

26 May 2026

Planning Officer: Carl Ewin
Direct Telephone: 07 4086 4656
Our Reference: RAL/25/0010
Your Reference: F24/41

BTM & S Stankovich Pty Ltd
C/- Freshwater Planning Pty Ltd
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 dated 18 September 2025. On 20 May 2026, Council decided your representations.

Details of the decision are as follows:

APPLICATION DETAILS	
Application No:	RAL/25/0010
Street Address:	Karobean Drive, Moondani Avenue, Emerald End Road and Pontos Place, Mareeba
Real Property Description:	Lot 500 on SP352770 (Formerly Lot 500 on SP342226)
Planning Scheme:	Mareeba Shire Council Planning Scheme 2016

DECISION DETAILS	
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Council, on 18 September 2025, Council decided to issue the following type of approval:

Type of Approval:	Development Permit for Reconfiguring a Lot – Subdivision (1 into 33 Lots, Park and Balance Allotment) – Stages 14B & 15
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In relation to representations, Council on the 20 May 2026, decided to resolve the following:

- (a) The request by Freshwater Planning Pty Ltd on behalf of the Applicant to amend the Decision Notice to require the Parks and Open Space component of the Adopted Infrastructure Charges payable for the development (20% of charges or \$148,262.40) to be used specifically to advance the Stage 15 parkland be **refused**.

and;

- (b) An additional condition be included within Council's Decision Notice issued on 18 September 2025 as follows:

3.11 Park Contribution

In lieu of providing the “Park” allotment required by Condition 3.10, the applicant/developer may elect to instead pay a monetary contribution to Council, with the contribution to be used specifically towards upgrades/improvements to the Mareeba East Destination Park.

The contribution amount is to be determined prior to the completion of Stage 15 and must be equivalent to 75% of the sale cost of the land (minus development costs), with the final contribution amount to be approved by Council’s delegated officer.

If this condition is acted upon, the remaining saleable lot must be fully serviced to the same standards as all other Stage 15 lots in compliance with Conditions 4.1 – 4.10, to the satisfaction of Council’s delegated officer.

2. That a Negotiated Adopted Infrastructure Charges Notice be issued as follows:

Development Type	Rate	Measure	Charge	Credit Detail	Balance
	<i>\$ per Lot</i>	<i>Lots</i>		<i>Lots</i>	
Stage 14B - Residential	\$22,464.00	14 Lots	\$305,312.00	Nil	\$314,496.00
Stage 15 – Residential (including park)	\$22,464.00	19 Lots	\$426,816.00	Nil	\$426,816.00
Stage 15 – Residential (excluding park)	\$22,464.00	20 Lots	\$449,280.00	Nil	\$449,280.00
TOTAL CURRENT AMOUNT OF CHARGE					\$741,312.00 or 763,776.00

CURRENCY PERIOD OF APPROVAL

The currency period for this development approval is **four (4) 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(a) Development assessable against the Planning Scheme

1. Development must be carried out generally in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, and subject to any alterations:
 - found necessary by the Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
 - to ensure compliance with the following conditions of approval.
2. Timing of Effect
 - 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the endorsement of a Form 18B for each stage of the development, except where specified otherwise in these conditions of approval.
3. General
 - 3.1 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
 - 3.2 All payments or bonds required to be made to the Council pursuant to any condition of this approval or the Adopted Infrastructure Charges Notice must be made prior to the endorsement of the plan of survey, or alternative documentation as approved by the Land Title Act and at the rate applicable at the time of payment.
 - 3.3 The developer must relocate (in accordance with FNQROC standards) any services such as water, sewer, drainage, telecommunications and electricity that are not wholly located within the lots that are being created/serviced where required by the relevant authority, unless approved by Council's delegated officer.
 - 3.4 Where utilities (such as sewers on non-standard alignments) traverse lots to service another lot, easements must be created in favour of Council for access and maintenance purposes. The developer is to pay all costs (including Council's legal expenses) to prepare and register the easement documents.
 - 3.5 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.

3.6 Charges

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

3.7 Bushfire Management

A Bushfire hazard management plan for the subject land must be prepared by suitably qualified person to the satisfaction of Council's delegated officer.

The future use of each lot must comply with the requirements of the bushfire hazard management plan at all times.

3.8 The following road names are approved:

- Alkira Court - new cul-de-sac off Karobean Drive

3.9 Flood Immunity

Lots 254, 255, 258, 260-265, 271-276 & 280 must include survey markers that clearly identify the Q100 + 300mm flood immunity level of RL395.7m AHD on each lot, and a subsequent plan must be prepared for use by future owners/builders to help identify flood immune areas of each lot suitable for building.

All dwellings and sheds constructed on these lots must be built to achieve a finished floor height of at least RL395.7m AHD.

3.10 The "Park" allotment shall be transferred to Council as freehold land at the same time or before the last residential allotment in Stage 14b or 15 is registered. The entirety of the costs involved with this transfer will be the responsibility of the applicant/developer.

In accordance with the provision contained within the *Neighbourhood Disputes (Dividing Fences and Trees) Act 2011*, Council shall not be liable for contributing to the upkeep, maintenance or installation of any fencing with any adjoining lot. A notation will be placed on the rates notice of adjoining lots 332 and 333 on SP336235 and Lot 331 of Stage 15 advising of this exemption.

At the Ordinary Council Meeting dated 20 May 2026, it was resolved that an additional condition be included within Council's Decision Notice issued on 18 September 2025 as follows:

3.11 Park Contribution

In lieu of providing the "Park" allotment required by Condition 3.10, the applicant/developer may elect to instead pay a monetary contribution to Council, with the contribution to be used specifically towards upgrades/improvements to the Mareeba East Destination Park.

The contribution amount is to be determined prior to the completion of Stage 15 and must be equivalent to 75% of the sale cost of the land (minus development costs), with the final contribution amount to be approved by Council's delegated officer.

If this condition is acted upon, the remaining saleable lot must be fully serviced to the same standards as all other Stage 15 lots in compliance with Conditions 4.1 – 4.10, to the satisfaction of Council's delegated officer.

4. Infrastructure Services and Standards

4.1 Access

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

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

Lot 258, 275, 276 & 280 Access Handles

Lots 258, 275, 276 and 280 must include a minimum 3m wide reinforced concrete or asphalt driveway to be constructed for the full length of the access handle of each lot and connecting with the kerbing of each lot's service road. The driveways must be designed so that the water collected on the driveway drains to a legal point of discharge.

A shared driveway with a width of 4 metres and where including reciprocal access and services easements is permitted for Lots 275 and 276.

4.2 Stormwater Drainage

- (a) The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.
- (b) Prior to works commencing the applicant must submit a Stormwater Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual to the satisfaction of Council's delegated officer.
- (c) Prior to works commencing the applicant must submit a Stormwater Quality Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Urban Stormwater Quality Planning Guideline and the Queensland Water Quality Guideline to the satisfaction of Council's delegated officer.

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- (d) The Stormwater Quality Management Plan must include an Erosion and Sediment Control Plan that meets or exceeds the Soil Erosion and Sedimentation Control Guidelines (Institute of Engineers Australia) to the satisfaction of Council's delegated officer.
 - (e) The applicant/developer must construct the stormwater drainage infrastructure in accordance with the approved Stormwater Management Plan and/or Stormwater Quality Management Plan and Report.
 - (f) Temporary drainage is to be provided and maintained during the construction phase of the development, discharged to a lawful point and not onto the construction site.
 - (g) All stormwater channels through private property must be registered, with the easement for drainage purposes in favour of Council. All documentation leading to the registration of the easement must be completed at no cost to Council.
 - (h) All stormwater drainage collected from the site must be discharged to an approved legal point of discharge.
 - (i) The applicant (at their cost) must video all stormwater lines and submit the video for inspection by Council's delegated officer prior to the development being taken "off maintenance" to ensure that no defects have occurred during the 12 month maintenance period.
 - (j) All drainage easements must be constructed to prevent erosion. Construction may be in the form of a concrete invert, with outlet protection.

4.3 Earthworks

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

4.4 Roadworks/footpaths – Internal

- (a) Alkira Court and Allambee Close are to be constructed to Access Street standard in accordance with the FNQROC Development Manual (as amended) to the satisfaction of Council's delegated officer.
Solid timber or steel (no composite plastic) bollards are to be erected at the cul-de-sac head of Allambee Close to ensure vehicles cannot gain access to the street directly from Emerald End Road.
- (b) Karobean Drive must be constructed to a Collector Road standard (of the same width as the existing section of Karobean Drive) in accordance with the FNQROC Development Manual (as amended) to the satisfaction of Council's delegated officer.

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- (c) Any temporary turn-around areas situated at the ends of any semi-constructed stub roads must include a sealed cul-de-sac head (no kerbing required) of a size capable of allowing a garbage truck to turn around on.
 - (d) 2-metre-wide concrete pedestrian footpaths must be installed on at least one (1) side of all proposed internal roads, including Alkira Court and Allambee Close. The horizontal alignment of all footpaths (with the exception of Karobean Drive) must comply with the FNQROC development Manual (specifically Standard Drawing S1004A) and **must not be constructed abutting the kerbing.**

Only the Karobean Drive footpath is permitted to be constructed abutting the kerbing to match the existing horizontal alignment.

4.5 Water Supply

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

A 50mm water connection must be provided to the "Park" allotment.

- (b) Where the existing reticulated water supply does not currently service the site or is not at an adequate capacity, the developer is required to extend or upgrade the reticulated water supply infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).

4.6 Sewerage Connection

- (a) The developer must connect the proposed development, including the "Park" allotment to Council's reticulated sewerage system in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.
- (b) Where sewerage connections are not available to the site, or where existing connections are not satisfactory for the proposed development, the developer is required to extend or upgrade the reticulated sewerage infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).

4.7 Electricity provision/supply

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

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

4.8 Telecommunications

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

4.9 Lighting

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

4.10 Street Trees

One (1) street tree must be at the planted at centre of each lot's road frontage. Corner allotments must have a street tree planted on each frontage. All street trees must be provided in accordance with the FNQROC Development Manual - Design Manual D9 Landscaping.

Plans for the development works required under Conditions 4.1 - 4.10 must be submitted to Council for approval as part of a subsequent application for operational works.

REFERRAL AGENCIES

Not Applicable.

APPROVED PLANS

The following plans are Approved plans for the development:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
9499 Master Plan	Development Plan – Stages 14B & 15	Twine Surveys Pty Ltd	13/03/2025

ADVISORY NOTES

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

- (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.

(b) Easement Documents

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

(c) Endorsement Fees

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

(d) Compliance with applicable codes/policies

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

(e) Notation on Rates Record

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

- conditions regarding bushfire management
- an approved bushfire management plan
- a registered easement over the subject site (only for lots that contain easements)
- conditions regarding flood immunity

(f) Transportation of Soil

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

(g) Environmental Protection and Biodiversity Conservation Act 1999

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

(h) Cultural Heritage

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

(i) 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.

FURTHER DEVELOPMENT PERMITS REQUIRED

- Development Permit for Operational Work

SUBMISSIONS

There were **one (1)** 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 below:

Name of Principal submitter	Address
1. Cheryl Powell Emmerson	PO Box 1212, 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.

OTHER DETAILS

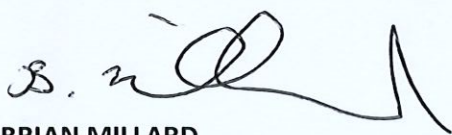
If you wish to obtain more information about Council's decision, electronic copies are available on line at www.msc.qld.gov.au, or at Council Offices.

DECISION NOTICE HISTORY

RAL/25/0010 – Original Decision Notice dated: 18 September 2025

RAL/25/0010 – Negotiated Decision Notice dated: 26 May 2026

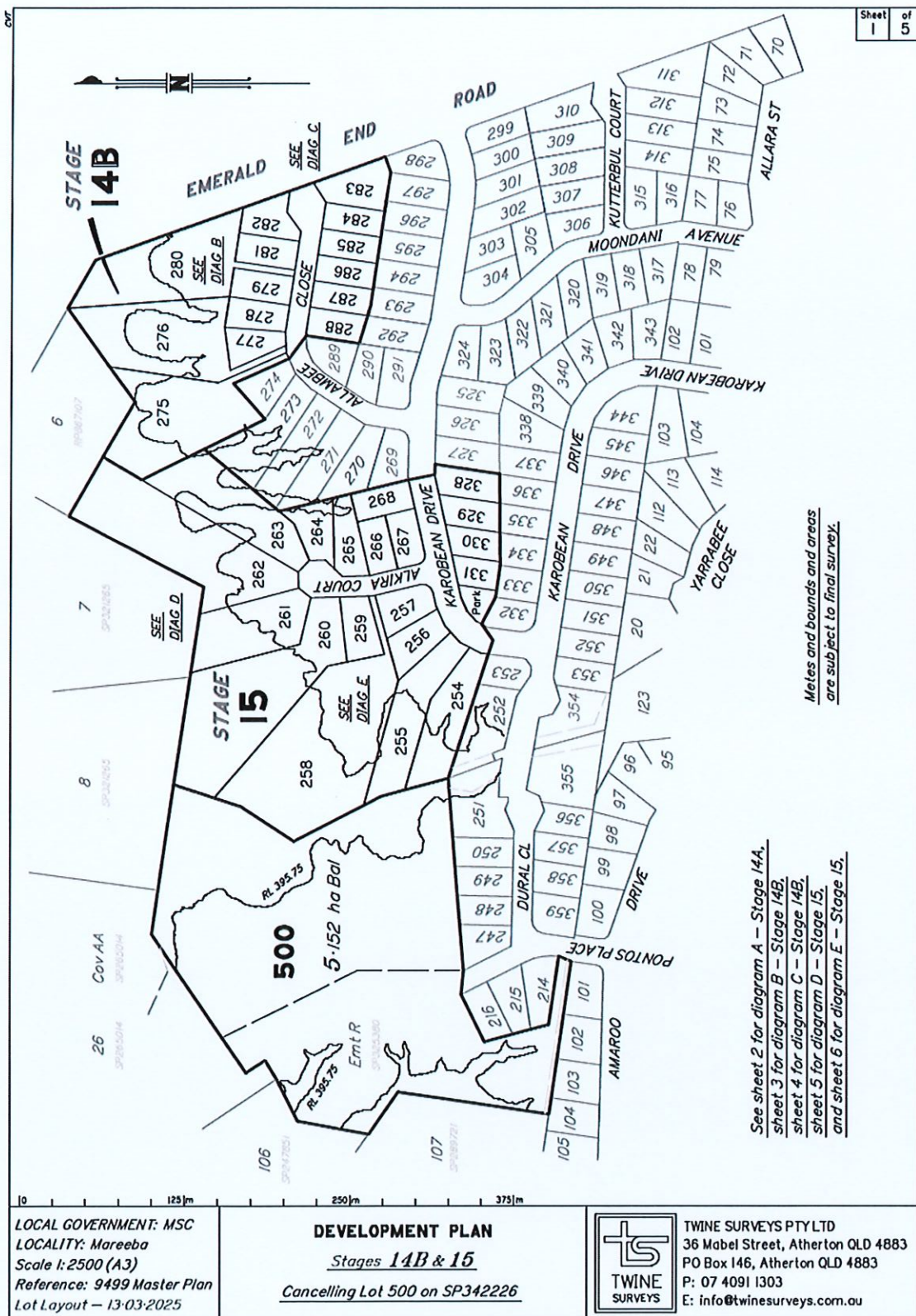
Yours faithfully



BRIAN MILLARD
COORDINATOR PLANNING & BUILDING

Enc: Approved Plans/Documents
Appeal Rights
Adopted Infrastructure Charge Notice

APPROVED PLANS / DOCUMENTS



Metes and bounds and areas
are subject to final survey.

See sheet 2 for diagram A – Stage 14A,
sheet 3 for diagram B – Stage 14B,
sheet 4 for diagram C – Stage 14B,
sheet 5 for diagram D – Stage 15,
and sheet 6 for diagram E – Stage 15.

LOCAL GOVERNMENT: MSC
LOCALITY: Mareeba
Scale 1:2500 (A3)
Reference: 9499 Master Plan
Lot Layout – 13-03-2025

DEVELOPMENT PLAN
Stages 14B & 15
Cancelling Lot 500 on SP342226



TWINE SURVEYS PTY LTD
36 Mabel Street, Atherton QLD 4883
PO Box 146, Atherton QLD 4883
P: 07 4091 1303
E: info@twinesurveys.com.au

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26/5/2026
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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.