

8.3 S & M PINESE - MATERIAL CHANGE OF USE - TOURIST PARK (UP TO 74 PERSONS MAXIMUM) - LOTS 1 & 2 ON RP744876 - 76-82 & 84-128 KENNEDY STREET, DIMBULAH - MCU/24/0012**Date Prepared:** 3 July 2024**Author:** Coordinator Planning Services**Attachments:**
1. Proposal Plans
2. Submissions

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	S & M Pinease	ADDRESS	76-82 & 84-128 Kennedy Street, Dimbulah
DATE LODGED	29 May 2024	RPD	Lots 1 & 2 on RP744876
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use – Tourist Park (up to 74 persons maximum)		
FILE NO	MCU/24/0012	AREA	Lot 1 – 5,032m2 Lot 2 – 30.852ha
LODGED BY	Scope Town Planning	OWNER	S Pinease
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Rural zone		
LEVEL OF ASSESSMENT	Impact Assessment		
SUBMISSIONS	Two (2)		

EXECUTIVE SUMMARY

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

The application is impact assessable and two (2) properly made submissions were received in response to public notification of the application.

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

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

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

OFFICER'S RECOMMENDATION

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	S & M Pinese	ADDRESS	76-82 & 84-128 Kennedy Street, Dimbulah
DATE LODGED	29 May 2024	RPD	Lots 1 & 2 on RP744876
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use – Tourist Park (up to 74 persons maximum)		

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

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

And

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

(A) APPROVED DEVELOPMENT: Development Permit for Material Change of Use – Tourist Park (up to 74 persons maximum) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
Appendix 2	Tourist Park Site Plan	Scope Town Planning	-

(B) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. Development must be carried out generally in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:
 - found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
 - to ensure compliance with the following conditions of approval.
2. Timing of Effect
 - 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the commencement of the use except where specified otherwise in these conditions of approval.

- 2.2 Prior to the commencement of use, the applicant must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.

3. General

- 3.1 The applicant is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
- 3.2 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to commencement of the use and at the rate applicable at the time of payment.
- 3.3 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.

3.4 Waste Management

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

- (i) No refuse is to be stored on site outside the refuse bins at any time.
- (ii) 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.

3.5 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.

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

3.6 Bushfire Management

- 3.6.1 A Bushfire Management Plan, incorporating evacuation procedures, campfire guidelines and fire break/trail maintenance for the tourist park 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.

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

- 3.7 A site manager/s must be present on-site at all times to ensure compliance with these conditions of approval.
- 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 tourist park 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 fourteen (14) consecutive days.

4. Infrastructure Services and Standards

- 4.1 Stormwater Drainage/Water Quality
 - 4.1.1 The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.
 - 4.1.2 All stormwater drainage must be discharged to an approved legal point of discharge.
- 4.2 Car Parking/Internal Driveways
 - 4.2.1 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.
 - 4.2.2 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.

- 4.2.3 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.

4.3 Non-Reticulated Water Supply

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

In the event that the tourist park 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).

4.4 On-Site Wastewater Management

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

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

- 4.4.3 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.

4.5 Lighting

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

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

4.6 Tents

Camping in tents will only be permitted once an ablution block and toilet facilities have been constructed on site.

(C) 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) Compliance with applicable codes/policies

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

- (d) Environmental Protection and Biodiversity Conservation Act 1999

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

- (e) Cultural Heritage

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

- (f) 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.

- (g) 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.

(D) 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).

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

- Nil

(F) OTHER APPROVALS REQUIRED FROM COUNCIL

- Nil

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

Development Type	Rate	Measure	Charge	Credit Detail	Balance
	per 10 vpd	vpd			
Tourist Park	\$5,452.00	1.27	\$6,924.00	Nil	\$6,924.00
TOTAL CURRENT AMOUNT OF CHARGE					\$6,924.00

THE SITE

The site is located at 76-82 and 85-128 Kennedy Street, Dimbulah and encompasses two (2) freehold allotments with a combined area of 31.35 hectares.

The particular details of the lots are as follows:

- Lot 1 on RP744876, area of 5,032m2, frontage of approximately 80 metres to unconstructed road reserve; and
- Lot 2 on RP744876, area of 30.852 hectares, frontage of approximately 300 metres to unconstructed road reserve.

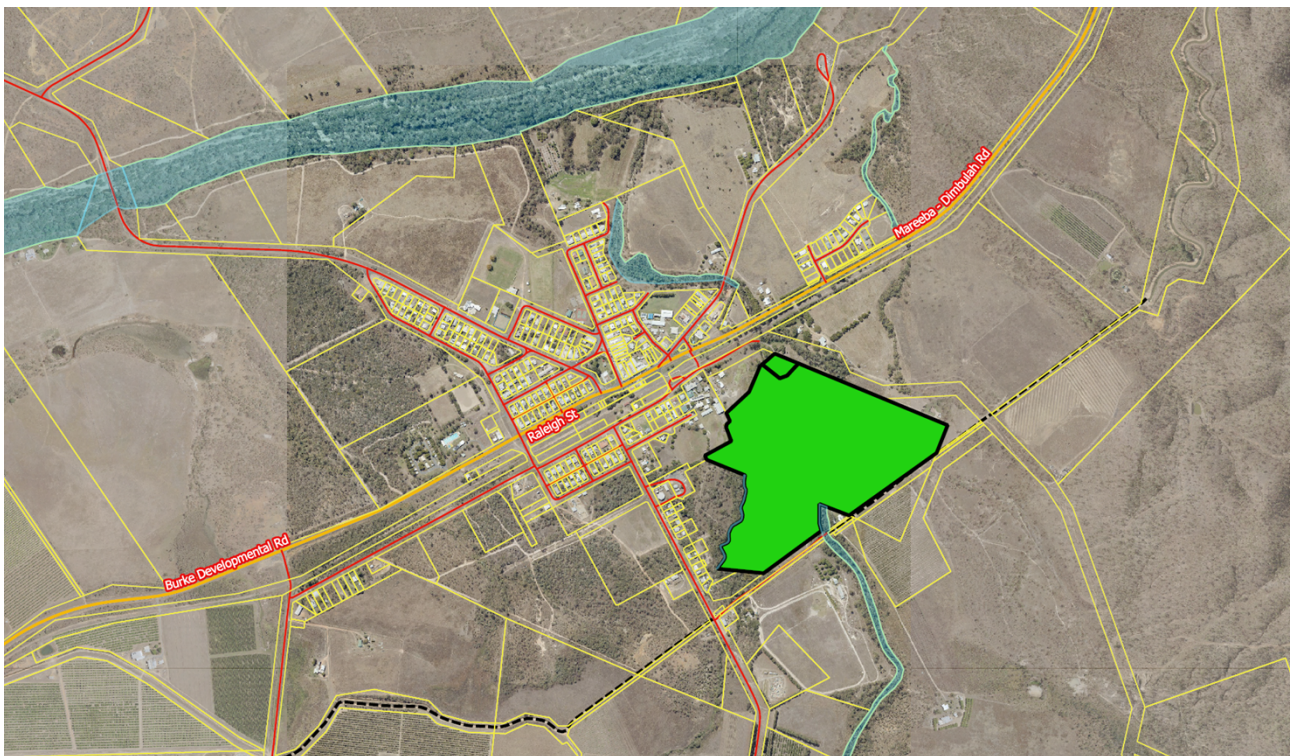
The site is improved by several dwelling houses and numerous farm sheds, all of which are sited in a large cluster at the northern end of the site. Outside of the building cluster, the balance of the site is mostly agricultural paddocks.

Access to the site is obtained off the eastern end of Kennedy Street via a private all-weather driveway. Kennedy Street is formed to a bitumen sealed standard up to the commencement of the private access driveway.



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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Sandy Creek traverses Lot 2 in a south to north direction.

Adjoining lots are mostly zoned Rural, apart from the Dimbulah State Primary School lot which is zoned Community Facility.

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 (up to 74 persons maximum) in accordance with the plans shown in **Attachment 1**.

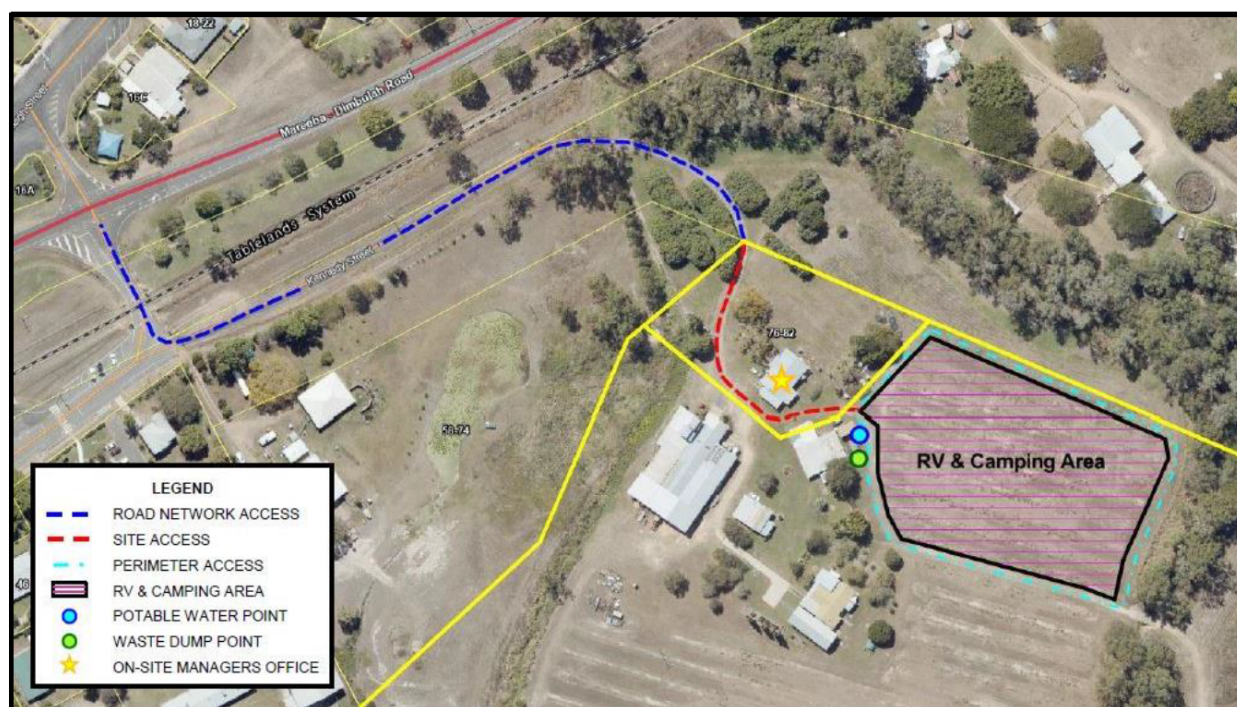


Figure 5: Proposed Tourist Park layout.

The applicant describes the proposed development as follows:

“The proposed Tourist Park includes paid RV parking and camping sites serviced by a Potable Water supply and Waste Dump Point. The proposal does not include the provision of powered sites, parking slabs or the building of Cabins. The proposed RV parking grounds will be contained within a specified 10,000m² area (inclusive of perimeter access) within the site which will contain sufficient area to accommodate a maximum of 40 Caravans, RV’s, Campervans and/or Tents with a maximum of 74 guests at any one time.”

No permanent structures are proposed, thereby maintaining a temporary use over agricultural land. No vegetation clearing is proposed to facilitate the use.

The intention of the proposed Tourist Park is to provide an RV park for touring travellers passing through the region with capacity to accommodate a maximum of 40 RVs or a combination of all portable accommodation types for a maximum of 74 guests at any one time including tents, caravans, camper trailers or recreational vehicles. Access is available via Kennedy Street, a paved Local Access Road which connects to the Road Network via Mareeba-Dimbulah Road, a State Controlled Road.

The proposed Tourist Park does not include the provision of any amenities such as ablutions, covered areas, cooking facilities, hardstand areas or electrical supplies however a Potable Water supply will be available as will an on-site sewerage Dump Point.

Tourist Park Functionality

The Tourist Park guests will be required to provide their own temporary accommodation (tents, camper van, RV etc.), food, refrigeration, cooking facilities, toilet and bathroom facilities etc. and must remove their own rubbish.

Some on-site facilities will be provided and will include;

- *Onsite manager*
- *Access via Kennedy Road (through Lot 1)*
- *Park areas opened, seasonally permitting*
- *Open recreation areas with creek access (seasonal)*
- *Onsite vehicle track access to camping areas*
- *Potable Water supply*
- *Sewerage Dump Point*

The RV parking and camping area will be closed during wet season should the site not be suitable for use during that time. Site bookings are essential and will be required through the on-site managers who will manage and maintain the site at all times.

Tourist Park Management

The caretaker will reside on-site and be made available to guests during specific business hours with all site bookings made over the phone. Camp fees will be payable to the caretaker for the number of days the guest desires to stay up to a maximum of 2 weeks. The caretaker will be available for minimal guest assistance such as in emergencies and maintenance. The site will be maintained in a clean and orderly state by the caretaker.

The campsite will be operated seasonally with particular camping areas or the entire site being closed during wet season or extreme weather events as required for the safety of guests.

Guests will be required to provide their own temporary accommodation (tents, camper van, RV etc.), food, refrigeration, cooking facilities, toilet and bathroom facilities etc. and must remove their own rubbish from the site.

Potable Water will be available for guests as will a sewerage dump point however these will be made available only to guests staying on-site.

Guests will have limited access to the seasonal creek traversing the site within the immediate vicinity of the designated parking / camping area only.

An Advertising Device is also proposed on the Kennedy Street frontage at the entry gate. The sign, to be located on the property boundary and is to be no more than 1.5m x 1.0m and will not be lighted.

Benefits to the Community

The proposed RV parking and camping site will provide a farm stay style Tourist Park unique to the local area catering for the local community as well as interstate and abroad visitors and tourists. The site will be a low budget option for local families, backpackers and interstate travellers who desire to spend less money on accommodation and more on local attractions. The proposed camp site will allow people to afford to stay longer in the local area and therefore increase expenditure in the local economy.

The local community will also benefit from the provision of an affordable local camp site which is not marketed only for tourists, affording them the option to camp locally with their friends and family. Furthermore, the local economy will benefit from the provision of an additional short-term accommodation option which will attract locals for such events as the Lion’s Festival and Great Wheelbarrow Race.

The location of the site close to town and the offering of a dump point will also serve to attract travellers who might otherwise seek other towns to stop in on their journey.

Site Suitability

The proposed Tourist Park is a well located site being located in the heart of Dimbulah, offering a picturesque setting and RV parking and camping options with a sewerage dump point. The site is easily accessible by a paved road with direct access to Mareeba Dimbulah Road and contains a flat open area ideal for easy RV and Caravan access, maneuvering and parking. Within the local area, few campsites or caravan parks are available with none providing a sewerage dump point. The currently available caravan parks and campgrounds include the Dimbulah Caravan Park (Council owned) located in Dimbulah town catering for Caravans, the Quilpi Lodge, a boutique Farm Stay offering a 4 bedroom house and 2 units located 2kms out of Dimbulah and the La Dolce Vita Campsite with a 4 vehicle capacity plus camping space located 5.5km east of Dimbulah. Of the available Tourist Parks in the local area, none provide affordable RV and Camping options so close to town with a sewerage dump point.”

REGIONAL PLAN DESIGNATION

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

- *Terrestrial Area of General Ecological Significance*

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	Land Use Categories <ul style="list-style-type: none">• Rural Agricultural Area• Rural Other
Zone:	Rural zone
Overlays:	Agricultural Land Overlay Airport Environs Overlay Bushfire Hazard Overlay

	Environmental Significance Overlay Flood Hazard Overlay Transport Overlay
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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>Premises used to provide for accommodation in caravans, self-contained cabins, tents and similar structures for the public for short term holiday purposes.</p> <p>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.</p>	Camping ground, caravan park, holiday cabins	Relocatable home park, tourist attraction, short term accommodation, non-resident workforce accommodation

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 frills" budget locations for travelling tourists to stay for short periods of time.

The rural zone is considered the logical location for such facilities due to the significant natural appeal and very low density.

The size of the subject site and the separation distances to adjoining sensitive land uses mean that surrounding primary industries will not be constrained by the proposed development.

The proposed tourist park is collocated with the farms established built improvements, avoiding further constraints to the onsite farming operation.

The proposed development will be largely screened from view and the character of the locality will be maintained.

The development complies with Strategic outcome 5.

- (8) Risks to infrastructure, buildings and the community posed by bushfires, cyclones, flooding, landslides and other extreme events are minimised. Development is considerate of the potential increased incidence of these hazards induced by climate change.

Comment

The proposed development is not at significant risk from these hazards.

The tourist park is within a potential impact buffer under the Bushfire Hazard Overlay. A bushfire hazard management plan will be conditioned to mitigate this medium risk.

The subject site is outside the Region C cyclonic zone.

The development complies with Strategic outcome 8.

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.

Comment

The size of the subject site and the separation distances to adjoining sensitive land uses mean that surrounding primary industries will not be constrained by the proposed development.

The proposed development will be largely screened from view by distance, buildings and vegetation. The character of the locality will be maintained.

- (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.

Comment

The size of the subject site and the separation distances to adjoining sensitive land uses mean that surrounding primary industries will not be constrained by the proposed development.

The proposed development will be largely screened from view by distance, buildings and vegetation. The character of the locality will be maintained.

The proposed development is appropriately setback from Sandy Creek.

- (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

The subject site and proposed development comply. The site has convenient access to the services/facilities in Dimbulah and is highly accessible from State controlled road.

- (6) *Agricultural areas* will be retained in viable holdings and not fragmented or compromised by unsuitable development. Uses and development within this precinct will not cause land use conflicts with primary production or will ensure these conflicts are mitigated.

Comment

The size of the subject site and the separation distances to adjoining sensitive land uses mean that surrounding primary industries will not be constrained by the proposed development.

- (7) *Rural areas* preserve lands for future uses beyond the life of the planning scheme.

Comment

No new buildings are proposed, and the subject site will continue to be available for rural use should the proposed development cease.

3.3.14 Element—Natural hazard mitigation

3.3.14.1 Specific outcomes

- (1) The risk of loss of life and property associated with bushfires, cyclones, flooding, landslides and other weather related events are minimised through the appropriate use of land having regard to its level of susceptibility to the hazard or potential hazard.

Comment

The proposed development is not at significant risk from these hazards.

A very limited part of the subject site is mapped as potential flood hazard. Any minor flood hazard risk is minimised by the seasonal nature of the proposed use, with peak season occurring outside the wet season.

The tourist park is within a potential impact buffer under the Bushfire Hazard Overlay. A bushfire hazard management plan will be conditioned to mitigate this medium risk.

The subject site is outside the Region C cyclonic zone.

3.4 Natural resources and environment

3.4.1 Strategic outcomes

- (1) Mareeba Shire's outstanding natural environment, ecological processes and biodiversity values, including those within *conservation areas* and *biodiversity areas*, are conserved, enhanced and restored. Minimal loss of native vegetation is achieved in the shire through limited clearing of *biodiversity areas*, strategically located rehabilitation areas and the replanting of native vegetation. The impacts of pests and weeds on the natural environment is minimised and managed.

Comment

No further clearing is required to accommodate the development.

3.4.3 Element—Pest and weed management

3.4.3.1 Specific outcomes

- (1) Development within, adjoining or surrounding *conservation areas*, *biodiversity areas*, wetlands or watercourses avoids the incursion of weeds and pests through best practice management practices, sensitive design, landscaping and appropriate setback and buffer distances.

Comment

The applicant will continue to meet their landholder obligation to manage weeds and pests.

3.4.6 Element—Watercourses and wetlands

3.4.6.1 Specific outcomes

- (1) Hydrological flows, riparian ecology and ecosystem services of watercourses and wetlands are maintained, protected and enhanced.

- (2) Wetlands of ecological significance are protected from sediment and run off, vegetation clearing, weed invasion and pollution through designated setbacks and buffers. These include the following:
 - (a) Wetlands in the Great Barrier Reef Catchment; and
 - (b) Wetlands of High Ecological Significance as identified through the *Aquatic Biodiversity Assessment and Mapping Method (AquaBAMM)*.
- (3) The water quality of rivers and creeks, which ultimately flow to the Great Barrier Reef and the Gulf of Carpentaria, is not compromised or polluted through sediment, gross pollutants or chemical run off from new or existing development.
- (5) Where development occurs on land including and adjoining watercourses and wetlands it provides appropriate setbacks and buffers and enhances these areas through revegetation.

Comment

The proposed development will achieve the minimum 10 metre setback from Sandy Creek.

3.4.8 Element—Air and noise quality

3.4.8.1 Specific outcomes

- (1) The health, well-being, amenity and safety of the community and the environment is protected from the impacts of air emissions, noise and odour through appropriate management and adequate separation distances.

Comment

The development will be conditioned to ensure that it is operated in such a way as to not cause an 'environmental nuisance' as defined by the Environmental Protection Act 1994 with regards to emissions (noise, light, dust etc.).

3.6 Transport and infrastructure

3.6.1 Strategic outcomes

- (1) *Local collector road* and *state controlled road* networks support the identified hierarchy of *activity centres* and the rural economy of Mareeba Shire. The location, density and scale of development supports the efficient and convenient movement of goods, services and people. Roads are progressively upgraded (including construction of *future state roads and future local connections*) and maintained to a high standard to support higher urban densities, rural production, tourism, commerce, industry and major trip generators.

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.
- (4) Development provides off-street parking, loading and manoeuvring areas where possible and practicable.

- (5) Development of new roads and upgrades to existing roads are designed and constructed in accordance with the FNQROC Regional Development Manual as amended.

Comment

Access is obtained off the eastern end of Kennedy Street which effectively serves as a private driveway to the subject site.

Traffic on the subject section of Kennedy Street will be limited to farm traffic associated with rural activities on the subject site and the proposed tourist park.

Due to the limited traffic, no upgrades are proposed.

3.6.7 Element—Water supply and wastewater services

3.6.7.1 Specific outcomes

- (3) Development in rural areas will demonstrate that it has access to adequate potable water and fire-fighting water supply on-site.

Comment

The development can be conditioned to comply.

- (4) In areas not serviced by reticulated sewerage, on-site effluent disposal systems ensure the environment or amenity is not adversely impacted.

Comment

The development can be conditioned to comply.

3.6.8 Element—Stormwater management

3.6.8.1 Specific outcomes

- (2) Stormwater is managed and measures are implemented to ensure erosion is prevented or minimised and contaminants are not released into surrounding environs.

Comment

The development can be conditioned to comply.

3.6.9 Element—Waste management

3.6.9.1 Specific outcomes

- (4) On-site waste disposal and recycling areas are provided by development to meet operational requirements of storage, screening and collection.

Comment

The development can be conditioned to comply.

3.7 Economic development

3.7.1 Strategic outcomes

- (1) The rural economy that underpins the settlement pattern of Mareeba Shire prospers and diversifies, with traditional and emerging primary industries continuing to provide the

economic base of the shire. Increasing opportunities for value-adding and processing primary product are realised on-farm and within surrounding towns. *Agricultural areas* and rural industries are protected from development which may compromise its ongoing viability. Infrastructure which supports agriculture and primary industry is maintained and protected.

- (2) The *rural area* includes a range of uses which compliment dominant primary industry activities and enhance the shire's economy. Activities including rural industries, intensive agricultural uses, intensive animal industries and expanded forestry and permanent plantations are supported in appropriate locations where impacts on the environment and surrounding land uses are limited and manageable.
- (4) The natural environment, rural and scenic landscapes of Mareeba Shire provide a basis for the development of sustainable tourism enterprises. Mareeba Shire's geographic proximity to Cairns International Airport provides opportunities for increasing visitation and exposure to the shire. Large scale tourist accommodation facilities are developed in key sites across the shire and meet the needs of a range of users. The character and appeal of key *activity centres*, landscape features and *scenic routes* which attract tourists to Mareeba Shire will be maintained and enhanced. The western dry land savannah of the shire accommodates further nature and rural based tourism development.

Comment

The size of the subject site and the separation distances to adjoining sensitive land uses mean that surrounding primary industries will not be constrained by the proposed development.

The proposed development will be largely screened from view by distance, buildings and vegetation. The character of the locality will be maintained.

The proposed development is appropriately setback from Sandy Creek.

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) *Other rural areas* are maintained in economically viable holdings and continue to develop and expand their rural infrastructure and operations.
- (5) Development ensures rural activities in all *rural areas* are not compromised by incompatible development and fragmentation.

Comment

The size of the subject site and the separation distances to adjoining sensitive land uses mean that surrounding primary industries will not be constrained by the proposed development.

The proposed development will be largely screened from view by distance, buildings and vegetation. The character of the locality will be maintained.

The proposed development is appropriately setback from Sandy Creek.

No new buildings are proposed, and the subject site will continue to be available for rural use should the proposed development cease.

3.7.7 Element—Tourism

3.7.7.1 Specific outcomes

- (3) 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.
- (4) The outstanding scenic qualities of the regional landscape and the character and heritage values of the shire's *activity centres* are recognised and protected for their role in promoting and attracting visitors to the shire. Development in scenic and highly visible locations will minimise its impacts on scenic amenity through sensitive location, design, colour and scale.
- (5) 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.
- (6) 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

The proposed development is able to be reasonably conditioned and managed to allow it to occur on the subject site.

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 outcomes (or performance outcome where no acceptable outcome applies) of the relevant codes set out below, provided reasonable and relevant conditions are attached to any approval.

Relevant Codes	Comments
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.
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

Planning Scheme Policy 4 - FNQROC Regional Development Manual

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

(E) Adopted Infrastructure Charges Notice

The proposed development will be serviced by Council's transport infrastructure network only (roads).

In accordance with Council's 2024/2025 Schedule of Fees & Charges, 1 single charge of \$5,452.00 is accrued for every material increase in traffic generated of 10 vehicle movements per day (vmpd), or 3,650 vehicle movements per year (vmpy).

Based on similar scale tourist park developments approved in the Shire, the anticipated daily vehicle movements associated with the proposed use will be 19 vmpd over the proposed 8 month or 245 day period (May – December grey nomad season). This equates to $19 \times 245 = 4,655$ vmpy in any given year.

Each lot comprising the subject site contains a dwelling, so no credit remains over the site.

The applicable charge is therefore:

- $4,655/3,650 = 127\%$ of a single charge. $1.27 \times \$5,452.00 = \mathbf{\$6,924.00}$

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 6 June 2024 to 27 June 2024. The applicant submitted the notice of compliance on 28 June 2024 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

Two (2) properly made submissions were received and both raised matters for consideration rather than object to the proposed development.

The grounds for consideration are summarised and commented on below:

Grounds for consideration	Comment
Sunwater advises underground infrastructure traverses Lot 2 on RP744876, however no objection is raised if the tourist park remains within the proposed footprint.	Noted. The proposed tourist park footprint is clearly defined and does not cross the underground pipeline.
Will the entire property be used for a tourist park or only a section?	The proposed tourist park footprint is clearly defined. The tourist park covers approximately 1 hectare of the 35.8 hectare site.
If the tourist park covers the entire site, what buffers will be put in place.	The area to be used for the tourist park is at least 370 metres from the submitters dwelling house. Vegetation along the banks of Sandy Creek provides a further buffer between the tourist park and the submitter's dwelling house.

	The submitters privacy will not be adversely impacted.
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Submitters

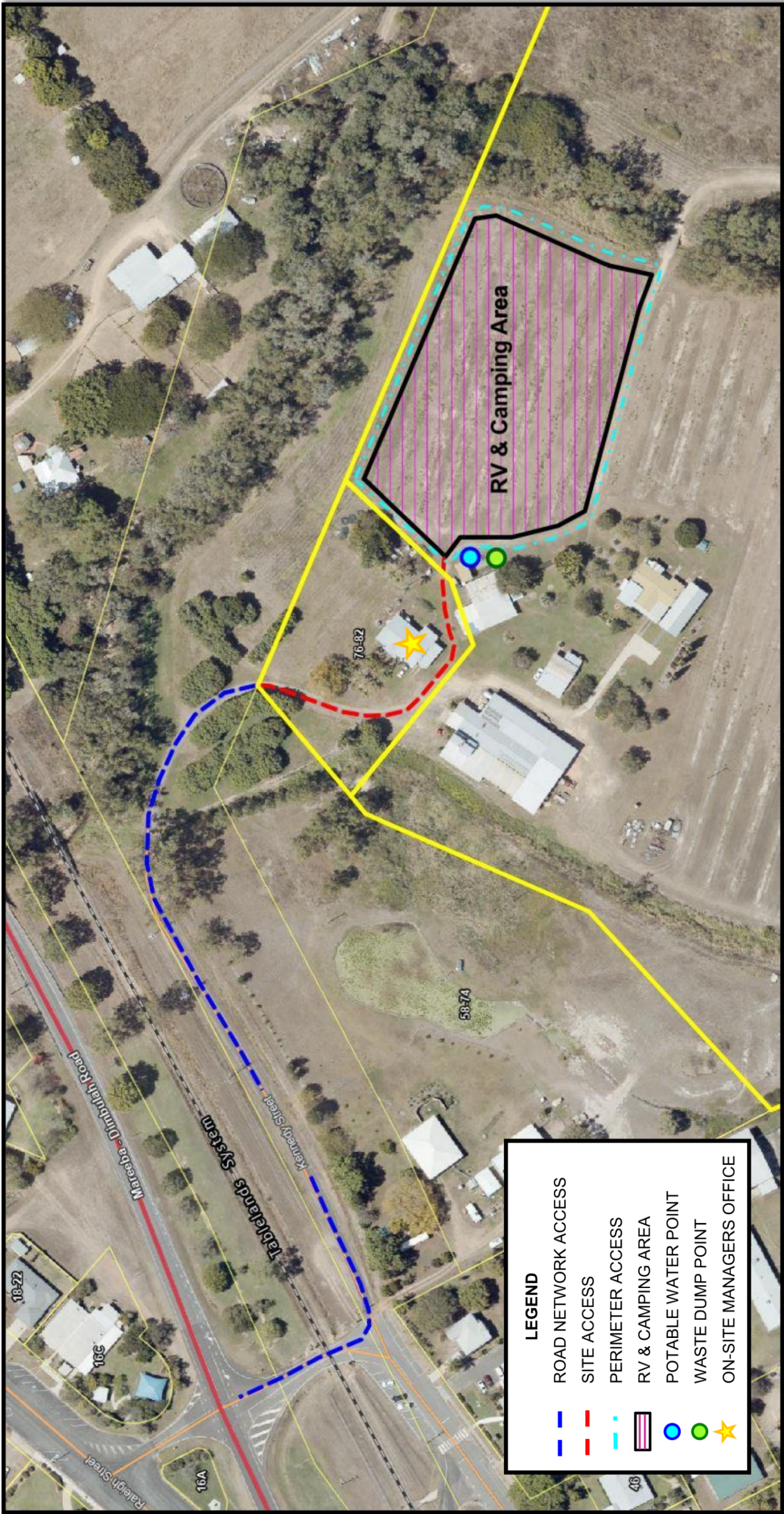
Name of Principal submitter	Address
1. Sunwater	Michelle.brereton@sunwater.com.au
2. C Sabatini	Sabatini.christopher@gmail.com

PLANNING DISCUSSION

Nil

Appendix 2: Tourist Park Site Plan

24006 – MCU – 84-128 Kennedy Street, Dimbulah Qld. 4872



Prepared by Scope Town Planning



From: "Chris Sabatini" <sabatini.christopher@gmail.com>
Sent: Thu, 27 Jun 2024 13:21:32 +1000
To: "Info" <info@msc.qld.gov.au>; "Planning" <planning@msc.qld.gov.au>
Subject: Formal Submission for Development Application MCU/24/0012 Proposed Tourist Park
Categories: Added to ECM

Good Afternoon,

I am writing to you on behalf of my parents Marisa and Ezio Sabatini owners of 47 Ericson Road Dimbulah QLD 4872. We received notification by letter regarding proposed development (Reference No: MCU/24/0012) of our neighbouring property.

At present we are not totally opposing the proposed development as we think it is a great thing for Dimbulah to have, however we have some concerns and questions we would like to have answered before we can make a final decision as to whether we oppose or not.

1. With this proposed development plan - Will the entire property be used for this Tourist Park or will it only be a section of the land being developed into the tourist park?

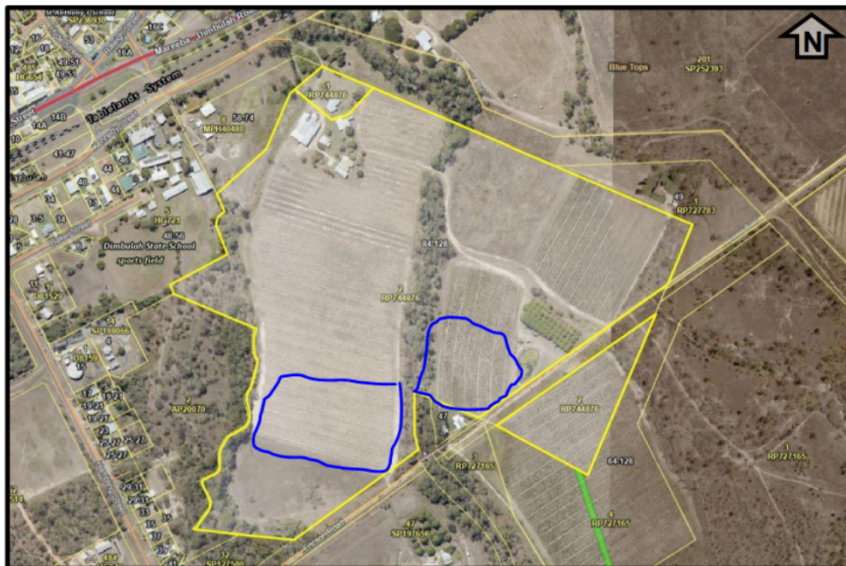
2. If the entire property is going to be utilised with this development (including the land close to our property) - What buffer measures are going to be put in place to ensure noise control is kept to a suitable standard?

3. We purchased and moved to 47 Ericson Road as we appreciate our privacy and being out of line of sight with neighbouring properties - what measures will be put in place to ensure this is maintained?

4. Where will the Park Areas and Open recreation areas with creek access be? Will camping be allowed in these areas? How close to our property will these areas be?

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Version: 1, Version Date: 27/06/2024

I have attached a map outlining the areas in which we have concerns will be used for this proposed development/tourist park and to help with answering the questions above.



We appreciate the time taken for addressing our current concerns and questions with this proposed development. We are more than happy to organise a meeting for further discussion on this proposal.

I look forward to hearing from you at your earliest convenience. If a meeting needs to be organised please feel free to contact me on 0487293399 or by email sabatini.christopher@gmail.com to arrange this.

Kind Regards,

Christopher Sabatini

Phone: 0487293399

Email: sabatini.christopher@gmail.com

Document Set ID: 4376117
Version: 1, Version Date: 27/06/2024

From: "Michelle Brereton" <Michelle.Brereton@sunwater.com.au>
Sent: Thu, 27 Jun 2024 16:21:55 +1000
To: "Info" <info@msc.qld.gov.au>
Cc: "Robyn Desrettes" <Robyn.Desrettes@sunwater.com.au>; "Andrew Cooper" <Andrew.Cooper@sunwater.com.au>
Subject: ATTN: MSC Planning - Development Application MCU/24/0012 - Submission from Sunwater
Categories: Added to ECM

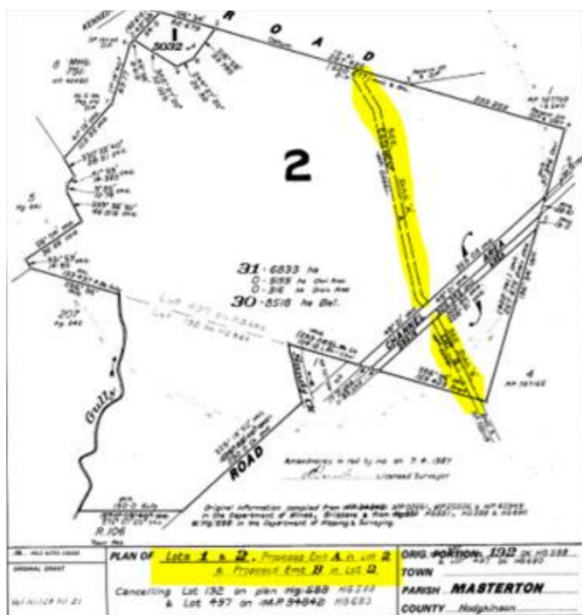
Restricted

Dear Sir/Madam

We refer to Development Application MCU/24/0012.

Sunwater has no immediate concerns in respect to the proposed development to accommodate a Tourist Park at 76-82, 84-128 Kennedy St, Dimbulah, provided that users of the park are restricted to the proposed footprint outlined on page 9 of the Planning Report prepared by Scope Town Planning.

Registered plan 744876 (below) indicates that Easement A and B were 'proposed' to be registered on Lot 2, however this did not eventuate. As a result, Sunwater infrastructure runs through the land without a registered easement.



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Sunwater has identified a potential risk to its infrastructure in terms of a potential increase in load should the park expand or park users venture further into Lot 2 via the access road. However, Sunwater is willing to address the easement issue by working with the landowner to facilitate a registered easement over Sunwater's infrastructure on Lot 2.

Kind regards
Michelle

Michelle Brereton
Senior Property Advisor

sunwater

M 0439 414 290

E Michelle.Brereton@sunwater.com.au

sunwater.com.au

40 James Street Mareeba QLD 4880



Sunwater acknowledges Aboriginal and Torres Strait Islander peoples as the first peoples of this country and Traditional Custodians of the land and water we rely on. We respect and value their continued sacred connection to Country, including the diverse, rich traditions, languages and customs that are the longest living in the world. We acknowledge their resilience in the face of significant and ongoing historical, cultural and political change within Australia. We recognise and value the importance of truth-telling today, and our role to listen and learn.

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