DELEGATED REPORT

SUBJECT: **RUTHERGLEN DEVELOPMENT CO PTY LTD – RECONFIGURING A LOT – SUBDIVISION (1 INTO 2 LOTS) – LOT 27 ON DA150 – 13-15 MAIN STREET, MOUNT MOLLOY – RAL/26/0018**

DATE: 6 October 2026

REPORT OFFICER'S TITLE: Supervisor Planning & Building

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	Rutherglen Development Co Pty Ltd	**ADDRESS**	13-15 Main Street, Mount Molloy
DATE LODGED	5 August 2026	**RPD**	Lot 27 on DA150
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot – Subdivision (1 into 2 lots)		

FILE NO	RAL/26/0018	**AREA**	2,792m2
LODGED BY	Freshwater Planning Pty Ltd	**OWNER**	Rutherglen Development Co Pty Ltd
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Centre Zone		
LEVEL OF ASSESSMENT	Code Assessment		
SUBMISSIONS	n/a		

ATTACHMENTS:
1. Proposal Plan/s
2. State Assessment and Referral Agency Response dated 4 September 2026

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.

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	Rutherglen Development Co Pty Ltd	**ADDRESS**	13-15 Main Street, Mount Molloy
DATE LODGED	5 August 2026	**RPD**	Lot 27 on DA150
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot – Subdivision (1 into 2 lots)		

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 – Subdivision (1 into 2 lots)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
F26/13	Reconfiguring a Lot – 1 Lot into 2 Lots – 27DA150	-	15/5/2026

(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, 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 the plan of survey (Form 18b) for the development, 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 within the conditions of approval or the Adopted Infrastructure Charges Notice.

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 and at the rate applicable at the time of payment.

3.3 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.

3.4 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 sewer mains on non-standard alignments), or inter-allotment private connections traverse lots to service another lot, easements must be created for access and maintenance purposes. The developer is to pay all costs (including Council's legal expenses where necessary) to prepare and register the easement documents.

3.6 Any existing buildings or structures and/or incidental works that straddle the new boundaries must be altered, demolished or removed, as required, to align with the new property boundaries and/or be wholly contained within a new allotment, unless approved by Council's delegated officer.

A 3 metre fire separation setback must be provided between the proposed new common boundary and the closest point of the dwelling house on proposed Lot 2.

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

Access crossovers must be upgraded/constructed to both lots (from the edge of Crothers Street to the property boundaries of each lot) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

4.2 Frontage Works – Crothers Street

4.2.1 The applicant/developer must widen the development side of Crothers Street, by 1.25 metres (to achieve an ultimate design width of 6.5m), including kerb and channel, for the full frontage of the site, designed in accordance with the FNQROC Development Manual (Access Street standard - Table D1.1), to the satisfaction of Council's delegated officer.

Included in the abovementioned works, the applicant/developer must undertake any necessary backfilling of the road verges and ensure that road/roadside stormwater is discharged to an approved lawful point of discharge, to the satisfaction of Councils delegated officer.

Prior to works commencing, plans for the works described above must be approved as part of a subsequent application for operational works.

4.2.2 In lieu of undertaking the abovementioned operational works, the applicant/developer may elect to provide a monetary contribution to Council equal to the cost of undertaking the works required by condition 4.2.1. A written itemised quote from a civil contractor to determine the cost of the works must be provided and accepted by Council's delegated officer.

4.3 Stormwater Drainage

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

4.3.2 All stormwater drainage collected from the site must be discharged to an approved legal point of discharge.

4.4 Water Supply

4.4.1 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

4.4.2 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).

4.5 Wastewater Disposal

Each allotment must include a separate on-site effluent disposal system. A plan or statement from a licensed surveyor must be provided that demonstrates that the on-site effluent disposal system that services each building/dwelling are entirely contained within the respective allotment.

Any new on-site effluent disposal system required on-site must be constructed in compliance with the latest version On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of the Council's delegated officer.

4.6 Electricity provision/supply

The applicant/developer must ensure that an appropriate level of electricity supply is provided to each 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 power reticulation.

4.7 Telecommunications

The applicant/developer must demonstrate that a connection to the national broadband network is available for each allotment, or alternatively, enter into an agreement with a telecommunication carrier to provide telecommunication services to each lot and arrange provision of necessary conduits and enveloping pipes.

(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) 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.dwatsipm.qld.gov.au.

(f) Electric Ants

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

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

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

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

(E) REFFERAL AGENCY CONDITIONS

State Assessment and Referral Agency conditions dated 4 September 2026.

(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

- Development Permit for Operational Works

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Nil

THE SITE

The subject site is described as Lot 27 on DA150 and is situated on the corner of Main Street and Crothers Street, Mount Molloy, with an address of 13-15 Main Street, Mount Molloy.

The site is generally regular in shape with an area of 2,792m2 and is zoned Centre under the Mareeba Shire Council Planning Scheme 2016.

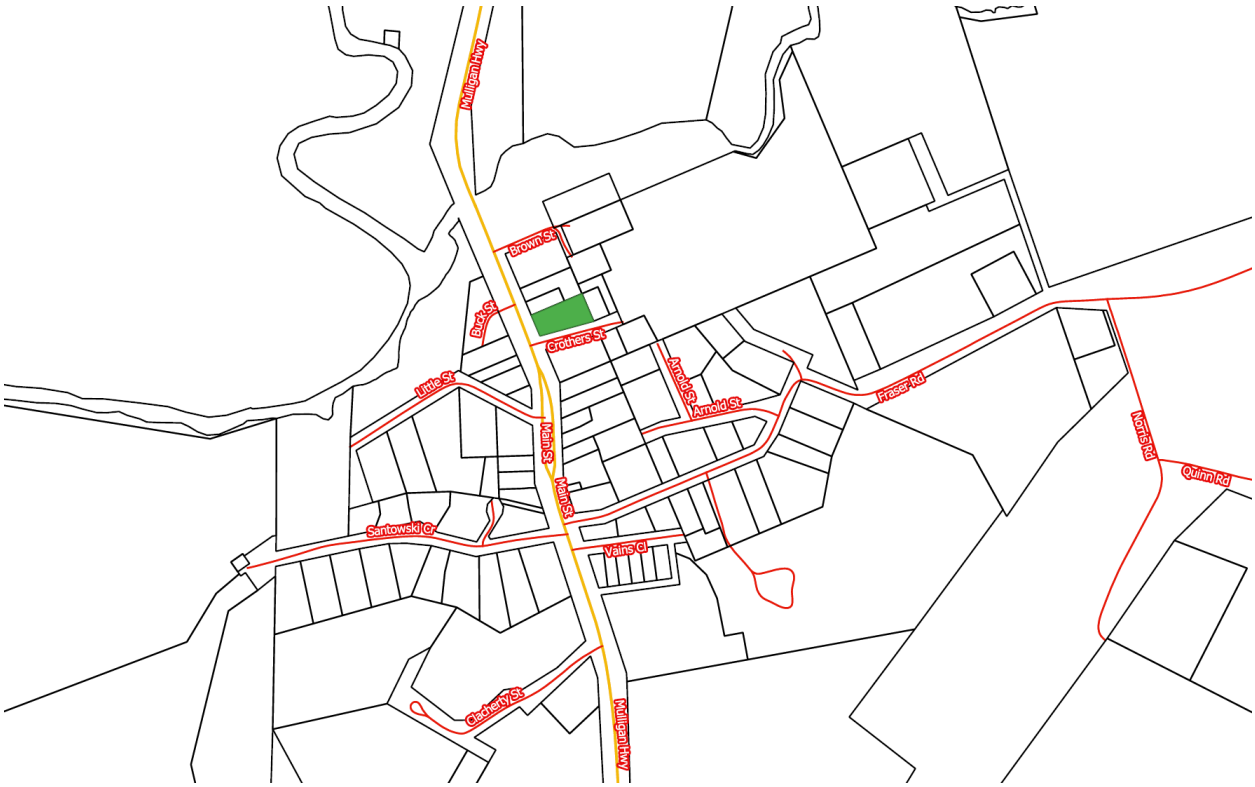
The site includes approximately 30 metres of frontage to Main Street and 77 metres of frontage to Crothers Street. Both roads are constructed to bitumen sealed standard with Main Street having a kerb-to-kerb width of 25 metres. Crothers Street has a sealed width of approximately 4 metres, with no kerb on either side.

Access to the site is obtained via two gravelled crossovers onto Crothers Street.

The site is improved by a single dwelling house and commercial building/shop. Adjoining lots are zoned Low density residential and Industry.



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



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BACKGROUND AND CONTEXT

Nil

PREVIOUS APPLICATIONS & APPROVALS

Nil

DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Reconfiguring a Lot – Subdivision (1 into 2 lots) in accordance with the plans shown in **Attachment 1**.

The application describes the proposal as follows:

> *"A Development Permit for a Reconfiguration of 1 Lot into 2 Lots is sought to subdivide Lot 27 on DA150 creating an additional Commercial Allotment. The site is designated within the Centre Zone of the Mareeba Shire Planning Scheme and no change to the Centre Zone is proposed with the Reconfiguration. The proposal will provide an additional Allotment while maintaining the existing amenities and aesthetics of the site.*
>
> *The Reconfiguration of a Lot proposes two (2) Allotments described as proposed Lots 1 and 2. The proposed areas of the allotments are as follows:*
>
> - *Proposed Lot 1 - 1,730 m²*
> - *Proposed Lot 2 - 1,062 m².*

The site gains access from the existing Road Network, being Crothers Street with each proposed Allotment able to be provided with access from this existing Road Network, as per existing. The site is connected to all available and necessary services with the proposed Commercial Allotments able to be provided with the same level of servicing. The site contains separate Electricity Meters and Effluent Disposal Systems."

REGIONAL PLAN DESIGNATION

Far North Queensland Regional Plan and Infrastructure Plan 2026	
Potential Agricultural Expansion Area	No
Priority Agricultural Area	No
Priority Agricultural Area – Extractive Resources Precinct	No
Regional Biodiversity Corridor	Yes
Regional Land Use Category	Urban Footprint
Strategic Environmental Area	No
Wet Tropics WHA	Yes

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	**Land Use Categories** • Centre Area **Transport Elements** • *State Controlled Road* • *B-double Route* • *Principal Cycle Routes*
Zone:	Centre Zone
Overlays:	Bushfire Hazard 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 and Infrastructure Plan 2026 (FNQ Regional Plan 2026

The FNQ Regional Plan 2026 commenced on May 2026 and is not adequately addressed within the Planning Scheme. The Themes, Policy outcomes and Strategies contained within this Regional Plan, relevant to the proposed development, are as follows:

Theme 1 – Housing

Policy Outcome 3 – Rural towns and villages

Rural towns and villages provide for growth that supports economic viability and protects ecological significance.

Strategies

3.1 Promote sustainable growth in rural towns and villages where it can be supported by appropriate infrastructure and services, prevents the fragmentation of rural land, and preserves regional landscapes and areas of environmental significance.

Comment

The proposed development complies.

(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:

6.2.1 Centre zone code
8.2.3 Bushfire hazard 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
Centre 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.
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.
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:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

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

(f) Adopted Infrastructure Charges Notice

In accordance with Council's Adopted Infrastructure Charges Resolution (No. 1) 2026, a standard charge of $23,252.00 applies to each additional residential allotment created, where serviced by the following five (5) trunk infrastructure networks:

- Transport network (roads);
- Public parks and land for community facilities network;
- Water supply network;
- Sewerage network; and
- Stormwater network

Part 4.1(d) of Council's Adopted Infrastructure Charges Resolution (No. 1) 2026, a 20% discount will be applied to development charges where no connection to Council's reticulated sewer network exists.

The standard charge applicable to the site is $18,601.60 per lot.

The site has multiple credits, specifically:

- 1 standard lot credit ($18,601.60) for the existing dwelling house
- Retail credit of 185m2 x $158.20 ($29,267) for the food & drink outlet/shop

The credits available to the site exceeds the charge for 2 lots.

No further charge is applicable for this development.

REFERRAL AGENCY

The application triggered referral to the State Assessment and Referral Agency as a Concurrence Agency (SARA – State controlled transport infrastructure).

That Department advised in a letter dated 4 September 2026 that they require the conditions to be attached to any approval **(Attachment 2**).

Internal Consultation

Technical Services

PLANNING DISCUSSION

Nil

Date Prepared: *6 October 2026*

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.

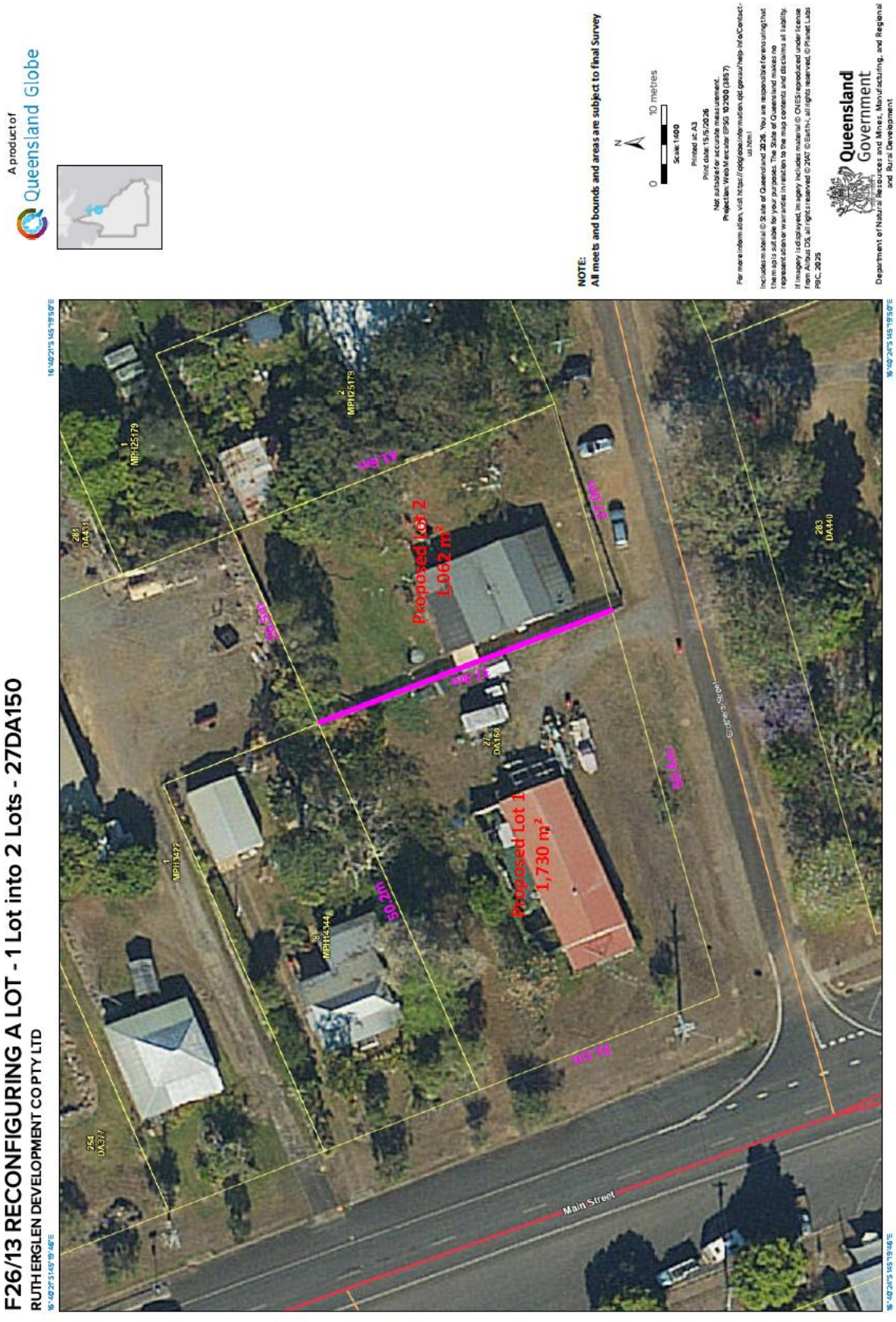
Dated the 6TH day of OCTOBER 2026

BRIAN MILLARD
COORDINATOR PLANNING & BUILDING

MAREEBA SHIRE
AS A DELEGATE OF THE COUNCIL

ATTACHMENT 1

PROPOSAL PLANS



ATTACHMENT 2

RA9-N

DELIVERING FOR QUEENSLAND | Queensland Government

Department of
State Development,
Infrastructure and Planning

SARA reference: 2608-54070 SRA
Council reference: RAL/26/0018
Applicant reference: F26/13

4 September 2026

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

Attention: Mr Brian Millard

Dear Mr Millard

SARA referral agency response—13-15 Main Street, Mount Molloy

(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 31 August 2026.

Response

Outcome:	Referral agency response - No requirements Under section 56(1)(a) of the *Planning Act 2016*, SARA advises it has no requirements relating to the application.
Date of response:	4 September 2026
Advice:	Advice to the applicant is in **Attachment 1**
Reasons:	The reasons for the referral agency response are in **Attachment 2**

Development details

Description:	Development permit	Reconfiguring a Lot - Subdivision (1 into 2 Lots)
SARA role:	Referral agency	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 1 (10.9.4.2.1) - Reconfiguring a lot near a state transport corridor (Planning Regulation 2017) Schedule 10, Part 9, Division 4, Subdivision 2, Table 3, Item 1 (10.9.4.2.3) - Reconfiguring a lot near a state-controlled	

North and North West regional office
Level 4, 445 Flinders Street, Townsville
PO Box 5666, Townsville QLD 4810

	road intersection (Planning Regulation 2017)
SARA reference:	2608-54070 SRA
Assessment manager:	Mareeba Shire Council
Street address:	13-15 Main Street, Mount Molloy
Real property description:	Lot 27 on DA150
Applicant name:	RUTHERGLEN DEVELOPMENT CO 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 Human Rights Act 2019 sections 15 to 35 has been undertaken as part of this response. It has been determined that this response 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 3**.

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

For further information please contact Magnus Kuttainen, Senior Planning Officer, on 07 4037 3223 or via email NQSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely

Pradesh Ramiah

Pradesh Ramiah
Manager - SEQ South

cc RUTHERGLEN DEVELOPMENT CO PTY LTD C/- Freshwater Planning Pty Ltd, freshwaterplanning@outlook.com

enc Attachment 1 - Advice to the applicant
Attachment 2 - Reasons for referral agency response
Attachment 3 - Representations about a referral agency response provisions

Attachment 1—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the *Planning Act 2016* its regulation or the State Development Assessment Provisions (SDAP), (version 3.6). If a word remains undefined it has its ordinary meaning.

Attachment 2—Reasons for referral agency response

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

The reasons for SARA's decision are:

- SARA assessed the development against the following code of the State Development Assessment Provisions (SDAP), version 3.6:
  - State code 1: Development in a state-controlled road environment.

- The development complies with the assessment benchmarks of State code 1 of SDAP in that the development:
  - does not increase the likelihood or frequency of accidents, fatalities or serious injury for users of a state-controlled road;
  - does not adversely impact the structural integrity or physical condition of state-controlled roads, road transport infrastructure, public passenger transport infrastructure or active transport infrastructure;
  - does not adversely impact the function and efficiency of state-controlled roads;
  - does not adversely impact the state's ability to plan, construct, maintain, upgrade or operate state-controlled roads, future state-controlled roads or road transport infrastructure;
  - does not significantly increase the cost to the state to plan, construct, upgrade or maintain state-controlled roads, future state-controlled roads or road transport infrastructure.

Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP (version 3.6), as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- section 58 of the *Human Rights Act 2019*

Attachment 3— Representations about a referral agency response provisions

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