The establishment of an environmental walk connecting the Kuranda township with the Barron Falls lookout will offer visitors to Kuranda a linking trail between Jum Rum Creek Conservation Park and the Barron Gorge National Park; alleviating foot traffic on Barron Falls Road.

The project was identified as part of the Kuranda Township Infrastructure Master Plan 2010-2020 (KTIMP10-20) and is funded through levies paid by Skyrail and Kuranda Scenic Rail to the Queensland Government under the Kuranda Infrastructure Program (KIP). This program has afforded Council the opportunity to undertake numerous improvements and enhancements that maintain the character of Kuranda and conserve the natural environment while providing the necessary infrastructure to cater for the needs of increased visitor numbers.

### **Scope of Works**

The Barron Falls Walking Trail comprises two parts, being;

- Stage 1: The link trail from the existing Kuranda Jungle Walk to the end of Weir Road, and
- Stage 2: A continuation of the trail through the Barron Gorge National Park from the end of Weir Road to the Barron Falls car park area.

### **Progress Update**

Stage 1 - Construction of the link trail was fully complete by mid-December. A contractor was engaged to install a timber fence to screen the trail behind Kullaroo Close and Kuranda Crescent residential properties. In order to open this section of the trail for use over the Christmas New Year period, practical completion was provided on 18 December 2020 and this section of the trail was open to the public.

Subsequent to the trail being opened, the Bridge 11 boardwalk and steps sustained substantial damage in early January from a fallen tree during the monsoonal rain associated with Tropical Cyclone Imogen. Bridge 11 is the most intricate and expensive of the trail structures. A small section of the timber fence in the area adjacent to Bridge 11 was also damaged. The trail has been closed and a cost estimate for repair is being sought.

Stage 2 - The construction component of the National Park section of the trail was substantially completed in late December, prior to Christmas shutdown. Final inspections, as-con survey and compliance with the QPWS Deed of Works is pending approval from QPWS.

The Works Deed specifies that QPWS is required to inspect the trail for compliance and provide final signoff on practical completion once as-con surveys, bridge engineering certification and other supporting documentation is received prior to opening the trail to the public.

## Infrastructure Services Capital Works Report Project Highlights - December 2020



*Link Trail Property Screening Fence*



*Fence Damage Adjacent to Bridge 11*



*Bridge 11 Damage*



*Bridge 11 Damage*





**9.2 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES OPERATIONS REPORT - DECEMBER 2020****Date Prepared:** 6 January 2021**Author:** Manager Technical Services**Attachments:** Nil**EXECUTIVE SUMMARY**

The 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 December 2020.

**RECOMMENDATION**

That Council receives the Infrastructure Services, Technical Services Operations Report for December 2020.

**BACKGROUND****Technical Services**Design, quality and investigations:

Investigation activities undertaken in December included:

Activity	Current Requests	Closed Requests
Road Infrastructure Review	58	37
Drainage Investigations	1	1
NHVR Permit Applications	0	15
Aerodrome Investigations	1	0
Traffic Count Surveys	15	15
Rural Address Requests	0	2
Dial Before You Dig Requests	0	23

Soil Laboratory:

Council's Soil Laboratory provides NATA-accredited soil and material testing for internal and external services. The laboratory completed the following testing in the December period:

Supplier	No. of Tests
Internal	20
External	34

Asset Inspections:

Scheduled inspections of Council's transport infrastructure assets has looked at roads and gates during the month of December:

Inspection Type	No. of inspections
Roads	153
Road Imagery Capture	30
Gates	2
<b>Subtotal</b>	<b>145</b>

In addition to field inspections, work was completed towards improving the footpath, water, sewerage, roads, kerbs and stormwater network.

Inspections planned for December will continue to focus on the annual inspection of Council roads.

Operational Works and Subdivisions

To ensure ongoing compliance with development conditions, both during construction and on-maintenance, Council undertakes routine inspection and monitoring of sites. The following developments remain current:

Locality	Subdivisions Name	Status
Mareeba	Kenneally Estate Stage 4	Under Construction
Mareeba	The Edge Stage 3A	Under Construction
Mareeba	The Edge Stage 2B	On-maintenance
Kuranda	3 Hilltop Close	On-maintenance
Mareeba	Mareeba Roadhouse & Accommodation Park, Williams Close	On-maintenance
Mareeba	Clean Choices Car Wash	On-maintenance
Kuranda	72 - 76 Mason Road Stage 1	On-maintenance
Kuranda	112 Barnwell Road widening	Monitoring

Disaster Recovery Funding Arrangements (DRFA - previously NDRRA)

The DRFA is jointly funded by the Commonwealth and Queensland governments to help alleviate the costs of relief and recovery activities undertaken in disaster-affected communities by delivering recovery activities to return affected eligible assets back to pre-event condition. The status of declared disaster events currently being managed are provided below:

Program	Status
2018 NDRRA	All works completed. Final claims lodged with QRA for reimbursement of costs in accordance with 30 June 2020 deadline.
2019 DRFA	Works currently underway include:

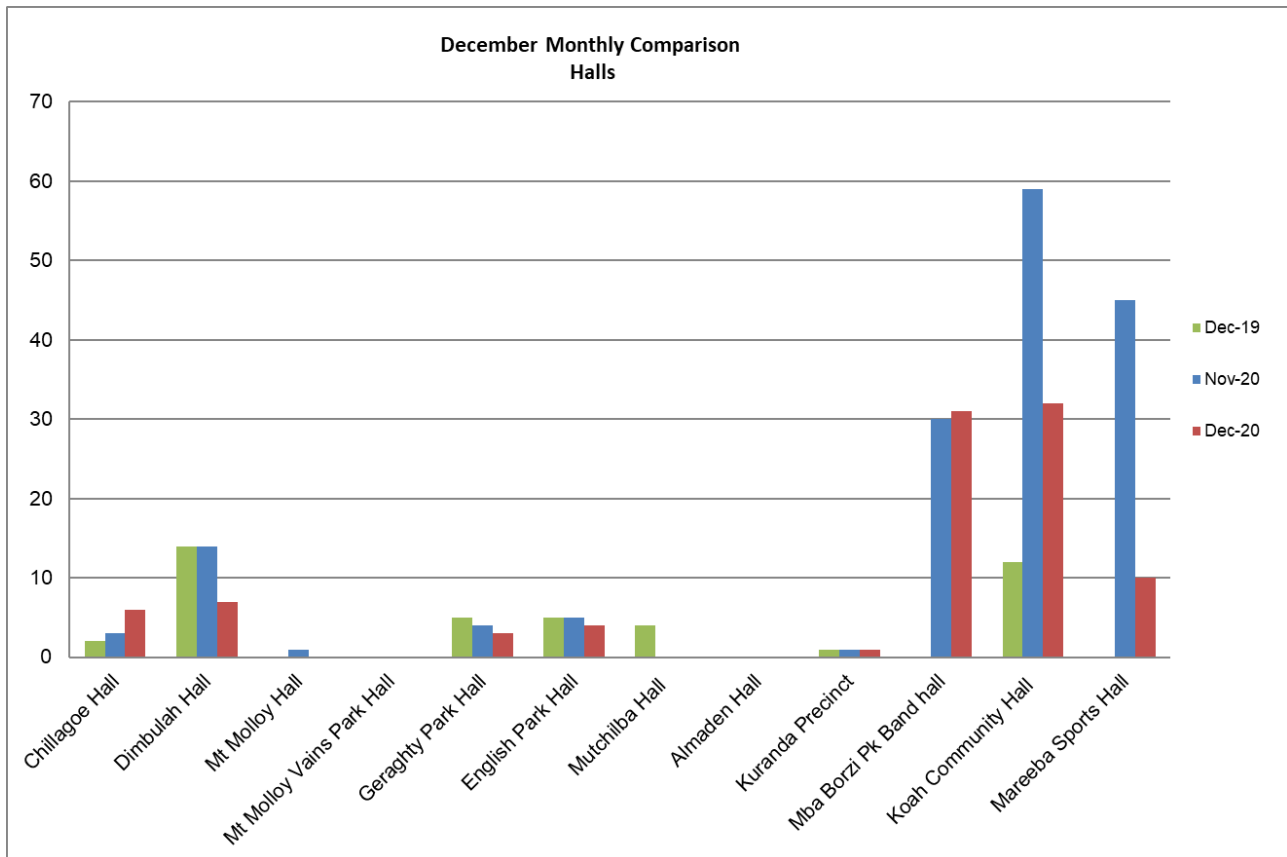
Program	Status
	<ul style="list-style-type: none"> <li>• Eastern Roads Package - Gregg Constructions has finalised the package of works, excluding one crossing.</li> <li>• Western Roads Package: Errol Fitzgerald has finalised the package of works, financial reporting is currently underway.</li> <li>• Mid-Western and Dimbulah Roads Packages: Watto's Earthmoving has finalised the package of works, financial reporting is currently underway.</li> <li>• Bowers Street: Remediation completed.</li> <li>• Gamboola Crossing: Tender award approved, subject to approval by QRA.</li> </ul>
2019 Betterment	<p>Preparation for delivery of the 2019 Betterment works is underway;</p> <ul style="list-style-type: none"> <li>• Fossilbrook Road, Lynd Crossing - Tender Award approved, subject to approval by QRA.</li> <li>• Shanty Creek Road, Creek Crossing - Anticipate Council consideration at February Council Meeting.</li> <li>• Clacherty Road, Creek Crossing - Anticipate Council consideration at February Council Meeting.</li> </ul> <p>QRA provided preliminary approval of these projects in early September 2020. Other betterment projects to be identified and submitted in future funding rounds.</p>

## Facilities

### Community Halls:

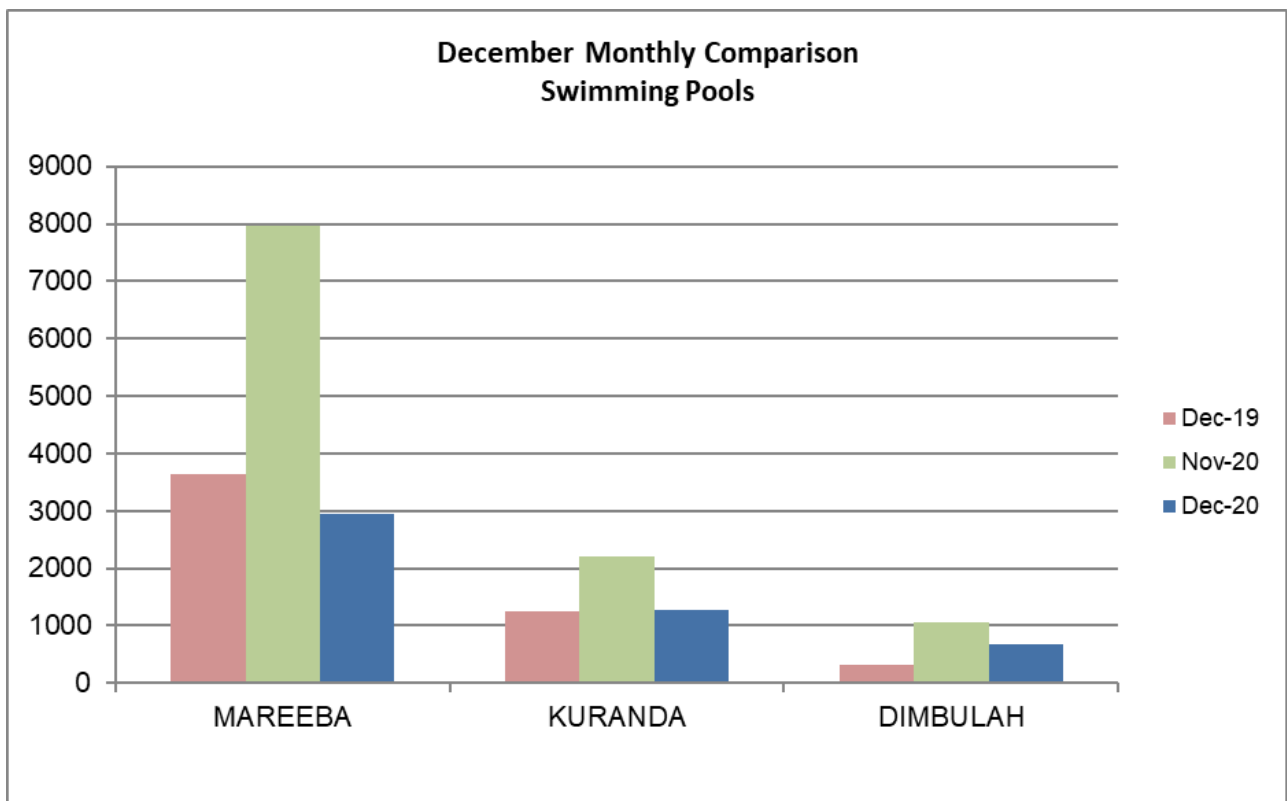
Maintaining safe, simple access to Council Community Halls is recognised as an important aspect for the communities ongoing wellbeing. All facility users are required to comply with the conditions set-out by the State Government's COVID-19 Restrictions Roadmap.

December utilisation indicates a general stabilisation in use, which may be due to the community becoming more comfortable with the COVID-19 reporting requirements. Koah Hall and the Mareeba Sports Hall indicate a reduction in use when compared against the November numbers, however this is most likely a reflection of the quieter Christmas holiday period.



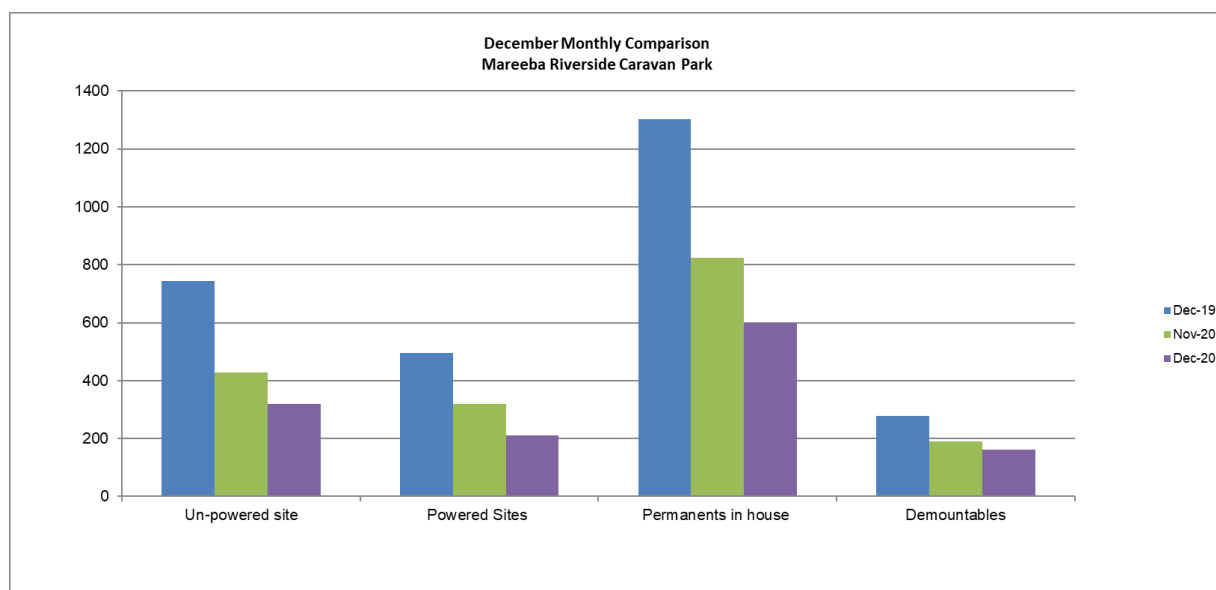
#### Swimming Pools:

All three (3) pools are now operational, with public safety restrictions remaining in force in line with the State Government's COVID-19 Requirements. Attendance numbers are generally comparable to the previous December period which may indicate an ongoing stabilisation in public utilisation.

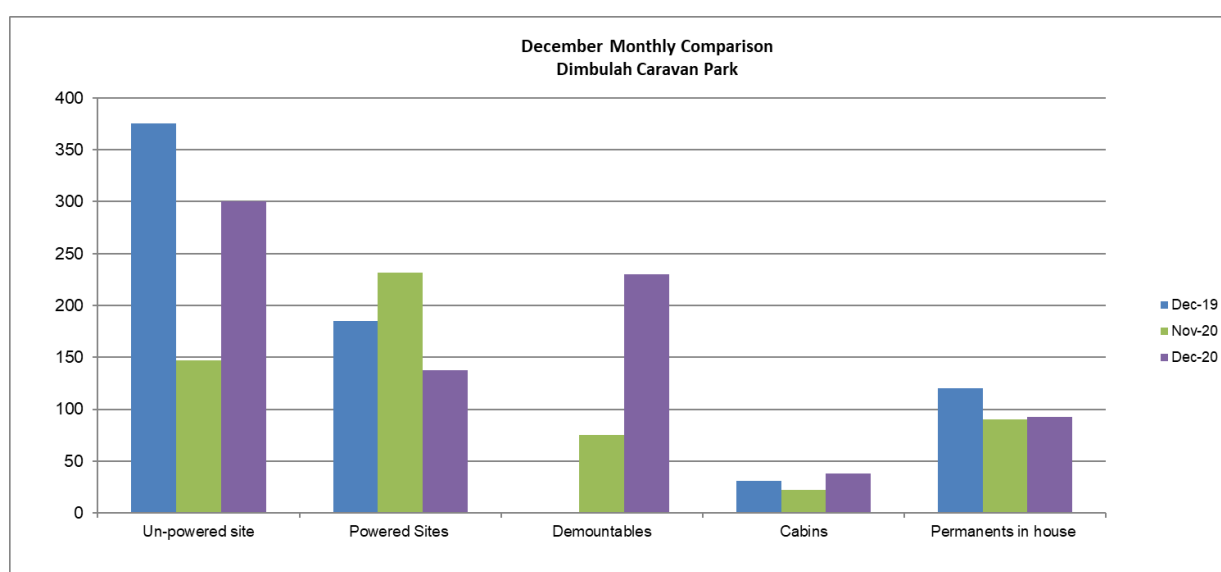


Caravan Parks:

Mareeba Riverside Caravan Park utilisation has reduced when compared to both last month and the similar period for previous year, which at this time is contributed to the COVID-19 restrictions to travellers, however Officers will monitor to gauge potential trends.



Dimbulah Caravan Park utilisation has increased slightly compared to last month with Fruit picking seasonal workers returning. Figures compared to last year in some areas are still down which is still contributed to the COVID-19 restrictions for travellers.

Vandalism & Graffiti:

During December, 10 reports of vandalism/graffiti were recorded, with annual costs provided below;

Financial Year	Actuals	Comments
2015/16	\$ 2,134.00	<ul style="list-style-type: none"> <li>• Kuranda Aquatic Centre change rooms</li> <li>• Mareeba Arnold Park Toilets</li> <li>• Mareeba CWA Toilets</li> <li>• Mareeba &amp; Dimbulah Christmas Trees - multiple events</li> <li>• Mareeba Theatre Hall</li> </ul>
2016/17	\$ 16,546.00	
2017/18	\$ 23,948.00	
2018/19	\$ 14,851.00	
2019/20	\$ 14,211.18	
2020/21	\$ 13,931.38	



		• Rankin Street Offices
--	--	-------------------------

**LEGAL/COMPLIANCE/POLICY IMPLICATIONS**

COVID-19 impacts in relation to closure and re-opening of facilities will be managed in line with Queensland Government requirements.

**FINANCIAL AND RESOURCE IMPLICATIONS*****Capital***

Nil

***Operating***

Additional costs associated with graffiti and vandalism is expected and will be accommodated within existing budget allocations.

**LINK TO CORPORATE PLAN**

**Financial Sustainability:** A council that continuously looks for savings and opportunities while managing council's assets and reserves to ensure a sustainable future in a cost-effective manner.

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**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.

**9.3 MAREEBA SHIRE WATER STRATEGY**

**Date Prepared:** 16 December 2020  
**Author:** Strategic Project Officer  
**Attachments:** Nil

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**EXECUTIVE SUMMARY**

This report addresses the strategic priorities for water infrastructure investment over the next 10- 15 years.

It further proposes the funding options to address investment requirements for water infrastructure which the Council can consider in the lead up to the preparation of the 2021/2022 budget deliberations.

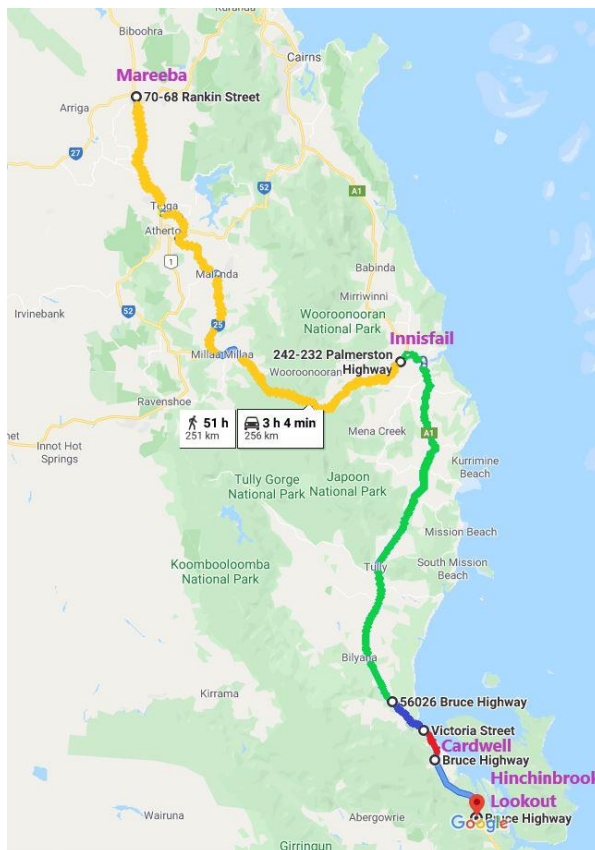
**RECOMMENDATION**

That Council;

1. notes this Mareeba Shire Water Strategy report; and
2. during the 2021/2022 budget deliberations considers a significant increase in water access charges

**BACKGROUND*****Water Service Overview***

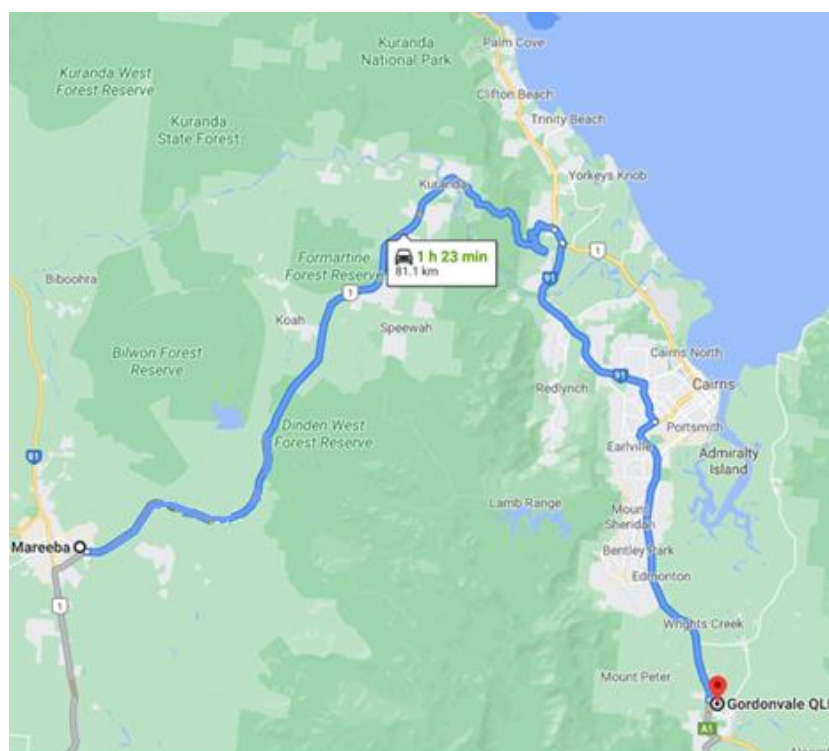
Mareeba Shire Council provides drinking water services to 4,746 residential properties and 450 non-residential properties. A further 206 properties have access to non-drinking water supplies using Council infrastructure. The current replacement cost for the infrastructure that is used to provide water services is worth \$84.2M in today's dollars. The reticulation network is 256km in length and represents 65% of the water assets owned; the remainder is water treatment infrastructure. If the Shire's water pipe network was laid out along the highway, it would stretch from Mareeba to the Hinchinbrook Island Lookout south of Cardwell.

**Equivalent distances:**

- Mareeba – Innisfail PVC 129km (50%)
- Innisfail to Carruchan AC 92km (36%)
- Carruchan to Cardwell CI – 10km (4%)
- Cardwell to Cardwell South PE -7km (3%)
- Cardwell South to Hinchinbrook Lookout  
Other - 18km (7%)

Much of the water infrastructure across the entire Shire is ageing and as a result much is in poor condition, requiring replacement. Large proportions of the shire's town water supply network was initially constructed between the 1950s and 1970s making it at least 50 years old. Components of the water pipe network and treatment plants are now approaching the end of useful life. Other water infrastructure including underground pipework, water intakes and reservoirs also require renewal throughout the whole Shire.

Addressing the problem of ageing water assets is not unique to Mareeba Shire, and has been referred to by water industry experts as the 'infrastructure cliff'. As an example, it has been identified that around 80km of the pipe network is in poor condition and requires urgent replacement. To give this context, if this pipe was laid out along the highway, it would stretch from Mareeba to Gordonvale.



Equivalent distance would be Mareeba to Gordonvale (81.1km pipe in poor condition)

### ***Water Capital Renewal and Upgrade Program Progress***

Council has made significant progress in replacing critical water assets and upgrading capacity for growth over the last six (6) years. Key projects that have been funded include upgrading water reservoirs in Kuranda and Chillagoe, a new bore and water pipe connecting to the water treatment plant in Chillagoe, installing solar panels on key water infrastructure to reduce electricity costs, upgrading the trunk water main on Byrnes Street and Rankin Street in Mareeba CBD as well as Shire-wide water main replacements.

Council also secured funding through the Queensland Government to address concerns over the future of water supply in Mareeba township. CitiWater Technology was engaged as a specialist consultant through funding from this Program to assist with planning and designing future upgrades for the water supply infrastructure for Mareeba township.

At the Council meeting held of 18 November 2020, Council resolved to:

1. Adopt the CitiWater Technology recommendation that the future water supply infrastructure will remain at Kowa Street and not at Nardello's Lagoon.
2. Adopt the Kowa Street Sub Option B as the financial model for its redevelopment, however when suitable grant funding opportunities arise bring forward the projects identified in Kowa Street Sub Option C.

### ***Mareeba Shire Water Strategic Priorities***

In accordance with the Council resolution, a long term asset renewal and upgrade program has been prepared to ensure Shire-wide safe and secure water supply that is consistent with the recommended upgrades for the Water Treatment Plants and pipe networks, and three strategic priorities have been identified.

## Key Water Investment Priorities

### 1. Replace ageing pipes

Around 80km of pipes across the Shire are in poor condition. It is planned to replace 32km of the most critical ageing pipes over the next 10 years along with booster pump station upgrades by 2025.

### 2. Refurbish the Mareeba Water Treatment Plant

Council will commence initial critical water treatment plant renewals between 2021 and 2025. Should we be successful with grant funding applications, this will enable the fast tracking of additional essential component replacements. In addition to this, a major upgrade is forecast for 2034.

### 3. Shire wide water infrastructure investment program

Projects have been identified to replace and upgrade essential water reservoirs, hydrants, treatment plant components, generators, telemetry, pumps and smaller water treatment items across the whole Shire.

## Mareeba Shire Water Strategy Financial Options

Financial analysis of the proposed program has identified that it cannot be completed within the current funding model. The projections below take into account the capital expenditure required as per the water strategy (in millions (\$M)).

The below table shows the water fund reserve balances if the current charging regime is maintained.

1.	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35
Available funds	7.386	4.007	3.158	(0.574)	(2.218)	(5.388)	(5.730)	(5.624)	(8.320)	(8.775)	(10.292)	(10.370)	(12.992)	(52.135)

The below table shows the projected water fund reserve balances if a one off increase to the annual water access charges of \$250 is implemented 2021/22. This increase will allow projected capital expenditure to be funded until the mid-2030s when a major investment will be required for the Mareeba Water Treatment Plant.

	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35
Available funds	8.630	6.538	7.020	4.666	4.442	2.724	3.851	5.471	4.348	5.490	7.034	8.633	7.746	(30.352)

To fund these projects fully over the next 14 years, a one-off increase of \$450 for water access charges in the 2021/22 financial year would be required. However, the lesser amount of \$250 would fund the 10 year requirements and allow Council time to apply for grants with a view of limiting a further increase to water access charges at a later date.

**RISK IMPLICATIONS****Financial**

A one-off increase in water access charges between \$250 and \$450 during the 2021/22 budget will ensure Mareeba Shire Council's continued financial sustainability.

**Infrastructure and Assets**

The key water investment priorities and capital spend identified will ensure ongoing infrastructure and asset sustainability.

**Political and Reputational**

A safer and more secure water supply protects against political and reputational risk.

**Legal and Compliance**

Proactively ensuring the safety and reliability of the water supply infrastructure network is an important component of meeting legislative requirements as a registered drinking water service provider under the Water Supply (Safety and Reliability) Act 2008.

**Capital**

Yes

***Is the expenditure noted above included in the current budget?***

Expenditure impacts will be from 2021/22, and will be formally adopted at the next budget.

**LINK TO CORPORATE PLAN**

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**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**

A communications plan and infographic has been prepared.





## 9.4 INFRASTRUCTURE SERVICES, WATER AND WASTE OPERATIONS REPORT - DECEMBER 2020

**Date Prepared:** 4 January 2021

**Author:** Manager Water and Waste

**Attachments:** Nil

### EXECUTIVE SUMMARY

The purpose of this report is to summarise Council's Water and Waste activities undertaken by the Infrastructure Services Department during the month of December 2020.

### RECOMMENDATION

That Council receives the Infrastructure Services, Water and Waste Operations Report for December 2020.

### BACKGROUND

#### Water and Wastewater Treatment:

All treatment plants performing satisfactorily. Water demand for December was similar to the previous month's consumption.

Inflows through the wastewater treatment plants have remained steady with a slight decrease on inflows at the Mareeba WWTP and Kuranda WWTP towards the end of December.

Routine environmental monitoring did not detect any exceedances of environmental discharge limits. No anomalies or reportable notifications were reported in relation to routine water quality testing conducted during November.

Water Treatment	Mareeba	Kuranda	Chillagoe	Dimbulah	Mt Molloy*
Water Plant average daily production (kL)	9,495	950	249	366	86
Number of Connections	3,922	1,010	123	247	123
Average daily water consumption per connection (L)	2,421	941	2,024	1,482	699

\* Mt Molloy is an untreated, non-potable water supply

Wastewater Treatment	Mareeba	Kuranda
Wastewater Plant average daily treatment (kL)	2,228	163
Number of Connections	3,507	348
Average daily inflow per connection (L)	635	474

**Water and Wastewater Reticulation:**

Council's water reticulation crew attended to water main breaks and small water leaks, and average response times were within targets set out in Council's customer service standard for water services.

Monthly statistics are tabled on the reticulation main breaks and sewerage main breaks and chokes.

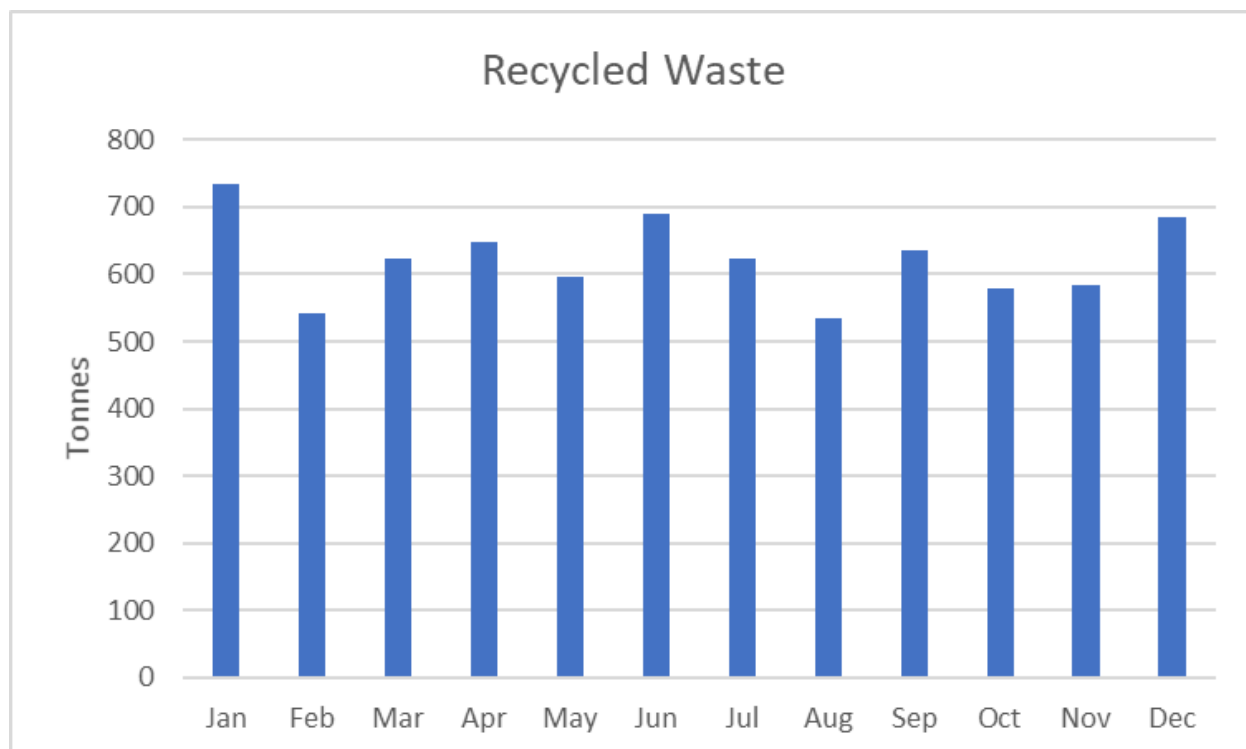
Water Mains	Jan 2020	Feb 2020	Mar 2020	April 2020	May 2020	June 2020	July 2020	Aug 2020	Sep 2020	Oct 2020	Nov 2020	Dec 2020
Water main breaks	4	9	11	10	8	8	6	4	4	10	8	7
Sewerage main breaks & chokes	3	3	5	4	4	2	4	3	1	3	3	1

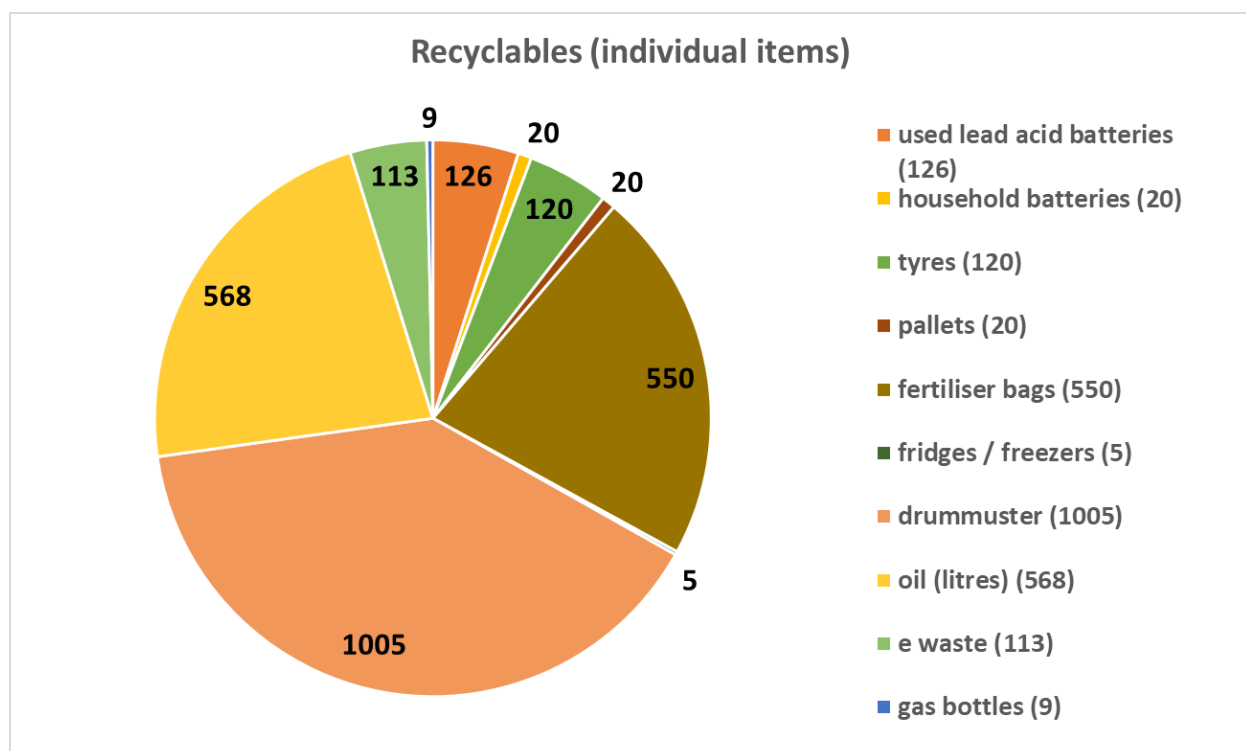
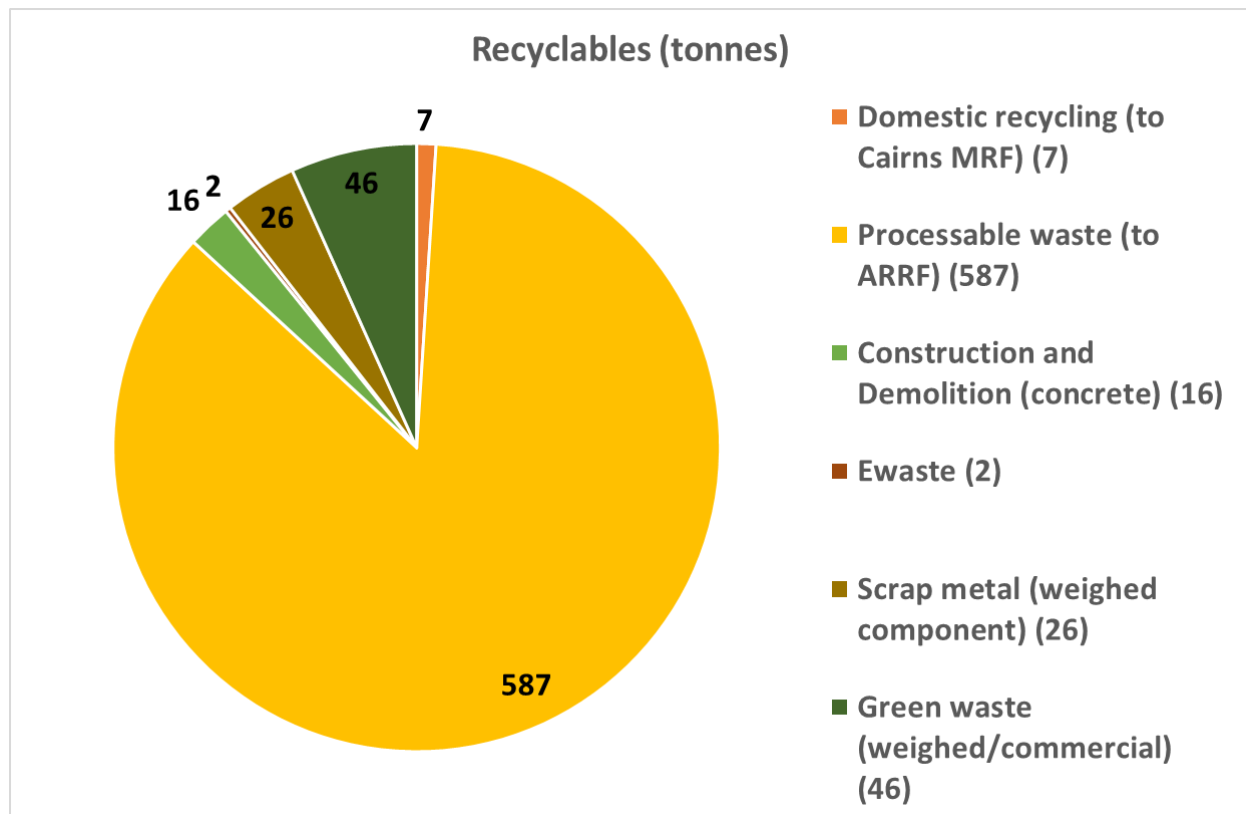
**Waste Operations:**

All transfer stations and Mareeba landfill are currently operational.

Recycling

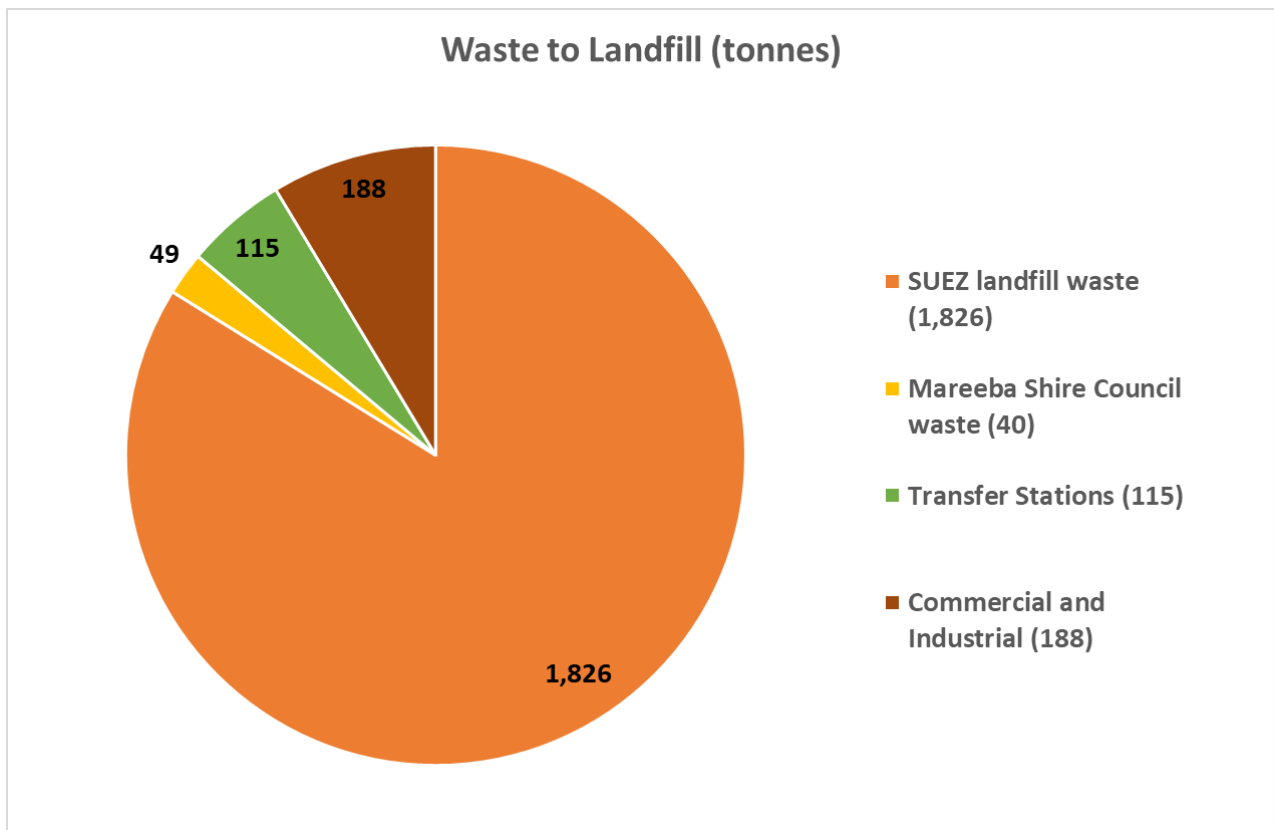
Waste material collected at each of the waste transfer stations are either deposited directly to the Mareeba landfill, recycled or transported to the SUEZ Advanced Resource Recovery Facility (ARRF) in Cairns for processing.





#### Waste to Mareeba Landfill

Waste directed to Mareeba Landfill is primarily residual waste from the SUEZ Advanced Resource Recovery Facility (ARRF) plant in Cairns, with minor quantities received from the waste transfer stations (Mareeba included), commercial and industrial waste, and waste that Mareeba Shire Council produces from its own activities.



### Illegally Dumped Waste

Council received seventeen (17) illegally dumped tyres (less than one tonne), through Mareeba Waste Transfer Station during the month of November.



**Queensland State Waste Levy**

Earlier last year, the Queensland Government deferred the increase of levy rates from 1 July 2020 to 1 January 2021 as part of a suite of measures to support Queensland businesses during COVID-19.

In line with the original decision and as scheduled in *the Waste Reduction and Recycling Regulation 2011*, levy rates will increase by \$5 per tonne on 1 January 2021.

**RISK IMPLICATIONS****Environmental**

Council holds an Environmental Authority issued under the *Environmental Protection Act 1994* to operate landfill facilities.

The Environmental Authority amendment process is underway.

**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.





**9.5 REGIONAL DRFA CATEGORY 5 FLOOD WARNING INFRASTRUCTURE**

**Date Prepared:** 12 January 2021

**Author:** Manager Water and Waste

**Attachments:** 1. Flood Warning Infrastructure Network Project – Fact Sheet [↓](#)

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**EXECUTIVE SUMMARY**

Far North Queensland Regional Organisation of Councils (FNQROC) is facilitating joint procurement on behalf of participating councils in the Far North for Flood Warning Infrastructure funded under the Disaster Recovery Funding Arrangements (DRFA) following the North and Far North Queensland monsoon event.

There are seven councils involved in this arrangement in the Far North across 41 locations requiring a total of 52 assets, all of which are required to be commissioned and operating by June 2022.

Council's asset locations and asset types have already been agreed with the Queensland Reconstruction Authority (QRA) and a Project Funding Agreement is in place up to the value of \$235,000.

FNQROC has engaged the services of a Program Coordinator who is responsible for engaging a contractor, with input from councils during the tender stage. The Program Coordinator will also oversee overall delivery of the assets with assistance from participating councils, liaising with both the QRA and the Department of Transport and Main Roads (DTMR) where required.

Each council will enter into a separate contract with the successful contractor, the terms of which will be identical. Council will engage the contractor and following completion of the works will seek reimbursement from the QRA under the terms of the Project Funding Agreement.

The purpose of this report is to ask council to delegate the award of the contract to the CEO under delegation without further reference to council in order to expedite delivery of the project.

**RECOMMENDATION**

That Council:

1. Notes funding to be received under the Disaster Recovery Funding Arrangements (DRFA) for the Flood Warning Infrastructure project;
2. Delegates authority to the Chief Executive Officer to award the contract for the Flood Warning Infrastructure Project up to the amount funded by the Queensland Reconstruction Authority; and
3. Delegates authority to the Chief Executive Officer in accordance with the Local Government Act 2009 to enter into contract, negotiate, finalise and execute any and all matters associated with the contract subject to Council's normal procurement policies and practices.

**BACKGROUND**

To support Queensland communities in their recovery following the North and Far North Queensland Monsoon Trough disaster event (25 January 2019 to 14 February 2019), an \$8 million Flood Warning Infrastructure Network Project was approved as part of the Disaster Recovery

Funding Arrangements (DRFA) package, jointly funded by the Australian and Queensland Governments.

This funding is supporting 28 local government areas across northern and western Queensland to install gauges that record rainfall, river height, as well as cameras and signage. Queensland Reconstruction Agency (QRA) is supporting delivery of the infrastructure. The asset locations and types have been agreed in consultation with council's Local Disaster Coordinator, Manager Water and Waste and the Project Funding Agreement provided by the QRA was approved by Mareeba Shire Council 20 January 2021 to the value of \$235,000. The infrastructure is required to be commissioned and operating by June 2022.

Far North Queensland Regional Organisation of Councils (FNQROC) is facilitating joint procurement on behalf of the following councils in Far North Queensland:

Cairns Regional Council	Lockhart River Aboriginal Shire Council
Cassowary Coast Regional Council	Mapoon Aboriginal Shire Council
Cook Shire Council	Mareeba Shire Council
Douglas Shire Council	

FNQROC has appointed a Program Coordinator to undertake procurement of a contractor to supply and install the infrastructure. The procurement process commenced in January 2021. Once the contractor has been appointed the Program Coordinator will oversee the effective and timely delivery of the program. Thereafter councils will approach the QRA for reimbursement of the funding.

**COMMENT:**

The procurement process will be undertaken by the Program Coordinator with council officers providing recommendations in relation to the Request for Tender and Contract documentation, including the Scope and Specification. DTMR and the Bureau of Meteorology required Specifications will also be incorporated. Council officers will participate in the procurement evaluation process and contractor selection; a consensus outcome of the tender evaluation will be required by all participating councils.

All works are required to be completed and operational by June 2022. In order to expedite the appointment of the contractor and the completion of the works, it is recommended that Council delegates authority to the Chief Executive Officer to enter into the contract with the recommended contractor once the procurement activity has been finalised. This will expedite both the appointment of the contractor and in turn completion of the works which is necessary due to the relatively short project completion deadline.

The agreed assets and locations included in the project are as follows:

Asset Location		Asset Type
<b>Mareeba</b>	Bibbohra	Rain Gauge/River Gauge
	Tinaroo Creek 1	Rain Gauge
	Tinaroo Creek 2	Rain Gauge
	Mt Aunt	Rain Gauge
	Mt Mulligan	Rain Gauge
	Kahlpahlim Rock	Rain Gauge
	Davies Creek Koah	River Gauge
	Upper Spence Creek	Rain Gauge

### **OPTIONS:**

#### **Option 1: (Recommended)**

It is recommended that Council

1. Notes funding to be received under the Disaster Recovery Funding Arrangements (DRFA) for the Flood Warning Infrastructure project;
2. Delegates authority to the Chief Executive Officer to award the contract for the Flood Warning Infrastructure Project up to the amount funded by the Queensland Reconstruction Authority.
3. Delegates authority to the Chief Executive Officer in accordance with the Local Government Act 2009 to enter into contract, negotiate, finalise and execute any and all matters associated with the contract subject to Council's normal procurement policies and practices.

#### **Option 2:**

It is recommended that Council does not endorse delegating authority to the Chief Executive Officer in relation to the Flood Warning Infrastructure Project and adopts an alternative course of action.

### **CONSULTATION:**

The agreed asset locations and types have been agreed in consultation with council's Local Disaster Coordinator and council has already signed the Project Funding Agreement provided by the QRA.

### **RISK IMPLICATIONS**

#### **Risk Management:**

There is a risk that the tendered price of the contract is greater than the funding currently committed by the QRA. To mitigate the risks there are a number of options:

1. Additional funding commitment will be sought from the QRA before proceeding with any contract award.
2. Scope of the project may be reduced to reduce costs

**Financial**

This tender process will be conducted in accordance with legislative requirements under the Local Government Act 2009 and the Local Government Regulation 2012.

Whilst the appointment of a local contractor is preferable, market research indicates that there are relatively few contractors capable of supplying the required infrastructure in the local region.

The expenditure in relation to this contract is funded through DRFA.

**Environmental**

Relevant environmental approvals will also be sought as part of councils site selection process.

**Infrastructure and Assets**

The infrastructure will improve flood and stormwater management resulting in reduced risk to public and private access by ensuring they are well informed by timely weather, flood warnings and forecasts.

**Legal and Compliance**

Relevant cultural heritage approvals will be obtained as required as part of council's site selection process.

**LEGAL/COMPLIANCE/POLICY IMPLICATIONS**

The tender process was undertaken in accordance with Council's adopted Procurement Policy.

**FINANCIAL AND RESOURCE IMPLICATIONS**

The expenditure in relation to this contract is funded through DRFA.

**LINK TO CORPORATE PLAN**

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## Flood Warning Infrastructure Network Project

### Queensland's Flood Warning Infrastructure

In Queensland, more than 3200 rainfall and river gauges inform statewide flood warnings and forecasts. These are owned and operated by multiple entities including state and local government, the private sector, and the Bureau of Meteorology.

Flood waters don't respect boundaries. It is therefore extremely important for all areas of Queensland to have information from other flood warning systems. This will help keep our communities safe by ensuring they are well informed by timely weather and flood warnings and forecasts.

### Working together for the best possible flood warnings

The Queensland Reconstruction Authority (QRA) is working with key stakeholders including the Bureau of Meteorology and local governments to improve Queensland's flood warning infrastructure.

A high level of collaboration and information sharing is necessary to ensure accurate and consistent flood warning information is being provided to the Bureau of Meteorology and to our local communities.

### Flood Warning Infrastructure Network Project

To support Queensland communities in their recovery following the *North and Far North Queensland Monsoon Trough* disaster event (25 January to 14 February 2019), an \$8 million Flood Warning Infrastructure Network Project was approved as part of the \$242 million Category C and D Disaster Recovery Funding Arrangements (DRFA) package, jointly funded by the Australian and Queensland Governments.

### Project purpose

The purpose of the Flood Warning Infrastructure Network Project is to work with the Bureau of Meteorology and local communities to identify high priority locations requiring additional flood warning infrastructure capability.

### Project benefits

The Flood Warning Infrastructure Network Project is keeping our communities safe by delivering:

- suitable flood warning infrastructure upgrades to the most appropriate locations throughout the flood-impacted area
- improvements to Bureau of Meteorology services to support primary producers and communities
- a range of assets to support better information being made available including the use of flood cameras and signage at strategic locations.

### Project areas of operation

This funding is supporting 28 local government areas across northern and western Queensland to install gauges that record rainfall, river height, as well as cameras and signage.

### Key project actions

- Facilitate a catchment approach - locally led, regionally coordinated
- Define flood warning infrastructure as means for providing timely situational awareness
- Incorporate existing initiatives into one common operating picture
- Analyse existing infrastructure upgrade initiatives against identified risk areas
- Identify gaps in the flood warning infrastructure network
- Develop and apply principles for prioritisation across the areas of operation
- Prioritise flood warning infrastructure improvements across the areas of operation
- Support procurement of infrastructure
- Establish / align with emerging governance arrangements.

### For more information

Queensland Reconstruction Authority

Email [info@qra.qld.gov.au](mailto:info@qra.qld.gov.au)

Web [www.qra.qld.gov.au/fwin](http://www.qra.qld.gov.au/fwin)

Phone (07) 3008 7200







## Flood Warning Infrastructure Network Project Areas of Operation

[www.qra.qld.gov.au/fwin](http://www.qra.qld.gov.au/fwin)



### Far North Queensland

- Cairns
- Cassowary Coast
- Cook
- Douglas
- Lockhart River Aboriginal
- Mapoon Aboriginal
- Mareeba
- Pormpuraaw Aboriginal
- Torres Strait Island
- Wujul Wujul Aboriginal



### North West Queensland

- Burke
- Cloncurry
- McKinlay
- Richmond
- Carpentaria
- Flinders
- Croydon
- Etheridge
- Boulia
- Longreach
- Diamantina
- Winton



### Townsville and surrounds

- Mackay
- Burdekin
- Townsville
- Hinchinbrook
- Charters Towers
- Whitsunday

QRA DOC/19/25795



**9.6 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - DECEMBER 2020**

**Date Prepared:** 12 January 2021

**Author:** Manager Works

**Attachments:** Nil

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**EXECUTIVE SUMMARY**

The purpose of this report is to summarise Council's Transport Infrastructure, Parks and Gardens, Bridge and Pest Management operational activities undertaken by Infrastructure Services during the month of December 2020.

**RECOMMENDATION**

That Council receives the Infrastructure Services, Works Progress Report for the month of December 2020.

**BACKGROUND****Transport Infrastructure**Road Maintenance Activities

During December the predominant operation activities were Unsealed Road Grading in the Julatten, Mareeba and Bibbohra areas, Re-seal Preparation Work in the Kuranda, Mareeba, Julatten and Myola areas and Slashing in the Kuranda, Speewah and Julatten areas.

Over the Christmas Close Down period Council maintains a skeleton crew to attend to day to day operational matters and Customer Requests. In addition to these activities the crew also undertook a sign removal project to remove obsolete regulated parking signage.

Staff will gradually return to work during January and Council's full complement of Works Group personnel will be in attendance by February 2021.

Bridges and Major Culverts

During December, 11 bridges, four (4) concrete causeways and 19 major culverts were inspected and maintained. These maintenance works were generally concentrated in the Kuranda and Speewah areas.

TMR Routine Maintenance Performance Contract (RMPC)

During December a medium formation grade was completed on the Herberton - Petford Road between Watsonville and Irvinebank and included several areas of gravel re-sheeting. The re-sheet material was sourced from a gravel stockpile located at Poison Creek, Irvinebank.

The high shoulders in various sections of the Mareeba - Dimbulah Road were removed and minor pavement defects were repaired.

RMPC crews ceased work for 2020 on 18 December and as with other operational staff will return from annual leave during January.

## **Parks and Open Spaces**

At the beginning of December, the Christmas trees and decorations were put up across the shire. The Christmas trees in Dimbulah and Mareeba were subject to vandalism requiring regular repair from staff during December.

December saw the first significant rain in Mareeba Shire for quite some time and mowing will be the primary task for Parks and Open Spaces in all areas of the shire for the foreseeable future.

## **Land Protection**

### Parthenium Weed:

All sites are being well managed by the affected landowners. Property inspections carried out on properties seen to be at risk of infestation. No new incursions have been located.

### Machinery Clean Down and Inspection:

Five (5) body trucks and trailers were cleaned down at the Mareeba Saleyards prior to entering properties within Mareeba Shire. The vehicles were inspected by trained operators and signed off as being free of weed seeds, vegetative material and soil.

### Frogbit in the Mitchell Catchment:

Meetings have been held with MSC on ground operators and Councillors, The Northern Gulf Group, The Mitchell River Catchment Management Group, concerned landowners and land managers, mining companies and station owners in an effort to raise funds to establish permanent sentinel sites that can be monitored for the presence of the weed and so take speedy action to remove infestations in a proactive bid to prevent another out of control infestation.

### Wild Dog Control:

A Coordinated Toxic Baiting Program has been carried out on over 400,000 hectares on four (4) primary production properties on the Upper Walsh, Lynd and Tate Rivers. An additional two (2) cattle producers on the Mid Walsh River covering an area of 249,000 hectares have also been treated.

Council's Land Protection staff commenced annual leave as of 18 December and will return on 4th January 2021.

## **LEGAL/COMPLIANCE/POLICY IMPLICATIONS**

COVID-19 impacts in relation to closure and re-opening of facilities will be managed in line with Queensland Government restrictions.

## **FINANCIAL AND RESOURCE IMPLICATIONS**

### ***Operating***

All operational works are funded by the section specific 2020/21 maintenance budgets.

## **LINK TO CORPORATE PLAN**

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**IMPLEMENTATION/COMMUNICATION**

Nil



## **10 CONFIDENTIAL REPORTS**

### **RECOMMENDATION**

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 275 of the Local Government Act 2012:

#### **10.1 Organisational Development Progress and Information Report**

This matter is considered to be confidential under Section 254 (j) - b of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with industrial matters affecting employees.





**11 BUSINESS WITHOUT NOTICE**

**12 NEXT MEETING OF COUNCIL**



## **13 FOR INFORMATION**

<b>13.1 SUMMARY OF NEW PLANNING APPLICATIONS &amp; DELEGATED DECISIONS FOR THE MONTH OF DECEMBER 2020</b>
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**Date Prepared:** 4 January 2021

**Author:** Senior Planner

**Attachments:** Nil

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Please see below information.

**Summary of new Planning Development Applications and Delegated Decisions for December 2020**

New Development Applications					
Application #	Lodgement Date	Applicant/ Address	Property Description	Application Type	Status
MCU/20/0017	08/12/2020	Ambridge Pty Ltd C/- Planning Plus Pty Ltd 47 Anzac Avenue, Mareeba	Lot 53 on SP204554	MCU for a Preliminary Approval including a Variation Request to Vary the Effect of the Mareeba Shire Council Planning Scheme 2016 for Use Rights Associated with the Proposed 'Anzac Avenue Commercial Zone'	In confirmation stage

Decision Notices issued under Delegated Authority					
Application #	Date of Decision Notice	Applicant	Address	Property Description	Application Type
OPW/20/0004	09/12/2020	BTM & S Stankovich Pty Ltd C/- Freshwater Planning Pty Ltd	Emerald End Road, Mareeba	Lot 114 on SP265014	Operational Works (Roadworks, Stormwater, Water Infrastructure, Drainage, Earthworks, & Sewerage Infrastructure) for Development Permit RAL/20/0006 (Amaroo Stages 11 & 12)
OPW/20/0005	08/12/2020	G Owen & C Retter C/- KFB Engineers	19 Kullaroo Close, Kuranda	Lot 2 on RP734383	Operational Works (Roadworks, Stormwater Works, Water & Sewer Infrastructure, Drainage and Earthworks) for Development Permit RAL/19/0016

December 2020 (Regional Land Use Planning)

Negotiated Decision Notices issued under Delegated Authority					
Application #	Date of Decision Notice	Applicant	Address	Property Description	Application Type
Nil					

Change to Existing Development Approval issued					
Application #	Date of Decision	Applicant	Address	Property Description	Application Type
Nil					

Referral Agency Response Decision Notices issued under Delegated Authority					
Application #	Date of Decision	Applicant	Address	Property Description	Application Type
Nil					

Extensions to Relevant Period issued					
Application #	Date of Decision	Applicant	Address	Property Description	Application Type
Nil					

Survey Plans endorsed					
Application #	Date	Applicant	Address	Property Description	No of Lots
RAL/20/0013	17/12/2020	R & R Blundell	Collins Weir Road, Mutchilba	PROPOSED EMT X IN LOT 487 ON HG630 & PROPOSED EMT Y IN LOT 441 ON HG760	Easements
RC2005/56 & RC2006/27	18/12/2020	Comaray Pty Ltd	Country Road, Mareeba	LOTS 5, 10, 11 & 200 ON SP323217 (CANCELLING LOT 200 ON SP298320)	3 Lots

December 2020 (Regional Land Use Planning)