



20 February 2025

Planning Officer: Brian Millard
Direct Telephone: 07 4086 4656
Our Reference: MCU/22/0002
Your Reference: F21/37

Kanjini Co-Op Ltd
C/- Freshwater Planning
17 Barron View Drive
FRESHWATER QLD 4870

Dear Applicants,

Negotiated Decision Notice

Planning Act 2016

I refer to your application and the representations you made in respect to the decision notice. On 19 February 2025, Council decided your representations.

Details of the decision are as follows:

APPLICATION DETAILS

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

DECISION DETAILS

Council, on 19 February 2025, decided to issue the following type of approval:

Development Permit for Material Change of Use – Outdoor Sport and Recreation, Function Facility and Tourist Park.

In relation to representations, at the Ordinary Council Meeting on the 19 February 2025, Council decided to:

A. Agreed in part to amend the following conditions:

- Condition 4.5.1
- Condition 4.5.3
- Condition 4.5.4
- Condition 4.7.1
- Condition 4.7.2
- Condition 4.7.3
- Condition 4.7.4
- Condition 5.2
- Condition 5.3
- Condition 5.4
- Condition 5.7
- Condition 5.9

CURRENCY PERIOD OF APPROVAL

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

INFRASTRUCTURE

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

CONSOLIDATED ASSESSMENT MANAGER CONDITIONS

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. This Development Permit authorises the following development:

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

-
2. Development must be carried out generally in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:
 - found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
 - to ensure compliance with the following conditions of approval.
 3. Timing of Effect
 - 3.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the commencement of the use except where specified otherwise in these conditions of approval.
 - 3.2 Prior to the commencement of use, the applicant must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.
 4. General
 - 4.1 The applicant is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
 - 4.2 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to commencement of the use and at the rate applicable at the time of payment.
 - 4.3 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.
 - 4.4 Waste Management
 - 4.4.1 On site refuge storage area/s must be provided and be screened from view from adjoining properties and road reserve by 1 metre wide landscaped screening buffer or 1.8m high solid fence or building.
 - 4.4.2 Where bulk bins are used and are to be serviced on site, prior to the issue of a development permit for building works, Council's delegated officer must be satisfied that internal access is of adequate design and construction to allow waste collection/delivery vehicles to enter and exit the site in a forward gear only.

4.5 Event Sites/Function Facility Capacity

Condition 4.5.1 of Council's Decision Notice issued on 17 October 2024 be amended as follows:

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

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

Condition 4.5.3 of Council's Decision Notice issued on 17 October 2024 be amended as follows:

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

Condition 4.5.4 of Council's Decision Notice issued on 17 October 2024 be amended as follows:

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

4.6 Emissions

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

4.7 Noise Management

Condition 4.7.1 of Council's Decision Notice issued on 17 October 2024 be amended as follows:

4.7.1 Event Site 2 and Function Facility

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

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

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

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

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

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

4.7.3 Noise Management Plan

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

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

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

- a description of the activities occurring which gave rise to the complaint;
 - any action taken as a result of the complaint.
- (vi) Following each event, the applicant must notify Council of all complaints and the actions taken as a result of the complaint.
- (vii) The noise management plan must be submitted to Council and be approved by Council's delegated officer prior to the commencement of the use.
- (viii) The approved use must comply with the approved noise management plan at all times.

Condition 4.7.4 of Council's Decision Notice issued on 17 October 2024 be amended as follows:

4.7.4 Investigation of Noise Nuisance Complaints

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

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

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

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

4.8 Camp Site Capacity

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

4.9 Maintain Records of Attendee Numbers

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

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

4.10 Bushfire Management

A Bushfire Management Plan for the site, incorporating evacuation procedures for attendees/guests, must be prepared to the satisfaction of Council's delegated

officer. The approved use must comply with the requirements of the Bushfire Management Plan at all times.

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

5. Infrastructure Services and Standards

5.1 Access Crossover

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

5.2 Road Safety Assessment/s

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 5.5 Stormwater Drainage/Water Quality

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

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

- 5.6 Car Parking/Internal Driveways

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

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

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

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

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

5.7 Non-Reticulated Water Supply

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

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

5.8 On-Site Wastewater Management

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

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

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

Condition 5.9 of Council's Decision Notice issued on 17 October 2024 be amended as follows:

5.9 Lighting

Lighting associated with evening and nighttime functions must be set up to minimise light spillage and not cause nuisance to any neighbouring property. Where permanent outdoor lighting is proposed, the developer shall locate, design and install lighting in order to prevent the potential for light spillage to cause nuisance to neighbours and must be provided in accordance with Australian Standard 1158.1 – Lighting for Roads and Public Spaces.

Illumination resulting from direct, reflected or other incidental light emanating from the subject land does not exceed eight (8) lux when measured at any point 1.5m outside the property boundary of the subject site, **except within 50m of any registration and/or entry stations, where up to fifty (50) Lux shall be permitted.** The lighting fixtures installed on site must meet appropriate lux levels as documented within Australian Standard 4282 – Control of the Obtrusive Effects of Outdoor Lighting.

REFERRAL AGENCIES

The referral agencies applicable to this application are:

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

A copy of any referral agency conditions is attached.

APPROVED PLANS

The following plans are Approved plans for the development:

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

ADVISORY NOTES

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

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

(D) ASSESSMENT MANAGER'S ADVICE

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

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

(d) Compliance with applicable codes/policies

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

(e) Compliance with Acts and Regulations

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

(f) Environmental Protection and Biodiversity Conservation Act 1999

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

(g) Cultural Heritage

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

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

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

(f) Electric Ants

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

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

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

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

(g) Powerlink Advice – 24 November 2023

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

(h) Queensland Parks and Wildlife Service & Partnerships Advice

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

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

PROPERTY NOTES

Not Applicable.

FURTHER DEVELOPMENT PERMITS REQUIRED

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

SUBMISSIONS

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

Name of Principal submitter	Address
1. Frank Burton	frkburton@gmail.com
2. Mareeba Mountain Goats Inc	Mareebamountaingoats@gmail.com
3. Walter Bonvecchio	Bonwal2000@yahoo.it

NEGOTIATED DECISION NOTICE

4. Djabugay Tribal Aboriginal Corporation	PO Box 495, Kuranda QLD 4881
5. Melinda Norris	tinytropicalhome@gmail.com
6. Rebecca Scott	createmorefuntimes@gmail.com
7. Lynette Alba	8 Elsie Close, Mareeba QLD 4880
8. Scott & Patti Hill	scotnpat@bigpond.com
9. Owen Allen	owen@phoenixfunctions.com.au
10. Victor Steffensen	steffensenvictor@gmail.com
11. Bruce Zell	brucezell@gmail.com
12. Morgyn Quinn, William Johnston, Pahlada Cave and the Kuranda Roots team	rudekatrecords@gmail.com
13. J Ney	251 Kay Road, Mareeba QLD 4880
14. Hazel Bensted	487 Kay Road, Mareeba QLD 4880
15. Sarah Bensted	487 Kay Road, Mareeba QLD 4880
16. Jonathon Bensted	487 Kay Road, Mareeba QLD 4880
17. Courtney Stephenson	487 Kay Road, Mareeba QLD 4880
18. Phil & Alana Bensted	487 Kay Road, Mareeba QLD 4880
19. Dave Srhoj	60 Kay Road, Mareeba QLD 4880
20. Max Srhoj	60 Kay Road, Mareeba QLD 4880
21. Wayne Srhoj	100 East Sabin Road, Mareeba QLD 4880
22. Denise Srhoj	60 Kay Road, Mareeba QLD 4880
23. Megan Srhoj	100 East Sabin Road, Mareeba QLD 4880
24. Bean Sanders	322 Kay Road, Mareeba QLD 4880
25. Mami Oyama	322 Kay Road, Mareeba QLD 4880
26. Luke Antequera	224 Kay Road, Mareeba QLD 4880
27. Narella Antequera	224 Kay Road, Mareeba QLD 4880
28. Des & Joanne Butler	208 Kay Road, Mareeba QLD 4880
29. Jacob Cooper	322 Kay Road, Mareeba QLD 4880
30. Emmett Kerlin	452 Kay Road, Mareeba QLD 4880
31. David Fittock	93 Kay Road, Mareeba QLD 4880
32. Kim Burns	219 Kay Road, Mareeba QLD 4880
33. Alen Cranswick	143 Kay Road, Mareeba QLD 4880
34. John McDowall	63 Rollison Drive, Mareeba QLD 4880
35. Tara Peckham	59 Kay Road, Mareeba QLD 4880
36. Marnie Peckham	59 Kay Road, Mareeba QLD 4880
37. Karen Peckham	59 Kay Road, Mareeba QLD 4880
38. Adam & Diana Spena	128 Kay Road, Mareeba QLD 4880
39. Janice & Brian Herbohn	3823 Kennedy Highway, Mareeba QLD 4880

RIGHTS OF APPEAL

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

17. OTHER DETAILS

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

DECISION NOTICE HISTORY

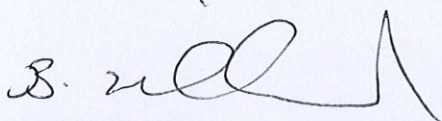
MCU/22/0022 – Original Decision Notice dated 17 October 2024.

MCU/22/0022 – Adopted Infrastructure Charges Notice dated 17 October 2024.

MCU/22/0002 – Negotiated Decision Notice dated 20 February 2025.

MCU/22/0002 – Negotiated Adopted Infrastructure Charges Notice dated 20 February 2025.

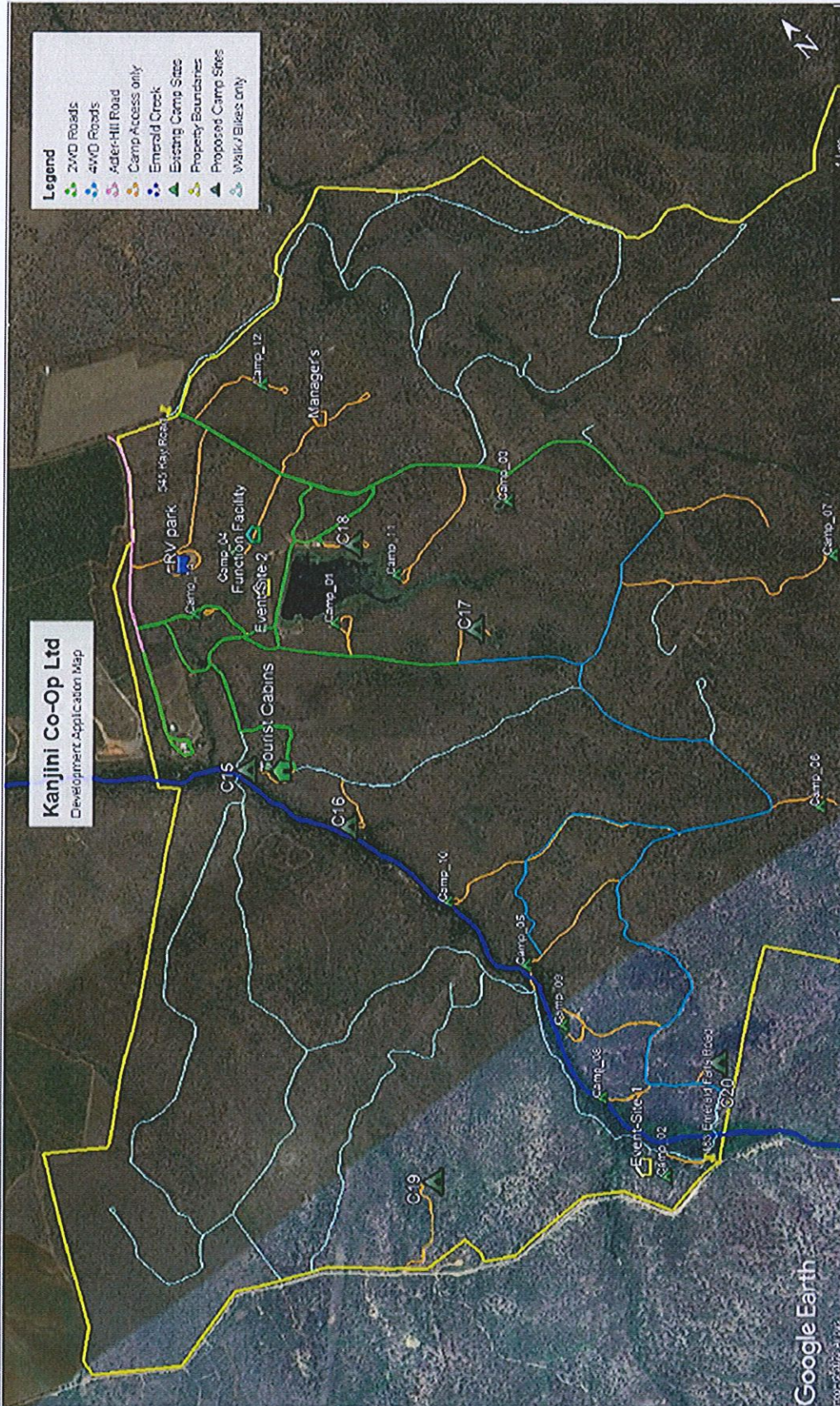
Yours faithfully



BRIAN MILLARD
COORDINATOR PLANNING & BUILDING

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

Approved Plans/Documents



20/2/2025
B. Hill

Proposed Event Site 1

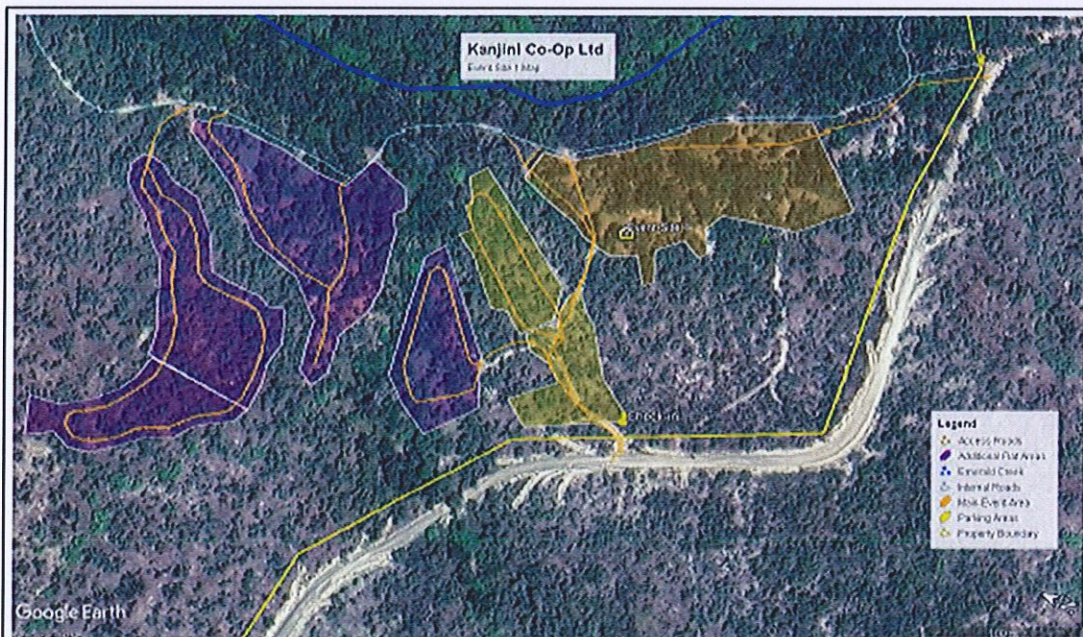
The proposed Event Site 1 is at 438 Emerald Falls Road. There is some existing infrastructure, namely two ~70sqm covered decks, five toilets, five showers and two hand basins.

While it always will be the event organiser's responsibility to ensure the supply of sufficient facilities for their event, Kanjini might add more facilities in the future.

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



Indigenous dances at Kuranda Roots festival



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

20/2/2025
B. n. ell

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

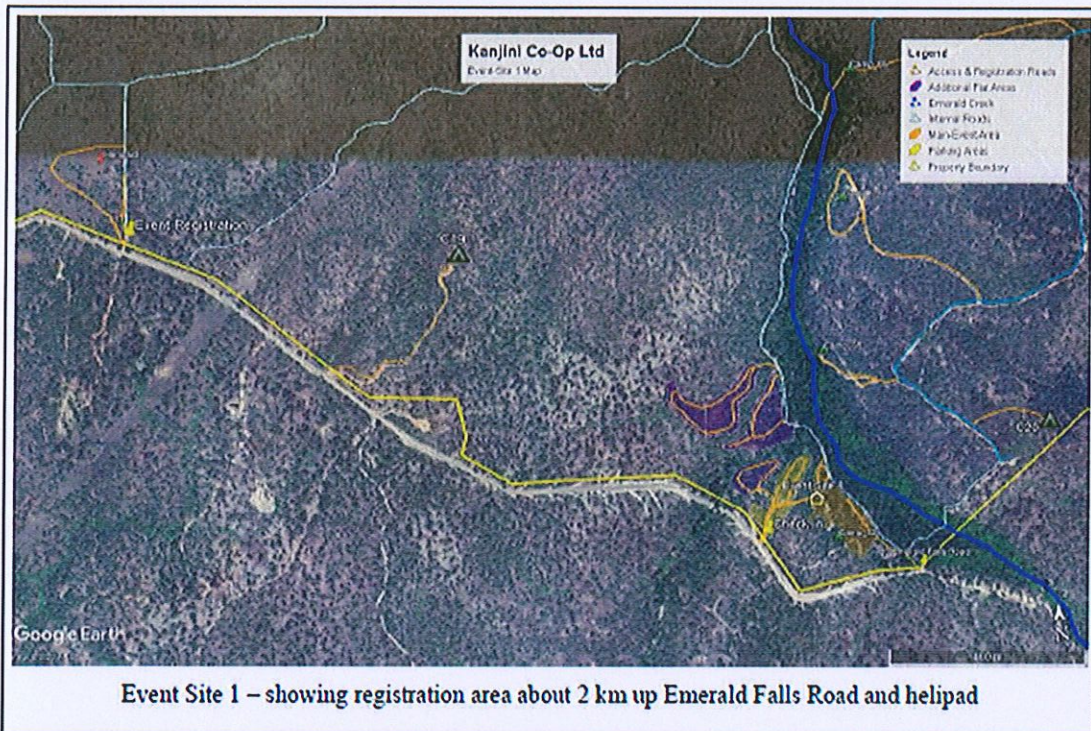
The yellow shaded area provides about 0.8Ha for parking.

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

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

There is a helipad for emergencies and a separate registration area on our land about two kilometers up Emerald Falls Road (see below map).

This registration area features an over 500m long loop road to avoid any cars lining up along Emerald Falls Road during registration.



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

20/2/2025
B. Hill

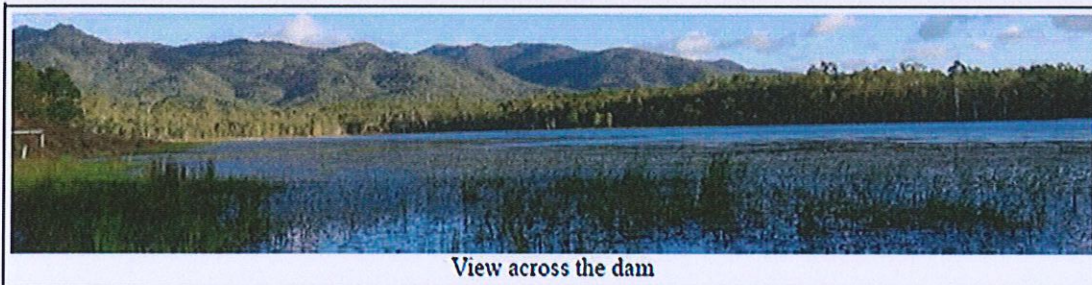
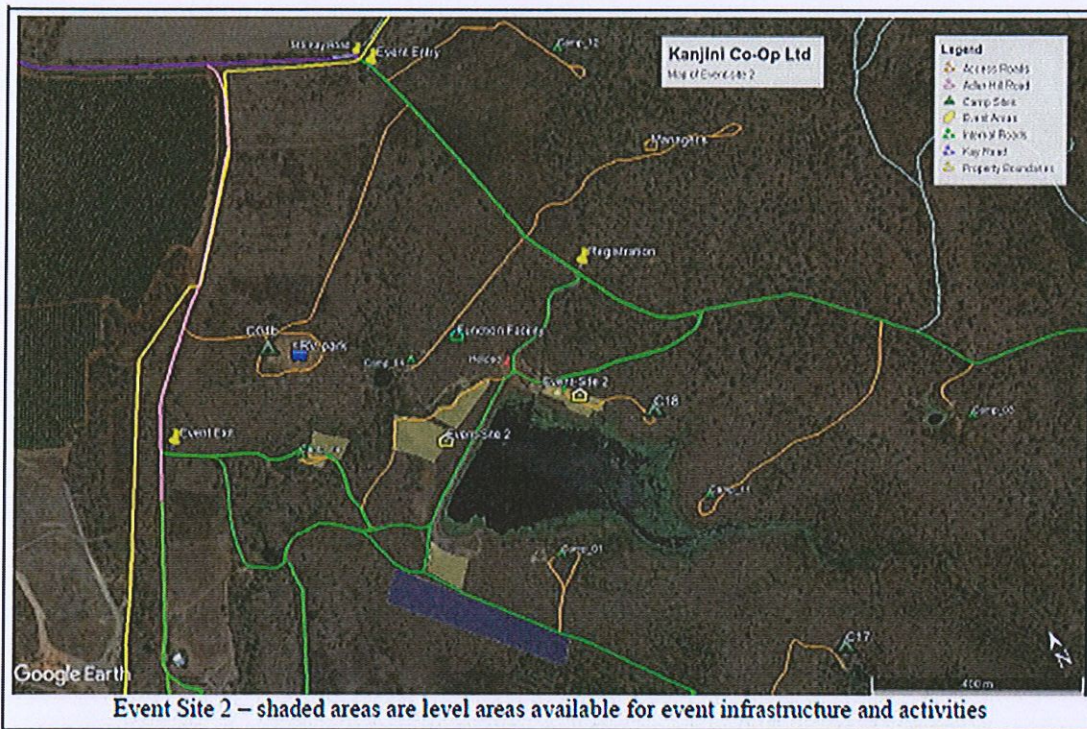
Proposed Event Site 2

The proposed Event Site 2 is next to our 25 acre lake. There is some existing infrastructure, namely three toilets, a hand basin, and an about 100 square meter tarp.

While it always will be the event organiser's responsibility to ensure the supply of sufficient facilities for their event, we might add more facilities in the future.

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

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



20/2/2025
B. Hill

Proposed Tourist-Cabins

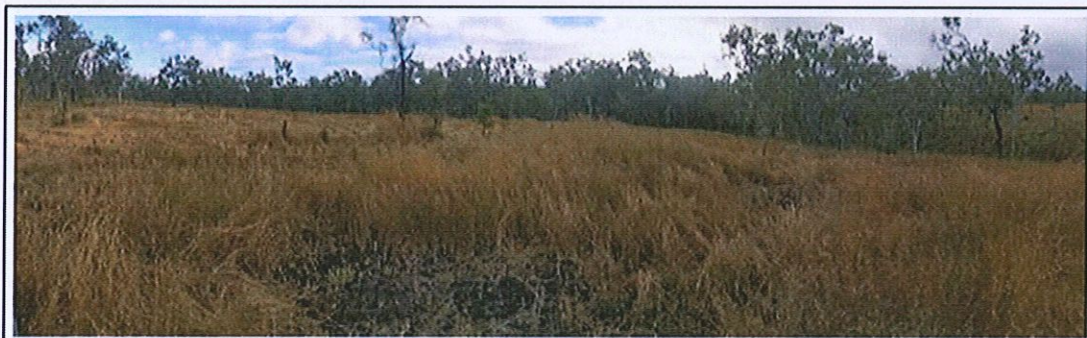
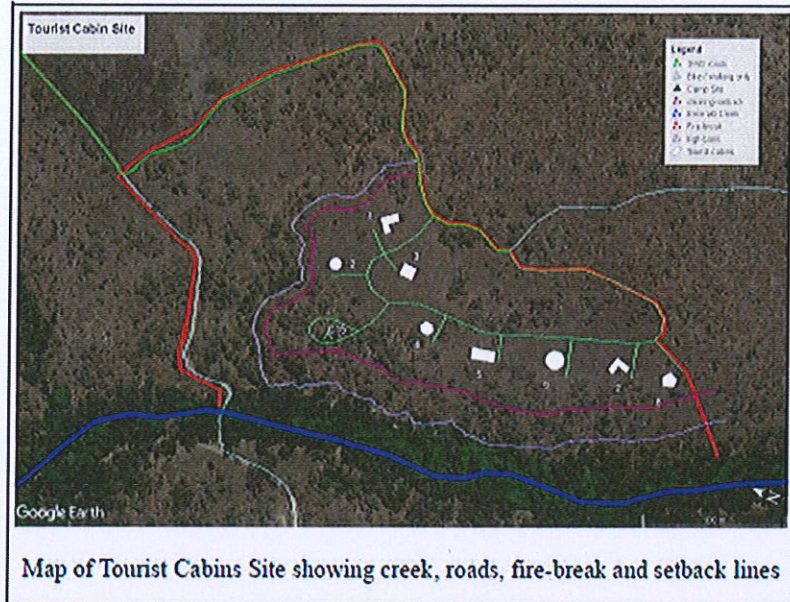
The proposed Tourist Cabin site is utilising an about 2.5Ha area on a ridge within walking distance of Emerald Creek. The site was chosen because it is naturally already almost totally clear of trees. The site is serviced by an existing 2WD gravel road.

We envision to build eight tourist cabins here and the vision is for each one to be built using unusual designs and materials. For example there could be a round cabin or a curved one, an octagon or a hexagram, a free-form or spiral or a tower.

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

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

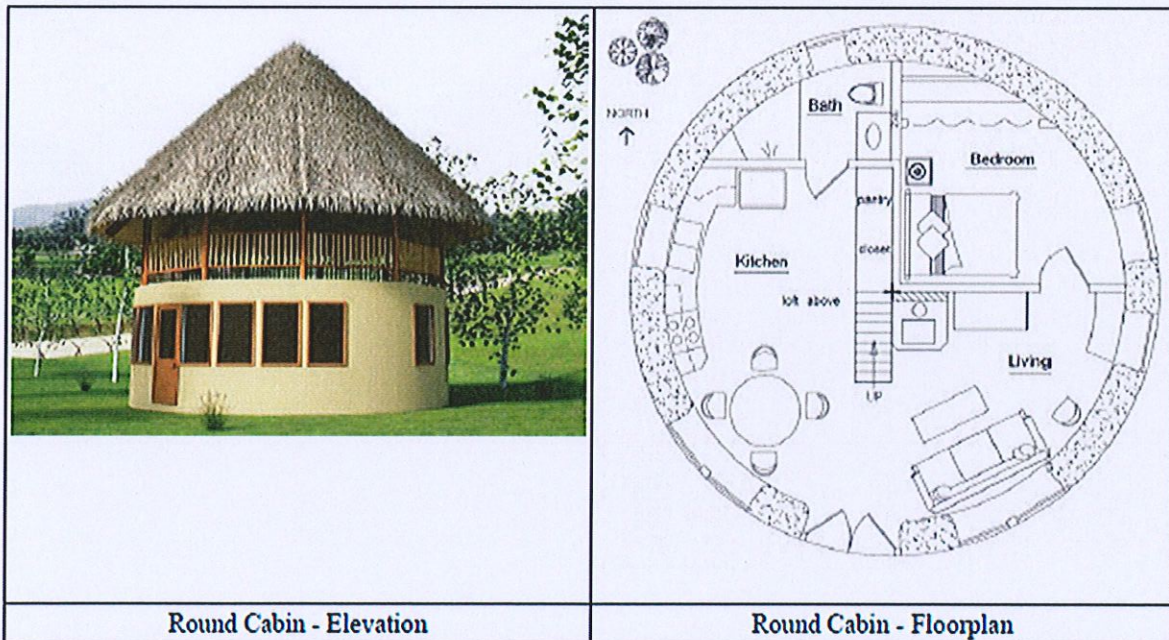
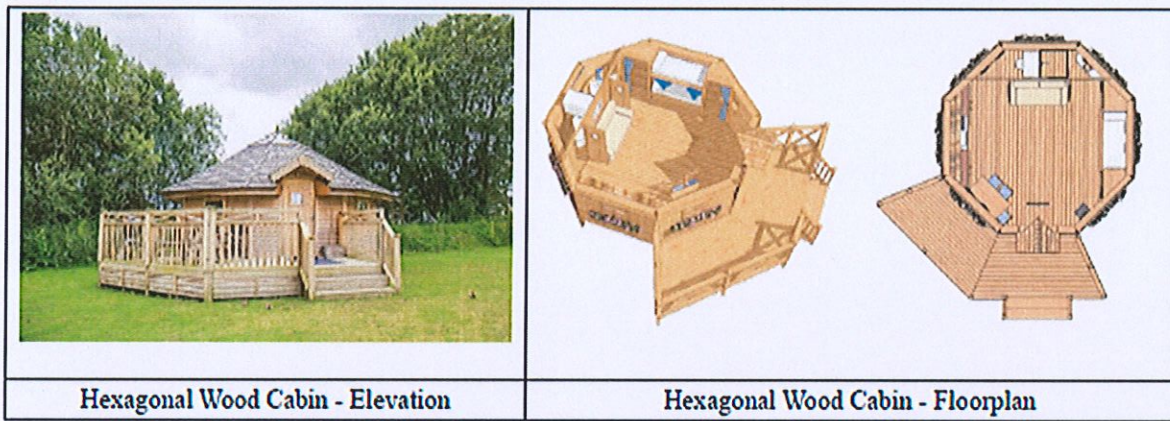
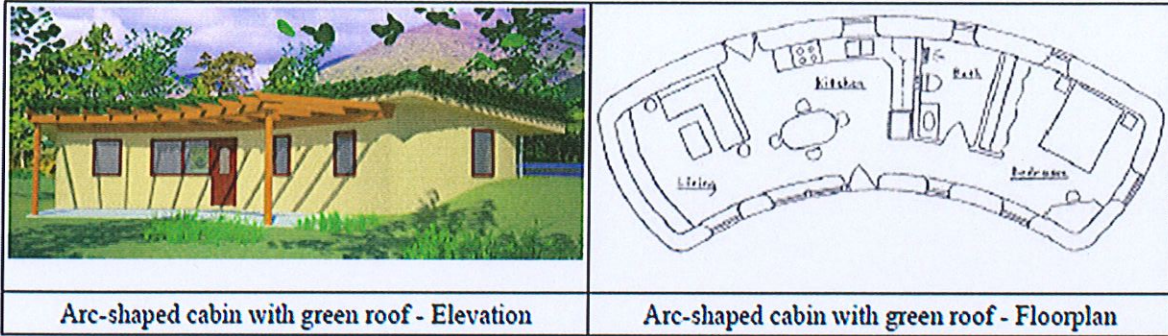
We are hoping to attract southerners and overseas visitors to Mareeba Shire to experience spending a few days or weeks in such a totally different house, to get a feel for more sustainable living.



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

20/2/2025
B. [Signature]

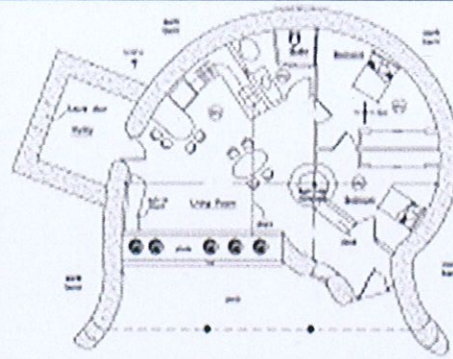
Here a few concept drawings on what these tourist cabins may look like:



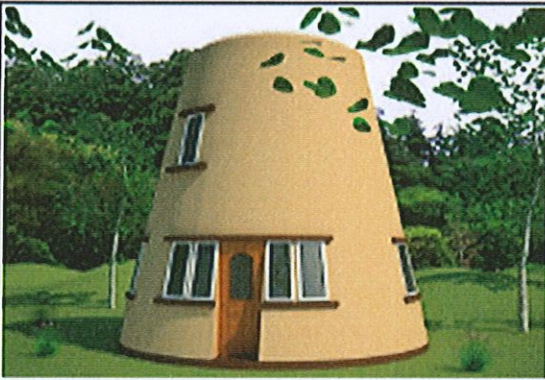
20/2/2025
B. Villa



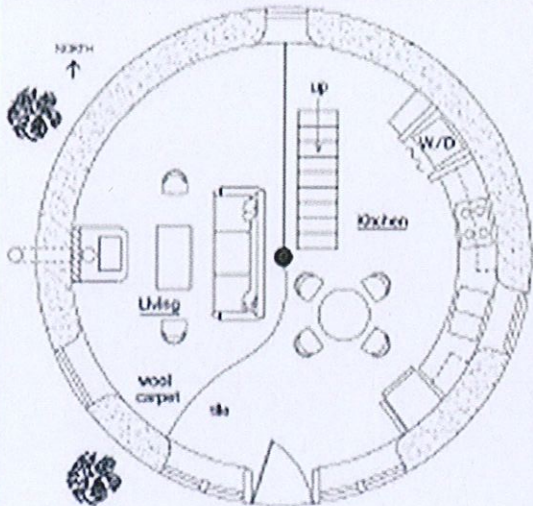
Spiral Cabin - Elevation



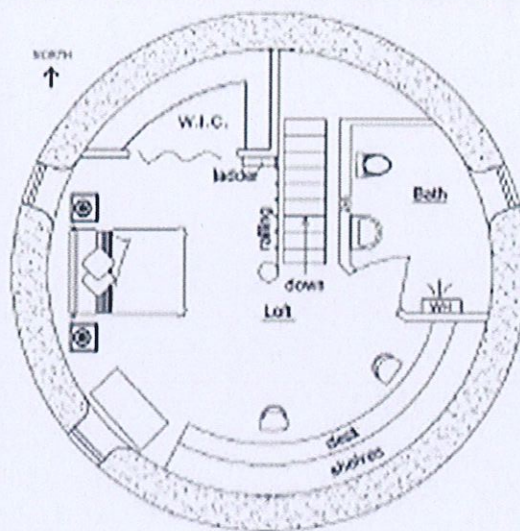
Spiral Cabin - Floorplan



Tower Cabin - Elevation



Tower Cabin - Groundfloor



Tower Cabin - Upstairs

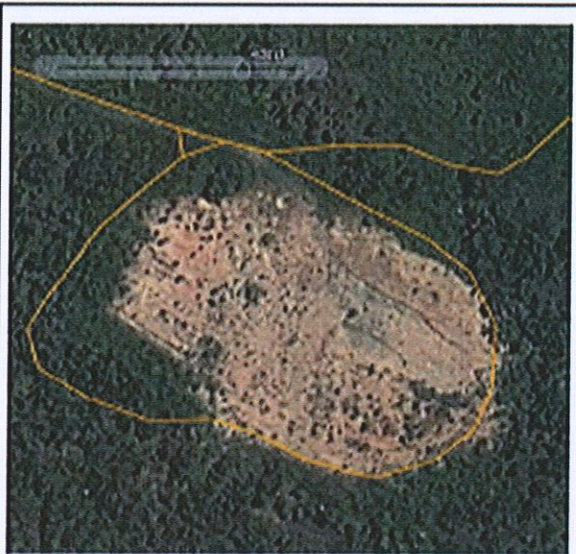
20/2/2025
B. Will

Proposed RV Site

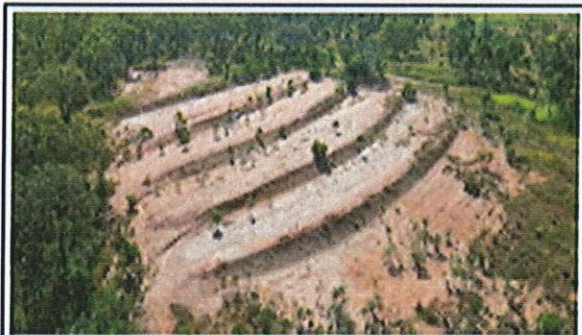
We were told that the proposed RV site was used as a council quarry for road base a long time ago and then again by previous owners or lessees.

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

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



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



Aerial view of terraces

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

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

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

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



View from RV site

20/2/2025
[Handwritten signature]

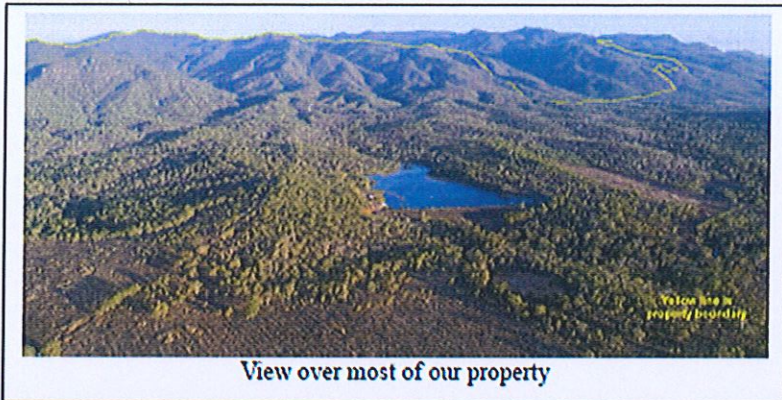
Proposed Events & Functions

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

EVENTS:

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

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



View over most of our property

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

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

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

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

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



View of part of event site 1

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

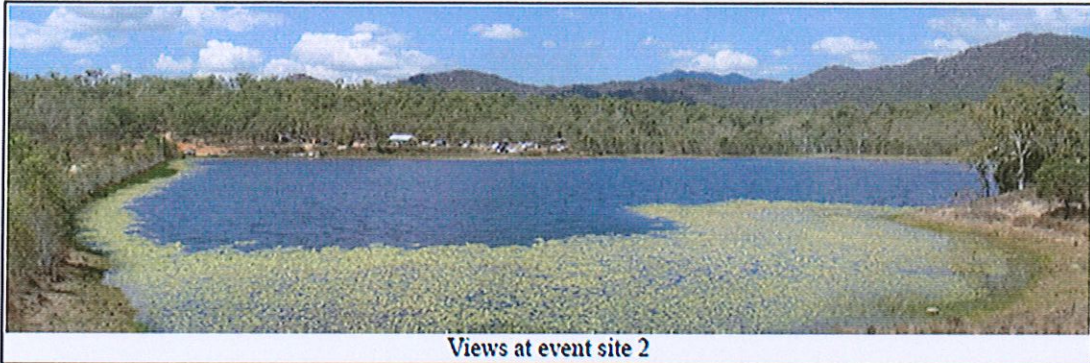
The proposed development is very small scale considering the vast size of this property and the reason for this development application is not to make large amounts of money, but to share this amazing property with the wider community.

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

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

20/2/2025
B. n. d. n.

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



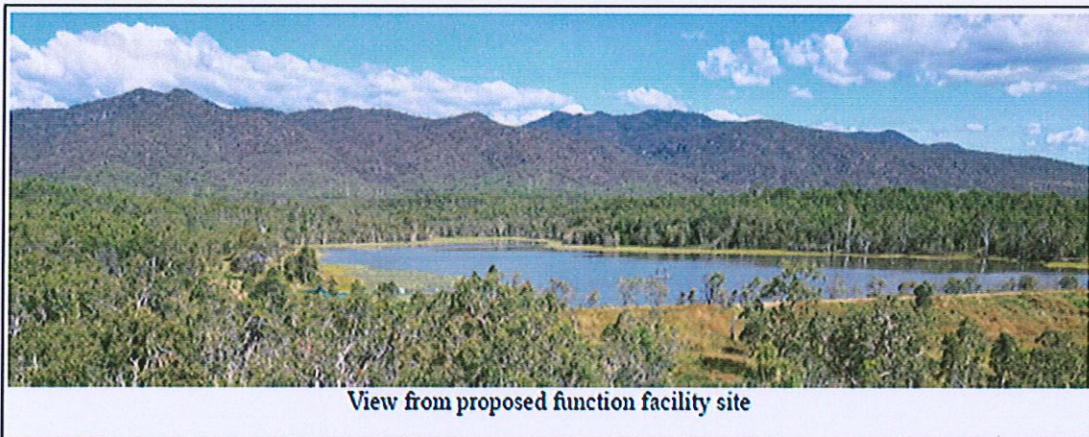
Kanjini Co-Op Ltd has already hosted the Kuranda Roots Festival in 2021, 2022 and 2023 with about 700-1,200 persons at the proposed event site 1. These three-day festivals were very successful and without any major incidents and all attendees really enjoyed the beautiful location.

FUNCTIONS:

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

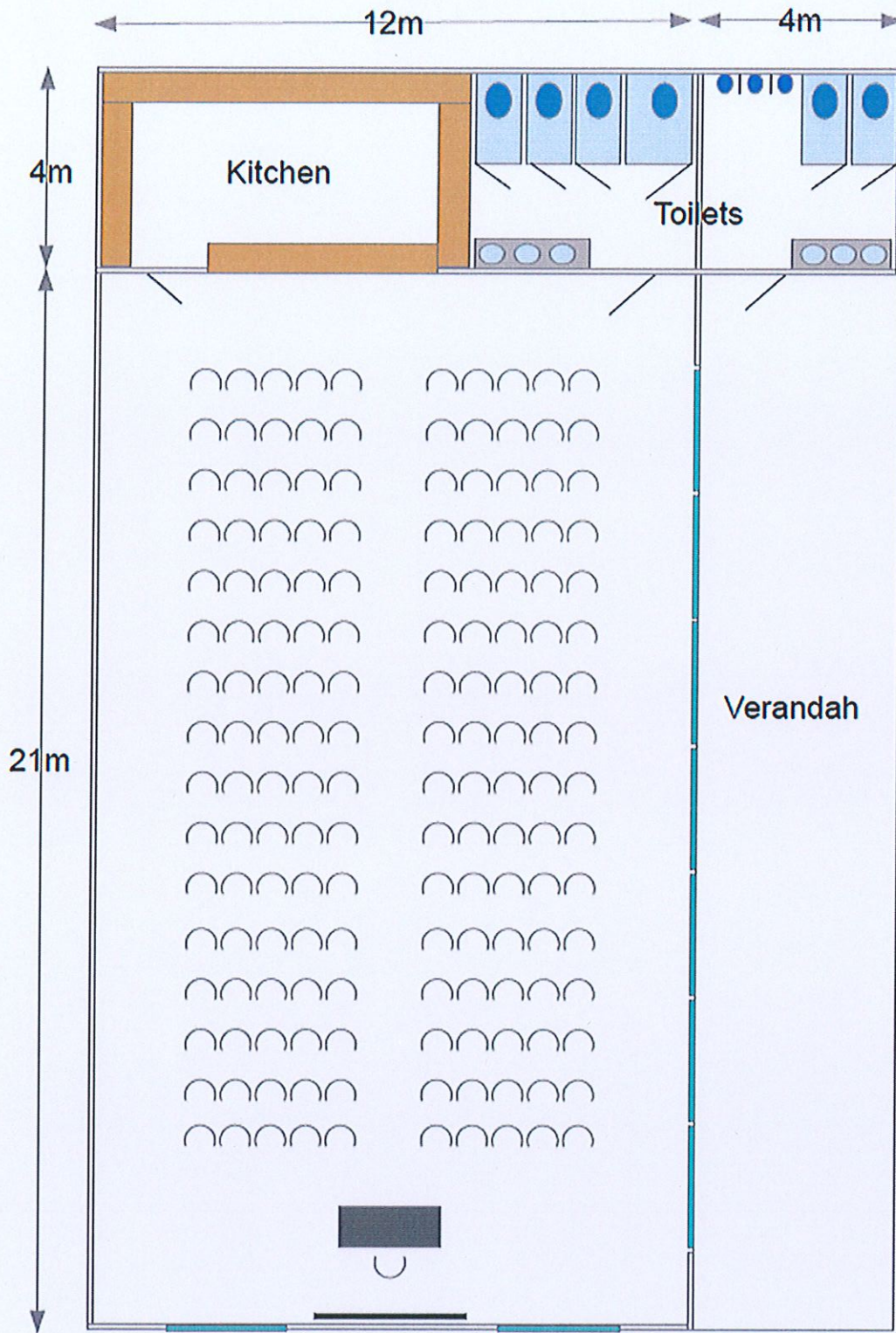
It is overlooking and within walking distance of our 25 acre lake and will offer a stunning backdrop to any marriage or other function.

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



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

20/2/2025
B. [Signature]

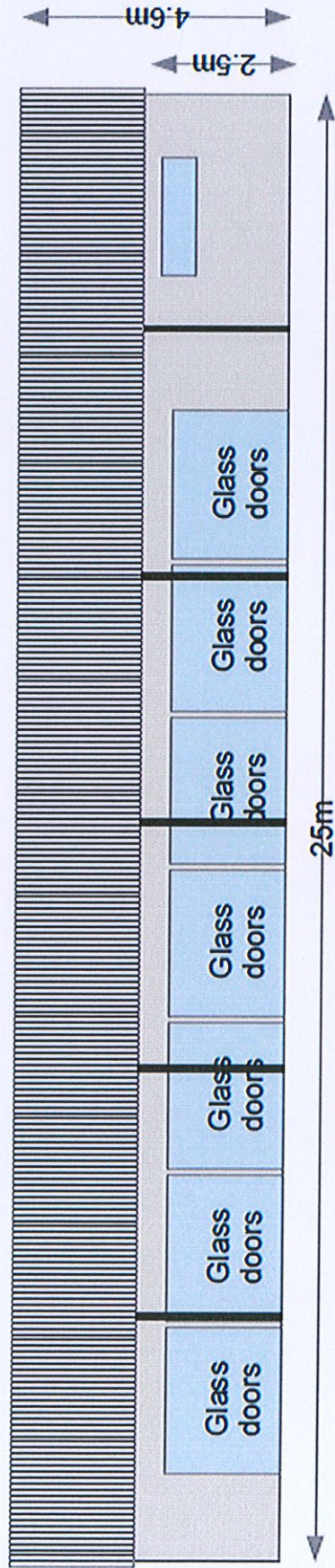


Proposed Function Facility - Layout

20/2/2025
B. [Signature]

Proposed Function Facility

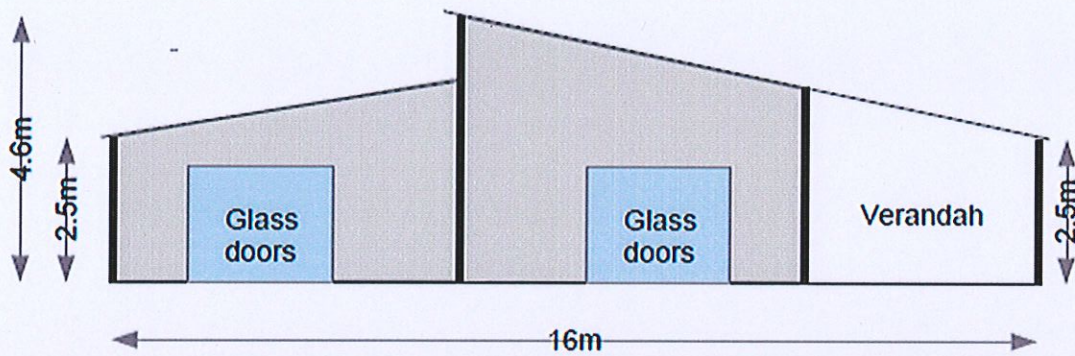
South-East Elevation



20/12/2025
J.B. M...
✓

Proposed Function Facility

South-West Elevation



20/2/2025
B. n. [Signature]

	Referral Agency Response
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RA22-N



Our reference: 2303-33622 SRA
 Council reference: MCU/22/0002
 Applicant reference: F21/374

16 September 2024

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

Attention: Carl Ewin

Dear Sir/Madam

Changed referral agency response—with conditions

(Given under section 28 of the Development Assessment Rules)

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

Applicant details

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

Location details

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

Application details

Development permit	Material Change of Use for Outdoor Sport and Recreation, Function Facility and Tourist Park
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2303-33622 SRA

Referral triggers

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

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

Conditions

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

Reasons for decision to impose conditions

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

Advice to the assessment manager

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

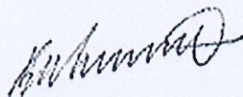
Approved plans and specifications

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

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

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

Yours sincerely



Brett Nancarrow
Manager (Planning)

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

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

2303-33622 SRA

Attachment 1—Changed conditions to be imposed

No.	Conditions	Condition timing
Material change of use		
Schedule 10, Part 3, Division 4, Table 3 – Clearing native vegetation — The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Resources to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:		
1.	Clearing of vegetation must: <ul style="list-style-type: none"> (a) only occur within Area A (Parts A1 – A9) as shown on the attached: <ul style="list-style-type: none"> (i) Vegetation Management Plan, prepared by Queensland Government, reference VMP 2303-33622 SRA, Sheets 1 & 2, version 4.2; and (ii) Attachment to Vegetation Management Plan VMP 2303-33622 SRA Derived Reference Points for GPS; (b) not exceed 0.8 0.18 hectares. 	At all times.
2.	Built infrastructure, other than fences, roads, underground services, must not be established, constructed or located within Area C (Parts C1 – C2) as shown on the attached: <ul style="list-style-type: none"> (a) Vegetation Management Plan, prepared by Queensland Government, reference VMP 2303-33622 SRA, Sheets 1 & 2, version 4.2; and (b) Attachment to Vegetation Management Plan VMP 2303-33622 SRA Derived Reference Points for GPS, <u>Pages 1 - 3.</u> 	At all times.
Schedule 10, Part 4, Division 3, Table 1 – Unexploded ordnance — The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Housing, Local Government, Planning and Public Works to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition:		
3.	Provide written confirmation to the Department of Housing, Local Government, Planning and Public Works via email to CairnsSARA@dsgilgp.qld.gov.au by an approved contractor on the Australian Government, Department of Defence, Unexploded Ordnance (UXO) Panel that all proposed use areas upon the site each proposed stage of development including any associated vehicular and pedestrian access tracks specific to this application has been assessed, remediated and cleared of unexploded ordnances. Specifically, these proposed use areas as shown on the plan entitled 'Kanjini Co Op Ltd—Development Application Map' that was provided as part of the response to SARA's information request must include but are not limited to: <ul style="list-style-type: none"> ▲ Event site 2; ▲ Tourist cabins (total of 8); ▲ Function facility and associated car parking area; ▲ Bush camp sites 1, 3-5, 10-12, 14-18; ▲ RV park; ▲ Manager's residence; and 	Prior to the commencement of <u>building works or operational works for each stage of development; or</u> <u>Where no building works or operational works are required prior to the commencement of the use.</u>

2303-33622 SRA

	<p>▲ All vehicular and pedestrian access tracks associated with the abovementioned use area.</p> <p><u>The proposed stages of development are confined to the area shown on the plan entitled 'Kanjini Co-Op Ltd - Development Application Map' that was provided as part of the request to make representations to SARA's referral agency response and are specifically shown on the following UXO treatment plans (as amended in red by SARA):</u></p> <ul style="list-style-type: none">• <u>Stage 2 – Event site 2 & camp 18</u>• <u>Stage 3 – Tourist cabins</u>• <u>Stage 4 – Camps 15 & 16</u>• <u>Stage 5 – Camp 17</u>• <u>Stage 7 – Camp 20</u>• <u>Stage 8 – RV site</u>• <u>Stage 9 – Function site</u>• <u>Stage 10 – Possible alternative camp site (C-A1)</u>• <u>Stage 11 – Possible alternative camp site (C-A2)</u>	
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2303-33622 SRA

Attachment 2—Changed reasons for decision to impose conditions

The reasons for the SARA's decision are:

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

Material used in the assessment of the application:

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

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Attachment 3—Changed advice to assessment manager

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> , its regulation or the State Development Assessment Provisions (SDAP) (version 3.0). If a word remains undefined it has its ordinary meaning.

Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules¹ regarding representations about a referral agency response

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

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

¹ Pursuant to Section 68 of the *Planning Act 2016*

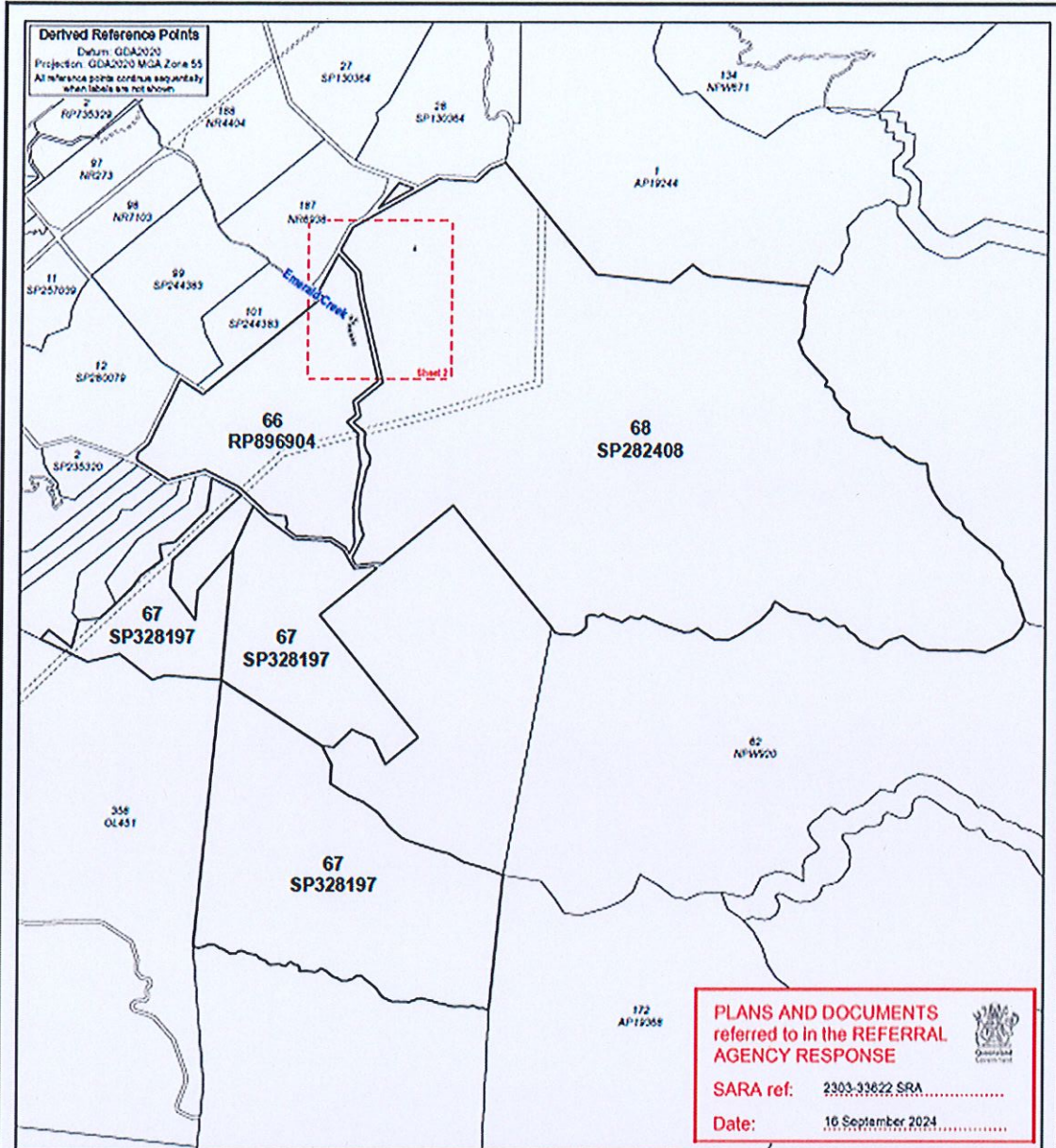
² In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

Part 7: Miscellaneous

30 Representations about a referral agency response

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

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



1:35,000 @ A3 paper size
0 0.75 1.5 2.25 3 Kilometers
Projection: GDA2020 MGA Zone 55 Datum: GDA2020

Notes: Derived Reference Points are provided to assist in the location of area boundaries. Responsibility for locating these boundaries lies solely with the landholder.
Watercourse and drainage feature locations shown on the Vegetation Management Plan are derived from the certified Vegetation Management Watercourse and Drainage Feature Map. These alignments are approximate only and require ground truthing to identify the exact location of the watercourse or drainage feature.
The property boundaries shown on this plan are APPROXIMATE ONLY. They are NOT an accurate representation of the legal boundaries.
This plan must be read in conjunction with conditions attached to 2303-33622 SRA

LEGEND

- Subject Lot(s)
- Area A - Clearing Permitted
- Area C - Firebreak/safety buffer (only certain infrastructure permitted)

Note: This is a colour map and must be reproduced in colour



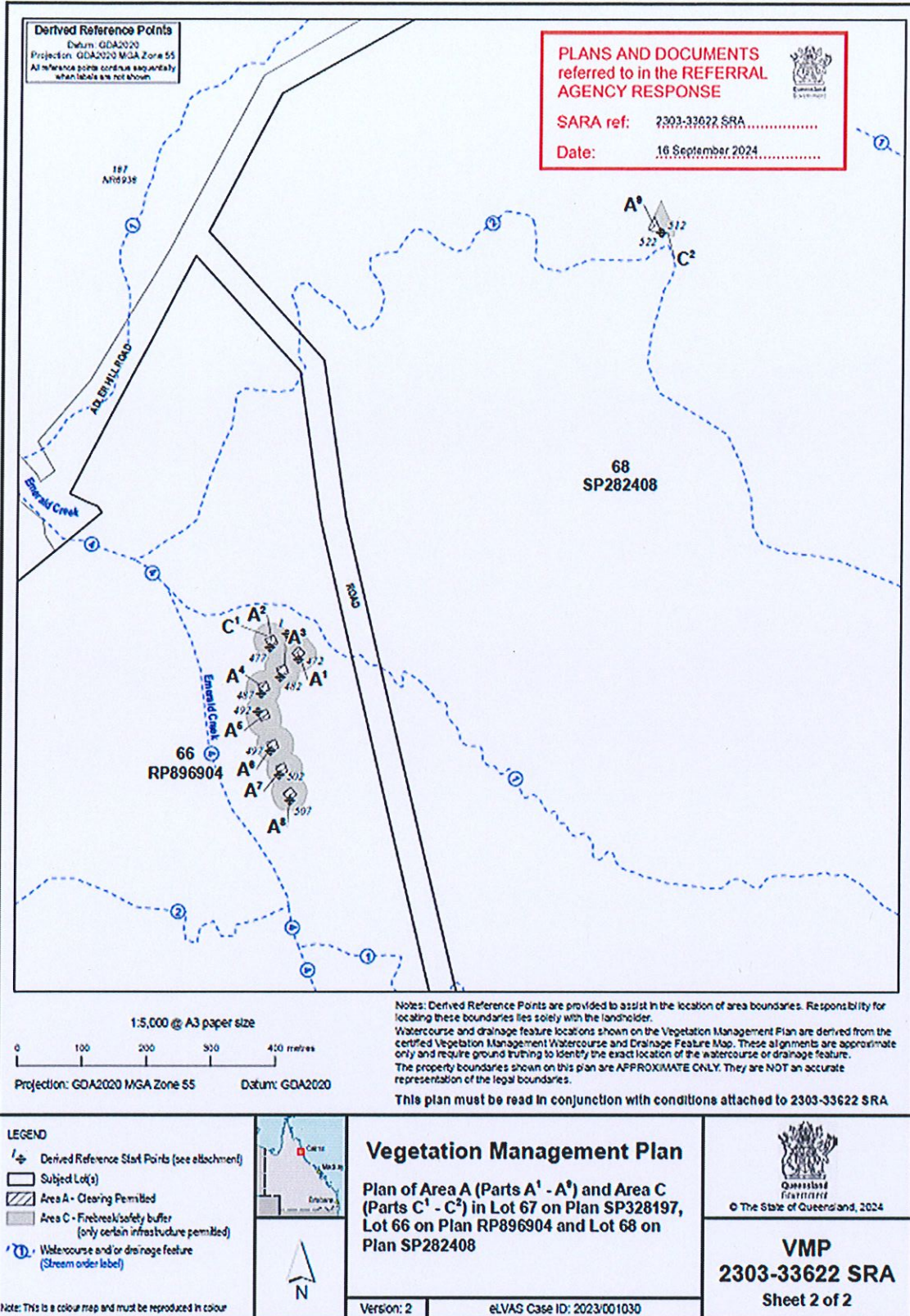
Vegetation Management Plan
Plan of Area A (Parts A¹ - A⁴) and Area C (Parts C¹ - C²) in Lot 67 on Plan SP328197, Lot 66 on Plan RP896904 and Lot 68 on Plan SP282408

Version: 2 | eLVAS Case ID: 2023/001030

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VMP
2303-33622 SRA
Sheet 1 of 2

VMOIS-RR-2677




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

PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

SARA ref: 2303-33622 SRA

Date: 16 September 2024



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

Part ID	Unique ID	Easting	Northing
C1	1	344244	8116303
C1	2	344245	8116302
C1	3	344246	8116300
C1	4	344246	8116388
C1	5	344246	8116387
C1	6	344246	8116387
C1	7	344248	8116389
C1	8	344249	8116389
C1	9	344251	8116300
C1	10	344253	8116301
C1	11	344255	8116302
C1	12	344257	8116302
C1	13	344258	8116302
C1	14	344260	8116303
C1	15	344262	8116302
C1	16	344264	8116302
C1	17	344266	8116302
C1	18	344268	8116301
C1	19	344270	8116301
C1	20	344272	8116300
C1	21	344273	8116389
C1	22	344275	8116387
C1	23	344276	8116386
C1	24	344278	8116385
C1	25	344284	8116377
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C1	28	344287	8116374
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Part ID	Unique ID	Easting	Northing
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Part ID	Unique ID	Easting	Northing
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C1	170	344270	8116182
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C1	174	344268	8116168
C1	175	344269	8116167
C1	176	344270	8116166
C1	177	344271	8116166
C1	178	344272	8116164
C1	179	344273	8116163
C1	180	344274	8116161

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

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

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

Date: 16 September 2024.....



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


Part ID	Unique ID	Easting	Northing
C1	181	344275	8116159
C1	182	344276	8116157
C1	183	344277	8116156
C1	184	344277	8116154
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C1	189	344277	8116144
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C1	221	344231	8116128
C1	222	344230	8116129
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C1	224	344228	8116132
C1	225	344227	8116134
C1	226	344226	8116136
C1	227	344224	8116142
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C1	239	344225	8116162
C1	240	344223	8116164

Part ID	Unique ID	Easting	Northing
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Part ID	Unique ID	Easting	Northing
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C1	303	344193	8116241
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C1	359	344208	8116337
C1	360	344210	8116338

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

PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE



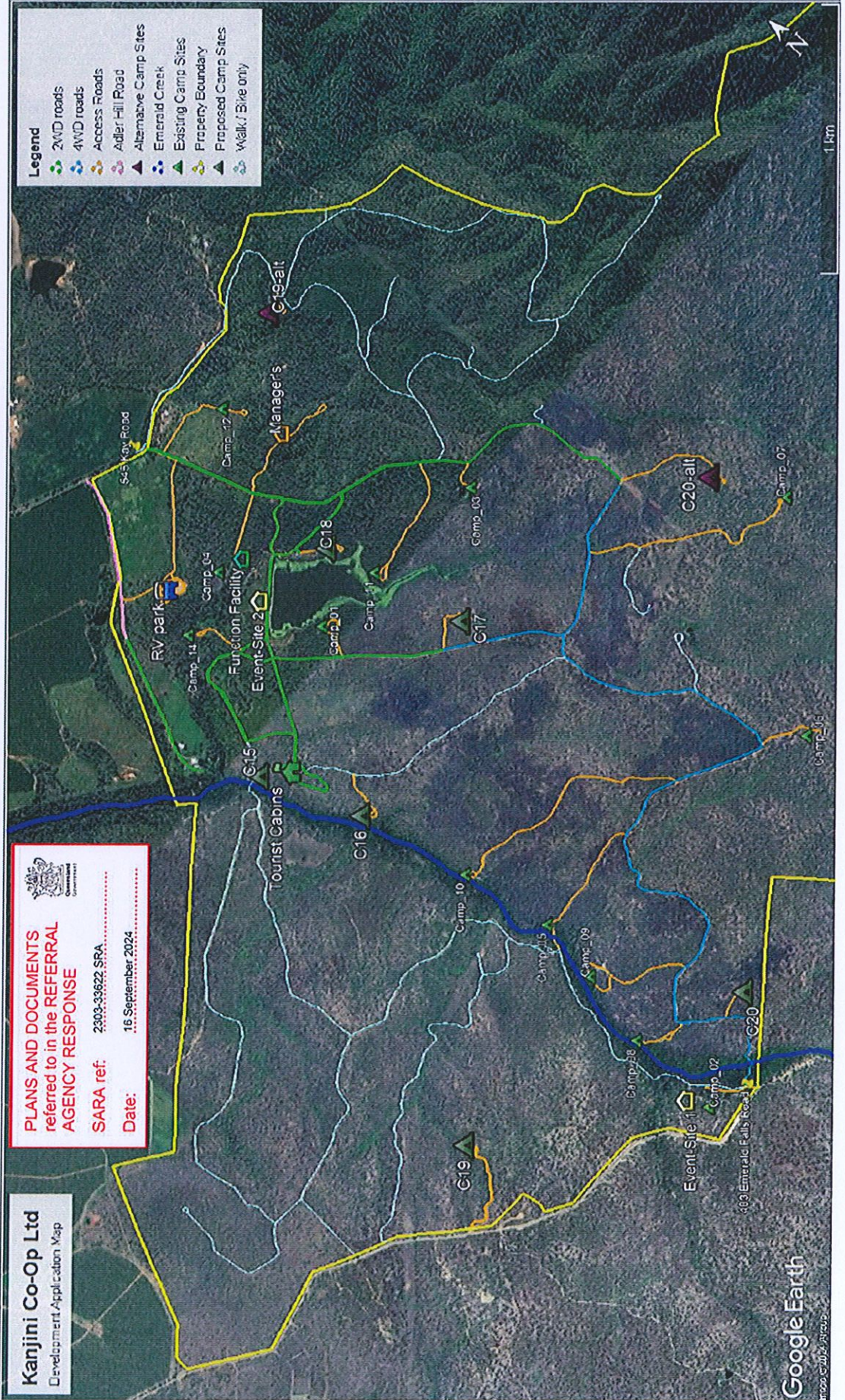
SARA ref: 2303-33622 SRA.....
Date: 16 September 2024.....

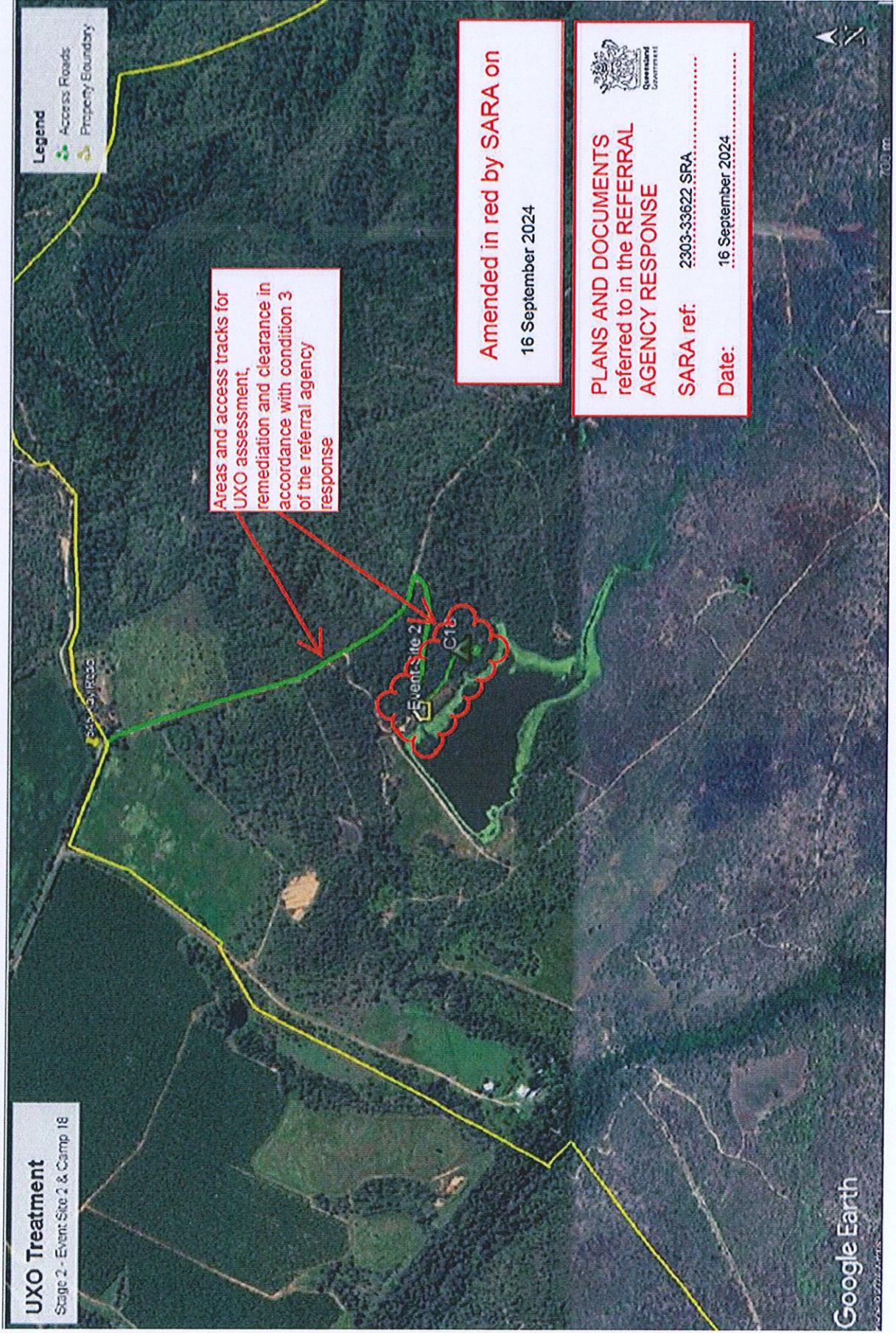
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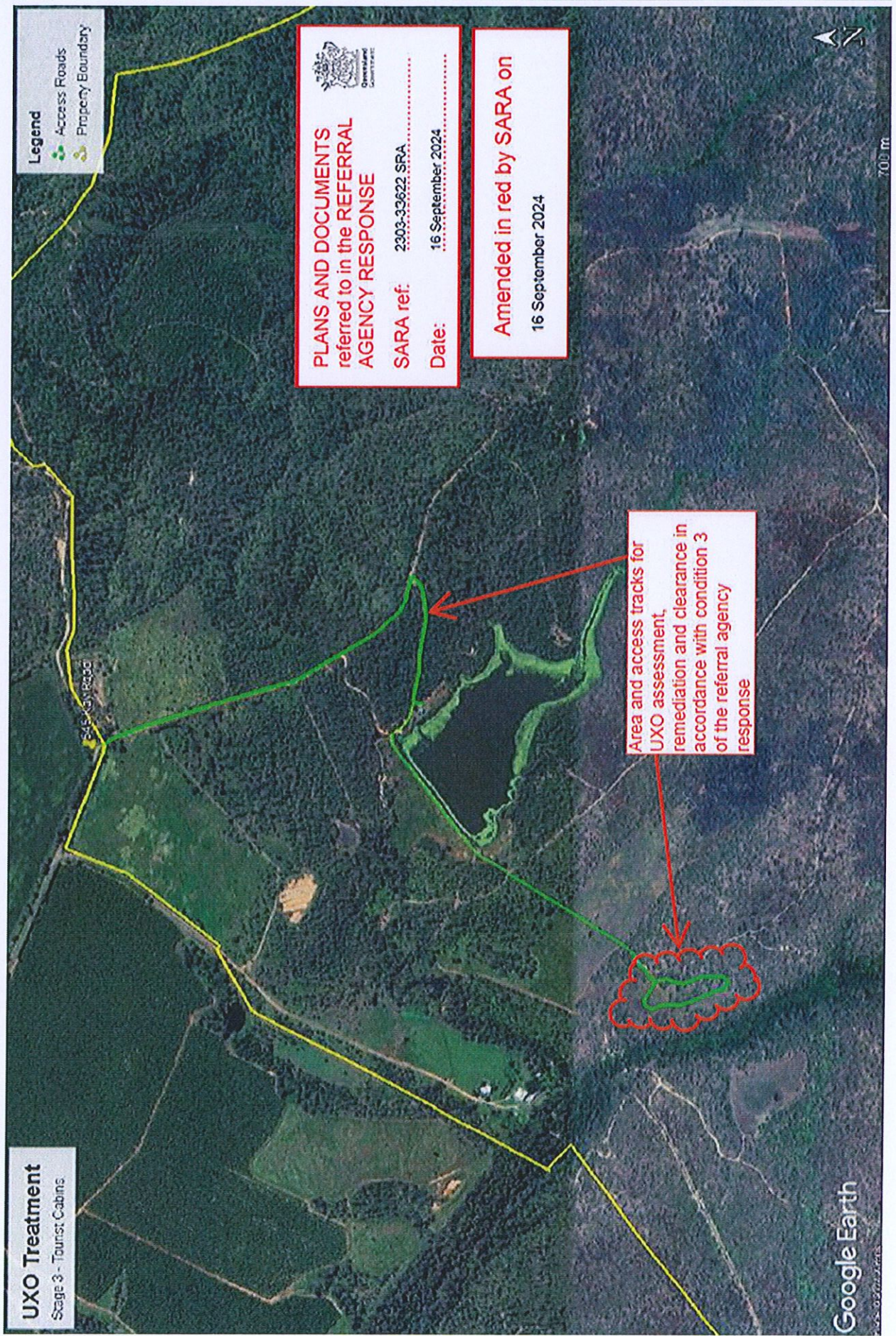
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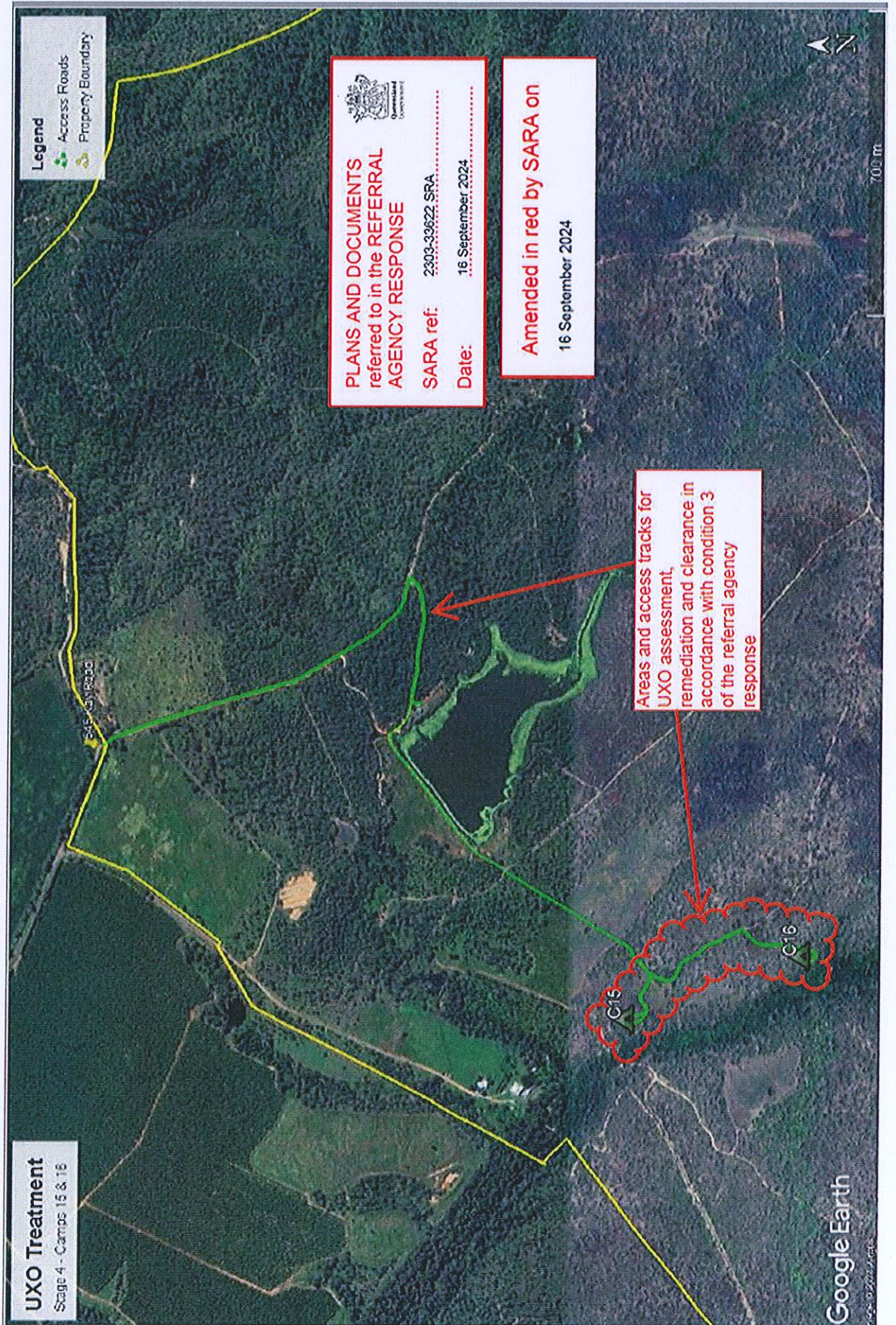
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C1	433	344218	8116373
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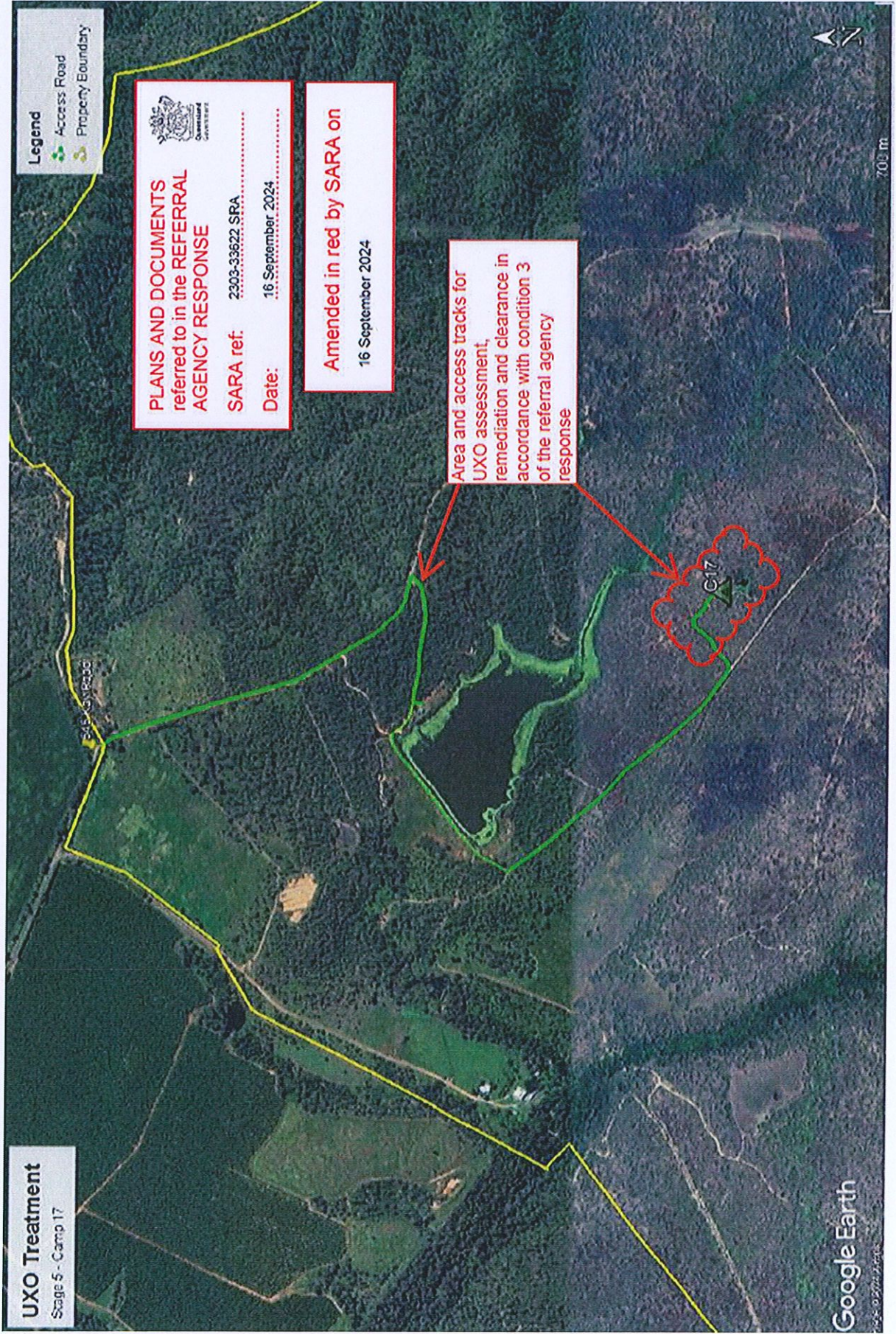
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A4	489	344213	8116320
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A4	491	344204	8116330
A5	492	344200	8116272
A5	493	344214	8116277
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A6	497	344219	8116212
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A6	499	344228	8116230
A6	500	344230	8116217
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C2	521	344817	8117013
A9	522	344817	8117013
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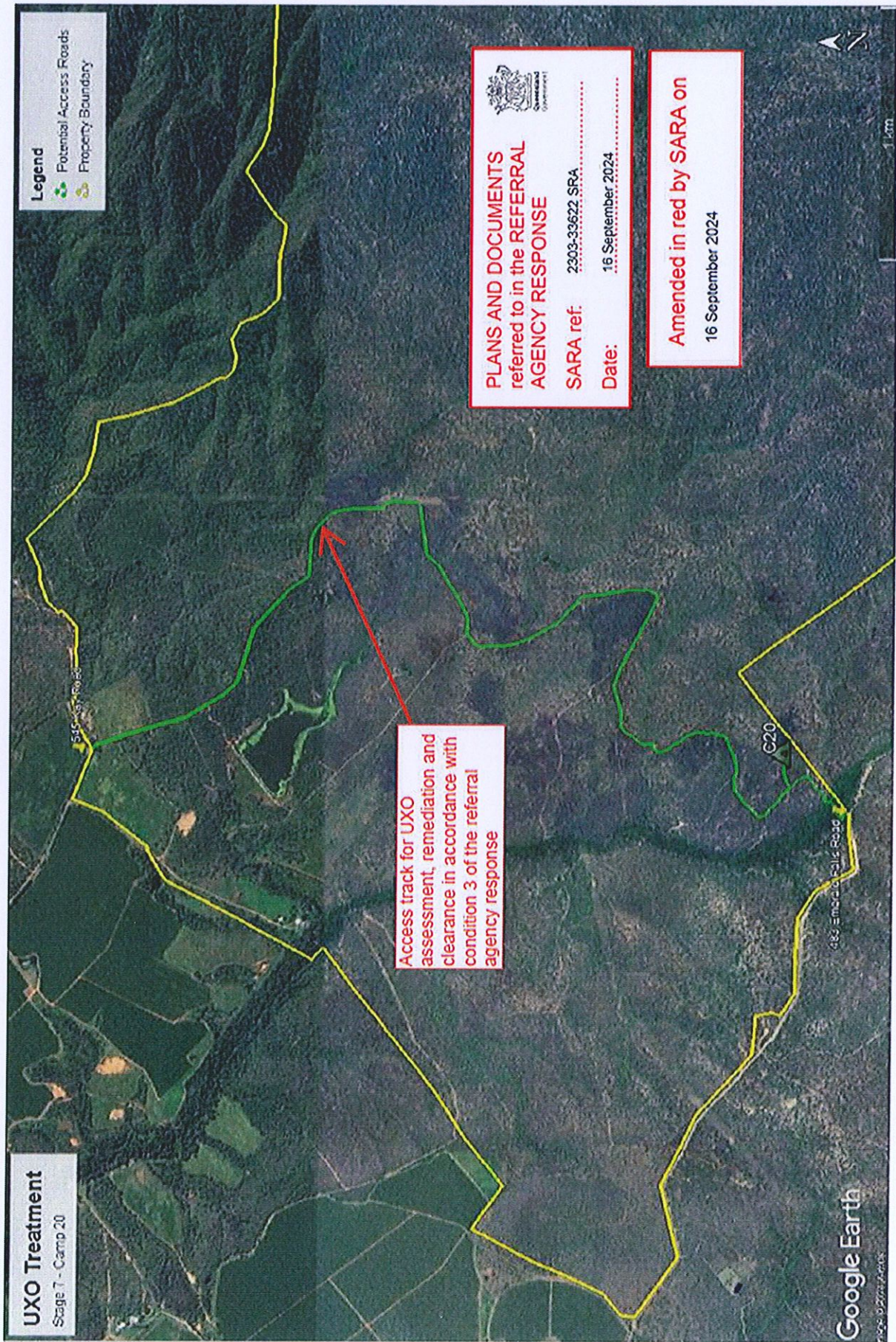


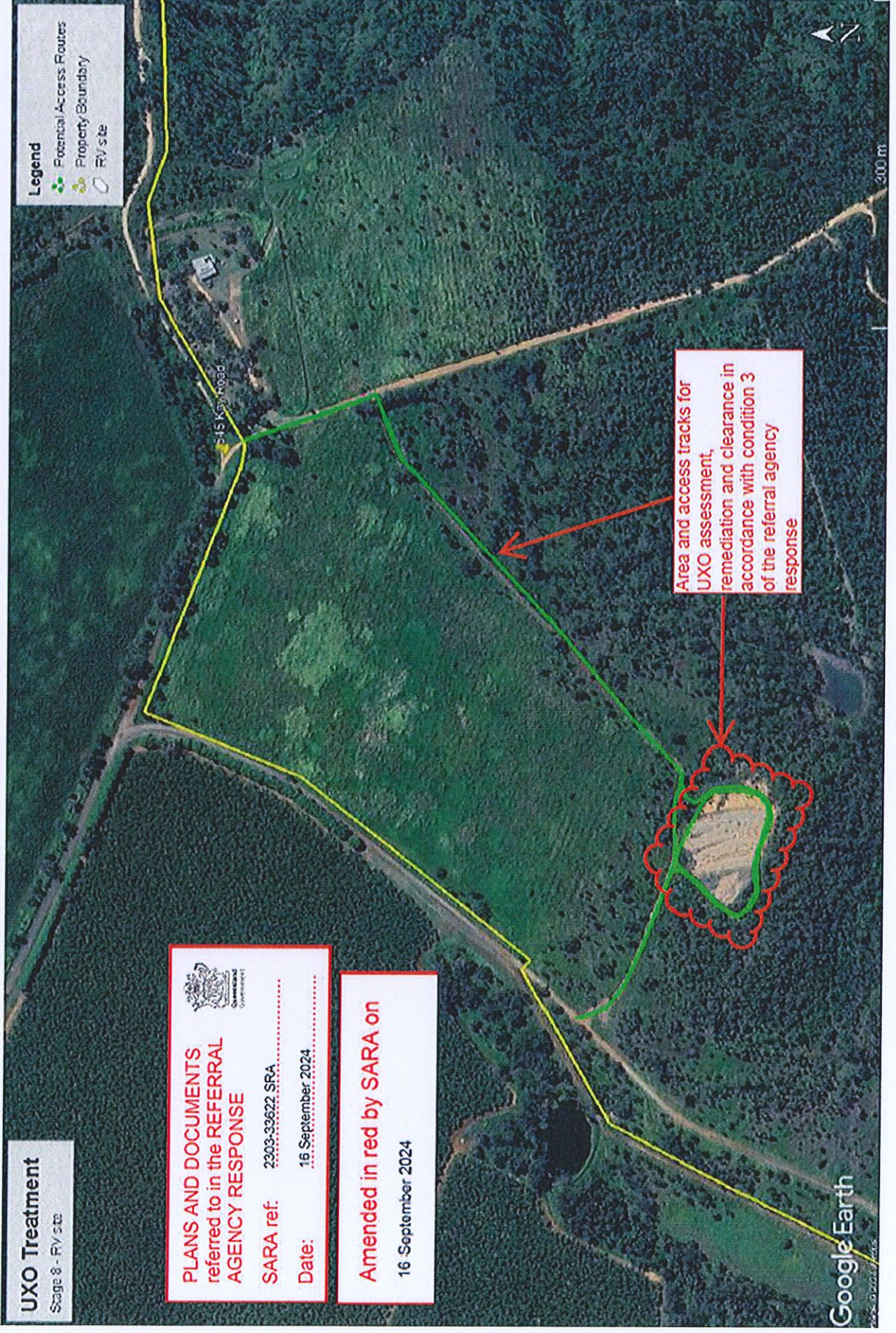










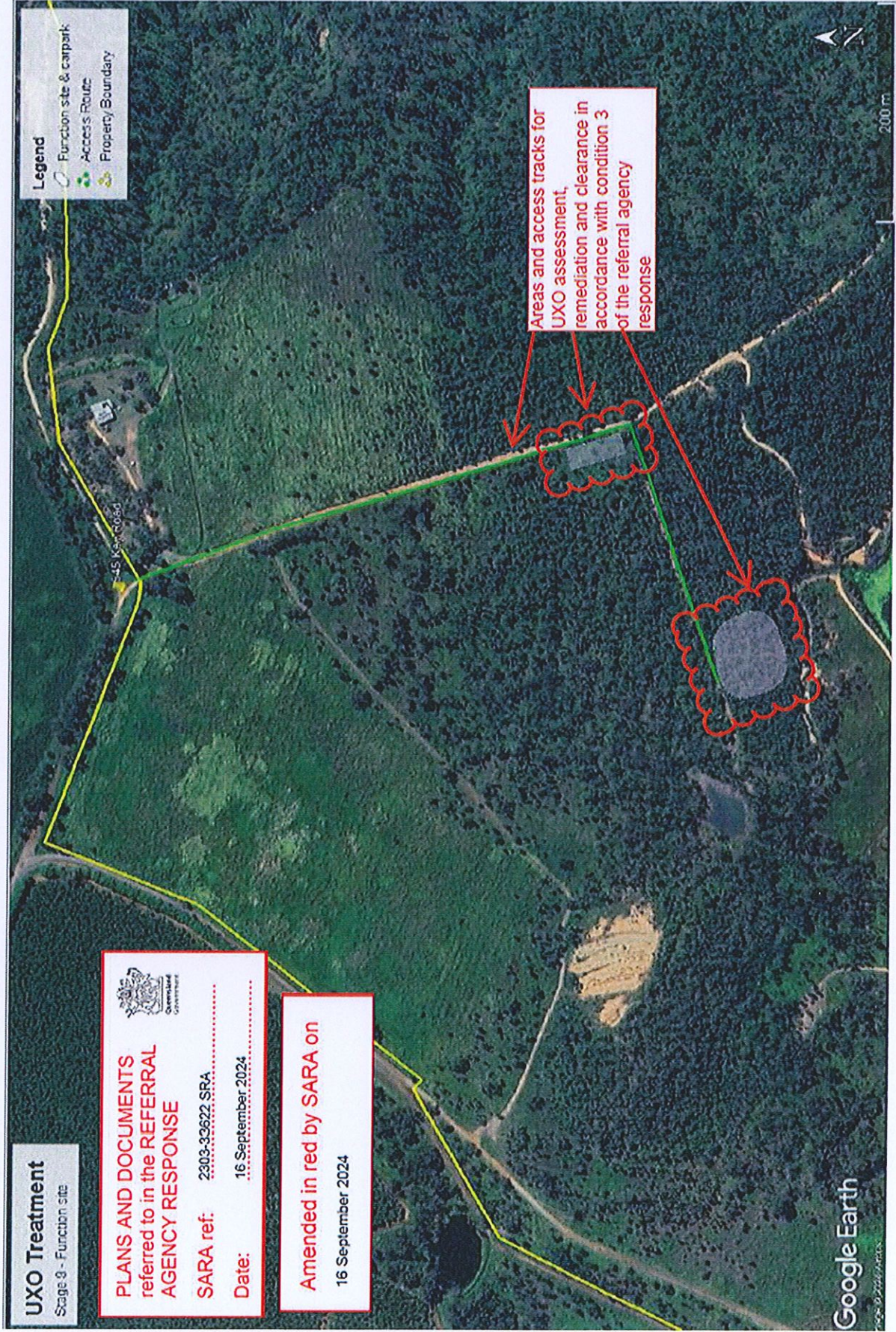


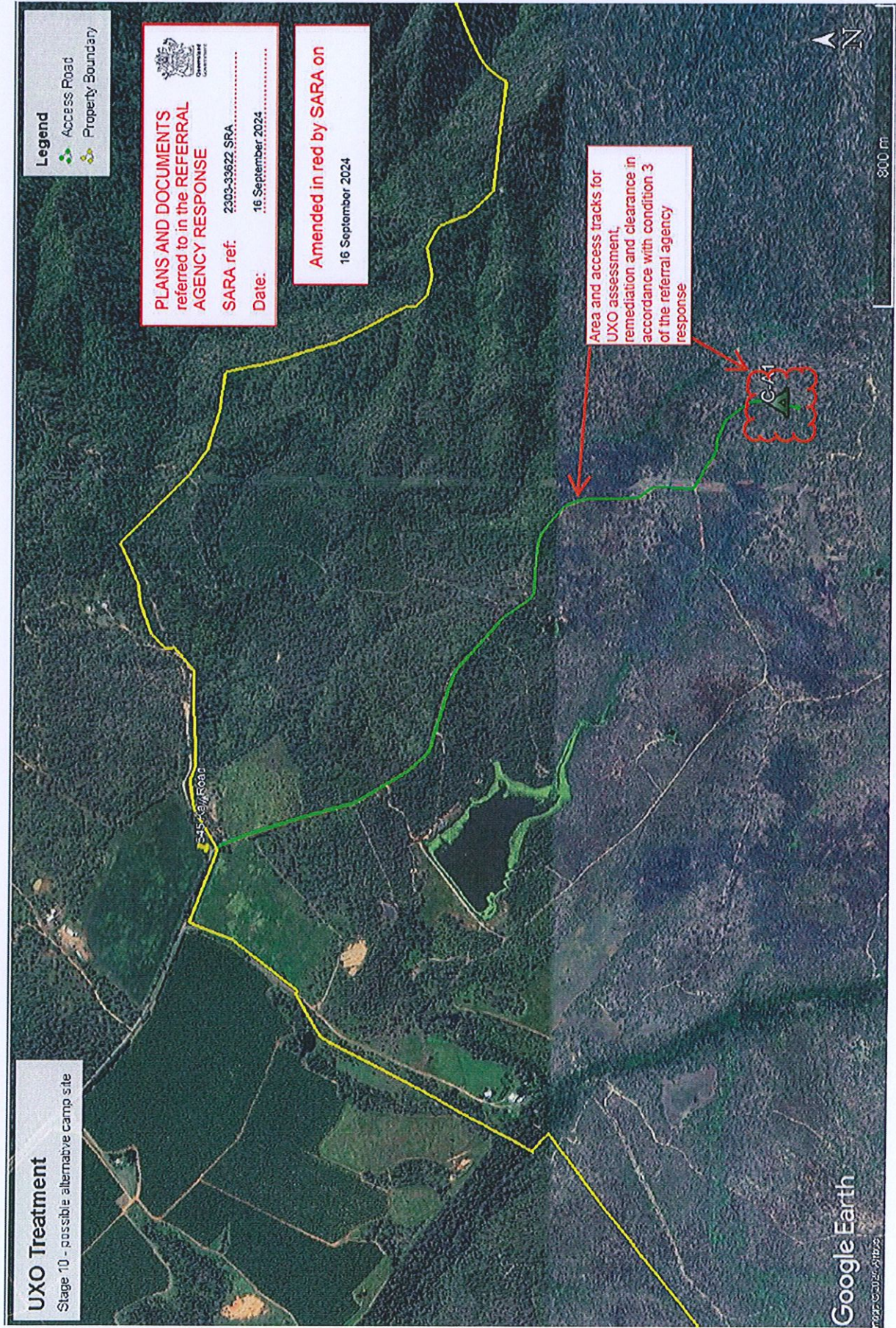
UXO Treatment
Stage 8 - RV site

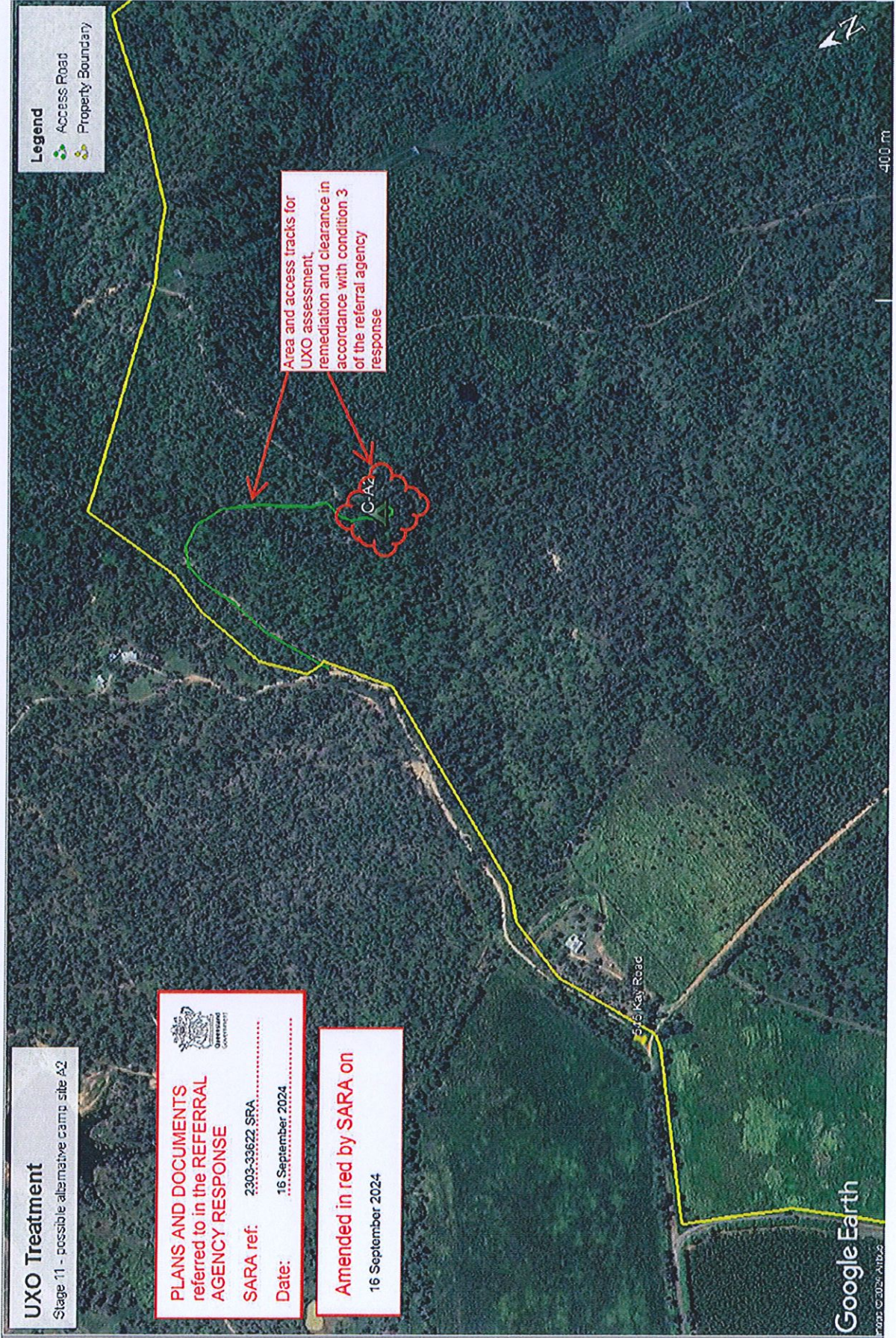

PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE
SARA ref: 2303-33622 SRA
Date: 16 September 2024

Amended in red by SARA on
16 September 2024

Area and access tracks for
UXO assessment,
remediation and clearance in
accordance with condition 3
of the referral agency
response







24 November 2023



Our Ref: DA5493
(MSLink105458, 3418653 &
3751471)

Mareeba Shire Council
PO Box 154
MAREEBA QLD 4880

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

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

Attention: Matthew Andrejic
Email: FreshwaterPlanning@outlook.com

Dear Sir/Madam,

Referral Agency Response (Advice)

(Given under section 9.2 of the Development Assessment Rules)

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

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

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

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

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

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

1

Powerlink Queensland is the registered business name of the
Queensland Electricity Transmission Corporation Limited
ABN 82 078 849 333

PLANS AND REPORTS ASSESSED

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

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

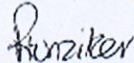
Drawing / Report Title	Prepared by	Dated	Reference No.	Version / Issue
Kanjini Cooperative Development Application Map – as part of the town planning report	Kanjini Cooperative	2/3/2022		

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

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

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

Yours sincerely



for: Narelle Titman
MANAGER PROPERTY

ATTACHMENT 1 – REFERRAL AGENCY (ADVICE) RESPONSE

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

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

Advice to Council and the Applicant

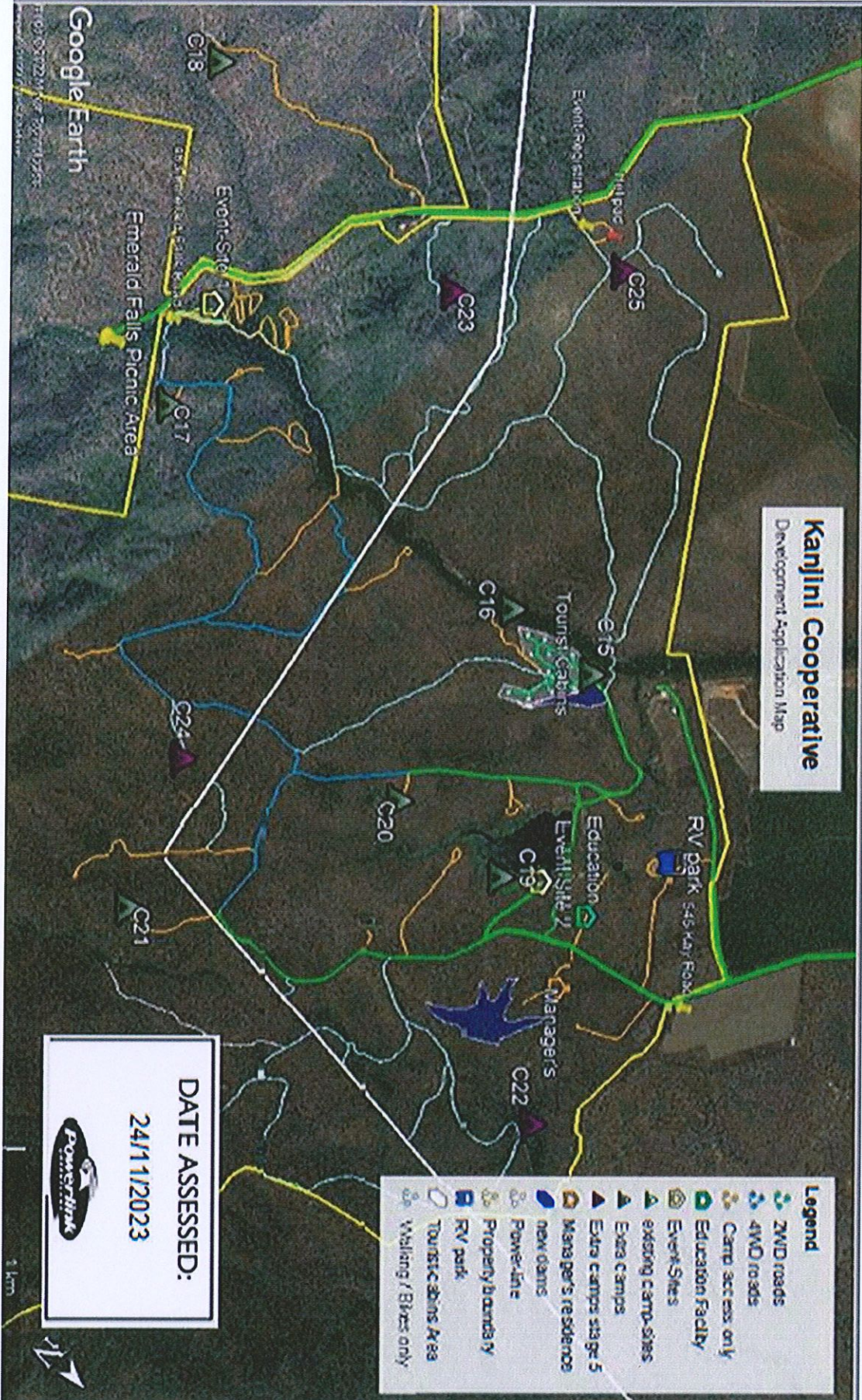
- Should any doubt exist in maintaining the prescribed clearance to electrical infrastructure the applicant is obliged under the *Electrical Safety Act 2002* to seek advice from Powerlink.
- This response does not constitute an approval to commence operational works within the easement. Prior written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

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

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

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

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



ANNEXURE A – GENERIC REQUIREMENTS

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

1. POWERLINK INFRASTRUCTURE

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

2. STRUCTURES

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

3. EXCLUSION ZONES

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

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

4. ACCESS AND EGRESS

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

5. APPROVALS (ADDITIONAL)

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

6. MACHINERY

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

ANNEXURE A – GENERIC REQUIREMENTS**7. EASEMENTS**

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

8. EXPENDITURE AND COST RECOVERY

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

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

9. EXPLOSIVES

Blasting within the vicinity (500 metres) of Powerlink infrastructure must comply with AS 2187. Proposed blasting within 100 metres of Powerlink infrastructure must be referred to Powerlink for a detailed assessment.

10. BURNING OFF OR THE LIGHTING OF FIRES

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

11. GROUND LEVEL VARIATIONS**Overhead Conductors**

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

Underground Cables

Any change to the ground level above installed underground cable is not permitted without express written agreement of Powerlink.

12. VEGETATION

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

13. INDEMNITY

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

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

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

15. REMEDIAL ACTION

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

16. OWNERS USE OF LAND

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

17. ELECTRIC AND MAGNETIC FIELDS

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

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

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

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

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

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

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



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Application for Safety Advice – Form

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

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

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

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

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Part A - To be completed by Applicant (continued)

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

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A.6 – Site Drawing Reference

Drawing No.	Drawing Title / Description

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

Control No.	Details of Controls
1	
2	
3	
4	
5	

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Part A - To be completed by Applicant (continued)

A.8 – Electrical Clearances

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

A.9 – Nominated Safety Observers

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

Name	Company	Expiry Date

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

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

A.10 – Applicant Acknowledgement

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

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

Applicant Signature:		Date:	
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Part B - To be completed by Powerlink Queensland Regional Contact Representative

B.4 – Approach Distances & Exclusion Zones

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

B.5 – Safety Advice

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

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

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

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Part C - To be completed by Site Supervisor

C.1 – Understanding of Electrical Safety Principles

I have read and understood the: <ul style="list-style-type: none"> • <i>Electrical Safety Code of Practice 2020</i> • <i>Electrical Safety Regulation 2013</i> 	<input type="checkbox"/> Yes <input type="checkbox"/> No
--	---

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

I have read and understood: <ul style="list-style-type: none"> • <i>Powerlink Queensland's Electrical Safety Rules</i> 	<input type="checkbox"/> Yes <input type="checkbox"/> No
---	---

C.2 – Receiver of Safety Advice Declaration

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

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

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

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

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

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

C.3 – Site Supervisor

Name:			
Signature:		Date:	

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Appeal Rights

PLANNING ACT 2016 & THE PLANNING REGULATION 2017

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

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

(Refer to Schedule 1 of the Planning Act 2016)

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

Note –

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

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.

- (6) To remove any doubt. It is declared that an appeal against an infrastructure charges notice must not be about-
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund-
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

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

231 Other appeals

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

- (b) other conduct that relates to the making of a decision; and
- (c) the making of a decision or failure to make a decision; and
- (d) a purported decision ; and
- (e) a deemed refusal.

non-appealable, for a decision or matter, means the decision or matter-

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

232 Rules of the P&E Court

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