

DELEGATED REPORT

SUBJECT: KEYES AG HOLDINGS PTY LTD – RECONFIGURING A LOT – BOUNDARY REALIGNMENT (3 LOTS INTO 3 LOTS) AND CREATING AN ACCESS EASEMENT – LOT 28 ON SP202897 AND LOTS 155 & 156 ON SP311517 – 2164 & 2332 MAREEBA-DIMBULAH ROAD, ARRIGA – RAL/25/0019

DATE: 10 November 2025

**REPORT OFFICER'S
TITLE:** Supervisor Planning & Building

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	Keyes AG Holdings Pty Ltd	ADDRESS	2164 & 2332 Mareeba-Dimbulah Road, Arriga
DATE LODGED	26 September 2025	RPD	Lot 28 on SP202897 and Lots 155 & 156 on SP311517
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot – Boundary Realignment (3 lots into 3 lots) and creating an Access Easement		

FILE NO	RAL/25/0019	AREA	Lot 28 – 7.955ha Lot 155 – 363.6ha Lot 156 – 470.6ha
LODGED BY	Freshwater Planning Pty Ltd	OWNER	Keyes AG Holdings Pty Ltd
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Rural zone		
LEVEL OF ASSESSMENT	Code Assessment		
SUBMISSIONS	n/a		

ATTACHMENTS:

1. Proposal Plan/s
2. State Assessment and Referral Agency response dated 7 November 2025

EXECUTIVE SUMMARY

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

The application is code assessable and was not required to undergo public notification.

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

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	Keyes AG Holdings Pty Ltd	ADDRESS	2164 & 2332 Mareeba-Dimbulah Road, Arriaga
DATE LODGED	26 September 2025	RPD	Lot 28 on SP202897 and Lots 155 & 156 on SP311517
TYPE OF APPROVAL	Development Permit		
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and in accordance with the Planning Act 2016, the applicant be notified that the application for a development permit for the development specified in (A) is:

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

And

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

(A) APPROVED DEVELOPMENT: Development Permit for Reconfiguring a Lot – Boundary Realignment (3 lots into 3 lots) and creating an Access Easement

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
9552 Lot Layout Rev B	Plan of Lots 14-16 and Easement A in Lot 14 Cancelling Lot 28 on SP202897 and Lot 155 and 156 on SP311517	Twine Surveys Pty Ltd	24.10.24

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. Development must be carried out generally in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, 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

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

3.7 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements and to the satisfaction of Council's delegated officer.

3.8 Charges

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

4. Infrastructure Services and Standards

4.1 Access and Services Easement

An access and services easement must be provided over proposed Easement A as shown on the approved plan in favour of Lot 15 for the purposes of access and services.

(D) ASSESSMENT MANAGER'S ADVICE

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

(b) Endorsement Fees

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

(c) Easement Documents

Please contact your solicitor for more information regarding the drafting of easement documents for Council easements.

(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:

- a registered easement over the subject site

(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) 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.

(E) REFERRAL AGENCY CONDITIONS

State Assessment and Referral Agency conditions dated 7 November 2025

(F) RELEVANT PERIOD

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

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

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

- Nil

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Nil

THE SITE

The subject site comprises of the following allotments:

- Lot 28 on SP202897, having an area of 7.955 hectares and a frontage of approximately 470 metres to Mareeba-Dimbulah Road;
- Lot 155 on SP311517, having an area of 363.6 hectares and a frontage of approximately 80 metres to Mareeba-Dimbulah Road; and
- Lot 156 on SP311517, having an area of 470.6 hectares and a frontage of approximately 2.5 kilometres to the Mareeba-Dimbulah Road.

Mareeba-Dimbulah Road is a State controlled road and is constructed to a bitumen sealed standard. All lots are accessed via existing crossovers onto the Mareeba-Dimbulah Road.

Lots 28 and 156 are improved by a dwelling house and multiple shed. Lot 155 is improved by Lot 155 is improved by multiple sheds. Lot 28 is a rural living lot, whereas Lots 155 and 156 are developed with substantial agricultural/horticultural activities.

Each lot is provided with a water supply via the Sunwater irrigation systems. Reticulated electricity and telecommunication infrastructure service are available to each lot.

The site and all nearby properties are zoned Rural under the Planning Scheme and are used for rural purposes.



Map Disclaimer:

[illegible]

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.

Nil

Nil

The development application seeks a Development Permit for Reconfiguring a Lot – Boundary Realignment (3 lots into 3 lots) and creating an Access Easement in accordance with the plans shown in **Attachment 1**.

The proposed development is the realignment of the property boundaries between the lots to move approximately 108.2 hectares from Lot 155 and include this area within proposed Lot 16 (Lot 156), and move a further 1.211 hectares from Lot 155 and include this area with Lot 14 (Lot 28).

The effect of the 1.211 hectare transfer will be to remove the road frontage of proposed Lot 15 (Lot 155), instead proposed Easement A in proposed Lot 14 is intended to secure access to proposed Lot 15 to the Mareeba-Dimbulah Road.

The proposed allotments are as follows:

- Lot 14 – area of 9.166 hectares, approximately 560.5 metres to the Mareeba-Dimbulah Road;
- Lot 15 – area of 254.1 hectares, no road frontage, access to the Mareeba-Dimbulah Road to be provided via Easement A in Lot 14; and
- Lot 16 – 578.8 hectares, approximately 2,509.4 metres frontage to Mareeba-Dimbulah Road.

All proposed lots will contain an established dwelling house and will be accessed via the established farm access crossover/s.

No change is proposed to existing servicing arrangements.

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:

- *Wetland Area of General Ecological Significance*
- *Terrestrial Area of General Ecological Significance*

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	Land Use Categories • Rural Area • <i>Rural Agricultural Area</i> • <i>Rural Other</i> Transport Elements • <i>State Controlled Road</i>
Zone:	Rural Zone
Overlays:	Agricultural Land Overlay Airport Environs Overlay Bushfire Hazard Overlay Environmental Significance Overlay Flood Hazard Overlay Transport Infrastructure Overlay

RELEVANT PLANNING INSTRUMENTS

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

(a) Far North Queensland Regional Plan 2009-2031

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

(b) State Planning Policy

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

(c) Mareeba Shire Council Planning Scheme 2016

Relevant Development 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
- 9.4.2 Landscaping code
- 9.4.3 Parking and access code
- 9.4.4 Reconfiguring a lot code
- 9.4.5 Works, services and infrastructure code

The application included a planning report and assessment against the planning scheme. An officer assessment has found that the application satisfies the relevant acceptable outcomes (or performance 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.
Landscaping code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Parking and access code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Reconfiguring a lot code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Works, services and infrastructure code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.

(e) Planning Scheme Policies/Infrastructure Charges Plan

The following planning scheme policies are relevant to the application:

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

(f) Adopted Infrastructure Charges Notice

Not applicable as the proposed development is for a boundary realignment and no additional allotment will be created.

REFERRAL AGENCY

The application triggered referral to the State Assessment and Referral Agency as a Referral Agency for premises near a State transport corridor.

That Department advised in a letter dated 7 November 2025 that they require the conditions to be attached to any approval (**Attachment 2**).

Internal Consultation

Not applicable.

PLANNING DISCUSSION

Nil

Date Prepared: 10 November 2025

DECISION BY DELEGATE

DECISION

Having considered the Supervisor Planning & Building's report detailed above, I approve, as a delegate of Council, the application subject to the conditions listed in the report.

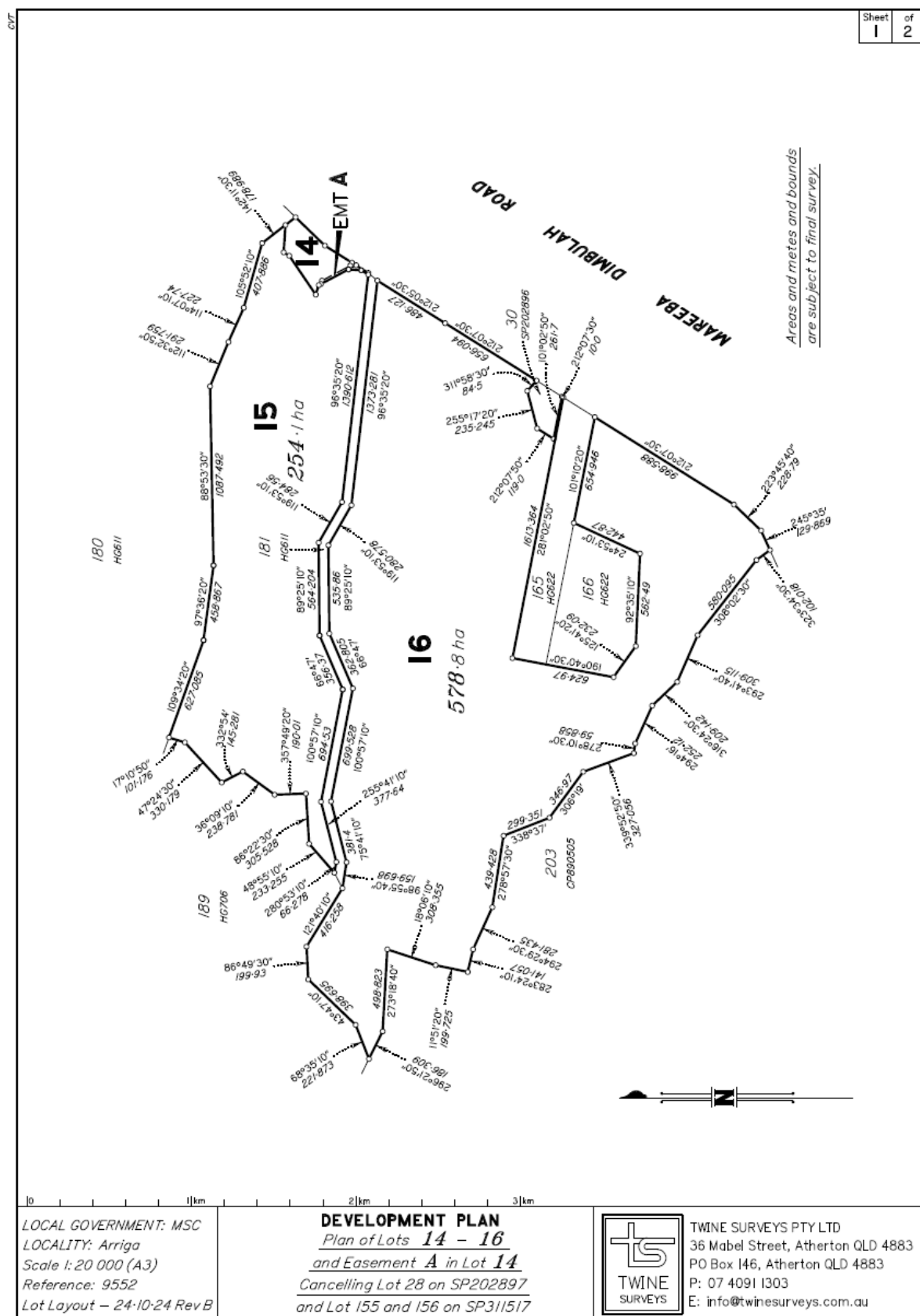
Dated the 10TH day of NOVEMBER 2025



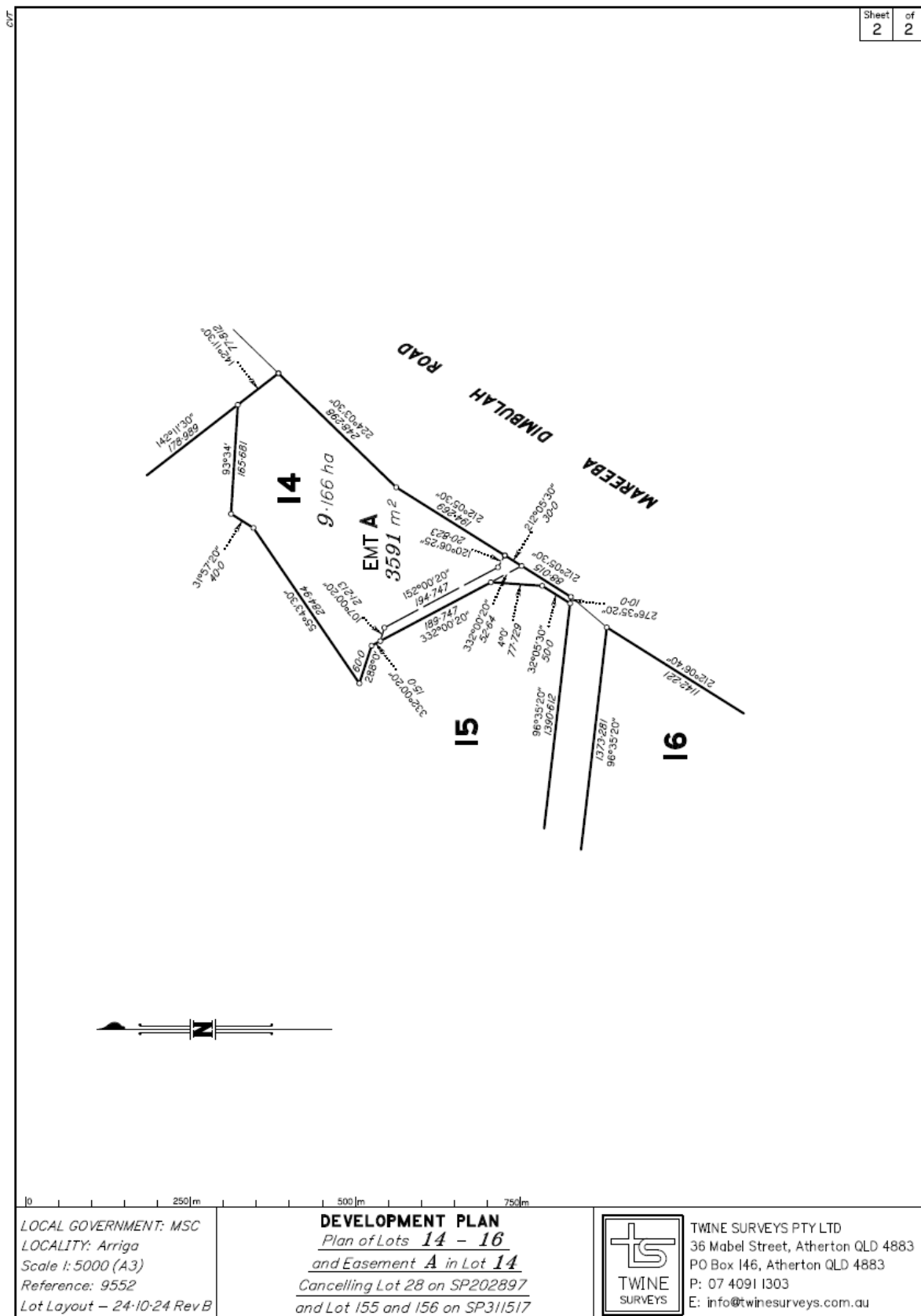
BRIAN MILLARD
COORDINATOR PLANNING & DEVELOPMENT

MAREEBA SHIRE
AS A DELEGATE OF THE COUNCIL

PROPOSAL PLANS



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ATTACHMENT 2

RA6-N

DELIVERING
FOR QUEENSLANDQueensland
GovernmentDepartment of
State Development,
Infrastructure and Planning

SARA reference: 2510-48566 SRA
 Council reference: RAL/25/0019
 Applicant reference: F24/38

7 November 2025

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

Dear Sir/Madam

SARA referral agency response—2164 and 2332 Mareeba - Dimbulah Road, Arriga

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

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 10 October 2025.

Response

Outcome:	Referral agency response – with conditions
Date of response:	7 November 2025
Conditions:	The conditions in Attachment 1 must be attached to any development approval
Advice:	Advice to the applicant is in Attachment 2
Reasons:	The reasons for the referral agency response are in Attachment 3

Development details

Description:	Development permit	Reconfiguring a Lot – Boundary Realignment (3 lots into 3 lots) and creating an Access Easement
SARA role:	Referral agency	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 – Reconfiguring a lot near a state transport corridor (Planning	

2510-48566 SRA

Regulation 2017)

SARA reference: 2510-48566 SRA

Assessment manager: Mareeba Shire Council

Street address: 2164 and 2332 Mareeba - Dimbulah Road, Arriga

Real property description: Lot 28 on SP202897, Lot 155 on SP311517 and Lot 156 on SP311517

Applicant name: Keyes AG Holdings Pty Ltd
C/- Freshwater Planning Pty Ltd

Applicant contact details: 17 Barron View Drive
Freshwater QLD 4870
freshwaterplanning@outlook.com

Human Rights Act 2019 considerations: A consideration of the 23 fundamental human rights protected under the *Human Rights Act 2019* has been undertaken as part of this decision. It has been determined that this decision does not limit human rights.

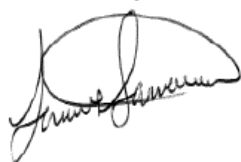
Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules). Copies of the relevant provisions are in **Attachment 4**.

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

For further information please contact Helen Reilly, Planning Officer, on 4037 3239 or via email CairnsSARA@dsdip.qld.gov.au who will be pleased to assist.

Yours sincerely



Javier Samanes
Manager

cc Keyes AG Holdings Pty Ltd, freshwaterplanning@outlook.com

enc Attachment 1 - Referral agency conditions
Attachment 2 - Advice to the applicant
Attachment 3 - Reasons for referral agency response
Attachment 4 - Representations about a referral agency response provisions
Attachment 5 - Documents referenced in conditions

Attachment 1—Referral agency conditions

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

No.	Conditions	Condition timing
Reconfiguring a Lot (Boundary Realignment – 3 Lots into 3 Lots and creating an Access Easement)		
10.9.4.2.1.1 – Reconfiguring a lot near a state transport corridor—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	(a) Provide an access easement on the title of proposed Lot 14 for shared access to proposed Lot 15 generally in accordance with Development Plan entitled Plan of Lots 14 – 16 and Easement A in Lot 14 Cancelling Lot 28 on SP202897 and Lot 155 and 156 on SP311517 prepared by Twine Surveys, dated 24.10.24, referenced 9552 Lot Layout Sheet 2 of 2 and revision B as amended in red. (b) Provide evidence that part (a) of this condition has been complied with to Cairns Corridor Management Unit within the Department of Transport and Main Roads via Far.North.Queensland.IDAS@tmr.qld.gov.au.	(a) At the time of Plan of Survey registration. (b) Within 20 business days of registration of the easements

Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> , its regulation or the State Development Assessment Provisions (SDAP) (version 3.3). If a word remains undefined it has its ordinary meaning.
Transport noise corridor	
2.	Mandatory Part (MP) 4.4 of the Queensland Development Code (QDC) commenced on 1 September 2010 and applies to building work for the construction or renovation of a residential building in a designated transport noise corridor. MP4.4 seeks to ensure that the habitable rooms of Class 1, 2, 3 and 4 buildings located in a transport noise corridor are designed and constructed to reduce transport noise. Transport noise corridor means land designated under Chapter 8B of the <i>Building Act 1975</i> as a transport noise corridor. Information about transport noise corridors is available at state and local government offices. A free online search tool can be used to find out whether a property is located in a designated transport noise corridor. This tool is available at the State Planning Policy Interactive Mapping System website: https://spp.dsdip.esriaustraliaonline.com.au/geoviewer/map/planmaking and allows searches on a registered lot number and/or property address to determine whether and how the QDC applies to the land. Transport Noise Corridors are located under Information Purposes within <i>Transport Infrastructure of the State Planning Policy (SPP) mapping system</i>.

Attachment 3—Reasons for referral agency response

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

The reasons for the SARA's decision are:

- the proposed development does not adversely impact the structural integrity, obstruct road infrastructure or create a safety hazard for users of the state-controlled road
- the proposed development does not result in adverse stormwater, overland flow or drainage impacts to the state-controlled road because the proposed lots
- the proposed development does not require a new or changed access to the state-controlled road
- the proposed development has no nearby public passenger transport infrastructure, public passenger services or active transport infrastructure along the road frontage of the subject land
- the proposed development does not propose any filling, excavation, building foundations and retaining structures that would adversely impact the structural integrity of the state-controlled road.

Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP (version 3.3), as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system
- section 58 of the *Human Rights Act 2019*

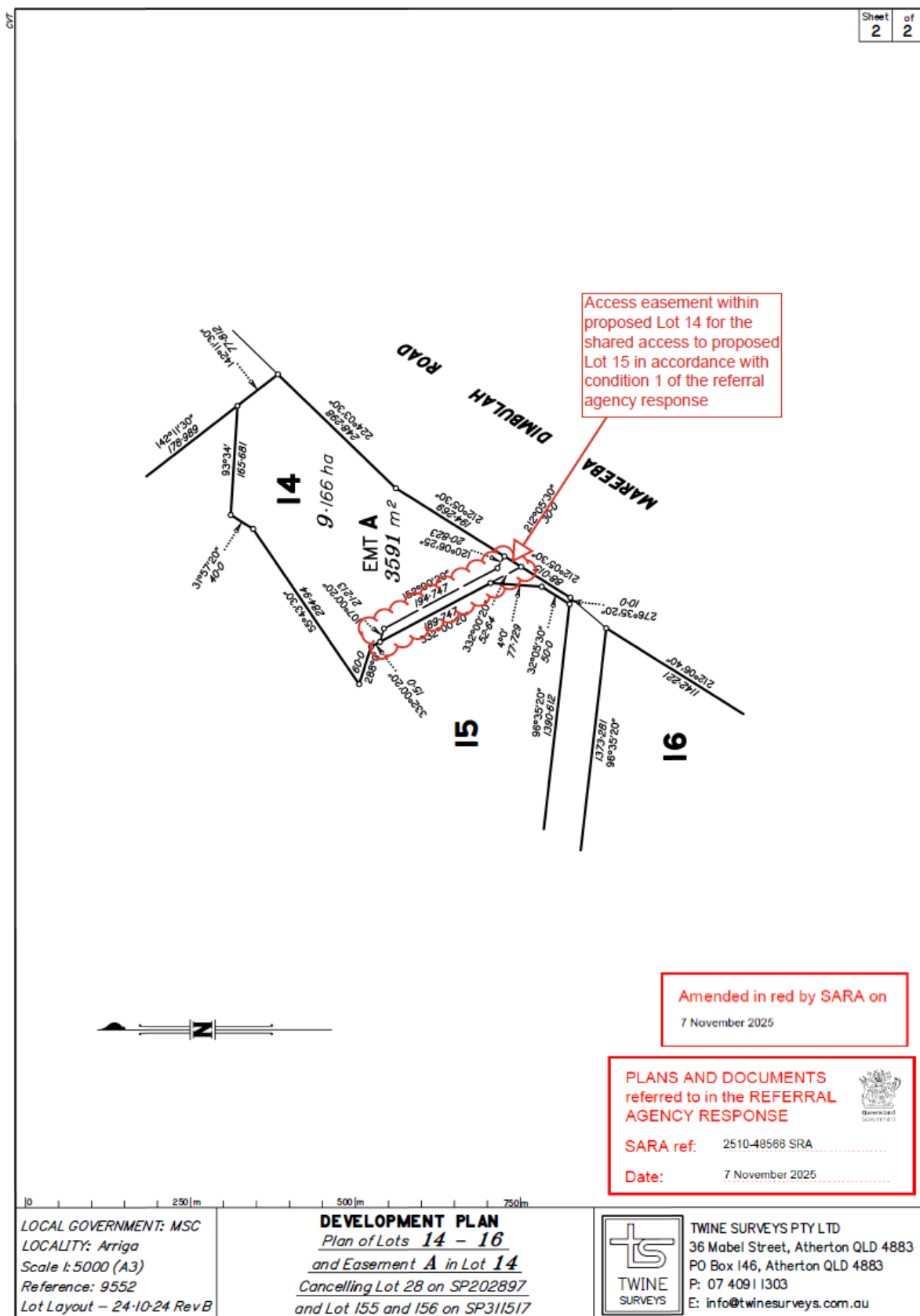
Attachment 4—Representations about a referral agency response provisions

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2510-48566 SRA

Attachment 5—Documents referenced in conditions

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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.