

8.1 C.H. ENTERPRISE PTY LTD - MATERIAL CHANGE OF USE - TOURIST PARK (SELF-CONTAINED CAMPING & CARAVAN SITES) - LOT 450 ON NR5228 - 97 KOVACIC ROAD, MAREEBA - MCU/21/0018

Date Prepared: 8 July 2022
Author: Planning Officer
Attachments: 1. Proposal Plan
 2. Submissions

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	C.H. Enterprise Pty Ltd	ADDRESS	97 Kovacic Road, Mareeba
DATE LODGED	17 May 2022	RPD	Lot 450 on NR5228
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Tourist Park (Self-contained Camping & Caravan Sites)		
FILE NO	MCU/21/0018	AREA	57.668 hectares
LODGED BY	Scope Town Planning	OWNER	M Hausmann
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Rural Zone		
LEVEL OF ASSESSMENT	Impact Assessment		
SUBMISSIONS	Two (2) Submissions Received		

EXECUTIVE SUMMARY

Council is in receipt of an impact assessable development application described in the above application details. During the mandatory public notification period, two (2) submissions were received, however these are not considered to be objections. Both submitters stated they had no objections to the development but had some queries.

The application proposes the establishment of a campground for self-contained caravans/motorhomes and campers. For this reason, no facilities (toilets, showers and cooking facilities) will be provided on-site.

The application and supporting material have been assessed against the Mareeba Shire Council Planning Scheme 2016 and no significant town planning issues or conflicts were identified.

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

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

OFFICER’S RECOMMENDATION

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	C.H. Enterprise Pty Ltd	ADDRESS	97 Kovacic Road, Mareeba
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PROPOSED DEVELOPMENT	Material Change of Use - Tourist Park (Self-contained Camping & Caravan Sites)		

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.

APPROVED DEVELOPMENT: Development Permit for Material Change of Use - Tourist Park (Self-contained Camping & Caravan Sites)(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
-	Proposed Camping Ground Layout	Scope Town Planning	-

(C) ASSESSMENT MANAGER’S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

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

2. Timing of Effect

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

3. General

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

3.5 Noise Nuisance

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

Campground guests are not permitted to play amplified music of any kind.

3.6 Waste Management

The applicant/tourist park operator 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) An 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.

Lids or coverings must be installed on all refuse storage bins when not in use to prevent wildlife scavenging.

3.7 Bushfire Management

3.7.1 A Bushfire Management Plan, incorporating evacuation procedures, campfire guidelines and fire break/trail maintenance for the campground must be prepared to the satisfaction of Council's delegated officer. The approved use must comply with the requirements of the Management Plan at all times.

3.7.2 The applicant must ensure any open fires are appropriately managed and contained.

3.8 Signage

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

3.8.2 The sign must not exceed a maximum sign face area of 6m² and must not move, revolve, strobe or flash.

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

3.8.4 The sign must be removed when no longer required.

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

3.9 The campground shall not accommodate more than 74 persons at any time. Upon request, booking records must be made available to Council demonstrating compliance with this condition.

3.10 The maximum length of stay for any self-contained campers must not exceed five (5) consecutive days.

3.11 The tourist park must only accommodate self-contained motor homes/caravans and campers. Self-contained motor homes/caravans and campers must have an onboard toilet and shower, onboard water supply and wastewater holding tanks.

4. Infrastructure Services and Standards

4.1 Access

The existing access crossover servicing the approved campground area must be upgraded/constructed in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

4.2 Stormwater Drainage/Water Quality

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

4.2.2 Prior to the development commencing, the applicant must develop a Stormwater Quality Management Plan, including an Erosion and Sediment Control Plan. The plan must detail what measures will be implemented to prevent erosion in the event the surface of the campground area deteriorates due to wet weather and/or high traffic.

4.2.3 The applicant/developer must ensure that the Stormwater Quality Management Plan is complied with for the life of the development.

4.3 Car Parking/Internal Driveways

4.3.1 All car parking associated with the campground must be accommodated within the identified camping area.

4.3.2 Any internal access roads shown on the approved plan must be constructed to an all-weather compacted gravel standard, prior to the commencement of the use.

Internal access roads must be maintained at this standard for the life of the development.

4.4 Lighting

4.4.1 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.

4.4.2 Illumination resulting from direct, reflected or other incidental light emanating from the subject land does not exceed 8 lux when

measured at any point 1.5m outside the property boundary of the subject site. The lighting fixtures installed on site must meet appropriate lux levels as documented within Australian Standard 4282 – Control of the Obtrusive Effects of Outdoor Lighting.

4.5 Non-Reticulated Water Supply

All non-potable water supplied to campground visitors must be clearly labelled at each tap - Non Potable Water - not safe for Human Consumption.

In the event that the campground is provided with a potable water supply, it must be treated so as to be potable (safe for drinking in accordance with National Health Medical Research Guidelines).

4.6 On-Site Wastewater Management

4.7.1 No black or grey water from any campground guest is to be discharged on site.

4.7.2 Any accidental discharge of black or grey water on site must be reported to Council immediately.

5. Additional Payment Condition

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 a **one-off payment** of \$6,432.55 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 infrastructure servicing the land

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

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

- Discuss with Council's delegated officer the part of the works to be undertaken;
- Obtain the necessary approvals for the part of the works;

- Indemnify the Council in relation to any actions, suits or demands relating to or arising from the works;
- Take out joint insurance in the name of the Council and the developer in the sum of \$20,000,000 in relation to the undertaking of the works;
- Comply with the reasonable direction of Council officers in relation to the completion of the works;
- Complete the works to the standards required by the Council; and
- Complete the works prior to commencement of the use.

(D) ASSESSMENT MANAGER'S ADVICE

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

- (b) Compliance with applicable codes/policies

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

- (c) Environmental Protection and Biodiversity Conservation Act 1999

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

- (d) Cultural Heritage

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

- (e) Motor Home Park/Caravan Park/Camping Ground

The applicant is advised that an application to Council for approval to operate under Council *Local Law No 1 (Administration) 2011* is required prior to the commencement of the self-contained campground use.

- (f) Kovacic Road Standard

This development permit did not require the upgrade of the formed gravel section of Kovacic Road used to access the development. Should you wish to upgrade this section

of Kovacic Road in future to include a bitumen seal, Council is not liable or responsible for contributing in any way to the cost of these works. Furthermore, Kovacic Road is not likely to be graded or repaired at more frequent intervals as a result of the development and any associated added traffic on the Road.

(E) RELEVANT PERIOD

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

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

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

- Nil

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Access approval arising from condition number 4.1 (Please contact Council's Planning Department to obtain application form and applicable fee)
- Approval to Operate Campground/Caravan Park (Please contact Councils Local Laws Department to obtain application form and applicable fee)

THE SITE

The subject site is situated at 97 Kovacic Road, Mareeba and is more particularly described as Lot 450 on NR5228. The site is irregular in shape with a total area of 57.668 hectares and is zoned Rural under the Mareeba Shire Council Planning Scheme 2016.

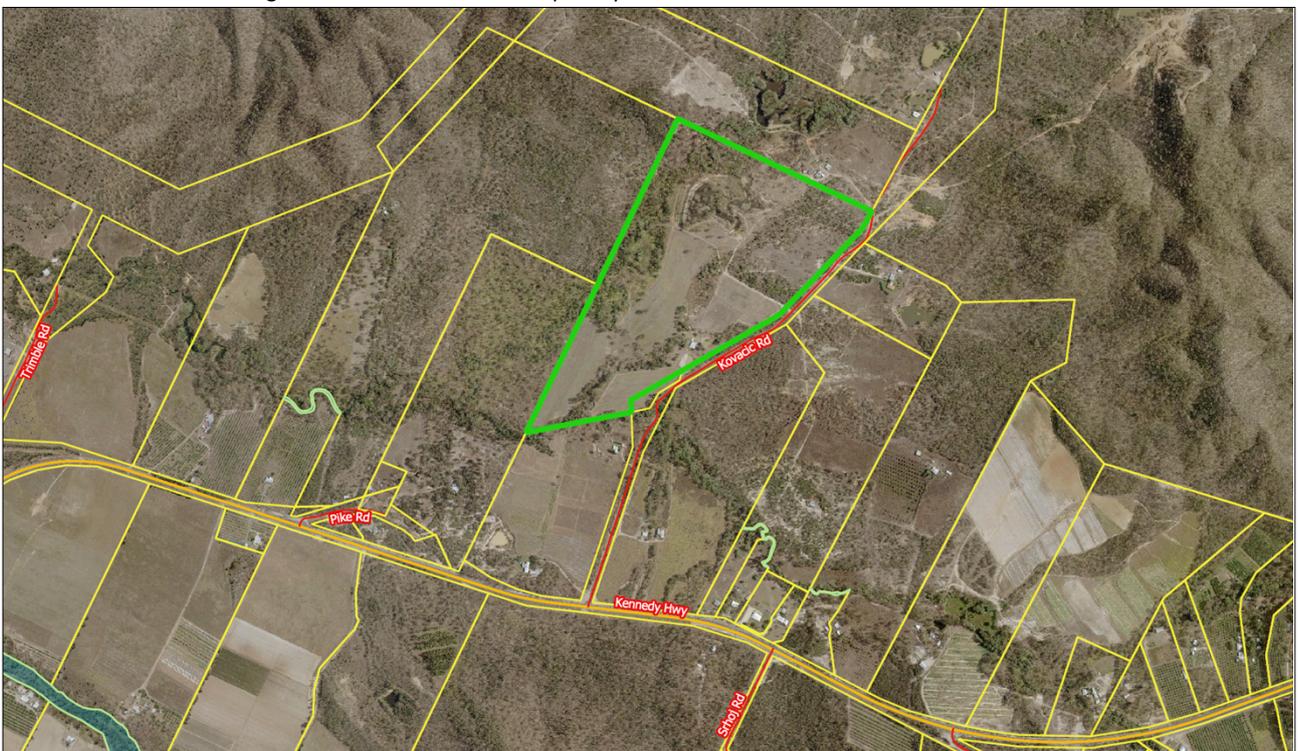
The site contains approximately 875 metres of frontage to Kovacic Road which is constructed to a bitumen sealed standard for the first 140 metres of frontage and a formed gravel standard for the remaining. Campers need only travel approximately 260m of gravel road before entering the campground site access point which is approximately halfway along the site frontage. Formal access to the site is currently gained from Kovacic Road via a formed gravel crossover that services the existing dwelling situated on the southern half of the property approximately 45 metres from the road.

Approximately half the site area is cleared into paddocks and used for livestock grazing and cropping while the remaining areas are vegetated with some seasonal watercourses and other low lying areas. A large dam is constructed at the northern end of the property adjacent the proposed campground while a smaller dam exists in proximity to the house. A small unnamed tributary creek to Shanty Creek meanders through the southern end of the property. All surrounding lots are zoned rural and are predominately used as large lifestyle lots.



Map Disclaimer:

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



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BACKGROUND AND CONTEXT

Nil

PREVIOUS APPLICATIONS & APPROVALS

Nil

DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Material Change of Use - Tourist Park (Self-contained Camping and Caravan Sites) in accordance with the plans shown in **Attachment 1**.

The application material includes the following details about the proposed development:

Proposed Development Summary

The proposed development is the establishment of a Tourist Park in the form of short term camping and caravan sites in a cleared area on land at Lot 450 on NR5228.

The applicant's intention is to provide only minimal facilities with a 'leave it as you found it' policy. This proposal does not include the provision of powered sites, parking slabs for caravans or the building of cabins. The proposed camping ground will be contained within a specified 62,000m² (6.2 ha) area within the site which will contain 4 designated camping areas for a maximum of 74 guests plus an area set aside for communal use. The camping area will remain free of permanent structures and therefore maintain the desired agricultural use of the land. No vegetation clearing is proposed to facilitate the camping ground.

Proposed Development Detail

The proposed camping ground is intended to accommodate a maximum of 74 guests at any one time and will not be open to caravans or large vehicles such as busses or any campers without fully self-contained conveniences.

The intention of the proposed campsite is to provide a low-budget camping ground for travellers such as retirees, backpackers, as well as to cater for local residents in the region from families to groups such as scouts.

The proposed campsite does not include the provision of any amenities such as ablutions, covered areas, cooking facilities, hardstand areas, water or electrical supplies. As such, this proposal refers to the recently approved camping ground application over land at 127 Hume Road, Biboohra (Lot 201 on SP177750), Council reference number M2-21 as precedence.

Campsite Functionality

The campsite will function in a similar way to another recently approved campsite located on Hume Road, Biboohra (application number M2-21) in that guests will pay a reduced fee for use of a campsite on a 'leave it as you found it' basis only. Guests will be required to provide their own temporary accommodation (tents, small camper van etc.), food, refrigeration, cooking facilities, toilet and bathroom facilities etc. As such, minimal facilities will be provided and will include only the following:

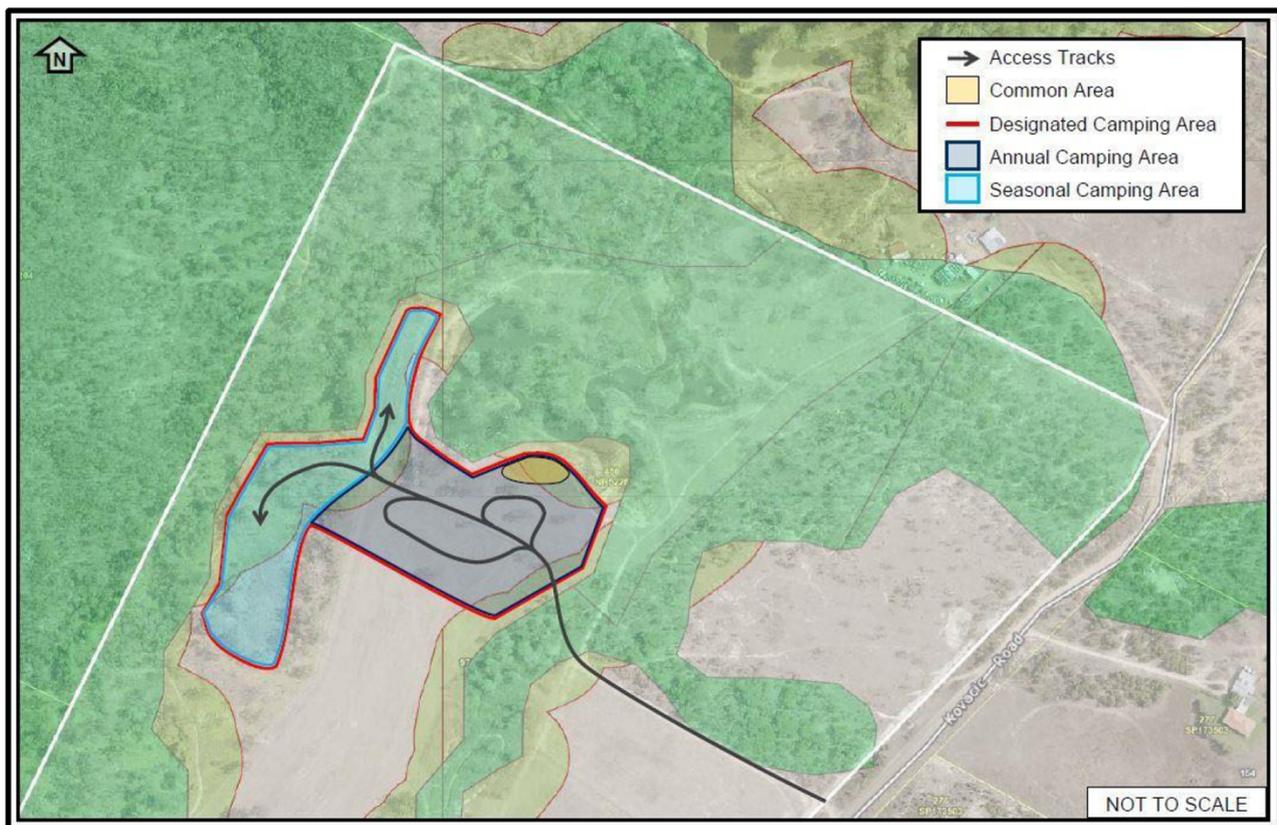
- *Onsite manager*
- *Dedicated access via Kovacic Road*
- *2 camping areas opened as required and as seasonally permitting*

- *A communal meeting area including a campfire and rubbish bins*
- *Rubbish waste removal via Council kerbside collection*
- *Open recreation areas*
- *Onsite vehicle track access to camping areas*
- *Fencing to separate restricted areas*
- *10m buffer to Regulated Category B Vegetation areas.*

The camping area will be separated into 2 areas to enable closure of individual areas for maintenance, safety, guest management or seasonal constraints such as wet season. These areas will be designated as an Annual Camping Area and a Seasonal Camping Area (see below map).

In addition, an area will be designated as communal use which will contain a dedicated campfire area and rubbish bins. All areas will be accessible by vehicle for guest convenience."

A plan of the proposed camping area 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:

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

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	<p>Land Use Categories</p> <ul style="list-style-type: none"> • Rural Area <ul style="list-style-type: none"> • Rural Agricultural Area • Rural Other <p>Natural Environmental Elements</p> <ul style="list-style-type: none"> • Biodiversity Areas
Zone:	Rural Zone
Overlays:	Agricultural Land Overlay Airport Environs Overlay Bushfire Hazard Overlay Environmental Significance Overlay Flood Hazard Overlay

Planning Scheme Definitions

The proposed use is defined as:-

Column 1 Use	Column 2 Definition	Column 3 Examples include	Column 4 Does not include the following examples
Tourist park	<p><i>Premises used to provide for accommodation in caravans, self-contained cabins, tents and similar structures for the public for short term holiday purposes.</i></p> <p><i>The use may include, where ancillary, a manager's residence and office, kiosk, amenity buildings, food and drink outlet, or the provision of recreation facilities for the use of occupants of the tourist park and their visitors, and accommodation for staff.</i></p>	<p><i>Camping ground, caravan park, holiday cabins</i></p>	<p><i>Relocatable home park, tourist attraction, short-term accommodation, non-resident workforce accommodation</i></p>

RELEVANT PLANNING INSTRUMENTS

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

(A) Far North Queensland Regional Plan 2009-2031

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

(B) State Planning Policy

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

(C) Mareeba Shire Council Planning Scheme 2016

Strategic Framework

3.3 Settlement pattern and built environment

3.3.1 Strategic outcomes

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

Comment

In recent years, Mareeba Shire has experienced an increase in demand for self-contained campgrounds which serve to provide "no thrills" budget locations for travelling tourists to stay for short periods of time. The rural zone is considered the logical location for such facilities, in locations that are free from intensive farming activity or intensive animal industries (meat poultry farms, feedlots etc.) so as to minimise the risk of ongoing land use conflict.

The subject site, as well as Lots immediately surrounding are used for light intensity cropping, livestock grazing or as rural lifestyle lots. Council officers are therefore satisfied this particular development can proceed with minimal risk of future land use conflict.

The development complies with Strategic outcome 5.

3.3.11 Element—Rural areas

3.3.11.1 Specific outcomes

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

- (b) does not compromise rural character and scenic qualities; and*
 - (c) does not adversely impact on ecological and biodiversity values.*
- (5) Rural lifestyle, tourism, outdoor recreation, horticultural activities and natural bushland uses may be considered in other rural areas where appropriately located, serviced and otherwise consistent with the Strategic Framework.*

Comment

In recent years, Mareeba Shire has experienced an increase in demand for self-contained campgrounds which serve to provide "no thrills" budget locations for travelling tourists to stay for short periods of time. The rural zone is considered the logical location for such facilities, in locations that are free from intensive farming activity or intensive animal industries (meat poultry farms, feedlots etc.) so as to minimise the risk of ongoing land use conflict.

The subject site, as well as Lots immediately surrounding are used for light intensity cropping, livestock grazing or as rural lifestyle lots. Council officers are therefore satisfied this particular development can proceed with minimal risk of future land use conflict.

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

3.6 Transport and infrastructure

3.6.2 Element—Road network

3.6.2.1 Specific outcomes

- (1) The shire's road network is upgraded and extended to provide for the safe, efficient movement of vehicles and to cater for new development.*
- (2) Development provides off-street parking, loading and manoeuvring areas where possible and practicable.*
- (3) Development of new roads and upgrades to existing roads are designed and constructed in accordance with the FNQROC Regional Development Manual as amended.*

Comment

Kovacic Road, albeit not bitumen sealed all the way to the campground access (approximately 260 metres of formed graded gravel road) is considered to be up to a standard capable of servicing the type and scale of development proposed.

The proposed development complies with Specific outcomes 1, 4 and 5.

3.7 Economic development

3.7.2 Element—Rural and Agricultural land

3.7.2.1 Specific outcomes

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

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

Comment

In recent years, Mareeba Shire has experienced an increase in demand for self-contained campgrounds which serve to provide "no thrills" budget locations for travelling tourists to stay for short periods of time. The rural zone is considered the logical location for such facilities, in locations that are free from intensive farming activity or intensive animal industries (meat poultry farms, feedlots etc.) so as to minimise the risk of ongoing land use conflict.

The subject site, as well as Lots immediately surrounding are used for light intensity cropping, livestock grazing or as rural lifestyle lots. Council officers are therefore satisfied this particular development can proceed with minimal risk of future land use conflict.

The development complies with Specific outcomes 1 and 2.

3.7.7 Element—Tourism

3.7.7.1 Specific outcomes

- (1) *Tourist parks in key locations provide sites to accommodate caravans and recreational vehicles across the shire. Facilities to accommodate caravans and recreational vehicles are developed in a variety of urban and, at a limited scale, rural locations, to encourage extended visitations within the shire. Tourist facilities are designed to ensure they provide a high quality of infrastructure and services to visitors.*
- (2) *A variety of small-scale, low impact tourist facilities are established across the rural landscape, including:*
- (a) tourist attractions and facilities within activity centres;*
 - (b) cultural interpretive tours;*
 - (c) nature based tourism;*
 - (d) sports and recreational activities;*
 - (e) tourist attractions;*
 - (f) adventure tourism;*
 - (g) farm based tourism;*
 - (h) food based tourism;*
 - (i) bed and breakfasts;*
 - (j) camping and recreational vehicle facilities;*
 - (k) cycle tourism.*
- (3) *Small scale tourism related development is sensitively designed, scaled and located so as to not compromise the natural landscape values and agricultural values of Mareeba Shire.*

Comment

In recent years, Mareeba Shire has experienced an increase in demand for self-contained campgrounds which serve to provide "no thrills" budget locations for travelling tourists to stay for short periods of time. The rural zone is considered the logical location for such facilities, in locations

that are free from intensive farming activity or intensive animal industries (meat poultry farms, feedlots etc.) so as to minimise the risk of ongoing land use conflict.

The subject site, as well as Lots immediately surrounding are used for light intensity cropping, livestock grazing or as rural lifestyle lots. Council officers are therefore satisfied this particular development can proceed with minimal risk of future land use conflict.

The development complies with Specific outcomes 3, 5 and 6.

Relevant Developments Codes

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

- 6.2.9 Rural zone code
- 8.2.1 Agricultural land overlay code
- 8.2.2 Airport environs overlay code
- 8.2.3 Bushfire hazard overlay code
- 8.2.4 Environmental significance overlay code
- 8.2.6 Flood hazard overlay code
- 9.3.1 Accommodation activities code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access code
- 9.4.5 Works, services and infrastructure code

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

Relevant Codes	Comments
Rural 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.
Agricultural Land Overlay Code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Airport Environs Overlay Code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Bushfire Hazard Overlay Code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Environmental Significance Overlay Code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.

Flood Hazard Overlay Code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Accommodation Activities Code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Landscaping Code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Parking and Access Code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Works, Services and Infrastructure Code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.

(D) Planning Scheme Policies/Infrastructure Charges Plan

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

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

(E) Additional Trunk Infrastructure Condition - Road Infrastructure

The subject site 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 proposed development will be serviced by Council's transport infrastructure network only (roads). In accordance with Council AICR (No.1) 2022, 1 single charge of \$5,065.00 is accrued for every material increase in traffic generated of 10 vehicle movements per day (vmpd), of 3,650 vehicle movements per year (vmpy).

Based on similar scale self-contained motorhome park/campground developments approved in the Shire, the anticipated daily vehicle movements associated with the scale of development proposed will be 19 vmpd over the proposed 8 month or 245 day period (May - December).

This equates to 19 x 245 = 4,655 vmpy in any given year. The subject site contains a dwelling, so no credits exist over the site.

4,655 / 3,650 = 127% of a single charge.

1.27 x \$5,065.00 = **\$6,432.55**

REFERRAL AGENCY

This application did not trigger referral to a Referral Agency.

Internal Consultation

Technical Services

PUBLIC NOTIFICATION

The development proposal was placed on public notification from 1 June 2022 to 21 June 2022. The applicant submitted the notice of compliance on 22 June 2022 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

Two (2) properly made submissions were received.

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

Grounds for objection /support	Comment
<p><i>"While we have no objection to MC/21/0018 in its current form, our concern is that after a period of time there could be accommodation and other structures or services added which could change the natural amenity of the area, for example a population of Eastern Grey Kangaroos inhabit the general area.</i></p> <p><i>So the question is, if such development were to occur, would a new Material Change of Use have to be submitted by the owner prior to any changes being made?"</i></p>	<p>Any proposed material intensification of the approved 'tourist park' use, such as the proposed installation of cabins or an increase in the number of persons proposed to be accommodated on-site will trigger a fresh application to Council. However, given the fresh application will be proposing an expansion to an existing tourist park use, the fresh application will be code assessable development only (not impact assessable like this application), so the application will not be required to undergo public notification and people cannot lodge submissions.</p> <p>However, during the assessment of any future new application for expansion (if received), Council officers' primary consideration will be the maintenance of the amenity of surrounding residents and ensuring development impacts are minimised. Council is yet to see any applications for expansions to self-contained campgrounds that have been approved across the Shire.</p>
<p>The site may have unexploded ordinance present. Will/have Council ensured that the area is free from unexploded ordinance?</p>	<p>The site is not listed on Council's contaminated land register for the potential presence of unexploded ordinance. Ultimately this will be the responsibility of the landowner/campground operator to ensure this risk is minimised.</p>
<p>The Kovacic Road and Kennedy Highway intersection is dangerous. An increase in vehicles on the intersection, especially vehicles towing caravans could increase the risks of serious accidents occurring.</p>	<p>The proposed campground will accommodate a maximum of 74 persons which will be enforced by Council. More than 74 persons is the trigger point for referral to the Department of Main Roads. The proposed development is likely to generate an average of 19 vehicle movements per day over the approximate 8 month period of operation (outside the wet season). The addition of this anticipated extra traffic is not likely to significantly impact on the safety of the Kovacic Road/Kennedy Highway intersection.</p> <p>Road safety will ultimately be the responsibility of the individual drivers.</p>

Submitters

Name of Principal submitter	Address
1. David Tempany	davidjtempany@gmail.com
2. Gregory Martin	Gregorymartin8@bigpond.com

PLANNING DISCUSSION

Nil

DEVELOPMENT APPLICATION – MCU – Tourist Park – 97 Kovacic Rd Mareeba

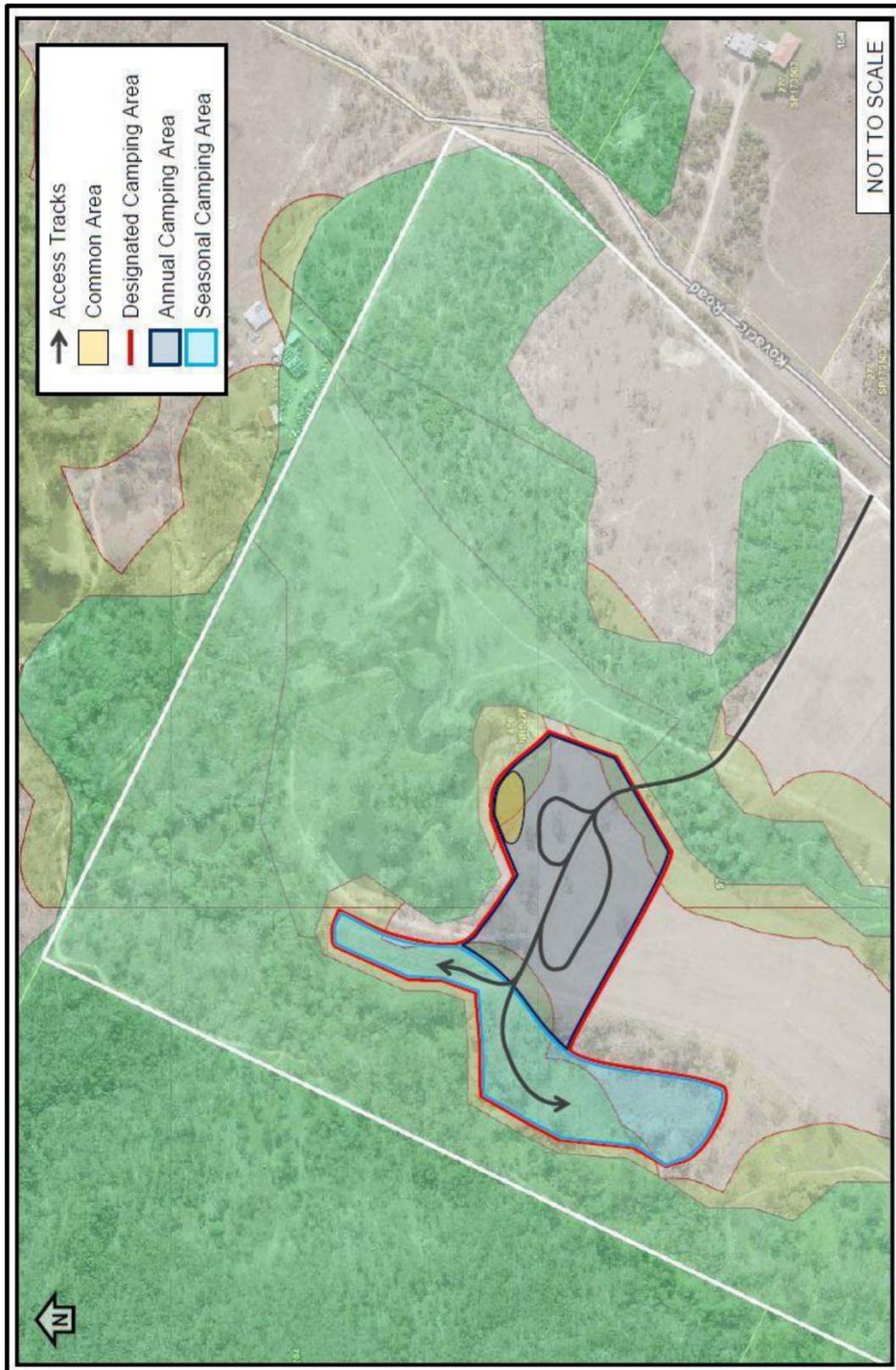


Figure 5: Proposed camping ground layout.

From: "David Tempany" <davidjtempany@gmail.com>
Sent: Fri, 17 Jun 2022 13:13:25 +1000
To: "Info (Shared)" <info@msc.qld.gov.au>; "David Tempany" <David.Tempany@evolutionmining.com>; "Rosemary Tempany" <billabong.land.oz@gmail.com>
Subject: MCU/21/0018 - David Tempany submits query regarding future changes to this development application

Attention Town Planning,
Carl,

While we have no objection to MC/21/0018 in its current form, our concern is that after a period of time there could be accommodation and other structures or services added which could change the natural amenity of the area, for example a population of Eastern Grey Kangaroos inhabit the general area.

So the question is, if such development were to occur, would a new Material Change of Use have to be submitted by the owner prior to any changes being made?

Regards

David Tempany

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From: "gregorymartin8 gregorymartin8" <gregorymartin8@bigpond.com>
Sent: Mon, 13 Jun 2022 14:43:31 +1000 (AEST)
To: "Info (Shared)" <info@msc.qld.gov.au>
Subject: MCU/21/0018 Greg Martin submits no objection to Tourist Park Campground Application however would like some safety concerns addressed - 97 Kovacic Road Mareeba

Hi

I am writing to you in response to the Tourist Park (Campground) Application ref:MSC/21/0018. I have no objections to the Campground only have a few questions regarding some safety concerns.

Firstly on the Part 5-Referral details. Main part here, as I have lived on the property adjoining the proposed tourist park since the early 1980's and we used to find what we have been told were unexploded projectiles, back from when the army used the area as a practice range. Some of these have been taken away by the army and disposed of since then. While there is still a sign on another adjoining property that also details this. Yet on the application this box has not been ticked. Can I ask what process the council has/will be conducting to ensure that the area is free from any of these potential explosives, and any potential injuries these may cause from unsuspecting tourists.

Also the adjoining road from Kovacic Road onto the Kennedy highway. I have personally witnessed near misses from vehicles coming from Kovacic road onto the highway from people that live in the area. Due to the difficulty of seeing oncoming traffic travelling from Mareeba. The recent upgrade of the highway has helped this marginally. But for tourists that don't know the risks of this intersection. Also towing potentially large caravan's I feel that this may become a potential location of future accidents.

Thank you

Greg Martin