



AGENDA

Wednesday, 29 January 2020

Ordinary Council Meeting

I hereby give notice that an Ordinary Meeting of Council will be held on:

Date: Wednesday, 29 January 2020

Time: 9:00am

Location: Council Chambers

**Peter Franks
Chief Executive Officer**

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- 1 MEMBERS IN ATTENDANCE**
- 2 APOLOGIES/LEAVE OF ABSENCE/ABSENCE ON COUNCIL BUSINESS**
- 3 BEREAVEMENTS/CONDOLENCES**
- 4 DECLARATION OF ANY MATERIAL PERSONAL INTERESTS/CONFLICTS OF INTEREST**
- 5 CONFIRMATION OF MINUTES**

Ordinary Council Meeting - 18 December 2019
- 6 BUSINESS ARISING OUT OF MINUTES OF PREVIOUS MEETING**
- 7 DEPUTATIONS AND DELEGATIONS**

8 CORPORATE AND COMMUNITY SERVICES

8.1 REEVER & OCEAN PTY LTD - MATERIAL CHANGE OF USE - NATURE-BASED TOURISM - LOT 17 ON SP296830 & LOT 22 ON SP304952 - 112 BARNWELL ROAD, KURANDA - MCU/19/0018

Date Prepared: 13 January 2020

Author: Planning Officer

Attachments: 1. [Proposal Plans](#) [↓](#)
2. [Submissions](#) [↓](#)

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	Reever & Ocean Pty Ltd	ADDRESS	112 Barnwell Road, Kuranda
DATE LODGED	15 November 2019	RPD	Lot 17 on SP296830 & Lot 22 on SP304952
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Nature-based tourism, including tourist and visitor short-term accommodation provided in two (2) stages.		
FILE NO	MCU/19/0018	AREA	Lot 17 - 63.12 ha Lot 22 - 107.7 ha
LODGED BY	wildPLAN Pty Ltd	OWNER	Reever & Ocean
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Rural Zone		
LEVEL OF ASSESSMENT	Impact Assessment		
SUBMISSIONS	30 Submissions		

EXECUTIVE SUMMARY

Council is in receipt of an impact assessable development application described in the above application details. 30 properly made submissions were received during the mandatory public notification period. All 30 submissions objected to the proposed development.

The applicant proposes the construction of on-site accommodation to facilitate overnight stays for tourists visiting the site's existing Tourist Attraction development authorised under development approval MCU/18/0006. The proposed development will be constructed in two (2) stages and will likely utilise accommodation "tents" which include solid timber deck flooring and canvas walls and roofs. The applicants have also included the option of using traditional cabin style accommodation as an alternative if needed. The two (2) stages of the development will include the following:

- Stage 1 - tented camps for 28 persons, in the form of 14 x 1 bedroom tents; and

- Stage 2 - Tented camps for 26 persons, in the form of 5 x 2 bedroom tents and 3 x 1 bedroom tents.

The application and supporting material has been assessed against the Mareeba Shire Council Planning Scheme 2016 and no conflicts with the Planning Scheme have been identified. The Planning Scheme generally encourages tourist development within the Rural zone where it can be demonstrated that no detrimental impact on primary production, agricultural activity and the natural environment is likely.

It is recommended that the application be approved in full, subject to conditions.

OFFICER'S RECOMMENDATION

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	Reever & Ocean Pty Ltd	ADDRESS	112 Barnwell Road, Kuranda
DATE LODGED	15 November 2019	RPD	Lot 17 on SP296830 & Lot 22 on SP304952
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Nature-based tourism, including tourist and visitor short-term accommodation provided in two (2) stages.		

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 - Nature-based tourism, including tourist and visitor short-term accommodation provided in two (2) stages.

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
AA-GL00	Cover Sheet	Develop North	11/11/19
AA-GL01	Tourism Accommodation Site Plan	Develop North	11/11/19
AA-GL02	Tourism Accommodation Stage 1 & 2	Develop North	11/11/19
AA-GL03	Typical 2 Bed Floor Plan & Elevation	Develop North	11/11/19
AA-GL04	Typical 1 Bed Floor Plan & Elevation	Develop North	11/11/19

(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, including but not necessarily limited to the subject of 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 each Stage of the use except where specified otherwise in these conditions of approval.
 - 2.2 Prior to the commencement of each Stage of the 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/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 external 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.
 - 3.3 Waste Management

On site refuse storage area must be provided and be screened from view from adjoining properties and road reserve by one (1) metre wide landscaped screening buffer or 1.8m high solid fence or building.

- 3.4 Tourists/visitors residing in the tents/cabins are to be delivered to the site via bus only and are not permitted to access or be delivered to the approved use via a passenger-car of 5.2 metres length (or lesser length vehicle).

3.5 Length of stay

The maximum length of stay for guests must not typically exceed three (3) consecutive months, unless otherwise approved by Council's delegated officer.

- 3.6 No more than 54 persons are to be accommodation on-site in the tents/cabins at any time.

- 3.7 No more than 150 tourists/visitors are permitted on-site (combination of tent/cabin occupants and MCU/18/0006 Tourist Attraction visitors) unless or until condition 4.2 (ii) of the Tourist Attraction approval MCU/18/0006, requiring the upgrade of Barnwell Road is undertaken.

4. Infrastructure Services and Standards

4.1 Access

An access crossover must be constructed (from the edge of Barnwell Road to the property boundary of the subject land) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

4.2 Stormwater Drainage/Water Quality

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

4.2.2 All stormwater drainage concentrated by the development must be collected from site and discharged to an approved legal point of discharge.

4.3 Carparking/Internal Driveways

The designated car parking area and internal driveways servicing the development must be constructed with compacted gravel to a minimum depth of 100mm and be appropriately drained prior to the commencement of the use, and maintained for the life of the development, to the satisfaction of Council's delegated officer.

4.4 Non-Reticulated Water Supply

The development must be provided with a potable water supply that can satisfy the standards for drinking water set by the Australian Drinking Water Guidelines 6, 2011 (National Health and Medical Research Council and the National Resource Management Ministerial Council).

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

4.5 On-site Wastewater Management

All on site effluent 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.

Note: 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.

4.7 Landscaping

Prior to the commencement of the use, rehabilitation, in the form of the planting and maintenance of 50 plants (utilising locally occurring native flora), will be undertaken in the promotion of fauna dispersal on the site between areas of Matters of State Environmental Significance (MSES), to the satisfaction of Council's delegated officer.

(D) ASSESSMENT MANAGER'S ADVICE

- (a) An Adopted Infrastructure Charges Notice has been issued with respect to the approved development. The Adopted Infrastructure Charges Notice details the type of infrastructure charge/s, the amount of the charge/s and when the charge/s are payable.

- (b) The Adopted Infrastructure Charges Notice does not include all charges or payments that are payable with respect to the approved development. A number of other charges or payments may be payable as conditions of approval. The applicable fee is set out in Council's Fees & Charges Schedule for each respective financial year.

- (c) Food Premises (restaurants/bed & breakfasts etc.)

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

- (d) Compliance with applicable codes/policies

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

- (e) Compliance with Acts and Regulations

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

- (f) Environmental Protection and Biodiversity Conservation Act 1999

The applicant is advised that referral may be required under the *Environmental Protection and Biodiversity Conservation Act 1999* if the proposed activities are likely

to have a significant impact on a matter of national environmental significance. Further information on these matters can be obtained from www.environment.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.datsip.qld.gov.au.

(E) 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);

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

- Development Permit for Building Work

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Compliance Permit for Plumbing and Drainage Work
- Access approval arising from condition number 4.1 (Please contact Planning Section to obtain application form and applicable fee)

THE SITE

The subject land comprises two (2) adjoining allotments situated at 112 Barnwell Road, Kuranda, which are more particularly described as Lot 17 on SP296830 and Lot 22 on SP304952. The subject land has a combined area of 170.82 hectares and is zoned Rural under the Mareeba Shire Council Planning Scheme 2016.

The land is accessed via Barnwell Road which is constructed to a bitumen sealed standard up until the point that the road terminates at the north-east corner of Lot 22.

The subject land is presently used for the following rural land uses:

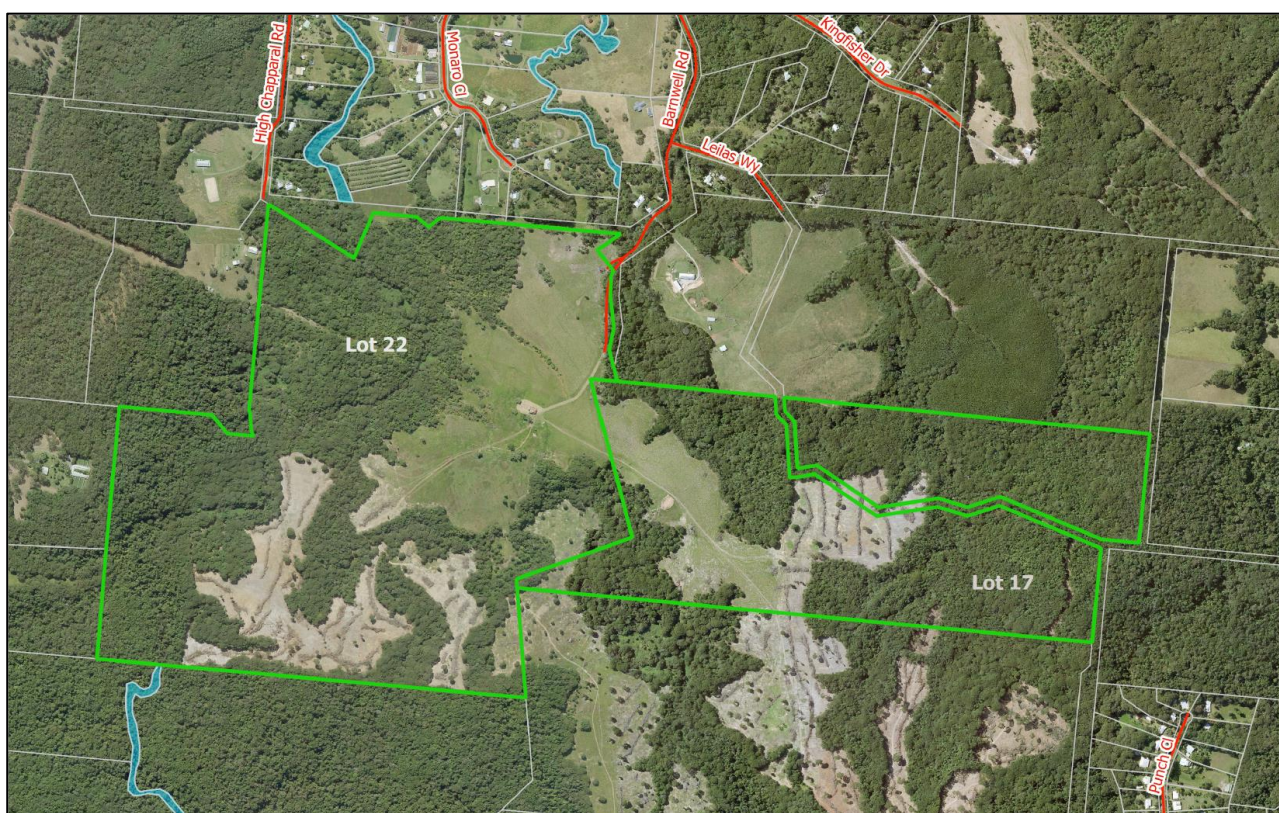
- KUR-Cow: The land is used for the grazing and husbandry of beef cattle as part of the KUR-Cow business, that provides for the exporting of beef.
- KUR-Organics: Part of the site is used for the growing of organic produce.
- Animal Keeping: Part of the site is used for the keeping of animals including (but not limited to) donkeys, alpacas, goats and horses.

- Tourist Attraction: Part of the site has approval for up to 300 tourists per day for tourist activities associated with the rural and environmental features of the site. The proposed tented camping accommodation will operate ancillary to the approved tourist attraction use, provide an option for overnight accommodation on-site.
- A large water storage dam used for on-site water supply as well as a landscape feature in associated with the approved tourist attraction use.

The remainder of the subject land is undeveloped and is best described as undulating acreage with a mix of large cleared grassed areas and a network of vegetated gullies and watercourses. The land is traversed by Owen Creek, Cain Creek and Haren Creek and also tributaries of Owen Creek, Cain Creek, Warril Creek and Haren Creek.

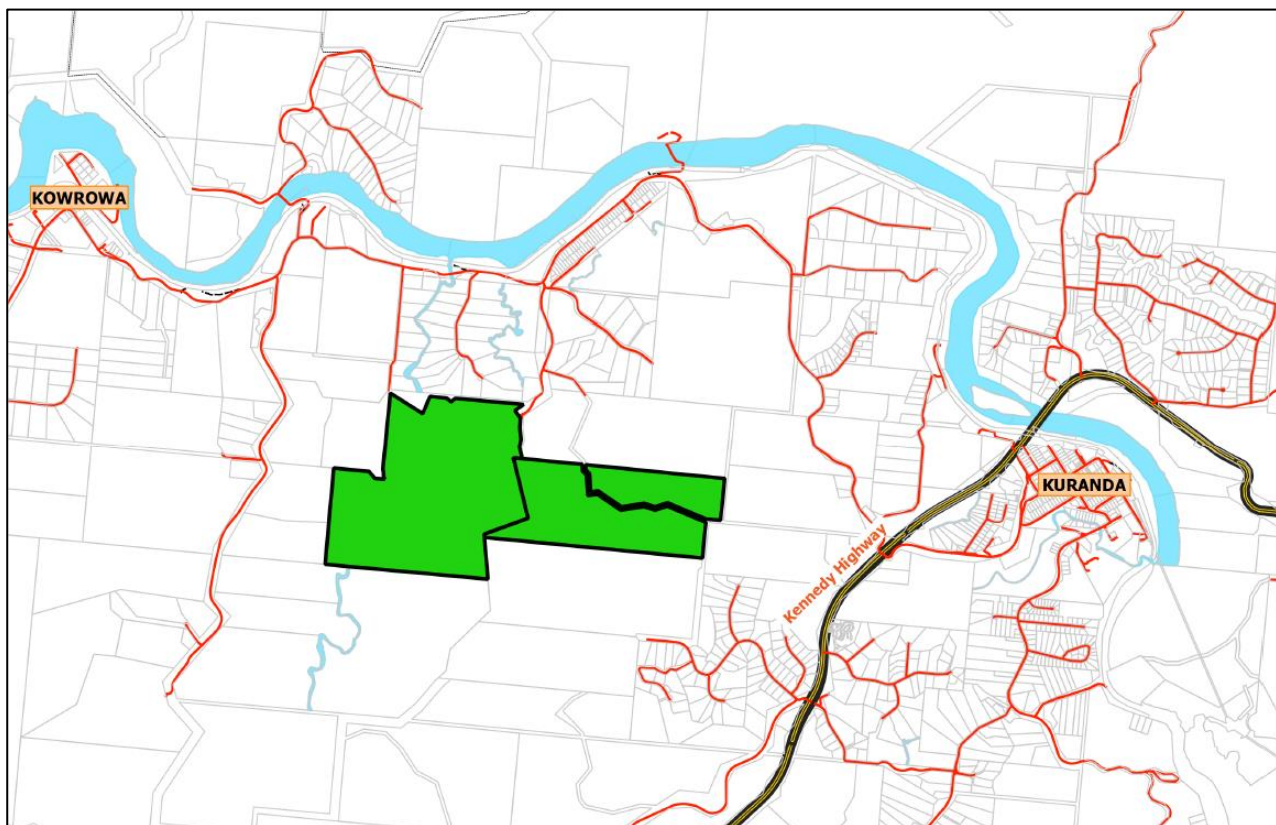
Remnant and regrowth vegetation is present on the site. Regrowth vegetation extends along the creek corridors that traverse the site.

Land surrounding the site is zoned a mix of Rural Residential and Rural and comprises a mix of smaller rural residential allotments containing single detached dwellings and larger rural holdings that remain predominately vegetated and are predominately used as large lifestyle lots with some used for low intensity livestock grazing.



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

OW/16/0001 - Operational Works - Earthworks (Water Storage Dam)

On 20 July 2016 Council approved an application made by Civil Walker on behalf of the landowners, Reever and Ocean Pty Ltd, seeking a development permit for operational works - earthworks (water storage dam) on land described as Lot 22 on N157227, situated at Barnwell Road, Kuranda. The Decision Notice was issued on 26 July 2016.

On 9 June 2017, Council, under delegated authority, approved a minor amendment to development approval OW/16/0001.

The water storage dam subject to development approval OW/16/0001 has been constructed in accordance with the conditions of approval and is considered to be lawfully established.

DA/16/0065 - Material Change of Use - Animal Keeping

On 9 February 2017 Council approved an application made by Cardno on behalf of the landowners, Reever and Ocean Pty Ltd, seeking a development permit for material change of use - animal keeping on land described as Lot 22 on N157227, situated at Barnwell Road, Kuranda. The Decision Notice was issued on 9 February 2017.

Development approval DA/16/0065 has been acted upon and it is considered that the use is occurring in compliance with the conditions of approval.

MCU/17/0012 - Material Change of Use - Nature Based Tourism

On 27 November 2017 Council approved an application made by Cardno on behalf of the landowners, Reeve and Ocean Pty Ltd, seeking a development permit for material change of use - nature based tourism on land described as Lot 16, 17, 18, 22 on N157227, Lot 19 on N157452 and Lots 1 & 2 on RP703984 situated at 77 and 112 Barnwell Road, Kuranda. The Decision Notice was issued on 28 November 2017.

The use authorised under development approval MCU/17/0012 has now lapsed.

RAL/18/0015 - Reconfiguring a Lot - Boundary Realignment

On 16 May 2018 Council approved an application made by Cardno on behalf of the landowners, Reeve and Ocean Pty Ltd, seeking a development permit for reconfiguring a lot - boundary realignment of land described as Lot 16 on N157227 and Lot 22 on SP296830 situated at 77 and 112 Barnwell Road, Kuranda. The Decision Notice was issued on 18 May 2018.

MCU/18/0006 - Material Change of Use - Tourist Attraction

On 16 May 2018, Council approved an application made by Cardno on behalf of Reeve and Ocean Pty Ltd, seeking a development permit for material change of use - nature based tourism on land described as part of Lot 16 on N157227, Lot 17 on SP296830, Lot 18 on SP296830, Lot 19 on SP296830 and Lot 22 on SP296830 situated at 77 and 112 Barnwell Road, Kuranda. The Decision Notice was issued on 18 May 2018.

MCU/18/0017 - Material Change of Use - Rural Workers' Accommodation

On 15 August 2018, Council approved an application made by Cardno on behalf of Reeve and Ocean Pty Ltd, seeking a development permit for material change of use - rural workers' accommodation on land described as part of Lot 16 on N157227, Lots 17, 18, 19 & 22 on SP296830, Lot 20 on N157423, Lot 95 on N157452, Lot 129 on NR456, Lot 131 on N157491, Lot 290 on N157480 and Lot 43 on N157359, situated at 77 and 112 Barnwell Road, Kuranda. The Decision Notice was issued on 16 August 2018.

RAL/18/0002 - Reconfiguring a Lot - Subdivision (5 lots into 49 lots) in two stages

On 23 October 2019, Council approved an application made by wildPLAN Pty Ltd on behalf of Reeve and Ocean Pty Ltd, seeking a development permit for Reconfiguring a Lot - Subdivision (5 lots into 49 lots) in two stages on land described as Lots 17, 18, 19 on SP296830, Lot 22 on SP304952 and Lot 20 on N157423, situated at 112 Barnwell Road, Kuranda. The Decision Notice was issued on 28 October 2019.

DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Material Change of Use - Nature-based tourism, including tourist and visitor short-term accommodation provided in two (2) stages in accordance with the plans shown in **Attachment 1**.

The following excerpt is provided as a summary of the proposed development:

1. PROPOSED DEVELOPMENT

The proposed Nature-based Tourism development is to comprise of tented camps in two (2) stages:

- *Stage 1 – Tented camp for 28 persons, in the form of 14 x 1-bedroom tents*

- Stage 2 – Tented camp for 26 persons, in the form of 5 x 2-bedroom tents and 3 x 1-bedroom tents

Refer to **Schedule 1 – Proposal Plans**.

The development is proposed as a complementary land use to the existing Tourist Attraction (MCU/18/0006) by providing an overnight accommodation option for visitors to the Tourist Attraction.

Each accommodation unit will be self-contained in the form of ablutions; however, will not include kitchen facilities.

The tented camps are located to the South of the existing dam on Lot 22 and proximate to the built infrastructure of the existing Tourist Attraction (MCU/18/0006).

The development includes only the following supporting recreational infrastructure (located central to Stage 1):

- Barbeque facilities
- Children's playground.

No vegetation clearing is proposed as part of the Nature-based Tourism development.

1.1 DEVELOPMENT SUMMARY

TABLE ERROR! NO TEXT OF SPECIFIED STYLE IN DOCUMENT.-1 DEVELOPMENT SUMMARY

Nature-based Tourism Material Change of Use	
Maximum height	The proposed tented camp accommodation, will not exceed 4 metres in height above ground level.
Gross Floor Area (GFA)	<p>No GFA is proposed as part of the Nature-based Tourism development.</p> <p>The construction of the individual tented accommodation units will comprise a deck with a clearance of no more than one (1) metre from ground level and the tented accommodation is not proposed to include a fixed roof or walls (being of canvas on light-weight frame construction). Therefore, no "building" is proposed, and accordingly no GFA.</p> <p>Notwithstanding that the proposal is for tented camps, the Applicant has requested that any Nature-based Tourism approval provide the flexibility to allow the "conversion" of tents to more permanent structures necessitating relevant approvals for Building Works in addition to relevant approvals for Plumbing and Drainage Works. To this end, the Applicant requests that the approval specifically allow for "cabins" to be considered interchangeable with "tents". We note that both types of development are expressly considered in the Nature-based Tourism definition, which identifies the following development examples: 'lodges, cabins, huts and tented camps'. We consider that the only impact associated with cabins versus tents is the requirement for a Building Works approval, which can be readily contemplated by any approval for Nature-based Tourism.</p>
Transport and Access	<p>Access to the site is provided via Barnwell Road.</p> <p>The Nature-based Tourism development will not attract vehicle movements in its own right i.e. visitors to the Tourist Attraction (MCU/18/0006) will have the option to stay overnight in on-site accommodation facilities.</p> <p>To reinforce the complementary interaction between the Tourist Attraction (MCU/18/0006) and the proposed Nature-based Tourism, the following conditions are recommended to be attached to any approval of the Nature-based Tourism development:</p> <ul style="list-style-type: none"> • Tourists are to be delivered to the site via bus only and are not permitted to access or be delivered to the approved use via a passenger-car of 5.2 metres length (or lesser length vehicle). • Not more than 54 persons are to be accommodated on-site in the proposed accommodation.

	<ul style="list-style-type: none"> Not more than 150 visitors to the site are to be accommodated on-site at any time unless or until condition 4.2 (ii) of the Tourist Attraction approval MCU/18/0006, requiring the upgrade of Barnwell Road is undertaken. <p>Separate car parking is not proposed as part of the Nature-based Tourism development as car parking demand will not be created in addition to the existing Tourist Attraction.</p>
Proposed servicing arrangements	<p>The proposed development is intended to be serviced by the existing on-site bore water supply, which has sufficient capacity to service the development.</p> <p>The proposed development is intended to be serviced by on-site waste-water treatment in the form of bio-cycle treatment. It is noted that the existing waste-water treatment system may require upgrade and that relevant Plumbing and Drainage Works approval(s) will be sought at the relevant time (if required).</p> <p>Existing electricity supply (including solar and grid connection) as well as planned upgrades will provide sufficient electricity supply to the Nature-based Tourism development.</p>

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:

- Strategic Rehabilitation Area
- State & Regional Conservation Corridors
- Terrestrial Area of High Ecological Significance
- Terrestrial Area of General Ecological Significance

PLANNING SCHEME DESIGNATIONS

- Strategic Framework:
 - Land Use Categories
 - Rural Other
 - Natural Environment Elements
 - Biodiversity Areas
 - Ecological Corridor
 - Habitat Linkage
- Zone:
 - Rural zone
 - Airport Environs Overlay
 - Bushfire Hazard Overlay
 - Environmental Significance Overlay
 - Hill and Slope Overlay
 - Transport Infrastructure Overlay
- Overlays:

Planning Scheme Definitions

The proposed use is defined as:-

Use	Definition	Examples include	Does not include the following examples
Nature-based tourism	<p><i>The use of land or premises for a tourism activity, including tourist and visitor short-term accommodation, that is intended for the conservation, interpretation and appreciation of areas of environmental, cultural or heritage value, local ecosystem and attributes of the natural environment. Nature-based tourism activities typically:</i></p> <ul style="list-style-type: none"> <i>• maintain a nature based focus or product</i> <i>• promote environmental awareness, education and conservation</i> <i>• carry out sustainable practices.</i> 	<i>Environmentally responsible accommodation facilities including lodges, cabins, huts and tented camps</i>	<i>Environment facility</i>

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

Development is proposed ancillary to existing agricultural land uses and development (tourist attraction) on the subject land. The proposed nature-based tourism will therefore not compromise or fragment the existing primary production uses established on the land. Additionally, the proposed development, which includes low-impact 'tented camp' or 'cabin' accommodation, will not impact upon the valued, relaxed rural lifestyle, character and scenic qualities of the rural area. The proposed development will not detract from the ability of the land to perform as a viable agricultural holding.

The proposed development complies with Strategic Outcome 5.

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.*
- (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.**
- (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 following response was provided by the Applicants consultant:

"KUR-Cow farm is a working cattle station that is open to the general public (accessed only via KUR-Cow bus transport) in its capacity as a Tourist Attraction. The proposed development the subject of this application (Nature-based Tourism) seeks to provide for the overnight accommodation of visitors to the Tourist Attraction, pursuant to the Nature-based Tourism land use definition.

The development is proposed to be located on land adjacent an existing dam and within proximity to existing Tourist Attraction infrastructure, maintaining the balance of the site for existing operations. On this basis, the proposed ancillary development will not impede or

conflict with agricultural activities and production, as sought by parts 3.3.11.1(2) and 3.3.11.1(3a) of the Strategic Framework.

No clearing of regulated or native vegetation is required in respect of the proposed development. Therefore, the proposed development will not impact upon ecological or biodiversity values, as sought by part 3.3.11.1(3c).

In that the site is improved for agricultural and tourism purposes, the development, which is proposed to include tented camp or cabin style accommodation (i.e. having a low-impact built form), will not compromise the rural character or scenic qualities of the area, as sought by part 3.3.11.1(3b).

The site continues to present as a viable holding (per part 3.3.11.1(6)). Additionally, in consideration of existing development, the proposed ancillary development is considered to be appropriately located and serviced in accordance with part 3.3.11.1(5), which supports the establishment of tourism land uses within 'other rural areas' in these circumstances.

Essentially, the proposed development is ancillary (and complementary) to existing development and will not adversely impact upon landscape and rural production values (3.3.11.1(2)). The development is therefore in accordance with the specific outcomes prescribed for Rural areas."

Council officers agree with the consultants comments. The proposed development complies with Strategic Outcomes 1, 3 and 5.

3.7 Economic Development

3.7.7 - Element - Tourism

3.7.7.1 Specific Outcomes

- (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 following response was provided by the Applicants consultant:

"The proposed development recognises and seeks to provide for the appreciation of the scenic qualities of the regional landscape, in accordance with part 3.7.7.1(4) of the Strategic Framework. The accommodation proposed is low-impact and has been sensitively designed, scaled and located so as not to compromise the natural landscape values and agricultural values of the shire, as sought by 3.7.7.1(6). The establishment of small-scale, low impact, Nature-based Tourism facilities across the rural landscape is supported in part 3.7.7.1(5)."

Council officers agree with the commentary provided. The proposed development complies with Strategic Outcomes 4, 5 and 6.

Relevant Developments Codes

The following Development Codes are considered to be applicable to the assessment of the application:

- 6.2.9 Rural zone code
- 8.2.2 Airport environs overlay code
- 8.2.3 Bushfire hazard overlay code
- 8.2.4 Environmental significance overlay code
- 8.2.8 Hill and slope overlay code
- 8.2.12 Transport infrastructure overlay 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 complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcome where no acceptable outcome is provided) contained within the code.
Airport Environs Overlay Code	The application complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcome where no acceptable outcome is provided) contained within the code.
Bushfire Hazard Overlay Code	The application complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcome where no acceptable outcome is provided) contained within the code.

Environmental Significance Overlay Code	The application complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcome where no acceptable outcome is provided) contained within the code.
Hill and Slope Overlay Code	The application complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcome where no acceptable outcome is provided) contained within the code.
Transport Infrastructure Overlay Code	The application complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcome where no acceptable outcome is provided) contained within the code.
Parking and Access Code	The application complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcome where no acceptable outcome is provided) contained within the code.
Works, Services and Infrastructure Code	The application complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcome where no acceptable outcome is provided) contained within the code.

(D) 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.

REFERRAL AGENCY

This application did not trigger referral to any Referral Agency.

Internal Consultation

Development Engineering/Technical Services

PUBLIC NOTIFICATION

The development proposal was placed on public notification from 25 November 2019 to 13 December 2019. The applicant submitted the notice of compliance on 23 December 2019 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

30 properly made submissions, and one (1) not properly made submission were received during the public notification period.

The grounds for objection/support are summarised and commented on below:

Objection/concern:

The nature of the intended land use and its relationship with the existing Tourist Attraction development approval (MCU/18/0006).

Response:

The following commentary has been provided by the Applicant's Consultant and Council officers consider it to be a soundly based planning response:

"Submissions received in response to the nature of the intended land use primarily had regard to understanding:

- *The nature of the 'Nature-based Tourism development' proposed, in the context of the definition of 'Nature-based Tourism development' in the Planning Scheme; and*
- *The relationship between the proposed development and the existing Tourist Attraction, including any conflicts with prior development conditions.*

The nature of the Nature-based Tourism development proposed

As stated within the application material, the proposed development seeks to provide an overnight accommodation option for visitors to the Tourist Attraction.

The application further identifies Nature-based Tourism to be the land use definition that most appropriately reflects the proposed land use because of its specific reference to accommodation, which is not captured by the Planning Scheme definition for Tourist Attraction.

The Planning Scheme definition for Nature-based Tourism is provided below (emphasis added):

Nature-based Tourism

*The use of land or premises for a **tourism activity, including tourist and visitor short-term accommodation**, that is intended for the conservation, interpretation and appreciation of areas of **environmental, cultural** or heritage value, **local ecosystem** and **attributes of the natural environment**.*

Nature-based tourism activities typically:

- *Maintain a nature based focus or product*
- *Promote environmental awareness, education and conservation*
- *Carry out sustainable practices.*

*Examples include: **Environmentally responsible accommodation facilities** including lodges, **cabins**, huts and **tented camps**.*

The Applicant confirms that the development:

- *Is for a tourism activity (specifically tourist / visitor short-term accommodation, in the form of a tented camp / cabins) per the definition for Nature-based Tourism;*
- *Is sited within a natural setting (providing for the appreciation and interpretation of both the local ecosystem and attributes of the natural environment – particularly for international visitors); and*
- *Provides for the conservation of local environmental attributes, including via the siting of the development, which necessitates no clearing.*

In accordance with the above, it is considered that Nature-based Tourism is the relevant land use in respect of the proposed development.

The relationship between the proposed development and the existing Tourist Attraction, including any conflicts with prior development conditions.

In terms of the relationship between the proposed development and the existing Tourist Attraction, the Applicant confirms that the proposed development is complementary to the Tourist Attraction, providing an overnight accommodation option for visitors to the Tourist Attraction.

The proposed development will not conflict with conditions of approval for the Tourist Attraction. However, in respect to landscaping and to the extent that the Nature Based Tourism development may impact the landscaping plan, the Applicant is willing to accept a condition of approval requiring that a landscaping plan for the Nature Based Tourism development be provided to the satisfaction of the Chief Executive Officer.

Barnwell Road Upgrades

It is acknowledged by the Applicant that visitation restrictions and thresholds exist in respect of the Tourist Attraction approval, relative to the operational capacity of Barnwell Road.

It is noted that the proposed development, which is ancillary to the Tourist Attraction, will not attract visitors to the site in its own right (i.e. the proposed development does not contradict with Condition 4.2 (Barnwell Road Upgrades) of the Tourist Attraction approval). As proposed within the development application, the Applicant is willing to accept conditions of approval regarding Barnwell Road upgrades per the Tourist Attraction approval.

Operating Hours

Within the submissions, concern was also raised regarding the limited operating hours of the Tourist Attraction – and the impact of closure between 7pm and 7am on guests of the proposed accommodation (particularly in terms of limited kitchen facilities).

In this regard, it is noted that the operating hours of the Tourist Attraction are not proposed to change. In that the Nature-based Tourism presents a 'pared back' accommodation option, the hours of operation of the Tourist Attraction will not impact upon the operation of the proposed accommodation (i.e. after hours access to the kitchen facilities of the Tourist Attraction are not proposed as part of the development).

In keeping with the nature of the proposed development (i.e. overnight visitor accommodation), the development is proposed to be operational 24 hours, 7 days per week."

Objection/concern:

The nature of the proposed built form.

Response:

The following commentary has been provided by the Applicant's Consultant and Council officers consider it to be a soundly based planning response:

"Within the submissions, concern was raised regarding the nature of the built form proposed. Specifically, the Applicant seeks that the terms 'cabins' and 'tented camps' be used interchangeably.

Irrespective of the final form of development (to be determined in certainty at the building works stage) – the nature of the planning approval has regard to the land use proposed, with an assessment against applicable assessment benchmarks undertaken against a submitted built form.

On this basis, whilst an interchangeable term for the accommodation units is sought by the Applicant, no material difference between options is proposed that would impact upon Council's assessment (i.e. the scale and general location of the units will remain generally in accordance with that submitted).

'Change' processes are prescribed by the Planning Act 2016 should the Applicant seek to make changes to the built form beyond what is considered to be generally in accordance, providing scope for further assessment as applicable.

In that no material difference between 'cabins' and 'tented camp' exists in terms of amenity or impacts, it is considered acceptable to adopt an interchangeable term for the accommodation units without risk to Council.

Gross Floor Area

Concern was also raised within submissions regarding the additional GFA that would exist on-site should the Applicant construct buildings (instead of structures). This was noted to be of relevance with respect to the impact assessment trigger for a Tourist Attraction within the Rural Zone (being the exceedance of 200m² GFA).

It is noted that approval for a separate land use is proposed (i.e. Nature-based Tourism), which is not subject to a GFA threshold. In that Nature-based Tourism is subject to different categories of development, there is no material difference to Council's assessment should the development include additional GFA.

Moreover, the 200m² GFA trigger for Tourist Attraction is a trigger for the elevation of the level of assessment from code assessment to impact assessment, it is not an express limitation on the scale of any proposed Tourist Attraction.

Notably, both cabins and tented camps are included as examples with the Nature-based Tourism definition."

Objection/Concern:

The scale of the proposed development in consideration of the zoning of the land.

Response:

The following commentary has been provided by the Applicant's Consultant and Council officers consider it to be a soundly based planning response:

"Concern was raised within the submissions regarding the exceedance of stated level of assessment thresholds for code assessable Nature-based Tourism (including number of guests, accommodation units and rooms proposed). As a result of the exceedance of identified thresholds, impact assessment was triggered.

The Applicant has demonstrated that there are 'relevant matters' that lend support to approval of the proposed development (as further discussed in Section 6 of the Planning Report).

Specifically:

- The scale of the proposed development is relevant and proportionate to the approved future potential Tourist Attraction population. Specifically, the proposed development seeks to meet the emerging accommodation demands of the existing visitor base to the Tourist Attraction.*
- The proposed Nature-based Tourism development will remain subordinate to the Tourist Attraction, providing accommodation for 18% of the future potential Tourist Attraction population.*
- The scale of the proposed development is less than could suitably be accommodated on the site, if considering the 'area to guest' ratio prescribed for code assessment. Specifically, the structure of the levels of assessment for Nature-based Tourism provide that 10 guests on 15 hectares or less is subject to code assessment (therefore representing an 'appropriate' or suitable area to guest ratio). Considering the total size of the site (at 170.82 hectares, where considering both Lot 17 and Lot 22), the site could suitably accommodate up to 113 persons (rounded down), or 71 persons (rounded down) if considering only Lot 22. The proposal seeks to accommodate only 54 persons."*

Objection/Concern:

Amenity concerns, with respect to nearby rural residential development and for visitors to the premises (in the context of existing operational land uses).

Response:

The following commentary has been provided by the Applicant's Consultant and Council officers consider it to be a soundly based planning response:

"Within the submissions, concerns regarding amenity were raised in respect of both nearby rural residential development and for visitors to the premises (in the context of existing land uses).

In that the proposed development involves accommodation only, noise and light emanating from the activity is not expected to impact upon the amenity of nearby Dwellings which have no direct line-of-sight to the proposed development. It is noted that the closest Dwelling on a property adjoining the site is located approximately 370 metres to the north of the site.

Further, existing on-site operations are not expected to impact guest amenity, in that on-site animal keeping and agricultural activities and the Tourist Attraction will form part of guest expectations for the experience (i.e. similar to 'Farm-stay' operations, which provide guests with an insight into agricultural operations). Tourist Attraction activities will not be in operation beyond 7pm (per the Tourist Attraction development approval), mitigating noise and light impacts to guests."

Objection/Concern:

Response to natural and health hazards.

Response:

The following commentary has been provided by the Applicant's Consultant and Council officers consider it to be a soundly based planning response:

"Cyclones

Concern was raised within the submissions regarding the risk of cyclones to the proposed development. The Applicant confirms that structures and buildings will be constructed to the relevant building standards, where applicable.

Biting Insects

Concern was raised within the submissions regarding construction within the vicinity of a dam and the potential for the spread of airborne diseases via mosquitos.

The Planning Scheme does not contain assessment benchmarks regarding biting insects (including mosquitos). Regardless, the Applicant confirms that screens and use of topical sprays will be adopted to deter mosquitos."

Objection/Concern:

Servicing, including water provision, wastewater treatment and waste disposal.

Response:

The following commentary has been provided by the Applicant's Consultant and Council officers consider it to be a soundly based planning response:

"Within the submissions, concern was raised regarding water supply, wastewater and waste disposal.

Water Supply

Regarding water supply, concern was raised regarding the suitability of the bores to provide potable water. Council has been provided results from samples taken from the subject bores for testing, which confirm that the water sourced is safe for consumption.

The Applicant is willing to accept a condition of approval requiring that bores are maintained in accordance with the relevant standards.

Wastewater

Regarding wastewater, concern was raised regarding the use of bio-cycle systems for wastewater treatment, particularly with respect to the outputs of the system and potential impacts on nearby waterways. The Applicant confirms that a bio-cycle system is currently utilised on the site for wastewater treatment.

Any additional wastewater created by the extended stay of any visitors to the Tourist Attraction will be treated on site, consistent with existing operations. On-site wastewater treatment satisfies the requirements of the Planning Scheme regarding wastewater treatment, in that the site is located within the Rural Zone and outside a reticulated sewerage service area.

Comments were also raised regarding the potential for Environmentally Relevant Activities (ERA) to be undertaken in relation to sewage treatment (ERA 63), based on the exceedance of Equivalent Person (EP) thresholds. The Applicant confirms that an Environmental Authority for ERA 63 will be sought post-approval if required.

Accordingly, the Applicant requests that Council impose a condition of approval requiring that on-site effluent disposal is provided in accordance with the relevant standards.

Waste disposal

The development application identifies that waste disposal will occur per existing arrangements. Existing service and waste disposal areas are in accordance with A07.1 of the Parking and Access Code."

Objection/Concern:

The economic need for the proposed development.

Response:

The economic need and viability of a particular development is not a relevant town planning concern for this particular type of development. Notwithstanding this, the following commentary has been provided by the Applicant's Consultant:

"Within submissions, concern was raised regarding the economic need (and therefore viability) of the proposed development, citing the failure of prior tourism operations within the locality.

Tourism is an important driver for the region's economy, which the proposed development seeks to contribute to and strengthen. The local and regional tourism industry therefore establishes the need for the development.

In that the proposed development seeks to accommodate a small percentage of the potential future Tourist Attraction population (at approximately 18%), the ancillary Tourist Attraction establishes the demand for the development.

The proposed development will also provide local employment opportunities, sustaining the local economy.

The failures of prior, non-related operations are not relevant to the proposed development."

Objection/Concern:

Impacts on environmental significance.

Response:

The following commentary has been provided by the Applicant's Consultant and Council officers consider it to be a soundly based planning response:

"Concern was raised within the submissions regarding impacts on environmental significance, particularly via runoff and impacts to the ecological corridor located within proximity to the proposed development.

It is relevant to note that cabins and/or tented camps are identified by the Planning Scheme to be 'environmentally responsible accommodation facilities' – due to their minimal impact on the land and surroundings.

With respect to the Environmental Significance Code, the proposed development is noted to comply with all applicable assessment benchmarks of the Code.

It is noted that development is proposed within an 'Ecological corridor', as identified on the Environmental Significance Overlay Maps (OM-004a-o).

Notwithstanding this, the proposed development will maintain existing vegetated corridors (in that no clearing is required to facilitate the proposed development) and can also provide for the enhancement of part of the ecological corridor (subject to reasonable and relevant conditions) – therefore maintaining wildlife movement and contributing to the maintenance of habitat and biological diversity.

Development is not proposed within a waterway buffer area and therefore will not impact upon a waterway or wetland. No clearing of regulated or native vegetation is required in respect of the proposed development.

Development is not proposed within a 'Habitat linkage' identified on the Environmental Significance Overlay Maps (OM-004a-o).

The Applicant identifies that stormwater will continue to drain per existing arrangements and that erosion and sediment control measures will be adopted during construction, to protect the environmental values of local waterbodies.

The Applicant is willing to accept conditions of approval regarding the above. On this basis, it is considered that development can be appropriately conditioned to ensure that development will not negatively impact upon matters of environmental significance."

Objection/Concern:

The consistency of the proposed development with the applicable provisions of applicable planning instruments.

Response:

The following commentary has been provided by the Applicant's Consultant and Council officers consider it to be a soundly based planning response:

"Within submissions received, concern was raised regarding the consistency of the proposed development with the applicable provisions of local and State planning instruments. The Town Planning Report demonstrates that the proposed development is compliant with the local and State planning framework, as further detailed below.

Mareeba Shire Planning Scheme 2016

The Town Planning Report demonstrates that the proposed development is compliant with the applicable provisions of the Planning Scheme, including the Strategic Framework.

Within the assessment and with respect to the Strategic Framework, it was noted that:

The proposed development recognises and seeks to provide for the appreciation of the scenic qualities of the regional landscape, in accordance with part 3.7.7.1(4) of the Strategic Framework. The accommodation proposed is low-impact and has been sensitively designed, scaled and located so as not to compromise the natural landscape values and agricultural values of the shire, as sought by 3.7.7.1(6). The establishment of small-scale, low impact, Nature-based Tourism facilities across the rural landscape is supported in part 3.7.7.1(5).

One (1) alternative solution to an Acceptable Outcome is proposed (AO1.1 of the Parking and Access Code), which is to rely on the Tourist Attraction car parking (noting that additional car parking would not be utilised). The proposed development complies with the corresponding Performance Outcome (as demand for additional car parking is nil).

Given the nature and siting of the proposed development, the proposed development will not compromise the long-term use of the land for rural purposes.

On this basis, the proposed development is compliant with the applicable provisions of the Planning Scheme.

Concern was also raised within submissions regarding the consistency of the proposed development with Council's strategic vision for the Shire.

With respect to the 'strategic vision' for the Shire, it is noted that the proposed development:

- Provides a unique tourism offering alongside agricultural operations, contributing to Mareeba Shire thriving as a vibrant and diverse community;*
- Represents an economic activity that will provide employment opportunities and attract tourists to the region, contributing to the shires ongoing prosperity;*

- *Appropriately balances environmental health considerations in that no clearing is required to facilitate the proposed development, which can also provide for the enhancement of part of the ecological corridor (subject to reasonable and relevant conditions); and*
- *Will bear no negative impacts on community wellbeing (being for low impact tourist accommodation).*

In the context of the Strategic Intent for the shire, specifically as articulated within section 3.2.2 of the Planning Scheme ('The way forward: Mareeba Shire in 2031'), the following points are made in support of the proposed development:

- *The proposed development represents an economic activity in the form of tourism, which Mareeba Shire seeks to foster;*
- *The proposed development provides for the diversification of the local economy, contributing to the ongoing prosperity of the Shire including via increases in local and international tourist activity;*
- *The proposed development represents development that is ancillary and subordinate to existing agricultural activities, providing for the continuation of regionally important agricultural activities; and*
- *The proposed tourism development represents a 'value adding' operation, provided in synergy with an existing high quality 'paddock to plate' enterprise that is accessible to local, national and international markets.*

It is therefore clear that the proposed development is consistent with Council's strategic objectives for the Shire.

Temporary Local Planning Instrument No. 01 of 2019 (Subdivision in Rural Zone)

Temporary Local Planning Instrument No. 01 of 2019 (Subdivision in Rural Zone) has regard to subdivision within the Rural Zone and therefore is not applicable to the proposed development.

Far North Queensland Regional Plan 2009 – 2031

The site is located within the Regional Landscape and Rural Production Area (RLRPA) designation of the Regional Plan.

The RLRPA is intended to 'support diversification of rural economies by allowing a range of developments, including: small to medium scale tourist activities...' such as the proposed Nature-based Tourism development, particularly where the regional landscape values are protected. In this regard it is noted that the Nature-based Tourism development is not located in:

- *An area of high ecological significance, as mapped from a State Interest perspective*
- *An area of good quality agricultural land, as mapped from a State Interest perspective.*

The proposed development is for Nature-based Tourism in the form of 'environmentally responsible accommodation facilities', therefore providing for the protection of regional landscape values as sought by the Regional Plan.

Additionally, the proposed Nature-based Tourism development is complementary to the Tourist Attraction, Animal Keeping and Animal Husbandry (cattle grazing) operations that occur on site, consistent diversification of the rural economy objectives sought by the Regional Plan."

Objection/Concern:

Conditioning the development to comply does not provide assurance to the community. The developer has a history of non-compliance with conditions of approval.

Response:

Where a development can be conditioned to comply with Planning Scheme provisions, it should be approved subject to these conditions. Any non-compliance will be investigated and dealt with by Council officers. Whether a particular landowner/developer has a history of non-compliance or not, is not a factor that can be considered during the assessment of a development application. Any previous non-compliance that has been experienced on the subject land has been appropriately remedied in a timely manner.

Objection/Concern:

Kitchen facilities are not provided for guests and it is unclear where guests will eat.

Response:

It is intended that tent/cabin guests will utilise existing dining facilities provided on-site as part of the previous approved Tourist Attraction use (MCU/18/0006) which is considered lawful.

Submitters

Name of Principal submitter	Address
1. Nadine O'Brien	345 Fantin Road, Koah QLD 4881
2. Cheryl Tonkin	76 High Chapparal Road, Myola QLD 4881
3. Luciano Ceciliot	76 High Chapparal Road, Myola QLD 4881
4. Debra Isgar	19 High Chapparal Road, Myola QLD 4881
5. Allan Isgar	19 High Chapparal Road, Myola QLD 4881
6. Honey and Michael Bresnan	36 Monaro Close, Kuranda QLD 4881
7. Anne Warner	46 Masons Road, Kuranda QLD 4881
8. Steven Nowakowski on behalf of Kur-Alert	PO Box 560, Kuranda QLD 4881
9. Jax Bergersen Kuranda Conservation	1 Pademelon Lane, Kuranda QLD 4881
10. Sarah Isaacs	345 Fantin Road, Koah QLD 4881
11. Bob and Karen Jones	9636 Kennedy Highway, Upper Barron Atherton 4883
12. Ingrid Marker	1311 Tully/Mission Beach Road, Carmoo QLD 4852
13. Solar Moon	11 Butler Drive, Kuranda QLD 4881
14. Peter Reay	36 McCleod Street, Cairns QLD 4870
15. Stacey O'Brien	2/7 Mazlin Street, Edge Hill QLD 4870
16. Peter Cohen	2 Punch Close, Kuranda QLD 4881
17. Maureen Birgan	78 Barnwell Road, Kuranda QLD 4881
18. Deborah Crow and Lyle Grigor	54 Rosewood Drive, Russett Park Kuranda 4881
19. Kathryn Edwards	28 Monaro Close, Myola QLD 4881
20. John Edwards	28 Monaro Close, Myola QLD 4881
21. Robert Edwards	28 Monaro Close, Myola QLD 4881
22. Nicola Gibbon	28 Monaro Close, Myola QLD 4881
23. Raymond Ganley	77 Monaro Close, Kuranda QLD 4881
24. Sri Diah Widjajanti	77 Monaro Close, Kuranda QLD 4881
25. Jo Martin on behalf of Kuranda Region Planning Group	451 Oak Forest Road, Kuranda QLD 4881
26. Cathy Retter on behalf of Kuranda Enviro-care	19 Kullaroo Close, Kuranda QLD 4881
27. Alison Kempe	3 Punch Close, Kuranda QLD 4881
28. Catherine Harvey	9 Scrub Street, Kuranda QLD 4881

PLANNING DISCUSSION

Nil









11/11/2019 9:48:2 AM

DEVELOPMENT APPLICATION



DEVELOP NORTH
PLANNING | DESIGN | CONSTRUCTION

REVISIONS		
No.	Description	Date
1	TOURISM ACCOMMODATION	11/11/19

DRAWING NO: Scale DRAWN BY: PL

DATE: _____


STRUCTURAL GROUP: _____

DIMENSIONS TAKE PRECEDENCE OVER SCALING ON DRAWINGS. CONTRACTOR MUST VERIFY ALL DIMENSIONS AND APPLICABLE SETOUT ON SITE BEFORE CONSTRUCTION. INCONSISTENCIES SHALL BE REPORTED TO THE DESIGNER IMMEDIATELY. THIS DRAWING IS SUBJECT TO COPYRIGHT AND REMAINS THE PROPERTY OF DEVELOP NORTH.


SHEET NAME: TYPICAL 2 BED FLOOR PLAN & ELEVATION

PROJECT ADDRESS: 112 KENNEDY BL, RICHMOND
PROJECT NAME: TOURISM ACCOMMODATION
PROJECT NUMBER: RICH
ISSUE DATE: 2019
SCALE: _____ @ A3
SHEET NUMBER

AA-GLO3



TYPICAL FRONT ELEVATION



TYPICAL 1 BEDROOM FLOOR PLAN

DEVELOPMENT APPLICATION

11/11/2019 9:48:36 AM

DEVELOP NORTH
PLAN | DESIGN | CONSTRUCTION

REVISIONS	
No.	Description
1	TOURISM ACCOMMODATION

DESIGNED BY: *See 1* CHECKED BY: *RL*

DATE:

CONCRETE SHOP:

DIMENSIONS TAKE PRECEDENCE OVER SCALING ON DRAWINGS. CONTRACTOR MUST VERIFY ALL DIMENSIONS AND APPLIANCES SETOUT ON SITE BEFORE CONSTRUCTION. INCONSISTENCIES SHALL BE REPORTED TO THE DESIGNER IMMEDIATELY. THIS DRAWING IS SUBJECT TO COPYRIGHT AND REMAINS THE PROPERTY OF DEVELOP NORTH.

SHEET NAME:
TYPICAL 1 BED FLOOR PLAN & ELEVATION

PROJECT ADDRESS:
113 BARNWELL RD, BARNWELL

PROJECT NAME:
TOURISM ACCOMMODATION

PROJECT NUMBER:
NCH

ISSUE DATE:

SCALE:

SHEET NUMBER:
AA-GL04

From: Planning (Shared)
Sent: Mon, 16 Dec 2019 09:16:27 +1000
To: Planning (Shared)
Subject: Alison Kempe submission for MCU Nature Based Tourism - 112 Barnwell Road Kuranda - Reeve and Ocean Pty Ltd - MCU/19/0018

From: Alison Kempe <montmart@tpg.com.au>
Sent: Friday, 13 December 2019 5:00 PM
To: Info (Shared) <info@msc.qld.gov.au>
Cc: eiskuranda@gmail.com; Alison Kempe <aricat8@tpg.com.au>
Subject: Re: Impact Submission – MCU190018

To whom it may concern,

I am writing regarding The Development Application by Reeve and Ocean for Nature Based Tourism at 112 Barnwell Road, Kuranda (Lot 22 SP304952 / Lot 17 SP296830

There are several concerns about this application, especially given the proponent's history of illegal dam construction and clearing, and their lack of adequate specifications regarding environmental issues for previous proposals for this site, which had they care for and knowledge of what nature-based tourism is, they would not have been missing.

I would ask that much more detail be given around:

1. where water is coming from, how much will be required and how this will affect the local creeks and other users of water in the area. As you know, the Kuranda Tree Frog, a critically endangered endemic species of frog, has creeks on this property as main habitat and is very sensitive to muddying of the water, which happens with activities such as quad bikes, which are not 'nature based tourism but are activities currently carried out by "Kur-Cow'.
2. What is going to happen with the waste from these cabins/ tents and is there a guarantee that it will be handled appropriately?
3. If cabins are to be allowed rather than tents, please assess on the gross floor area of the cabins, not tents, as that is the more realistic option given the climatic conditions in Kuranda.

This proponent also has a history of appearing to try to circumvent approvals appropriate to their long term intentions for the property, and 'develop by stealth'. I would ask that any proposal be thoroughly assessed against appropriate instruments.

Sincerely

Alison Kempe
3 Punch Close
Kuranda QLD 4881
aricat8@tpg.com.au
0438669120

Document Set ID: 3661815
Version: 1 Version Date: 16/12/2019

From: Debra Isgar
Sent: Thu, 12 Dec 2019 08:03:12 +1000
To: Info (Shared)
Subject: MCU Nature Based Tourism - 112 Barnwell Road Kuranda - Reeve and Ocean Pty Ltd - MCU/19/0018
Attachments: Draft submission notes 1 - for Community use - glamping - KE[4529].docx

Please find attached copy of my concerns regarding the proposed development.

Kind Regards,

Allan Isgar.
 19 High Chapparal Rd, Myola

Submission re MCU190018 – Nature Based Tourism incl short term accommodation in the rural zone

Due date – Friday 13 December 2019.

We wish to submit our concerns with regard to the DA MCU/19/0018 submitted by Reeve and Ocean Pty. Ltd. for “Glamping and Nature Based Tourism approval”.

This DA appears to be deliberately obtuse and we believe that this application could have been reviewed before release for community submission.

This application is on rural zoned land designated as rural production land. There is much interchange between the currently approved ‘Tourism Attraction’ (TA) and this new application for ‘Nature Based tourism’ (NBT) which includes accommodation.

There are a number of issues which have not been addressed in the application. The application is impact assessable and the Community should have the opportunity to comment on ALL proposed activities and intentions which may be included in the Proponent’s proposal.

The proposal is not consistent with the Strategic vision contained in the Planning Scheme, in particular “.... *Environmental health and community well-being*....”. It is noted that Strategic vision is extrinsic to the planning scheme however it is unhelpful and insulting to have development that conflicts with elements of Council’s Strategic vision.

The Proponent has not established a NEED for this development in our Community.

- There are negative issues for environment, water quality, noise at night, waste disposal, undermining the planning scheme intent and no jobs

.....

There is much missing information in the DA. This is included in the following notes and comments:

- MSCPS 2016 – The planning scheme separately defines the activities of Tourism Attraction (TA) and Nature Based Tourism (NBT).
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This includes:

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 - These operations include – vehicle movements, noise, food and beverage (liquor license). All visitors must depart by 7pm.
 - We have very strong objections to any tourist operations on site outside the current restrictions between 7pm and 7am.
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Typical activities: Nature based focus Promote environmental awareness, education and conservation Carry out sustainable practices	MSC TA application, p.5 Quad bike activities Horse riding Tractor & trailer pull rides, horse and cart rides, cow milking and presentation on rural operations. Animal husbandry, cattle handling Australian and North Qld culture & lifestyle

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 - Layout of tents seems to be entirely on Lot 22, yet they state Lot 22 and Lot 17. With no detailed layouts of the 'tent' site there is concern that the inclusion of Lot 17 to the DA may automatically include further 'tents' cabins without further impact assessments by the Community.
 - The Kuranda region currently has a poor outcome from previous permanent tourist accommodation approval. This is the Kuranda Rainforest Resort, which met with much Community objection when built and has morphed into a low standard permanent accommodation with poor outcomes for local residents. Please provide information as to how this temporary tourism accommodation proposal will be restricted from morphing into permanent cabins. How will this be enforced?
 - The proposal appears to be a de facto way of providing higher density accommodation in Rural zone. The applicants appear to be exploiting the accommodation component of the land use definition without addressing the true

nature of the "Nature Based" component. (see conflict in definitions of Nature Based Tourism and Tourist attraction).

- The massed clustering of the proposed accommodation and a lack of nexus with a Nature base" is at odds with what would be expected of this land use – visually and aesthetically the tents/cabins are better described as "Short term accommodation" and should be assessed as such. The planning scheme limit on the number of guests expected for Nature Based Tourism also reflects the expected low key nature of this use.

The tourist attraction approval is issued over lots that do not make up lots contained in the subject application – surely if the Nature Based tourism application is relying in the tenuous link with the Tourist activity the application should cover the same lots as those in MCU18/18/0006.

- ACCOMMODATION - PRIMARY RESIDENCE - MSCPS requires NBT accommodation to be located within 200m of the primary residence on the site. That a maximum of 2 dwellings is allowed for the accommodation with a maximum of 5 rooms.
 - The Proponent has not provided details of the primary residence on the site. If the intention is to use the current 'Barnwell' house, then the Proponent needs to detail how this will comply, as this building was included in the DA for the Tourist Attraction and plans were supplied as part of that DA. These plans described 'Barnwell' house as a visitor attraction facility and not as a primary residence for the property.
 - Has the Proponent provided satisfactory evidence that all proposed tents will be located on the site within the 200m boundary area from ANY proposed residence as required by the MSCPS.
- ACCOMMODATION MAXIMUM - MSCPS 2016 requires that NBT accommodation will allow a maximum of 10 guests and 14 'events' per calendar year within the rural zone. The Proponent provided calculations (6.2.1 p.27) based on overall land area owned by Reeve and Ocean P/L to provide an argument for increasing the number of NBT guests overnight from 10 to 54. The evidence in the MSCPS to support this calculation has not been provided.
 - In 6.2.1 p.27 - The Proponent has not addressed the intent of the rural zoning in the MSCPS which is to protect the rural production areas. If the calculations (6.2.1) are used and separate lots are each allowed accommodation for 10 guests with a primary residence then the rural production activity must be diminished.
 - This application has asked for 54 guests, which is 5 times in excess of the allowed maximum under the MSCPS.
 - There is a current approval for 12 rural worker accommodations on site. This is not addressed in the DA as part of a cumulative persons number on the site, but these additional people on site using infrastructure need to be taken into account, i.e. water, waste, health & safety etc. The site infrastructure and environmental constraints currently

must cater for 12 (workers) + 150 (tourists) + 54 (proposed overnight tourists) + staff + an approved increase of 150 when the road is upgraded. The impact of the cumulative persons effect needs to be detailed in the submission.

- The on-site waste water impacts are down played in the common material and rely on ASNZ1547 – the numbers of visitors authorised to use the site (potentially 300 + 54 or 150 + 54) may potentially exceed thresholds requiring an ERA 63STW under the Environmental Protection Act. No information provided in the application to show why the EP Act is not applicable in the circumstances, i.e. are they no release works?
- The Proponent needs to provide evidence that this number of guests (54) can comply with the intent of the planning scheme and not undermine the value of the rural operations of the land as required in this rural zone.
- The approval for Tourism Attraction MCU18006 refers to the MSCPS Rural Zone PO3 states that the accommodation density is complementary and subordinate to the rural values of the land and that residential density does not exceed 2 dwellings per lot (PO3, A03.2) Lot 22, which is the main subject of the application already has more than 8 buildings and this application adds 22 dwellings. This suggests that the MSCPS intent is for the rural zone values may be compromised.
- EVENTS - The Proponent currently has a self-regulation arrangement to report to MSC the number of 'events' per year on the rural zone land. Any 'events' such as activities for NBT should be included in the allowed 14 per calendar year. No information has been provided about NBT 'events'.
 - Will any approval allow a cumulative effect over the rural zone allowance of 14 calendar days per year for 'events'? Will the TA be allowed 14 days as well as the NBT be allowed 14 days, totalling 28 days per calendar year?
 - There is no information which details how compliance for the NBT will be achieved to meet the TA approval conditions on the maximum number of guests per day (150) or the number of 'events' (14) per calendar year allowed.
- TRANSPORT - The Proponent's DA for Tourism Attraction was required to provide a referral for State Transport Infrastructure.
 - Transport options for overnight tourists have not been detailed? Do transport options involve helicopters?
 - Can the proponent provide assurance that if approved, the numbers of visitors to the overall site (TA and NBT) will not be more than 150 per day (24 hours) and that any NBT approval for 150 people will include and not add to any approval for 54 people. This does not mean that we accept the NBT approval proposal.

- TENTS OR CABINS – The term used in the DA is tents/cabins; the definitions in the MSCPS are 'tented camps' OR cabins. 'Tented camps' indicates a temporary accommodation option. The Proponent has submitted the DA and has not used the 'term tented' camps. There is not enough clarity regarding the accommodation option. The information supplied to the Community for impact assessment submissions does not differentiate between tents and cabins. The MSCPS term for 'tented camps' should be applied. The terms appear interchangeably and it is unclear as to what type of accommodation option is proposed in the DA (Example - Refer DA Schedule 1, Site Plan, sheet number AA-ALL02 (Issue E) 11/11/19 – the site plan used the term 'cabins' for both Stage 1 and Stage 2.
- Schedule 1 – Site Plan, sheet number AA-GL02 (Issue E), 11/11/19,



Tourism Accommodation Stage 1 & 2. The site plan specifically describes the accommodation as 'cabins' as this snip from the document shows. The label is NOT tents/cabins. It would appear that this DA is for 'cabins', without including the cabins in any detailed description for the impact assessment to the Community.

- The Proponent is asked to provide details of exactly what type of accommodation is proposed and the full details of that accommodation so that the community can assess the impacts.
- WASTE– There is no detail about how the ablutions waste in each 'tent' will be managed.
 - There is no detail about the requirement for an EPA review should the 'equivalent persons' calculation for waste exceed 22 persons.
 - If waste is dealt with via the onsite TA bio-cycle system, there is no information about the current capacity and ability to accept further waste.
 - DA - P.11 - *It is noted that the existing waste-water treatment system may require upgrade and that relevant Plumbing and Drainage Works approval(s) will be sought at the relevant time (if required).*

- The biocycle discharge is located in the area of the dam spillway and any dam runoff combined with biocycle discharge would flow overland into Owen Creek and impact downstream residential neighbourhoods and the Myola frog population.
- Waste water – applicant states in the analysis of the codes compliance that “Wastewater treatment is provided on-site via bio-cycle systems, which are understood to be in accordance AO2.2.” – this is an uncertain statement – the application should know one way or the other whether the wastewater disposal complies with the relevant code, and further, whether the waste water should be addressed under the ERA63 STW process.
- WATER SUPPLY – There are no details about the water supply to the ‘tents’ and how the supply and drainage will be managed.
 - Water supply – applicant states in the analysis of the codes compliance that “*Water supply to the site is provided by bores, which are understood to comply with AO1.2(a).*” – this is an uncertain statement – the application should know one way or the other whether the water supply bores comply with the relevant code !
 - There is no detail as to determine whether the bore water meets drinkable water quality standards and how such standards will be maintained.
- KITCHEN FACILITIES are not provided.
 - There is no detail to describe how guests will be catered for, where they will eat, where the food will be supplied from and stored. Section 2 – Division 1 – 8.2 the proponent has stated that NO existing buildings will be used. There are buildings within the TA (kitchen; toilets; bio-cycle) but no detail is provided about their use by NBT.
 - There is no detail about the management of all waste including food waste.
 - The supply of liquor is not addressed, even though the current DA TA excludes supply past 7pm.
- CYCLONES – The application states that the site is not in a cyclone area. Most of Queensland is located in Wind Region C where structures are to be built to withstand a Category 4 cyclone with wind speeds in region of 252km/hr. More information on planned infrastructure and accommodation is needed.
 - If the Proponent is of the belief that cyclone ratings do not apply for buildings on this site, then the Council is requested to review the category ratings for all other established buildings on the site which were certified independently by Develop North Pty. Ltd.
 - If the Proponent ‘discovers’ that there is a relevant cyclone rating, does this mean that any approval for ‘tents’ will be changed to ‘cabins’ or other permanent cyclone rated structures?

- GROSS FLOOR AREA (GFA) – the current Tourist Attraction is limited to a gross floor area of 200m square in the rural zone code. Accommodation, if approved, would increase the GFA with additional infrastructure which is not detailed in this DA.
 - No details are provided to enable a determination of the final GFA if the NBT GFA is added to the TA GFA. Will any approval be subject to the GFA being restricted to the MSCPS allowance of 200m square.
 - What consideration is made to the cumulative effect of the Tourism Attraction with this proposed Nature Based Tourism. The NBT is effectively growing the TA to a size that would have been impact assessable when it was applied for in July 2018. That size would have exceeded allowances such as GFA in the rural zone.
 - Application states “tent “platforms and poles will not require a Building approval? - The tent structures have pole supports and other tie down mechanisms, very likely to require Building Approvals – misleading to believe that these structures won’t require a Building approval when simple garden sheds require approvals! On that basis it is misleading to assert that the GFA of the tents is irrelevant in assessing the impacts of this proposal.
- CURRENT ON-SITE DAM – This is the location for some of the ‘tent’ accommodation. The previous approval by MSC included landscaping around the edge of the dam (landscape plan provided in DA) and grass coverage of the dam surrounds and the dam wall.
 - There is no detail about site beautification (shade trees) or grass coverage or landscaping at the edge of the dam to prevent mosquito breeding.
 - Have the landscaping requirements of the Tourism Attraction (Table 9.4.2.3A) approval and the Operational Works Approval for the dam been satisfied?
 - There are no risk assessment details regarding the water safety issues where accommodation is located close to the dam.
 - Has night lighting been assessed regarding cane toad attraction in the areas near the dam water. Night lighting attracts cane toads. If night lighting is proposed around the dam area then there is a need for a risk assessment to breeding survival of the Myola frog.
 - DA, Part 2 – Location Details of the DA state that the location is adjacent to a water body named as Owen Creek. The dam, which is also a water body, is very close to the development but has not been listed.

SUBMITTED BY:

Name:

Document Set ID: 3661113
Version: 1 Version Date: 12/12/2019

Street address:

Email:

Phone:

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From: Planning (Shared)
Sent: Fri, 13 Dec 2019 11:13:36 +1000
To: Planning (Shared)
Subject: Anne Warner submission for MCU Nature Based Tourism - 112 Barnwell Road Kuranda - Reeve and Ocean Pty Ltd - MCU/19/0018

From: anne midgley <annem05@me.com>
Sent: Thursday, 12 December 2019 8:16 PM
To: Info (Shared) <info@msc.qld.gov.au>
Subject: Fwd: Re impact submission -MCU190018

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I wish to submit my concerns with regard to the DA MCU/19/0018 submitted by Reeve and Ocean Pty. Ltd. for "Nature Based Tourism".

This DA appears to be deliberately obtuse and I believe that this application could have been reviewed before release for community submission.

This application is on rural zoned land designated as rural production land. There is much interchange between the currently approved 'Tourism Attraction' (TA) and this new application for 'Nature Based tourism' (NBT) which includes accommodation.

There are a number of issues which have not been addressed in the application. The application is impact assessable and the Community should have the opportunity to comment on ALL proposed activities and intentions which may be included in the Proponent's proposal.

The proposal is not consistent with the Strategic vision contained in the Planning Scheme, in particular ".... *Environmental health and community well-being*....". It is noted that Strategic vision is extrinsic to the planning scheme however it is unhelpful and insulting to have development that conflicts with elements of Council's Strategic vision.

The Proponent has not established a NEED for this development in our Community.

- There are negative issues for environment, water quality, noise at night, waste disposal, undermining the planning scheme intent and no jobs

.....

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Nature based focus

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 - 1. There are no details about the building designs, location and layouts of cabins should they become the chosen option.

2. Layout of tents seems to be entirely on Lot 22, yet they state Lot 22 and Lot 17. With no detailed layouts of the 'tent' site there is concern that the inclusion of Lot 17 to the DA may automatically include further 'tents' cabins without further impact assessments by the Community.

3. The Kuranda region currently has a poor outcome from previous permanent tourist accommodation approval. This is the Kuranda Rainforest Resort, which met with much Community objection when built and has morphed into a low standard permanent accommodation with poor outcomes for local residents. Please provide information as to how this temporary tourism accommodation proposal will be restricted from morphing into permanent cabins. How will this be enforced?

i. The proposal appears to be a de facto way of providing higher density accommodation in Rural zone. The applicants appear to be exploiting the accommodation component of the land use definition without addressing the true nature of the "Nature Based" component. (see conflict in definitions of Nature Based Tourism and Tourist attraction).

6. The massed clustering of the proposed accommodation and a lack of nexus with a Nature base" is at odds with what would be expected of this land use – visually and aesthetically the tents/cabins are better described as "Short term accommodation" and should be assessed as such. The planning scheme limit on the number of guests expected for Nature Based Tourism also reflects the expected low key nature of this use.

The tourist attraction approval is issued over lots that do not make up lots contained in the subject application – surely if the Nature Based tourism application is relying in the tenuous link with the Tourist activity the application should cover the same lots as those in MCU18/18/0006.

7. ACCOMMODATION - PRIMARY RESIDENCE - MSCPS requires NBT accommodation to be located within 200m of the primary residence on the site. That a maximum of 2 dwellings is allowed for the accommodation with a maximum of 5 rooms.

1. The Proponent has not provided details of the primary residence on the site. If the intention is to use the current 'Barnwell' house, then the Proponent needs to detail how this will comply, as this building was included in the DA for the Tourist Attraction and plans were supplied as part of that DA. These plans described 'Barnwell' house as a visitor attraction facility and not as a primary residence for the property.

2. Has the Proponent provided satisfactory evidence that all proposed tents will be located on the site within the 200m boundary area from ANY proposed residence as required by the MSCPS.

8. ACCOMMODATION MAXIMUM - MSCPS 2016 requires that NBT accommodation will allow a maximum of 10 guests and 14 'events' per calendar year within the rural zone. The Proponent provided calculations (6.2.1 p.27) based on overall land area owned by Reeve and Ocean P/L to provide an argument for increasing the number of

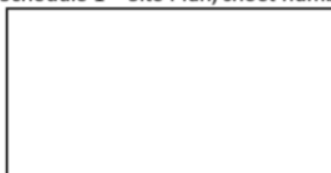
NBT guests overnight from 10 to 54. The evidence in the MSCPS to support this calculation has not been provided.

1. In 6.2.1 p.27 - The Proponent has not addressed the intent of the rural zoning in the MSCPS which is to protect the rural production areas. If the calculations (6.2.1) are used and separate lots are each allowed accommodation for 10 guests with a primary residence then the rural production activity must be diminished.
2. This application has asked for 54 guests, which is 5 times in excess of the allowed maximum under the MSCPS.
3. There is a current approval for 12 rural worker accommodations on site. This is not addressed in the DA as part of a cumulative persons number on the site, but these additional people on site using infrastructure need to be taken into account, i.e. water, waste, health & safety etc. The site infrastructure and environmental constraints currently must cater for 12 (workers) + 150 (tourists) + 54 (proposed overnight tourists) + staff + an approved increase of 150 when the road is upgraded. The impact of the cumulative persons effect needs to be detailed in the submission.
4. The on-site waste water impacts are down played in the common material and rely on ASNZ1547 – the numbers of visitors authorised to use the site (potentially 300 + 54 or 150 + 54) may potentially exceed thresholds requiring an ERA 63STW under the Environmental Protection Act. No information provided in the application to show why the EP Act is not applicable in the circumstances, i.e. are they no release works?
5. The Proponent needs to provide evidence that this number of guests (54) can comply with the intent of the planning scheme and not undermine the value of the rural operations of the land as required in this rural zone.
6. The approval for Tourism Attraction MCU18006 refers to the MSCPS Rural Zone PO3 states that the accommodation density is complementary and subordinate to the rural values of the land and that residential density does not exceed 2 dwellings per lot (PO3, A03.2) Lot 22, which is the main subject of the application already has more than 8 buildings and this application adds 22 dwellings. This suggests that the MSCPS intent is for the rural zone values may be compromised.
9. EVENTS - The Proponent currently has a self-regulation arrangement to report to MSC the number of 'events' per year on the rural zone land. Any 'events' such as activities for NBT should be included in the allowed 14 per calendar year. No information has been provided about NBT 'events'.
 1. Will any approval allow a cumulative effect over the rural zone allowance of 14 calendar days per year for 'events'? Will the TA be allowed 14 days as well as the NBT be allowed 14 days, totalling 28 days per calendar year?
 2. There is no information which details how compliance for the NBT will be achieved to meet the TA approval conditions on the maximum number of guests per day (150) or the number of 'events' (14) per calendar year allowed.
10. TRANSPORT - The Proponent's DA for Tourism Attraction was required to provide a referral for State Transport Infrastructure.
 1. Transport options for overnight tourists have not been detailed? Do transport options involve helicopters?
 2. Can the proponent provide assurance that if approved, the numbers of visitors to the overall site (TA and NBT) will not be more than 150 per day (24 hours) and

that any NBT approval for 150 people will include and not add to any approval for 54 people. This does not mean that we accept the NBT approval proposal.

11. TENTS OR CABINS – The term used in the DA is tents/cabins; the definitions in the MSCPS are 'tented camps' OR cabins. 'Tented camps' indicates a temporary accommodation option. The Proponent has submitted the DA and has not used the 'term tented' camps. There is not enough clarity regarding the accommodation option. The information supplied to the Community for impact assessment submissions does not differentiate between tents and cabins. The MSCPS term for 'tented camps' should be applied. The terms appear interchangeably and it is unclear as to what type of accommodation option is proposed in the DA (Example - Refer DA Schedule 1, Site Plan, sheet number AA-ALL02 (Issue E) 11/11/19 – the site plan used the term 'cabins' for both Stage 1 and Stage 2.

1. Schedule 1 – Site Plan, sheet number AA-GL02 (Issue E), 11/11/19,



Tourism Accommodation Stage 1 & 2. The site plan specifically describes the accommodation as 'cabins' as this snip from the document shows. The label is NOT tents/cabins. It would appear that this DA is for 'cabins', without including the cabins in any detailed description for the impact assessment to the Community.

2. The Proponent is asked to provide details of exactly what type of accommodation is proposed and the full details of that accommodation so that the community can assess the impacts.

12. WASTE – There is no detail about how the ablutions waste in each 'tent' will be managed.

1. There is no detail about the requirement for an EPA review should the 'equivalent persons' calculation for waste exceed 22 persons.

2. If waste is dealt with via the onsite TA bio-cycle system, there is no information about the current capacity and ability to accept further waste.

i. DA - P.11 - *It is noted that the existing waste-water treatment system may require upgrade and that relevant Plumbing and Drainage Works approval(s) will be sought at the relevant time (if required).*

3. The biocycle discharge is located in the area of the dam spillway and any dam runoff combined with biocycle discharge would flow overland into Owen Creek and impact downstream residential neighbourhoods and the Myola frog population.

4. Waste water – applicant states in the analysis of the codes compliance that "Wastewater treatment is provided on-site via bio-cycle systems, which are understood to be in accordance AO2.2." – this is an uncertain statement – the application should know one way or the other whether the wastewater

disposal complies with the relevant code, and further, whether the waste water should be addressed under the ERA63 STW process.

13. WATER SUPPLY – There are no details about the water supply to the ‘tents’ and how the supply and drainage will be managed.

1. Water supply – applicant states in the analysis of the codes compliance that *“Water supply to the site is provided by bores, which are understood to comply with AO1.2(a).”* – this is an uncertain statement – the application should know one way or the other whether the water supply bores comply with the relevant code !

2. There is no detail as to determine whether the bore water meets drinkable water quality standards and how such standards will be maintained.

14. KITCHEN FACILITIES are not provided.

i. There is no detail to describe how guests will be catered for, where they will eat, where the food will be supplied from and stored. Section 2 – Division 1 – 8.2 the proponent has stated that NO existing buildings will be used. There are buildings within the TA (kitchen; toilets; bio-cycle) but no detail is provided about their use by NBT.

ii. There is no detail about the management of all waste including food waste.

iii. The supply of liquor is not addressed, even though the current DA TA excludes supply past 7pm.

15. CYCLONES – The application states that the site is not in a cyclone area. Most of Queensland is located in Wind Region C where structures are to be built to withstand a Category 4 cyclone with wind speeds in region of 252km/hr. More information on planned infrastructure and accommodation is needed.

1. If the Proponent is of the belief that cyclone ratings do not apply for buildings on this site, then the Council is requested to review the category ratings for all other established buildings on the site which were certified independently by Develop North Pty. Ltd.

2. If the Proponent ‘discovers’ that there is a relevant cyclone rating, does this mean that any approval for ‘tents’ will be changed to ‘cabins’ or other permanent cyclone rated structures?

16. GROSS FLOOR AREA (GFA) – the current Tourist Attraction is limited to a gross floor area of 200m square in the rural zone code. Accommodation, if approved, would increase the GFA with additional infrastructure which is not detailed in this DA.

1. No details are provided to enable a determination of the final GFA if the NBT GFA is added to the TA GFA. Will any approval be subject to the GFA being restricted to the MSCPS allowance of 200m square.

2. What consideration is made to the cumulative effect of the Tourism Attraction with this proposed Nature Based Tourism. The NBT is effectively growing the TA to a size that would have been impact assessable when it was applied for in July 2018. That size would have exceeded allowances such as GFA in the rural zone.

3. Application states “tent “platforms and poles will not require a Building approval? - The tent structures have pole supports and other tie down mechanisms, very likely to require Building Approvals – misleading to believe that these structures won’t require a Building approval when simple garden sheds

require approvals! On that basis it is misleading to assert that the GFA of the tents is irrelevant in assessing the impacts of this proposal.

17. CURRENT ON-SITE DAM – This is the location for some of the ‘tent’ accommodation. The previous approval by MSC included landscaping around the edge of the dam (landscape plan provided in DA) and grass coverage of the dam surrounds and the dam wall.

1. There is no detail about site beautification (shade trees) or grass coverage or landscaping at the edge of the dam to prevent mosquito breeding.
2. Have the landscaping requirements of the Tourism Attraction (Table 9.4.2.3A) approval and the Operational Works Approval for the dam been satisfied?
3. There are no risk assessment details regarding the water safety issues where accommodation is located close to the dam.
4. Has night lighting been assessed regarding cane toad attraction in the areas near the dam water. Night lighting attracts cane toads. If night lighting is proposed around the dam area then there is a need for a risk assessment to breeding survival of the Myola frog.
5. DA, Part 2 – Location Details of the DA state that the location is adjacent to a water body named as Owen Creek. The dam, which is also a water body, is very close to the development but has not been listed.

SUBMITTED BY:

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From: Planning (Shared)
Sent: Mon, 16 Dec 2019 09:26:59 +1000
To: Planning (Shared)
Subject: Another email from Rosina Aston for Cathy Retter on behalf of Kuranda Envirocare submission for MCU Nature Based Tourism - 112 Barnwell Road Kuranda - Reeve and Ocean Pty Ltd - MCU/19/0018
Attachments: KEC submission MCU 19 0018 - glamping for 54 persons.docx

From: Rosina Aston <r_aston@smartchat.net.au>
Sent: Friday, 13 December 2019 5:09 PM
To: Info (Shared) <info@msc.qld.gov.au>
Cc: cathy.retter.kuranda@gmail.com
Subject: FW: MCU 19/0018 - Nature based tourism accomodation submission to impact assessment

Kindest Regards

Rosina Aston
Principal Consultant and Facilitator
r_aston@smartchat.net.au



Before printing this e-mail think if you really need to print it! Save paper. Protect the environment.

From: Rosina Aston [mailto:r_aston@smartchat.net.au]
Sent: Friday, 13 December 2019 4:55 PM
To: 'info@msc.qld.gov.au'
Cc: 'cathy.retter.kuranda@gmail.com'
Subject: MCU 19/0018 – Nature based tourism accomodation submission to impact assessment

Good afternoon.

Please find attached submission for MCU 19/0018 – Nature based tourism accomodation

Kindest Regards



Before printing this e-mail think if you really need to print it! Save paper. Protect the environment.

Document Set ID: 3661819
Version: 1 Version Date: 16/12/2019

Submission re MCU190018 –

Nature Based Tourism incl short term accommodation in the rural zone

Dated: Friday 13 December 2019.

Background

Kuranda Envirocare is a not for profit organisation carrying out on ground environmental works on public and private land in the Kuranda region. Our aim is to enhance and repair biodiversity and uphold and protect the Wet Tropics environmental values which cover the Kuranda region. We spend time raising public awareness of the nature of the high value and irreplaceable nature of the Wet Tropics landscape in which Kuranda area residents reside.

Though within any organisation there are differing views and a range of opinions, nonetheless, in the main we are not opposed to development but rather focused on the environmental, social and economic outcomes. We believe that any development should be of a scale and nature appropriate to the sensitive environmental values of the specific site ie "good" development, not just development at any cost. Those days should be seen as being over.

We would also expect that for transparency and clarity any development proposals should be presented in such a way that it is clear what the environmental outcomes will be from that development. As a Guardian council to the Great Barrier Reef, it is incumbent on this council to consider changes to the water quality flowing in the Barron river catchment as well as matters of MSES under the overlays within the State Planning Act and Nature Conservation Act.

Our membership agreed a statement which is present on our website and which we can apply to this DA.

That is: No net negative change to the quality of the water and the vegetation on the site. There should be a high level of environmental requirements given to the application due to the degree to which MSES which should be taken into account as part of the DA.

Our analysis

Overall environmentally we see no consideration given to the environmental constraints of the site except with regard to no trees to be cut down under the Veg. management Act.

No ecological report has been provided as required under the planning scheme. This report should be required and should have reference to

- proposed treatment of bore water which currently does not meet WHO standards for drinking and food preparation due to levels of heavy metals (see bore water analysis in Kur World draft EIS documents)

- proposed method of on site effluent treatment for 100 EP (equivalent persons). Commercial Biocycle systems can produce Class C water quality but this is below standard to send to high ecological value receiving waters in Owen creek. See details below regarding constraints from the Kur World Stage 1B on-site effluent disposal study for approximately the same EP (ie the maximum allowable under the tourist attraction ie 300 day visitors). Design of such a system must cater for max. allowable under all current approvals even if conditions of those other approvals (eg Tourist attraction) have not yet been met. There is also a relevant trigger relating to ERA 63, requiring a permit process. Referral to EPA should have been made as a concurrence agency.

Other missing information relates to the general nature of the DA

- the council should be firm on the definition of Nature based tourism interpretation or they risk the definition becoming a defective way of providing short term accommodation within the rural zone.

- given that the proposal requires on site operation outside of the current operating hours approval, application should have been made concurrently for the required approvals beyond 7am to 7 pm as the proponent needs to give consideration to impacts relating to this type of operation in a rural zone. At present this application is silent on that matter.

-The proponent argues that tents are interchangeable with cabins therefore the greater of the tent and cabin requirements should apply. In this case the Gross floor area constraints should be applied during assessment against the codes.

-there is no information about the proximity of tents/cabin accommodation to the animal shelters on site. There is no information about the health of the tourists in the closely located proposed accommodation, given that stormwater drainage from the animal area may currently pass through that area and infiltrate the dam. Again there is no assessment provided as to associated risks. This poor quality dam water overflow may also impact on the area of human effluent disposal, changing the requirements. Again the proposal remains silent on how the elements of stormwater control will be managed given the introduction of hardened surfaces being roofs and raised walkways whether cabins or tents.

In conclusion

This DA appears to be particularly obscure in a number of areas. We believe that this application should have been reviewed and information requests sought and received before release for community submission. This seems to be a major oversight within the council planning process and does not instill confidence within our community as to the robust and objective nature of the planning assessment process.

We respectfully request that council obtain a much more comprehensive proposal from the proponent, addressing all missing information in the current DA and including an ecological report with cumulative impacts assessed relating to effluent design elements and including ERA permits required before consideration be given to any council conditions to be applied to this application.

Detail considerations for effluent disposal

(as outlined in the Kur World stage 1B effluent disposal study for on site effluent disposal)

The DA states that the proposed development will be serviced by onsite waste water treatment in the form of Biocycle. However, the application does not give any details of the system or its operation and thus it is not possible to make a decision on the adequacy of the proposal in terms of public safety or potential environmental impact. Biocycle treatment treats water to secondary standard.

A report was prepared by the proponent as part of its KurWorld EIS (NRA. 2017. Kur-World Effluent Irrigation Feasibility Study). This report modelled scenarios for Stage 1A of that proposal for an EP of 185-296 which is larger than the current proposal (55 EP plus day visitors). Nevertheless, the conclusions of the modelling remain relevant to the current application and demonstrate:

- whilst site soils provide a high capacity for phosphorus adsorption they have low hydraulic conductivity limiting rate of irrigation. Therefore, significant area would be required for effluent irrigation
- significant wet season storage is required

- significant management is required in terms of establishment and harvesting of ground covers that will uptake nutrients
- the risk of discharge from the system cannot not be eliminated and would occur at least once per annum
- wet weather ingress to storages must be managed and limited to minimise discharge
- slopes >20% and areas near waterways (without vegetated buffers) are not suitable for effluent irrigation
- discharge has the capacity to impact the receiving environment.

The proponent has not shown that there is the ability to manage wastewater treatment on site especially when similar treatment is proposed for adjoining subdivision applications. This aspect of the proposal is not a detail that can be addressed at a latter stage but a fundamental component of the development and reflects that the DA has not been correctly prepared.

In addition:

ERA 63 (1) (a) is triggered for any STP “that has a total peak capacity of at least 21EP”. So this DA proposal does trigger the need for an Environmental Authority. The application indicates that assessment of ERAs has been devolved to the local authority (ie is not a concurrence ERA which would require State assessment). This is correct if no discharge occurs but the proponent has failed to discuss how such discharge could be avoided.

It is noted that an approval for ERA 63(1)(a), Sewage Treatment, under the EP Regulation 2019 will be required (total peak capacity of at least 21 EP). The DA application fails to identify any Concurrence ERA presumably, in the case of sewage treatment, based on Schedule 2, Part 13 (63)(3)(1)(i) which defines the ERA 63 (1)(a) as not a Concurrence ERA ‘if treated effluent is discharged from the works to an infiltration trench or through an irrigation scheme’. However, based on work commissioned by the proponent and referenced above, this is unlikely to be the case and discharge to the natural environment will occur.

The proponent has failed to demonstrate how this will be avoided or indeed provided any details of how waste water will be managed. Based on this, Schedule 2, Part 13(63)(3)(1)(ii) of the EP Regulation 2019 applies and the ERA is a Concurrence ERA requiring State assessment. The DA application needs to be amended to reflect this.

SUBMITTED BY:

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Phone: 0419 624 940

From: Catherine Harvey
Sent: Fri, 13 Dec 2019 18:33:01 +1000
To: Info (Shared)
Cc: eiskuranda@gmail.com
Subject: Catherine Harvey submission for MCU Nature Based Tourism - 112 Barnwell Road Kuranda - Reeve and Ocean Pty Ltd - MCU/19/0018
Importance: Normal

We wish to submit our concerns with regard to the DA MCU/19/0018 submitted by Reeve and Ocean Pty. Ltd. for "Glamping and Nature Based Tourism approval".

This DA appears to be deliberately obtuse and we believe that this application could have been reviewed before release for community submission.

This application is on rural zoned land designated as rural production land. There is much interchange between the currently approved 'Tourism Attraction' (TA) and this new application for 'Nature Based tourism' (NBT) which includes accommodation.

There are a number of issues which have not been addressed in the application. The application is impact assessable and the Community should have the opportunity to comment on ALL proposed activities and intentions which may be included in the Proponent's proposal.

The proposal is not consistent with the Strategic vision contained in the Planning Scheme, in particular ".... *Environmental health and community well-being*....". It is noted that Strategic vision is extrinsic to the planning scheme however it is unhelpful and insulting to have development that conflicts with elements of Council's Strategic vision.

The Proponent has not established a NEED for this development in our Community.

- There are negative issues for environment, water quality, noise at night, waste disposal, undermining the planning scheme intent and no jobs

There is much missing information in the DA. This is included in the following notes and comments:

1. MSCPS 2016 – The planning scheme separately defines the activities of Tourism Attraction (TA) and Nature Based Tourism (NBT).
 1. The MSC planning scheme definition states the intent that any Tourism Attraction should not include accommodation. If the intent of the planning scheme were to include accommodation then it should be stated. The proponent needs to explain why this intent should be altered for MCU190018.
 2. The planning scheme describes Tourism Attraction as *small-scale, low impact tourist facilities established across the rural landscape (MSCPS 3.7.7.1(5)(a)*. Any accommodation options in the rural landscape are limited to bed and breakfasts and NBT. The Proponent has not explained how this DA can fit the rural zoned location.
2. COMPLIANCE – The current approvals together with this development application are all generally located on the same footprint of land which is owned by Reeve and Ocean Pty. Ltd.

This includes:

- i. the rural zoning of the land for grazing purposes;
- ii. a tourist attraction with a focus on a cattle show and animal zoo with horse and quad bike riding, food and liquor;
- iii. this proposal for nature based tourism including accommodation

2. There are complex layers of compliance issues when combining the current approvals and the new application. Self-regulation does not seem to be an appropriate option given that Reeve and Ocean have been the subject of many Community complaints in the past 3 ½ years.

Any approval that would include 'conditions' does not provide assurance to the Community. Recent history with this Proponent would suggest that 'conditions' are not observed and that self-regulation is not appropriate. There is no information about how these compliance issues will be administered by the Proponent or ensured by MSC on behalf of the Community.

3. There is no discussion about the strong environmental significance or critically endangered flora and fauna; or that the land is located close to a rural residential valley, where impacts may affect the amenity of established neighbours.

4. HEALTH AND WELL-BEING - There is no information about the proximity of tents/cabin accommodation to the animal shelters on site. There is no information about the impacts of noise, odour or light and the impact to the animals (included in 'animal husbandry' at night) or the health and wellbeing of the tourists in the closely located proposed accommodation.

3. CURRENT APPROVAL RESTRICTIONS - The Proponent states that this Nature Based Tourism (NBT) application will be both complementary and subordinate to their current Tourism Attraction (TA) approval already on site. . In the DA, 6.21 p.27.. *"the proposed Nature-based Tourism development is a complementary land use to the existing Tourist Attraction... the accommodation proposed is to meet the accommodation needs of the visitor base of the Tourist Attraction.* There is no discussion which indicates the inclusion of NBT activities.

1. There is no explanation as to how the NBT can be complementary to the TA whilst they are defined in the MSCPS as very different activities. It is stated that the accommodation option is proposed to directly meet the needs of the TA, yet MSCPS does not allow accommodation for Tourism Attractions on rural land. Please explain how this application for accommodation is not a method of changing the intent of the planning scheme. MSC should be firm on how the definition of Nature Based Tourism is interpreted – if used as the applicant proposes then the definition becomes a de-facto way of providing short-term accommodation in the Rural zone.

- i. The expected low key nature of accommodation associated with Nature based tourism is reflected in the fact that Nature based Tourism isn't categorised under

“Accommodation activities” for purposes of Section 9.3.1.3 – the accommodation activities code.

- ii. Please provide assurance that any approval for this impact assessable DA will not be followed by subsequent changes to the DA achieved through variations that will be code assessable.

2. There is no information about the cumulative effect of an approval for both the TA and NBT. NBT is defined as LOW IMPACT environmentally responsible accommodation and the MSCPS 2017 allows maximums as below in Column 1, whilst the Proponent is applying for much higher maximums (Column 2). More detail is required as to how these significant increases (Column 3) meet the intention of the planning scheme.

Column 1 MSCPS defines NBT maximums as:	Column 2 This DA is asking for:	Column 3 Difference
10 guests	54 guests	>5 times allowable limit
5 separate rooms	14 x 1 bed tents – 2 rooms each = 28 rooms 5 x 2 bed tent – 3 rooms each = 15 rooms 1 x 3 bed tent – 4 rooms Each = 4 rooms TOTAL 47 rooms	>9 times allowable limit
2 separate buildings	22 separate buildings	>11 times allowable limit
1 primary residence	0 primary residence	<allowable in MSCPS

- i. There is no discussion of the risk of impacts to the environment, neighbourhood amenity, rural production values etc of any further development applications on the site.
- ii. In order to protect the environmental values of the site and any cumulative impacts, it is requested that conditions similar to those imposed on DA180001 (3.9 & 3.10, pg.3) be included in any approval.
- iii. No further development of the sites should be undertaken until EPBC matters have been addressed – EPBC Matters likely to be impacted upon by cumulative impacts of the overlying MCU and ROL approvals.
- iv. Details are not provided as to how the NBT activities and accommodation will affect the nearby rural residential properties.
 1. Light pollution
 2. Night activities, noise (particularly that which travels down the valley)
 3. Events
 4. Food and liquor consumption

- v. The MSCPS lists NBT as a temporary use in the rural zone code. The DA gives no information as to whether this NBT is proposed as temporary or permanent. This proponent was the subject of much community objection with a previous application for NBT to 30/6/18. MSC received a large number of complaints via individual letters, a petition and complaints to Councillors and the Mayor.
3. Please address the restrictions imposed upon the TA which does not have a DA approval for operations after 7pm because the NBT Is stated as an overnight proposal.
- i. In the DA 6.21 – the Proponent accepts that the current TA approval establishes a population limit, yet there is no acceptance of the current 7pm approval limits on visitors to the site. It seems that the Proponent is ‘cherry-picking’ restrictions for discussion and not being transparent about their intentions.
 - 1. These operations include – vehicle movements, noise, food and beverage (liquor license). All visitors must depart by 7pm.
 - 2. We have very strong objections to any tourist operations on site outside the current restrictions between 7pm and 7am.
4. NBT ACTIVITIES - The MSCPS provides definitions for Nature Based Tourism activities. These do not seem to be compatible with the activities currently approved for the Tourism Attraction (MCU18006) as explained in the Table below:

NBT activities as defined in the MSCPS	TA activities as defined in Proponent’s application & MSC TA approval These are mostly ‘animal husbandry’ activities NOT nature based activities
Use of land: For conservation, interpretation and Appreciation of areas of environmental cultural or heritage value, local ecosystem and attributes of the natural environment	MSCPS Onsite entertainment, recreation i.e. theme park or zoo
Typical activities: Nature based focus Promote environmental awareness, education and conservation Carry out sustainable practices	MSC TA application, p.5 Quad bike activities Horse riding Tractor & trailer pull rides, horse and cart rides, cow milking and presentation on rural operations. Animal husbandry, cattle handling Australian and North Qld culture & lifestyle

- i. The proponent has not detailed the activities with which the NBT visitors will be engaged. These activities, which may be both day and night together with any

proposed 'event' activities, need to be described in the DA. In particular any environmentally significant activities which will require referral, particularly if they involve any of the water systems or flora, fauna on the property.

- ii. DA application – Water resources 23.6 p.9 – Proponent has answered NO to taking overland flow water or use of bore water.
 - 1. When overland flow water is collected by the on-site dam it is prevented from any overland flow to support the ecology of Owen Creek.
 - 2. Explain how the NBT activities will be different and separate to the activities of the TA.
 - 3. It is noted on the DA under 23.6 - Water Resources, that there will be no interfering with water in a watercourse. The Proponent needs to detail any activities which include 'water' and provide an independent environmental assessment.
 - 4. If they involve night activities which will impact nocturnal fauna and/or neighbouring residents.

4. TENTS (TENTED ACCOMMODATION) - Accommodation facilities for tents located on the site. The facilities supplied for tourists being accommodated have not been discussed or detailed in the DA. The DA does not describe such facilities which may include:
 - i. Food, as there are no kitchens included in the tents
 1. There is an established BBQ area but no details are provided i.e. water supply, waste and rubbish removal, cleaning, shelter in rain.
 - ii. Liquor, there is no Liquor License after 7pm
 - iii. Water supply to baths, without plumbing to the tents
 - iv. Ensure health of tourists
 1. without drainage from the baths;
 2. with the tents located over an overland water flow catchment into the dam. The Proponent's DA ref. 23.6 Water resources, states that no overland water flows will be interfered with by this proposal.
 3. where located beside a dam with muddy edges and ideal mosquito breeding areas.
 - v. What erosion controls will be included around the eroded dam site?
 - vi. Night lighting to enable the safe movement of visitors around the site
 - vii. Disposal of waste
 - viii. Power and communications
 - ix. Emergency – access by ambulance etc to individual accommodations
5. CABINS – There are no details of the suggested building option which may involve cabins. The wording which describes the accommodation options is frequently interchanged between 'cabins' and 'tents' and the Proponent needs to provide clarity about the aspect of the proposal.
 1. There are no details about the building designs, location and layouts of cabins should they become the chosen option.
 2. Layout of tents seems to be entirely on Lot 22, yet they state Lot 22 and Lot 17. With no detailed layouts of the 'tent' site there is concern that the inclusion of Lot 17 to the DA may automatically include further 'tents' cabins without further impact assessments by the Community.

3. The Kuranda region currently has a poor outcome from previous permanent tourist accommodation approval. This is the Kuranda Rainforest Resort, which met with much Community objection when built and has morphed into a low standard permanent accommodation with poor outcomes for local residents. Please provide information as to how this temporary tourism accommodation proposal will be restricted from morphing into permanent cabins. How will this be enforced?

- i. The proposal appears to be a de facto way of providing higher density accommodation in Rural zone. The applicants appear to be exploiting the accommodation component of the land use definition without addressing the true nature of the "Nature Based" component. (see conflict in definitions of Nature Based Tourism and Tourist attraction).

6. The massed clustering of the proposed accommodation and a lack of nexus with a Nature base" is at odds with what would be expected of this land use – visually and aesthetically the tents/cabins are better described as "Short term accommodation" and should be assessed as such. The planning scheme limit on the number of guests expected for Nature Based Tourism also reflects the expected low key nature of this use.

The tourist attraction approval is issued over lots that do not make up lots contained in the subject application – surely if the Nature Based tourism application is relying in the tenuous link with the Tourist activity the application should cover the same lots as those in MCU18/18/0006.

7. ACCOMMODATION - PRIMARY RESIDENCE - MSCPS requires NBT accommodation to be located within 200m of the primary residence on the site. That a maximum of 2 dwellings is allowed for the accommodation with a maximum of 5 rooms.

1. The Proponent has not provided details of the primary residence on the site. If the intention is to use the current 'Barnwell' house, then the Proponent needs to detail how this will comply, as this building was included in the DA for the Tourist Attraction and plans were supplied as part of that DA. These plans described 'Barnwell' house as a visitor attraction facility and not as a primary residence for the property.

2. Has the Proponent provided satisfactory evidence that all proposed tents will be located on the site within the 200m boundary area from ANY proposed residence as required by the MSCPS.

8. ACCOMMODATION MAXIMUM - MSCPS 2016 requires that NBT accommodation will allow a maximum of 10 guests and 14 'events' per calendar year within the rural zone. The Proponent provided calculations (6.2.1 p.27) based on overall land area owned by Reeve and Ocean P/L to provide an argument for increasing the number of NBT guests overnight from 10 to 54. The evidence in the MSCPS to support this calculation has not been provided.

1. In 6.2.1 p.27 - The Proponent has not addressed the intent of the rural zoning in the MSCPS which is to protect the rural production areas. If the calculations (6.2.1) are used and

separate lots are each allowed accommodation for 10 guests with a primary residence then the rural production activity must be diminished.

2. This application has asked for 54 guests, which is 5 times in excess of the allowed maximum under the MSCPS.
 3. There is a current approval for 12 rural worker accommodations on site. This is not addressed in the DA as part of a cumulative persons number on the site, but these additional people on site using infrastructure need to be taken into account, i.e. water, waste, health & safety etc. The site infrastructure and environmental constraints currently must cater for 12 (workers) + 150 (tourists) + 54 (proposed overnight tourists) + staff + an approved increase of 150 when the road is upgraded. The impact of the cumulative persons effect needs to be detailed in the submission.
 4. The on-site waste water impacts are down played in the common material and rely on ASNZ1547 – the numbers of visitors authorised to use the site (potentially 300 + 54 or 150 + 54) may potentially exceed thresholds requiring an ERA 63STW under the Environmental Protection Act. No information provided in the application to show why the EP Act is not applicable in the circumstances, i.e. are they no release works?
 5. The Proponent needs to provide evidence that this number of guests (54) can comply with the intent of the planning scheme and not undermine the value of the rural operations of the land as required in this rural zone.
 6. The approval for Tourism Attraction MCU18006 refers to the MSCPS Rural Zone PO3 states that the accommodation density is complementary and subordinate to the rural values of the land and that residential density does not exceed 2 dwellings per lot (PO3, A03.2) Lot 22, which is the main subject of the application already has more than 8 buildings and this application adds 22 dwellings. This suggests that the MSCPS intent is for the rural zone values may be compromised.
9. EVENTS - The Proponent currently has a self-regulation arrangement to report to MSC the number of 'events' per year on the rural zone land. Any 'events' such as activities for NBT should be included in the allowed 14 per calendar year. No information has been provided about NBT 'events'.
1. Will any approval allow a cumulative effect over the rural zone allowance of 14 calendar days per year for 'events'? Will the TA be allowed 14 days as well as the NBT be allowed 14 days, totalling 28 days per calendar year?
 2. There is no information which details how compliance for the NBT will be achieved to meet the TA approval conditions on the maximum number of guests per day (150) or the number of 'events' (14) per calendar year allowed.

10. TRANSPORT - The Proponent's DA for Tourism Attraction was required to provide a referral for State Transport Infrastructure.

1. Transport options for overnight tourists have not been detailed? Do transport options involve helicopters?
2. Can the proponent provide assurance that if approved, the numbers of visitors to the overall site (TA and NBT) will not be more than 150 per day (24 hours) and that any NBT approval for 150 people will include and not add to any approval for 54 people. This does not mean that we accept the NBT approval proposal.

11. TENTS OR CABINS – The term used in the DA is tents/cabins; the definitions in the MSCPS are 'tented camps' OR cabins. 'Tented camps' indicates a temporary accommodation option. The Proponent has submitted the DA and has not used the 'term tented' camps. There is not enough clarity regarding the accommodation option. The information supplied to the Community for impact assessment submissions does not differentiate between tents and cabins. The MSCPS term for 'tented camps' should be applied. The terms appear interchangeably and it is unclear as to what type of accommodation option is proposed in the DA (Example - Refer DA Schedule 1, Site Plan, sheet number AA-ALL02 (Issue E) 11/11/19 – the site plan used the term 'cabins' for both Stage 1 and Stage 2.

1. Schedule 1 – Site Plan, sheet number AA-GL02 (Issue E), 11/11/19,



Tourism Accommodation Stage 1 & 2. The site plan specifically describes the accommodation as 'cabins' as this snip from the document shows. The label is NOT tents/cabins. It would appear that this DA is for 'cabins', without including the cabins in any detailed description for the impact assessment to the Community.

2. The Proponent is asked to provide details of exactly what type of accommodation is proposed and the full details of that accommodation so that the community can assess the impacts.

12. WASTE– There is no detail about how the ablutions waste in each 'tent' will be managed.

1. There is no detail about the requirement for an EPA review should the 'equivalent persons' calculation for waste exceed 22 persons.
2. If waste is dealt with via the onsite TA bio-cycle system, there is no information about the current capacity and ability to accept further waste.

- i. DA - P.11 - *It is noted that the existing waste-water treatment system may require upgrade and that relevant Plumbing and Drainage Works approval(s) will be sought at the relevant time (if required).*
3. The biocycle discharge is located in the area of the dam spillway and any dam runoff combined with biocycle discharge would flow overland into Owen Creek and impact downstream residential neighbourhoods and the Myola frog population.
4. Waste water - – applicant states in the analysis of the codes compliance that “Wastewater treatment is provided on-site via bio-cycle systems, which are understood to be in accordance AO2.2.” – this is an uncertain statement – the application should know one way or the other whether the wastewater disposal complies with the relevant code, and further, whether the waste water should be addressed under the ERA63 STW process.
13. WATER SUPPLY – There are no details about the water supply to the ‘tents’ and how the supply and drainage will be managed.
 1. Water supply – applicant states in the analysis of the codes compliance that “*Water supply to the site is provided by bores, which are understood to comply with AO1.2(a).*” – this is an uncertain statement – the application should know one way or the other whether the water supply bores comply with the relevant code !
 2. There is no detail as to determine whether the bore water meets drinkable water quality standards and how such standards will be maintained.
14. KITCHEN FACILITIES are not provided.
 - i. There is no detail to describe how guests will be catered for, where they will eat, where the food will be supplied from and stored. Section 2 – Division 1 – 8.2 the proponent has stated that NO existing buildings will be used. There are buildings within the TA (kitchen; toilets; bio-cycle) but no detail is provided about their use by NBT.
 - ii. There is no detail about the management of all waste including food waste.
 - iii. The supply of liquor is not addressed, even though the current DA TA excludes supply past 7pm.
15. CYCLONES – The application states that the site is not in a cyclone area. Most of Queensland is located in Wind Region C where structures are to be built to withstand a Category 4 cyclone with wind speeds in region of 252km/hr. More information on planned infrastructure and accommodation is needed.
 1. If the Proponent is of the belief that cyclone ratings do not apply for buildings on this site, then the Council is requested to review the category ratings for all other established buildings on the site which were certified independently by Develop North Pty. Ltd.

2. If the Proponent 'discovers' that there is a relevant cyclone rating, does this mean that any approval for 'tents' will be changed to 'cabins' or other permanent cyclone rated structures?
16. GROSS FLOOR AREA (GFA) – the current Tourist Attraction is limited to a gross floor area of 200m square in the rural zone code. Accommodation, if approved, would increase the GFA with additional infrastructure which is not detailed in this DA.
1. No details are provided to enable a determination of the final GFA if the NBT GFA is added to the TA GFA. Will any approval be subject to the GFA being restricted to the MSCPS allowance of 200m square.
 2. What consideration is made to the cumulative effect of the Tourism Attraction with this proposed Nature Based Tourism. The NBT is effectively growing the TA to a size that would have been impact assessable when it was applied for in July 2018. That size would have exceeded allowances such as GFA in the rural zone.
 3. Application states "tent "platforms and poles will not require a Building approval? - The tent structures have pole supports and other tie down mechanisms, very likely to require Building Approvals – misleading to believe that these structures won't require a Building approval when simple garden sheds require approvals! On that basis it is misleading to assert that the GFA of the tents is irrelevant in assessing the impacts of this proposal.
17. CURRENT ON-SITE DAM – This is the location for some of the 'tent' accommodation. The previous approval by MSC included landscaping around the edge of the dam (landscape plan provided in DA) and grass coverage of the dam surrounds and the dam wall.
1. There is no detail about site beautification (shade trees) or grass coverage or landscaping at the edge of the dam to prevent mosquito breeding.
 2. Have the landscaping requirements of the Tourism Attraction (Table 9.4.2.3A) approval and the Operational Works Approval for the dam been satisfied?
 3. There are no risk assessment details regarding the water safety issues where accommodation is located close to the dam.
 4. Has night lighting been assessed regarding cane toad attraction in the areas near the dam water. Night lighting attracts cane toads. If night lighting is proposed around the dam area then there is a need for a risk assessment to breeding survival of the Myola frog.
 5. DA, Part 2 – Location Details of the DA state that the location is adjacent to a water body named as Owen Creek. The dam, which is also a water body, is very close to the development but has not been listed.

SUBMITTED BY:

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From: Planning (Shared)
Sent: Mon, 16 Dec 2019 09:15:55 +1000
To: Planning (Shared)
Subject: Cathy Retter on behalf of Kuranda Envirocare submission for MCU Nature Based Tourism - 112 Barnwell Road Kuranda - Reeve and Ocean Pty Ltd - MCU/19/0018
Attachments: KEC submission MCU 19 0018 - glamping for 54 persons.docx

From: Rosina Aston <r_aston@smartchat.net.au>
Sent: Friday, 13 December 2019 4:55 PM
To: Info (Shared) <info@msc.qld.gov.au>
Cc: cathy.retter.kuranda@gmail.com
Subject: MCU 19/0018 - Nature based tourism accomodation submission to impact assessment

Good afternoon.

Please find attached submission for MCU 19/0018 – Nature based tourism accomodation

Kindest Regards



Before printing this e-mail think if you really need to print it! Save paper. Protect the environment.

Submission re MCU190018 –

Nature Based Tourism incl short term accommodation in the rural zone

Dated: Friday 13 December 2019.

Background

Kuranda Envirocare is a not for profit organisation carrying out on ground environmental works on public and private land in the Kuranda region. Our aim is to enhance and repair biodiversity and uphold and protect the Wet Tropics environmental values which cover the Kuranda region. We spend time raising public awareness of the nature of the high value and irreplaceable nature of the Wet Tropics landscape in which Kuranda area residents reside.

Though within any organisation there are differing views and a range of opinions, nonetheless, in the main we are not opposed to development but rather focused on the environmental, social and economic outcomes. We believe that any development should be of a scale and nature appropriate to the sensitive environmental values of the specific site ie "good" development, not just development at any cost. Those days should be seen as being over.

We would also expect that for transparency and clarity any development proposals should be presented in such a way that it is clear what the environmental outcomes will be from that development. As a Guardian council to the Great Barrier Reef, it is incumbent on this council to consider changes to the water quality flowing in the Barron river catchment as well as matters of MSES under the overlays within the State Planning Act and Nature Conservation Act.

Our membership agreed a statement which is present on our website and which we can apply to this DA.

That is: No net negative change to the quality of the water and the vegetation on the site. There should be a high level of environmental requirements given to the application due to the degree to which MSES which should be taken into account as part of the DA.

Our analysis

Overall environmentally we see no consideration given to the environmental constraints of the site except with regard to no trees to be cut down under the Veg. management Act.

No ecological report has been provided as required under the planning scheme. This report should be required and should have reference to

- proposed treatment of bore water which currently does not meet WHO standards for drinking and food preparation due to levels of heavy metals (see bore water analysis in Kur World draft EIS documents)

- proposed method of on site effluent treatment for 100 EP (equivalent persons). Commercial Biocycle systems can produce Class C water quality but this is below standard to send to high ecological value receiving waters in Owen creek. See details below regarding constraints from the Kur World Stage 1B on-site effluent disposal study for approximately the same EP (ie the maximum allowable under the tourist attraction ie 300 day visitors). Design of such a system must cater for max. allowable under all current approvals even if conditions of those other approvals (eg Tourist attraction) have not yet been met. There is also a relevant trigger relating to ERA 63, requiring a permit process. Referral to EPA should have been made as a concurrence agency.

Other missing information relates to the general nature of the DA

- the council should be firm on the definition of Nature based tourism interpretation or they risk the definition becoming a defective way of providing short term accommodation within the rural zone.

- given that the proposal requires on site operation outside of the current operating hours approval, application should have been made concurrently for the required approvals beyond 7am to 7 pm as the proponent needs to give consideration to impacts relating to this type of operation in a rural zone. At present this application is silent on that matter.

-The proponent argues that tents are interchangeable with cabins therefore the greater of the tent and cabin requirements should apply. In this case the Gross floor area constraints should be applied during assessment against the codes.

-there is no information about the proximity of tents/cabin accommodation to the animal shelters on site. There is no information about the health of the tourists in the closely located proposed accommodation, given that stormwater drainage from the animal area may currently pass through that area and infiltrate the dam. Again there is no assessment provided as to associated risks. This poor quality dam water overflow may also impact on the area of human effluent disposal, changing the requirements. Again the proposal remains silent on how the elements of stormwater control will be managed given the introduction of hardened surfaces being roofs and raised walkways whether cabins or tents.

In conclusion

This DA appears to be particularly obscure in a number of areas. We believe that this application should have been reviewed and information requests sought and received before release for community submission. This seems to be a major oversight within the council planning process and does not instill confidence within our community as to the robust and objective nature of the planning assessment process.

We respectfully request that council obtain a much more comprehensive proposal from the proponent, addressing all missing information in the current DA and including an ecological report with cumulative impacts assessed relating to effluent design elements and including ERA permits required before consideration be given to any council conditions to be applied to this application.

Detail considerations for effluent disposal

(as outlined in the Kur World stage 1B effluent disposal study for on site effluent disposal)

The DA states that the proposed development will be serviced by onsite waste water treatment in the form of Biocycle. However, the application does not give any details of the system or its operation and thus it is not possible to make a decision on the adequacy of the proposal in terms of public safety or potential environmental impact. Biocycle treatment treats water to secondary standard.

A report was prepared by the proponent as part of its KurWorld EIS (NRA. 2017. Kur-World Effluent Irrigation Feasibility Study). This report modelled scenarios for Stage 1A of that proposal for an EP of 185-296 which is larger than the current proposal (55 EP plus day visitors). Nevertheless, the conclusions of the modelling remain relevant to the current application and demonstrate:

- whilst site soils provide a high capacity for phosphorus adsorption they have low hydraulic conductivity limiting rate of irrigation. Therefore, significant area would be required for effluent irrigation
- significant wet season storage is required

- significant management is required in terms of establishment and harvesting of ground covers that will uptake nutrients
- the risk of discharge from the system cannot not be eliminated and would occur at least once per annum
- wet weather ingress to storages must be managed and limited to minimise discharge
- slopes >20% and areas near waterways (without vegetated buffers) are not suitable for effluent irrigation
- discharge has the capacity to impact the receiving environment.

The proponent has not shown that there is the ability to manage wastewater treatment on site especially when similar treatment is proposed for adjoining subdivision applications. This aspect of the proposal is not a detail that can be addressed at a latter stage but a fundamental component of the development and reflects that the DA has not been correctly prepared.

In addition:

ERA 63 (1) (a) is triggered for any STP “that has a total peak capacity of at least 21EP”. So this DA proposal does trigger the need for an Environmental Authority. The application indicates that assessment of ERAs has been devolved to the local authority (ie is not a concurrence ERA which would require State assessment). This is correct if no discharge occurs but the proponent has failed to discuss how such discharge could be avoided.

It is noted that an approval for ERA 63(1)(a), Sewage Treatment, under the EP Regulation 2019 will be required (total peak capacity of at least 21 EP). The DA application fails to identify any Concurrence ERA presumably, in the case of sewage treatment, based on Schedule 2, Part 13 (63)(3)(1)(i) which defines the ERA 63 (1)(a) as not a Concurrence ERA ‘if treated effluent is discharged from the works to an infiltration trench or through an irrigation scheme’. However, based on work commissioned by the proponent and referenced above, this is unlikely to be the case and discharge to the natural environment will occur.

The proponent has failed to demonstrate how this will be avoided or indeed provided any details of how waste water will be managed. Based on this, Schedule 2, Part 13(63)(3)(1)(ii) of the EP Regulation 2019 applies and the ERA is a Concurrence ERA requiring State assessment. The DA application needs to be amended to reflect this.

SUBMITTED BY:

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From: cheryl tonkin
Sent: Thu, 12 Dec 2019 09:17:13 +1000
To: Info (Shared)
Subject: MCU Nature Based Tourism - 112 Barnwell Road Kuranda - Reeve and Ocean Pty Ltd - Cheryl Tonkin - MCU/19/0018
Attachments: Draft Submission - Cheryl.odt

My submission regarding the proposed DA application by Reeve and Ocean Pty Ltd.

Please find attached.

Regards
 Cheryl Tonkin



Submission re MCU190018 – Nature Based Tourism incl short term accommodation in the rural zone

Due date – Friday 13 December 2019.

I wish to submit my concerns with regard to the DA MCU/19/0018 submitted by Reeve and Ocean Pty. Ltd. for “Glamping and Nature Based Tourism approval”.

This DA appears to be deliberately obtuse, murky, dodgy and high on semantics. I believe that this application could have been reviewed before release for community submission.

This application is on rural zoned land designated as rural production land. There is much interchange between the currently approved ‘Tourism Attraction’ (TA) and this new application for ‘Nature Based tourism’ (NBT) which includes accommodation.

There are a number of issues which have not been addressed in the application. The application is impact assessable and the **Community** should have the opportunity to comment on ALL proposed activities and intentions which may be included in the Proponent’s proposal.

The proposal is not consistent with the Strategic vision contained in the Planning Scheme, in particular “... **Environmental health and community well-being**...”. It is noted that Strategic vision is extrinsic to the planning scheme however it is unhelpful, suspect and insulting to have development that conflicts with elements of Council’s Strategic vision.

The Proponent has not established a NEED for this development in our Community.

- **There are negative issues for environment, water quality, noise at night, waste disposal, undermining the planning scheme intent and no jobs**

There is much missing information in the DA. This is included in the following notes and comments:

1. MSCPS 2016 – The planning scheme separately defines the activities of Tourism Attraction (TA) and Nature Based Tourism (NBT).
 1. The **MSC planning scheme definition states** the intent **that any Tourism Attraction should not include accommodation**. If the intent of the planning scheme were to include accommodation then it should be stated. The proponent needs to explain why this intent should be altered for MCU190018.
 2. The planning scheme describes Tourism Attraction as *small-scale, low impact tourist facilities established across the rural landscape (MSCPS 3.7.7.1(5)(a)*. Any accommodation options in the rural landscape are limited to bed and breakfasts and NBT. The Proponent has not explained how this DA can fit the rural zoned location.
2. COMPLIANCE – **The current approvals together with this development application are all generally located on the same footprint** of land which is owned by Reeve and Ocean Pty. Ltd.

This includes:

- 1.i. the rural zoning of the land for grazing purposes;
- 1.ii. a tourist attraction with a focus on a cattle show and animal zoo with horse and quad bike riding, food and liquor;
- 1.iii. this proposal for nature based tourism including accommodation
2. There are complex layers of compliance issues when combining the current approvals and the new

application. **Self-regulation does not seem to be an appropriate option given that Reeve and Ocean have been the subject of many Community complaints in the past 3 ½ years.**

Any approval that would include **'conditions' does not provide assurance to the Community.** *Recent history with this Proponent would suggest that 'conditions' are not observed and that self-regulation is not appropriate.* There is no information about how these compliance issues will be administered by the Proponent or ensured by MSC on behalf of the Community.

3. There is no discussion about the strong environmental significance or critically endangered flora and fauna; or that the *land is located close to a rural residential valley, where impacts may affect the amenity of established neighbours.*
4. HEALTH AND WELL-BEING - There is no information about the proximity of tents/cabin accommodation to the animal shelters on site. There is *no information about the impacts of noise, odour or light* and the impact to the animals (included in 'animal husbandry' at night) or the health and wellbeing of the tourists in the closely located proposed accommodation.
3. CURRENT APPROVAL RESTRICTIONS - The Proponent states that this Nature Based Tourism (NBT) application will be both complementary and subordinate to their current Tourism Attraction (TA) approval already on site. . In the DA, 6.21 p.27.. *"the proposed Nature-based Tourism development is a complementary land use to the existing Tourist Attraction... the accommodation proposed is to meet the accommodation needs of the visitor base of the Tourist Attraction.* There is no discussion which indicates the inclusion of NBT activities.
 1. There is no explanation as to how the NBT can be complementary to the TA whilst they are defined in the MSCPS as very different activities. It is stated that the accommodation option is proposed to directly meet the needs of the TA, yet **MSCPS does not allow accommodation for Tourism Attractions on rural land.** Please explain how *this application for accommodation is not a method of changing the intent of the planning scheme.* MSC should be firm on how the definition of Nature Based Tourism is interpreted – if used as the applicant proposes then the definition becomes a *de-facto* way of providing short-term accommodation in the Rural zone.
 - 1.i. The expected low key nature of accommodation associated with Nature based tourism is reflected in the fact that Nature based Tourism isn't categorised under "Accommodation activities" for purposes of Section 9.3.1.3 – the accommodation activities code.
 - 1.ii. **Please provide assurance that any approval for this impact assessable DA will not be followed by subsequent and additional changes to the DA achieved through variations that will be code assessable.**

2. There is **no information about the cumulative effect of an approval for both the TA and NBT**. NBT is defined as LOW IMPACT environmentally responsible accommodation and the MSCPS 2017 allows maximums as below in Column 1, whilst the Proponent is applying for much higher maximums (Column 2). More detail is required as to how these significant increases (Column 3) meet the intention of the planning scheme.

Column 1 MSCPS defines NBT maximums as:	Column 2 This DA is asking for:	Column 3 Difference
10 guests	54 guests	>5 times allowable limit
5 separate rooms	14 x 1 bed tents – 2 rooms each = 28 rooms 5 x 2 bed tent – 3 rooms each = 15 rooms 1 x 3 bed tent – 4 rooms Each = 4 rooms TOTAL 47 rooms	>9 times allowable limit
2 separate buildings	22 separate buildings	>11 times allowable limit
1 primary residence	0 primary residence	<allowable in MSCPS

- 2.i. **There is no discussion of the risk of impacts to the environment, neighbourhood amenity, rural production values etc of any further development applications on the site.**
- 2.ii. In order to protect the environmental values of the site and any cumulative impacts, it is requested that conditions similar to those imposed on DA180001 (3.9 & 3.10, pg.3) be included in any approval.
- 2.iii. No further development of the sites should be undertaken until EPBC matters have been addressed – EPBC Matters likely to be impacted upon by cumulative impacts of the overlying MCU and ROL approvals.
- 2.iv. **Details are not provided as to how the NBT activities and accommodation will affect the nearby rural residential properties.**
- 2.iv.1. **Light pollution**
- 2.iv.2. **Night activities, noise (particularly that which travels down the valley)**
- 2.iv.3. **Events**
- 2.iv.4. **Food and liquor consumption**
- 2.v. The MSCPS lists NBT as a temporary use in the rural zone code. The DA gives no information as to whether this NBT is proposed as temporary or permanent. This proponent was the subject of much community objection with a previous application for NBT to 30/6/18. MSC received a large number of complaints via individual letters, a petition and complaints to Councillors and the Mayor. All, as expected **to no avail.**
3. Please **address the restrictions imposed upon the TA which does not have a DA approval for operations after 7pm because the NBT is stated as an overnight proposal.**
- 3.i. In the DA 6.21 – the Proponent accepts that the current TA approval establishes a population limit, yet there is no acceptance of the current 7pm approval limits on visitors to the site. It seems that the **Proponent is ‘cherry-picking’ restrictions for discussion and not being**

transparent about their intentions.

3.i.1. These operations include – vehicle movements, noise, food and beverage (liquor license). All visitors must depart by 7pm.

3.i.2. We have very strong objections to any tourist operations on site outside the current restrictions between 7pm and 7am.

4. NBT ACTIVITIES - The *MSCPS provides definitions for Nature Based Tourism activities*. These do *not seem to be compatible with the activities currently approved for the Tourism Attraction (MCU18006)* as explained in the Table below:

NBT activities as defined in the MSCPS	TA activities as defined in Proponent's application & MSC TA approval These are mostly 'animal husbandry' activities NOT nature based activities
Use of land: For conservation, interpretation and Appreciation of areas of environmental cultural or heritage value, local ecosystem and attributes of the natural environment	MSCPS Onsite entertainment, recreation i.e. theme park or zoo
Typical activities: Nature based focus Promote environmental awareness, education and conservation Carry out sustainable practices	MSC TA application, p.5 Quad bike activities Horse riding Tractor & trailer pull rides, horse and cart rides, cow milking and presentation on rural operations. Animal husbandry, cattle handling Australian and North Qld culture & lifestyle

- 4.i. The *proponent has not detailed the activities with which the NBT visitors will be engaged*. These activities, *which may be both day and night together with any proposed 'event' activities, need to be described in the DA*. In particular any environmentally significant activities which will require referral, particularly if they involve any of the water systems or flora, fauna on the property.

- 4.ii. DA application – Water resources 23.6 p.9 – Proponent has answered NO to taking overland flow water or use of bore water.

4.ii.1. When overland flow water is collected by the on-site dam it is prevented from any overland flow to support the ecology of Owen Creek.

4.ii.2. *Explain how the NBT activities will be different and separate to the activities of the TA.*

4.ii.3. It is noted on the DA under 23.6 - Water Resources, that there will be no interfering with water in a watercourse. The Proponent needs to detail any activities which include *'water'* and provide an independent environmental assessment.

4.ii.4. If they involve night activities which will impact nocturnal fauna and/or neighbouring residents.

4. **TENTS** (TENTED ACCOMMODATION) - Accommodation facilities for tents located on the site. The facilities supplied for tourists being accommodated have not been discussed or detailed in the DA. The DA does not describe such facilities which may include:
 - 1.i. Food, as there are no kitchens included in the tents
 - 1.i.1. There is an established BBQ area but no details are provided i.e. water supply, waste and rubbish removal, cleaning, shelter in rain.
 - 1.ii. Liquor, there is no Liquor License after 7pm
 - 1.iii. Water supply to baths, without plumbing to the tents
 - 1.iv. Ensure health of tourists
 - 1.iv.1. without drainage from the baths;
 - 1.iv.2. with the tents located over an overland water flow catchment into the dam. The Proponent's DA ref. 23.6 Water resources, states that no overland water flows will be interfered with by this proposal.
 - 1.iv.3. where located beside a dam with muddy edges and ideal mosquito breeding areas.
 - 1.v. What erosion controls will be included around the eroded dam site?
 - 1.vi. Night lighting to enable the safe movement of visitors around the site
 - 1.vii. Disposal of waste
 - 1.viii. Power and communications
 - 1.ix. Emergency – access by ambulance etc to individual accommodations
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Tourism Accommodation Stage 1 & 2. The site plan specifically describes the accommodation as



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 3. The biocycle discharge is located in the area of the dam spillway and any dam runoff combined with biocycle discharge would flow overland into Owen Creek and impact downstream residential neighbourhoods and the Myola frog population.
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13. WATER SUPPLY – There are no details about the water supply to the 'tents' and how the supply and drainage will be managed.
1. Water supply – applicant states in the analysis of the codes compliance that "*Water supply to the site is provided by bores, which are understood to comply with AO1.2(a).*" – this is an uncertain statement – the application should know one way or the other whether the water supply bores comply with the relevant code !
 2. There is no detail as to determine whether the bore water meets drinkable water quality standards and how such standards will be maintained.
14. KITCHEN FACILITIES are not provided.
- 1.i. There is no detail to describe how guests will be catered for, where they will eat, where the food will be supplied from and stored. Section 2 – Division 1 – 8.2 the proponent has stated that NO existing buildings will be used. There are buildings within the TA (kitchen; toilets; bio-cycle) but no detail is provided about their use by NBT.
 - 1.ii. There is no detail about the management of all waste including food waste.
 - 1.iii. The supply of liquor is not addressed, even though the current DA TA excludes supply past 7pm.
15. **CYCLONES – The application states that the site is not in a cyclone area.** Most of Queensland is located in Wind Region C where structures are to be built to withstand a Category 4 cyclone with wind speeds in region of 252km/hr. More information on planned infrastructure and accommodation is needed.
1. If the Proponent is of the belief that cyclone ratings do not apply for buildings on this site, then the Council is requested to review the category ratings for all other established buildings on the site which were certified independently by Develop North Pty. Ltd.
 2. If the Proponent 'discovers' that there is a relevant cyclone rating, does this mean that any approval for 'tents' will be changed to 'cabins' or other permanent cyclone rated structures?
16. GROSS FLOOR AREA (GFA) – the current Tourist Attraction is limited to a gross floor area of 200m square in the rural zone code. Accommodation, if approved, would increase the GFA with additional infrastructure which is not detailed in this DA.

1. No details are provided to enable a determination of the final GFA if the NBT GFA is added to the TA GFA. Will any approval be subject to the GFA being restricted to the MSCPS allowance of 200m square.
 2. What consideration is made to the cumulative effect of the Tourism Attraction with this proposed Nature Based Tourism. The NBT is effectively growing the TA to a size that would have been impact assessable when it was applied for in July 2018. That size would have exceeded allowances such as GFA in the rural zone.
 3. Application states "tent "platforms and poles will not require a Building approval? - The tent structures have pole supports and other tie down mechanisms, very likely to require Building Approvals – misleading to believe that these structures won't require a Building approval when simple garden sheds require approvals! On that basis it is misleading to assert that the GFA of the tents is irrelevant in assessing the impacts of this proposal.
17. CURRENT ON-SITE DAM – This is the location for some of the 'tent' accommodation. The previous approval by MSC included landscaping around the edge of the dam (landscape plan provided in DA) and grass coverage of the dam surrounds and the dam wall.
1. There is no detail about site beautification (shade trees) or grass coverage or landscaping at the edge of the dam to prevent mosquito breeding.
 2. Have the landscaping requirements of the Tourism Attraction (Table 9.4.2.3A) approval and the Operational Works Approval for the dam been satisfied?
 3. There are no risk assessment details regarding the water safety issues where accommodation is located close to the dam.
 4. Has night lighting been assessed regarding cane toad attraction in the areas near the dam water. Night lighting attracts cane toads. If night lighting is proposed around the dam area then there is a need for a risk assessment to breeding survival of the Myola frog.
 5. DA, Part 2 – Location Details of the DA state that the location is adjacent to a water body named as Owen Creek. The dam, which is also a water body, is very close to the development but has not been listed.

SUBMITTED BY:

Name: ***Cheryl Tonkin***

Street address: 76 High Chapparal Rd., Myola.

Email: Cheryl.Tonkin@gmail.com

Phone: 0407-670-954

From: Planning (Shared)
Sent: Mon, 16 Dec 2019 09:06:16 +1000
To: Planning (Shared)
Subject: Deborah Crow and Lyle Grigor submission for MCU Nature Based Tourism - 112
Barnwell Road Kuranda - Reeve and Ocean Pty Ltd - MCU/19/0018
Attachments: Deborah and Lyle's Submission.odt

From: cheryl tonkin <cheryl.tonkin@gmail.com>
Sent: Friday, 13 December 2019 3:06 PM
To: Info (Shared) <info@msc.qld.gov.au>
Subject: Re:- Impact Submission - MCU190018

I am emailing this for a couple who do not have either the internet or and email address. Your correspondence with them will have to be via mail.

Deborah Crow and Lyle Grigor,
54 Rosewood St.,
Russett Park, Kuranda.

Regards,

Cheryl



Submission re MCU190018 – Nature Based Tourism incl short term accommodation in the rural zone

Due date – Friday 13 December 2019.

We wish to submit our concerns with regard to the DA MCU/19/0018 submitted by Reeve and Ocean Pty. Ltd. for “Glamping and Nature Based Tourism approval”.

This DA appears to be deliberately obtuse and we believe that this application could have been reviewed before release for community submission.

This application is on rural zoned land designated as rural production land. There is much interchange between the currently approved ‘Tourism Attraction’ (TA) and this new application for ‘Nature Based tourism’ (NBT) which includes accommodation.

There are a number of issues which have not been addressed in the application. The application is impact assessable and the Community should have the opportunity to comment on ALL proposed activities and intentions which may be included in the Proponent’s proposal.

The proposal is not consistent with the Strategic vision contained in the Planning Scheme, in particular “... *Environmental health and community well-being....*”. It is noted that Strategic vision is extrinsic to the planning scheme however it is unhelpful and insulting to have development that conflicts with elements of Council’s Strategic vision.

The Proponent has not established a NEED for this development in our Community.

- There are negative issues for environment, water quality, noise at night, waste disposal, undermining the planning scheme intent and no jobs

There is much missing information in the DA. This is included in the following notes and comments:

1. MSCPS 2016 – The planning scheme separately defines the activities of Tourism Attraction (TA) and Nature Based Tourism (NBT).
 1. The MSC planning scheme definition states the intent that any Tourism Attraction should not include accommodation. If the intent of the planning scheme were to include accommodation then it should be stated. The proponent needs to explain why this intent should be altered for MCU190018.
 2. The planning scheme describes Tourism Attraction as *small-scale, low impact tourist facilities established across the rural landscape (MSCPS 3.7.7.1(5)(a)*. Any accommodation options in the rural landscape are limited to bed and breakfasts and NBT. The Proponent has not explained how this DA can fit the rural zoned location.
2. COMPLIANCE – The current approvals together with this development application are all generally located on the same footprint of land which is owned by Reeve and Ocean Pty. Ltd.

This includes:

- 1.i. the rural zoning of the land for grazing purposes;
- 1.ii. a tourist attraction with a focus on a cattle show and animal zoo with horse and quad bike riding, food and liquor;
- 1.iii. this proposal for nature based tourism including accommodation
2. There are complex layers of compliance issues when combining the current approvals and the new

application. Self-regulation does not seem to be an appropriate option given that Reeve and Ocean have been the subject of many Community complaints in the past 3 ½ years.

Any approval that would include 'conditions' does not provide assurance to the Community. Recent history with this Proponent would suggest that 'conditions' are not observed and that self-regulation is not appropriate. There is no information about how these compliance issues will be administered by the Proponent or ensured by MSC on behalf of the Community.

3. There is no discussion about the strong environmental significance or critically endangered flora and fauna; or that the land is located close to a rural residential valley, where impacts may affect the amenity of established neighbours.
4. HEALTH AND WELL-BEING - There is no information about the proximity of tents/cabin accommodation to the animal shelters on site. There is no information about the impacts of noise, odour or light and the impact to the animals (included in 'animal husbandry' at night) or the health and wellbeing of the tourists in the closely located proposed accommodation.
3. CURRENT APPROVAL RESTRICTIONS - The Proponent states that this Nature Based Tourism (NBT) application will be both complementary and subordinate to their current Tourism Attraction (TA) approval already on site. . In the DA, 6.21 p.27.. *"the proposed Nature-based Tourism development is a complementary land use to the existing Tourist Attraction... the accommodation proposed is to meet the accommodation needs of the visitor base of the Tourist Attraction.* There is no discussion which indicates the inclusion of NBT activities.
 1. There is no explanation as to how the NBT can be complementary to the TA whilst they are defined in the MSCPS as very different activities. It is stated that the accommodation option is proposed to directly meet the needs of the TA, yet MSCPS does not allow accommodation for Tourism Attractions on rural land. Please explain how this application for accommodation is not a method of changing the intent of the planning scheme. MSC should be firm on how the definition of Nature Based Tourism is interpreted – if used as the applicant proposes then the definition becomes a de-facto way of providing short-term accommodation in the Rural zone.
 - 1.i. The expected low key nature of accommodation associated with Nature based tourism is reflected in the fact that Nature based Tourism isn't categorised under "Accommodation activities" for purposes of Section 9.3.1.3 – the accommodation activities code.
 - 1.ii. Please provide assurance that any approval for this impact assessable DA will not be followed by subsequent changes to the DA achieved through variations that will be code assessable.

2. There is no information about the cumulative effect of an approval for both the TA and NBT. NBT is defined as LOW IMPACT environmentally responsible accommodation and the MSCPS 2017 allows maximums as below in Column 1, whilst the Proponent is applying for much higher maximums (Column 2). More detail is required as to how these significant increases (Column 3) meet the intention of the planning scheme.

Column 1 MSCPS defines NBT maximums as:	Column 2 This DA is asking for:	Column 3 Difference
10 guests	54 guests	>5 times allowable limit
5 separate rooms	14 x 1 bed tents – 2 rooms each = 28 rooms 5 x 2 bed tent – 3 rooms each = 15 rooms 1 x 3 bed tent – 4 rooms Each = 4 rooms TOTAL 47 rooms	>9 times allowable limit
2 separate buildings	22 separate buildings	>11 times allowable limit
1 primary residence	0 primary residence	<allowable in MSCPS

- 2.i. There is no discussion of the risk of impacts to the environment, neighbourhood amenity, rural production values etc of any further development applications on the site.
- 2.ii. In order to protect the environmental values of the site and any cumulative impacts, it is requested that conditions similar to those imposed on DA180001 (3.9 & 3.10, pg.3) be included in any approval.
- 2.iii. No further development of the sites should be undertaken until EPBC matters have been addressed – EPBC Matters likely to be impacted upon by cumulative impacts of the overlying MCU and ROL approvals.
- 2.iv. Details are not provided as to how the NBT activities and accommodation will affect the nearby rural residential properties.
- 2.iv.1. Light pollution
- 2.iv.2. Night activities, noise (particularly that which travels down the valley)
- 2.iv.3. Events
- 2.iv.4. Food and liquor consumption
- 2.v. The MSCPS lists NBT as a temporary use in the rural zone code. The DA gives no information as to whether this NBT is proposed as temporary or permanent. This proponent was the subject of much community objection with a previous application for NBT to 30/6/18. MSC received a large number of complaints via individual letters, a petition and complaints to Councillors and the Mayor.
3. Please address the restrictions imposed upon the TA which does not have a DA approval for operations after 7pm because the NBT is stated as an overnight proposal.
- 3.i. In the DA 6.21 – the Proponent accepts that the current TA approval establishes a population limit, yet there is no acceptance of the current 7pm approval limits on visitors to the site. It seems that the Proponent is ‘cherry-picking’ restrictions for discussion and not being

transparent about their intentions.

3.i.1. These operations include – vehicle movements, noise, food and beverage (liquor license). All visitors must depart by 7pm.

3.i.2. We have very strong objections to any tourist operations on site outside the current restrictions between 7pm and 7am.

4. NBT ACTIVITIES - The MSCPS provides definitions for Nature Based Tourism activities. These do not seem to be compatible with the activities currently approved for the Tourism Attraction (MCU18006) as explained in the Table below:

NBT activities as defined in the MSCPS	TA activities as defined in Proponent's application & MSC TA approval These are mostly 'animal husbandry' activities NOT nature based activities
Use of land: For conservation, interpretation and Appreciation of areas of environmental cultural or heritage value, local ecosystem and attributes of the natural environment	MSCPS Onsite entertainment, recreation i.e. theme park or zoo
Typical activities: Nature based focus Promote environmental awareness, education and conservation Carry out sustainable practices	MSC TA application, p.5 Quad bike activities Horse riding Tractor & trailer pull rides, horse and cart rides, cow milking and presentation on rural operations. Animal husbandry, cattle handling Australian and North Qld culture & lifestyle

- 4.i. The proponent has not detailed the activities with which the NBT visitors will be engaged. These activities, which may be both day and night together with any proposed 'event' activities, need to be described in the DA. In particular any environmentally significant activities which will require referral, particularly if they involve any of the water systems or flora, fauna on the property.

- 4.ii. DA application – Water resources 23.6 p.9 – Proponent has answered NO to taking overland flow water or use of bore water.

4.ii.1. When overland flow water is collected by the on-site dam it is prevented from any overland flow to support the ecology of Owen Creek.

4.ii.2. Explain how the NBT activities will be different and separate to the activities of the TA.

4.ii.3. It is noted on the DA under 23.6 - Water Resources, that there will be no interfering with water in a watercourse. The Proponent needs to detail any activities which include 'water' and provide an independent environmental assessment.

4.ii.4. If they involve night activities which will impact nocturnal fauna and/or neighbouring residents.

4. TENTS (TENTED ACCOMMODATION) - Accommodation facilities for tents located on the site. The facilities supplied for tourists being accommodated have not been discussed or detailed in the DA. The DA does not describe such facilities which may include:
 - 1.i. Food, as there are no kitchens included in the tents
 - 1.i.1. There is an established BBQ area but no details are provided i.e. water supply, waste and rubbish removal, cleaning, shelter in rain.
 - 1.ii. Liquor, there is no Liquor License after 7pm
 - 1.iii. Water supply to baths, without plumbing to the tents
 - 1.iv. Ensure health of tourists
 - 1.iv.1. without drainage from the baths;
 - 1.iv.2. with the tents located over an overland water flow catchment into the dam. The Proponent's DA ref. 23.6 Water resources, states that no overland water flows will be interfered with by this proposal.
 - 1.iv.3. where located beside a dam with muddy edges and ideal mosquito breeding areas.
 - 1.v. What erosion controls will be included around the eroded dam site?
 - 1.vi. Night lighting to enable the safe movement of visitors around the site
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- 1.i. There is no detail to describe how guests will be catered for, where they will eat, where the food will be supplied from and stored. Section 2 – Division 1 – 8.2 the proponent has stated that NO existing buildings will be used. There are buildings within the TA (kitchen; toilets; bio-cycle) but no detail is provided about their use by NBT.
 - 1.ii. There is no detail about the management of all waste including food waste.
 - 1.iii. The supply of liquor is not addressed, even though the current DA TA excludes supply past 7pm.
15. CYCLONES – The application states that the site is not in a cyclone area. Most of Queensland is located in Wind Region C where structures are to be built to withstand a Category 4 cyclone with wind speeds in region of 252km/hr. More information on planned infrastructure and accommodation is needed.
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 5. DA, Part 2 – Location Details of the DA state that the location is adjacent to a water body named as Owen Creek. The dam, which is also a water body, is very close to the development but has not been listed.

SUBMITTED BY:

Name: **Deborah Crow** and **Lyle Grigor**

Street address: 54 Rosewood Rd., Russett Park. Kuranda.

Email: N/A

Phone: 0420-879-788

From: Debra Isgar
Sent: Thu, 12 Dec 2019 07:58:40 +1000
To: Info (Shared)
Subject: MCU Nature Based Tourism - 112 Barnwell Road Kuranda - Reeve and Ocean Pty Ltd - MCU/19/0018
Attachments: Draft submission notes 1 - for Community use - glamping - KE[4529].docx

Please find attached a copy of my concerns regarding the proposed development.

Kind Regards,

Debra Isgar
 19 High Chapparal Rd, Myola

Submission re MCU190018 – Nature Based Tourism incl short term accommodation in the rural zone

Due date – Friday 13 December 2019.

We wish to submit our concerns with regard to the DA MCU/19/0018 submitted by Reeve and Ocean Pty. Ltd. for “Glamping and Nature Based Tourism approval”.

This DA appears to be deliberately obtuse and we believe that this application could have been reviewed before release for community submission.

This application is on rural zoned land designated as rural production land. There is much interchange between the currently approved ‘Tourism Attraction’ (TA) and this new application for ‘Nature Based tourism’ (NBT) which includes accommodation.

There are a number of issues which have not been addressed in the application. The application is impact assessable and the Community should have the opportunity to comment on ALL proposed activities and intentions which may be included in the Proponent’s proposal.

The proposal is not consistent with the Strategic vision contained in the Planning Scheme, in particular “.... *Environmental health and community well-being*....”. It is noted that Strategic vision is extrinsic to the planning scheme however it is unhelpful and insulting to have development that conflicts with elements of Council’s Strategic vision.

The Proponent has not established a NEED for this development in our Community.

- There are negative issues for environment, water quality, noise at night, waste disposal, undermining the planning scheme intent and no jobs

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There is much missing information in the DA. This is included in the following notes and comments:

- MSCPS 2016 – The planning scheme separately defines the activities of Tourism Attraction (TA) and Nature Based Tourism (NBT).
 - The MSC planning scheme definition states the intent that any Tourism Attraction should not include accommodation. If the intent of the planning scheme were to include accommodation then it should be stated. The proponent needs to explain why this intent should be altered for MCU190018.
 - The planning scheme describes Tourism Attraction as *small-scale, low impact tourist facilities established across the rural landscape (MSCPS 3.7.7.1(5)(a)*. Any accommodation options in the rural landscape are limited to bed and breakfasts and NBT. The Proponent has not explained how this DA can fit the rural zoned location.

- COMPLIANCE – The current approvals together with this development application are all generally located on the same footprint of land which is owned by Reeve and Ocean Pty. Ltd.

This includes:

- the rural zoning of the land for grazing purposes;
- a tourist attraction with a focus on a cattle show and animal zoo with horse and quad bike riding, food and liquor;
- this proposal for nature based tourism including accommodation
- There are complex layers of compliance issues when combining the current approvals and the new application. Self-regulation does not seem to be an appropriate option given that Reeve and Ocean have been the subject of many Community complaints in the past 3 ½ years.

Any approval that would include 'conditions' does not provide assurance to the Community. Recent history with this Proponent would suggest that 'conditions' are not observed and that self-regulation is not appropriate. There is no information about how these compliance issues will be administered by the Proponent or ensured by MSC on behalf of the Community.

- There is no discussion about the strong environmental significance or critically endangered flora and fauna; or that the land is located close to a rural residential valley, where impacts may affect the amenity of established neighbours.
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- CURRENT APPROVAL RESTRICTIONS - The Proponent states that this Nature Based Tourism (NBT) application will be both complementary and subordinate to their current Tourism Attraction (TA) approval already on site. . In the DA, 6.21 p.27.. *"the proposed Nature-based Tourism development is a complementary land use to the existing Tourist Attraction... the accommodation proposed is to meet the accommodation needs of the visitor base of the Tourist Attraction.* There is no discussion which indicates the inclusion of NBT activities.
- There is no explanation as to how the NBT can be complementary to the TA whilst they are defined in the MSCPS as very different activities. It is stated that the accommodation option is proposed to directly meet the needs of the TA, yet MSCPS does not allow accommodation for Tourism Attractions on rural land. Please explain how this application for accommodation is not a method of changing the intent of the planning scheme. MSC should be firm on how the definition of Nature Based Tourism is interpreted – if used as the

applicant proposes then the definition becomes a de-facto way of providing short-term accommodation in the Rural zone.

- The expected low key nature of accommodation associated with Nature based tourism is reflected in the fact that Nature based Tourism isn't categorised under "Accommodation activities" for purposes of Section 9.3.1.3 – the accommodation activities code.
- Please provide assurance that any approval for this impact assessable DA will not be followed by subsequent changes to the DA achieved through variations that will be code assessable.
- There is no information about the cumulative effect of an approval for both the TA and NBT. NBT is defined as LOW IMPACT environmentally responsible accommodation and the MSCPS 2017 allows maximums as below in Column 1, whilst the Proponent is applying for much higher maximums (Column 2). More detail is required as to how these significant increases (Column 3) meet the intention of the planning scheme.

Column 1 MSCPS defines NBT maximums as:	Column 2 This DA is asking for:	Column 3 Difference
10 guests	54 guests	>5 times allowable limit
5 separate rooms	14 x 1 bed tents – 2 rooms each = 28 rooms 5 x 2 bed tent – 3 rooms each = 15 rooms 1 x 3 bed tent – 4 rooms Each = 4 rooms TOTAL 47 rooms	>9 times allowable limit
2 separate buildings	22 separate buildings	>11 times allowable limit
1 primary residence	0 primary residence	<allowable in MSCPS

- There is no discussion of the risk of impacts to the environment, neighbourhood amenity, rural production values etc of any further development applications on the site.
- In order to protect the environmental values of the site and any cumulative impacts, it is requested that conditions similar to those imposed on DA180001 (3.9 & 3.10, pg.3) be included in any approval.

- No further development of the sites should be undertaken until EPBC matters have been addressed – EPBC Matters likely to be impacted upon by cumulative impacts of the overlying MCU and ROL approvals.
- Details are not provided as to how the NBT activities and accommodation will affect the nearby rural residential properties.
 - Light pollution
 - Night activities, noise (particularly that which travels down the valley)
 - Events
 - Food and liquor consumption
- The MSCPS lists NBT as a temporary use in the rural zone code. The DA gives no information as to whether this NBT is proposed as temporary or permanent. This proponent was the subject of much community objection with a previous application for NBT to 30/6/18. MSC received a large number of complaints via individual letters, a petition and complaints to Councillors and the Mayor.
- Please address the restrictions imposed upon the TA which does not have a DA approval for operations after 7pm because the NBT Is stated as an overnight proposal.
 - In the DA 6.21 – the Proponent accepts that the current TA approval establishes a population limit, yet there is no acceptance of the current 7pm approval limits on visitors to the site. It seems that the Proponent is ‘cherry-picking’ restrictions for discussion and not being transparent about their intentions.
 - These operations include – vehicle movements, noise, food and beverage (liquor license). All visitors must depart by 7pm.
 - We have very strong objections to any tourist operations on site outside the current restrictions between 7pm and 7am.
- NBT ACTIVITIES - The MSCPS provides definitions for Nature Based Tourism activities. These do not seem to be compatible with the activities currently approved for the Tourism Attraction (MCU18006) as explained in the Table below:

NBT activities as defined in the MSCPS	TA activities as defined in Proponent's application & MSC TA approval
Use of land: For conservation, interpretation and Appreciation of areas of environmental cultural or heritage value, local ecosystem	These are mostly 'animal husbandry' activities NOT nature based activities
	MSCPS Onsite entertainment, recreation i.e. theme park or zoo

and attributes of the natural environment	
Typical activities: Nature based focus Promote environmental awareness, education and conservation Carry out sustainable practices	MSC TA application, p.5 Quad bike activities Horse riding Tractor & trailer pull rides, horse and cart rides, cow milking and presentation on rural operations. Animal husbandry, cattle handling Australian and North Qld culture & lifestyle

- The proponent has not detailed the activities with which the NBT visitors will be engaged. These activities, which may be both day and night together with any proposed 'event' activities, need to be described in the DA. In particular any environmentally significant activities which will require referral, particularly if they involve any of the water systems or flora, fauna on the property.
- DA application – Water resources 23.6 p.9 – Proponent has answered NO to taking overland flow water or use of bore water.
 - When overland flow water is collected by the on-site dam it is prevented from any overland flow to support the ecology of Owen Creek.
 - Explain how the NBT activities will be different and separate to the activities of the TA.
 - It is noted on the DA under 23.6 - Water Resources, that there will be no interfering with water in a watercourse. The Proponent needs to detail any activities which include 'water' and provide an independent environmental assessment.
 - If they involve night activities which will impact nocturnal fauna and/or neighbouring residents.
- TENTS (TENTED ACCOMMODATION) - Accommodation facilities for tents located on the site. The facilities supplied for tourists being accommodated have not been discussed or detailed in the DA. The DA does not describe such facilities which may include:
 - Food, as there are no kitchens included in the tents
 - There is an established BBQ area but no details are provided i.e. water supply, waste and rubbish removal, cleaning, shelter in rain.

- Liquor, there is no Liquor License after 7pm
- Water supply to baths, without plumbing to the tents
- Ensure health of tourists
 - without drainage from the baths;
 - with the tents located over an overland water flow catchment into the dam. The Proponent's DA ref. 23.6 Water resources, states that no overland water flows will be interfered with by this proposal.
 - where located beside a dam with muddy edges and ideal mosquito breeding areas.
- What erosion controls will be included around the eroded dam site?
- Night lighting to enable the safe movement of visitors around the site
- Disposal of waste
- Power and communications
- Emergency – access by ambulance etc to individual accommodations
- CABINS – There are no details of the suggested building option which may involve cabins. The wording which describes the accommodation options is frequently interchanged between 'cabins' and 'tents' and the Proponent needs to provide clarity about the aspect of the proposal.
 - There are no details about the building designs, location and layouts of cabins should they become the chosen option.
 - Layout of tents seems to be entirely on Lot 22, yet they state Lot 22 and Lot 17. With no detailed layouts of the 'tent' site there is concern that the inclusion of Lot 17 to the DA may automatically include further 'tents' cabins without further impact assessments by the Community.
 - The Kuranda region currently has a poor outcome from previous permanent tourist accommodation approval. This is the Kuranda Rainforest Resort, which met with much Community objection when built and has morphed into a low standard permanent accommodation with poor outcomes for local residents. Please provide information as to how this temporary tourism accommodation proposal will be restricted from morphing into permanent cabins. How will this be enforced?
 - The proposal appears to be a de facto way of providing higher density accommodation in Rural zone. The applicants appear to be exploiting the accommodation component of the land use definition without addressing the true

nature of the "Nature Based" component. (see conflict in definitions of Nature Based Tourism and Tourist attraction).

- The massed clustering of the proposed accommodation and a lack of nexus with a Nature base" is at odds with what would be expected of this land use – visually and aesthetically the tents/cabins are better described as "Short term accommodation" and should be assessed as such. The planning scheme limit on the number of guests expected for Nature Based Tourism also reflects the expected low key nature of this use.

The tourist attraction approval is issued over lots that do not make up lots contained in the subject application – surely if the Nature Based tourism application is relying in the tenuous link with the Tourist activity the application should cover the same lots as those in MCU18/18/0006.

- ACCOMMODATION - PRIMARY RESIDENCE - MSCPS requires NBT accommodation to be located within 200m of the primary residence on the site. That a maximum of 2 dwellings is allowed for the accommodation with a maximum of 5 rooms.
 - The Proponent has not provided details of the primary residence on the site. If the intention is to use the current 'Barnwell' house, then the Proponent needs to detail how this will comply, as this building was included in the DA for the Tourist Attraction and plans were supplied as part of that DA. These plans described 'Barnwell' house as a visitor attraction facility and not as a primary residence for the property.
 - Has the Proponent provided satisfactory evidence that all proposed tents will be located on the site within the 200m boundary area from ANY proposed residence as required by the MSCPS.
- ACCOMMODATION MAXIMUM - MSCPS 2016 requires that NBT accommodation will allow a maximum of 10 guests and 14 'events' per calendar year within the rural zone. The Proponent provided calculations (6.2.1 p.27) based on overall land area owned by Reeve and Ocean P/L to provide an argument for increasing the number of NBT guests overnight from 10 to 54. The evidence in the MSCPS to support this calculation has not been provided.
 - In 6.2.1 p.27 - The Proponent has not addressed the intent of the rural zoning in the MSCPS which is to protect the rural production areas. If the calculations (6.2.1) are used and separate lots are each allowed accommodation for 10 guests with a primary residence then the rural production activity must be diminished.
 - This application has asked for 54 guests, which is 5 times in excess of the allowed maximum under the MSCPS.
 - There is a current approval for 12 rural worker accommodations on site. This is not addressed in the DA as part of a cumulative persons number on the site, but these additional people on site using infrastructure need to be taken into account, i.e. water, waste, health & safety etc. The site infrastructure and environmental constraints currently

must cater for 12 (workers) + 150 (tourists) + 54 (proposed overnight tourists) + staff + an approved increase of 150 when the road is upgraded. The impact of the cumulative persons effect needs to be detailed in the submission.

- The on-site waste water impacts are down played in the common material and rely on ASNZ1547 – the numbers of visitors authorised to use the site (potentially 300 + 54 or 150 + 54) may potentially exceed thresholds requiring an ERA 63STW under the Environmental Protection Act. No information provided in the application to show why the EP Act is not applicable in the circumstances, i.e. are they no release works?
- The Proponent needs to provide evidence that this number of guests (54) can comply with the intent of the planning scheme and not undermine the value of the rural operations of the land as required in this rural zone.
- The approval for Tourism Attraction MCU18006 refers to the MSCPS Rural Zone PO3 states that the accommodation density is complementary and subordinate to the rural values of the land and that residential density does not exceed 2 dwellings per lot (PO3, A03.2) Lot 22, which is the main subject of the application already has more than 8 buildings and this application adds 22 dwellings. This suggests that the MSCPS intent is for the rural zone values may be compromised.
- EVENTS - The Proponent currently has a self-regulation arrangement to report to MSC the number of 'events' per year on the rural zone land. Any 'events' such as activities for NBT should be included in the allowed 14 per calendar year. No information has been provided about NBT 'events'.
 - Will any approval allow a cumulative effect over the rural zone allowance of 14 calendar days per year for 'events'? Will the TA be allowed 14 days as well as the NBT be allowed 14 days, totalling 28 days per calendar year?
 - There is no information which details how compliance for the NBT will be achieved to meet the TA approval conditions on the maximum number of guests per day (150) or the number of 'events' (14) per calendar year allowed.
- TRANSPORT - The Proponent's DA for Tourism Attraction was required to provide a referral for State Transport Infrastructure.
 - Transport options for overnight tourists have not been detailed? Do transport options involve helicopters?
 - Can the proponent provide assurance that if approved, the numbers of visitors to the overall site (TA and NBT) will not be more than 150 per day (24 hours) and that any NBT approval for 150 people will include and not add to any approval for 54 people. This does not mean that we accept the NBT approval proposal.

- TENTS OR CABINS – The term used in the DA is tents/cabins; the definitions in the MSCPS are 'tented camps' OR cabins. 'Tented camps' indicates a temporary accommodation option. The Proponent has submitted the DA and has not used the 'term tented' camps. There is not enough clarity regarding the accommodation option. The information supplied to the Community for impact assessment submissions does not differentiate between tents and cabins. The MSCPS term for 'tented camps' should be applied. The terms appear interchangeably and it is unclear as to what type of accommodation option is proposed in the DA (Example - Refer DA Schedule 1, Site Plan, sheet number AA-ALL02 (Issue E) 11/11/19 – the site plan used the term 'cabins' for both Stage 1 and Stage 2.

- Schedule 1 – Site Plan, sheet number AA-GL02 (Issue E), 11/11/19,



Tourism Accommodation Stage 1 & 2. The site plan specifically describes the accommodation as 'cabins' as this snip from the document shows. The label is NOT tents/cabins. It would appear that this DA is for 'cabins', without including the cabins in any detailed description for the impact assessment to the Community.

- The Proponent is asked to provide details of exactly what type of accommodation is proposed and the full details of that accommodation so that the community can assess the impacts.
- WASTE– There is no detail about how the ablutions waste in each 'tent' will be managed.
 - There is no detail about the requirement for an EPA review should the 'equivalent persons' calculation for waste exceed 22 persons.
 - If waste is dealt with via the onsite TA bio-cycle system, there is no information about the current capacity and ability to accept further waste.
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SUBMITTED BY:

Name:

Document Set ID: 3661112
Version: 1 Version Date: 12/12/2019

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Document Set ID: 3661112
Version: 1 Version Date: 12/12/2019

From: Planning (Shared)
Sent: Fri, 13 Dec 2019 10:40:35 +1000
To: Planning (Shared)
Subject: Honey and Michael Bresnan submission for MCU Nature Based Tourism - 112 Barnwell Road Kuranda - Reeve and Ocean Pty Ltd - MCU/19/0018

From: Honey & Michael Bresnan <hm.bresnan@icloud.com>
Sent: Thursday, 12 December 2019 1:08 PM
To: Info (Shared) <info@msc.qld.gov.au>
Subject: Re: Impact Submission – MCU190018

Submission re MCU190018 – Nature Based Tourism incl short term accommodation in the rural zone
 Due date – Friday 13 December 2019.

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4. HEALTH AND WELL-BEING - There is no information about the proximity of tents/cabin accommodation to the animal shelters on site. There is no information about the impacts of noise, odour or light and the impact to the animals (included in ‘animal husbandry’ at night) or the health and wellbeing of the tourists in the closely located proposed accommodation.
3. CURRENT APPROVAL RESTRICTIONS - The Proponent states that this Nature Based Tourism (NBT) application will be both complementary and subordinate to their current Tourism Attraction (TA) approval already on site. . In the DA, 6.21 p.27.. *“the proposed Nature-based Tourism development is a complementary land use to the existing Tourist Attraction... the accommodation proposed is to meet the accommodation needs of the visitor base of the Tourist Attraction.* There is no discussion which indicates the inclusion of NBT activities.
 1. There is no explanation as to how the NBT can be complementary to the TA whilst they are defined in the MSCPS as very different activities. It is stated that the accommodation option is proposed to directly meet the needs of the TA, yet MSCPS does not allow accommodation for Tourism Attractions on rural land. Please explain how this application for accommodation is not a method of changing the intent of the planning scheme. MSC should be firm on how the definition of Nature Based Tourism is interpreted – if used as the applicant proposes then the definition becomes a de-facto way of providing short-term accommodation in the Rural zone.
 - i. The expected low key nature of accommodation associated with Nature based tourism is reflected in the fact that Nature based Tourism isn’t categorised under “Accommodation activities” for purposes of Section 9.3.1.3 – the accommodation activities code.
 - ii. Please provide assurance that any approval for this impact assessable DA will not be followed by subsequent changes to the DA achieved through variations that will be code assessable.

2. There is no information about the cumulative effect of an approval for both the TA and NBT. NBT is defined as LOW IMPACT environmentally responsible accommodation and the MSCPS 2017 allows maximums as below in Column 1, whilst the Proponent is applying for much higher maximums (Column 2). More detail is required as to how these significant increases (Column 3) meet the intention of the planning scheme.

Column 1 MSCPS defines NBT maximums as:	Column 2 This DA is asking for:	Column 3 Difference
10 guests	54 guests	>5 times allowable limit
5 separate rooms	14 x 1 bed tents – 2 rooms each = 28 rooms 5 x 2 bed tent – 3 rooms each = 15 rooms 1 x 3 bed tent – 4 rooms Each = 4 rooms TOTAL 47 rooms	>9 times allowable limit
2 separate buildings	22 separate buildings	>11 times allowable limit
1 primary residence	0 primary residence	<allowable in MSCPS

i. There is no discussion of the risk of impacts to the environment, neighbourhood amenity, rural production values etc of any further development applications on the site.

ii. In order to protect the environmental values of the site and any cumulative impacts, it is requested that conditions similar to those imposed on DA180001 (3.9 & 3.10, pg.3) be included in any approval.

iii. No further development of the sites should be undertaken until EPBC matters have been addressed – EPBC Matters likely to be impacted upon by cumulative impacts of the overlying MCU and ROL approvals.

iv. Details are not provided as to how the NBT activities and accommodation will affect the nearby rural residential properties.

1. Light pollution
2. Night activities, noise (particularly that which travels down the valley)
3. Events
4. Food and liquor consumption

v. The MSCPS lists NBT as a temporary use in the rural zone code. The DA gives no information as to whether this NBT is proposed as temporary or permanent. This proponent was the subject of much community objection with a previous application for NBT to 30/6/18. MSC received a large number of complaints via individual letters, a petition and complaints to Councillors and the Mayor.

3. Please address the restrictions imposed upon the TA which does not have a DA approval for operations after 7pm because the NBT is stated as an overnight proposal.

- i. In the DA 6.21 – the Proponent accepts that the current TA approval establishes a population limit, yet there is no acceptance of the current 7pm approval limits on visitors to the site. It seems that the Proponent is ‘cherry-picking’ restrictions for discussion and not being transparent about their intentions.
 1. These operations include – vehicle movements, noise, food and beverage (liquor license). All visitors must depart by 7pm.
 2. We have very strong objections to any tourist operations on site outside the current restrictions between 7pm and 7am.
4. NBT ACTIVITIES - The MSCPS provides definitions for Nature Based Tourism activities. These do not seem to be compatible with the activities currently approved for the Tourism Attraction (MCU18006) as explained in the Table below:

NBT activities as defined in the MSCPS	TA activities as defined in Proponent's application & MSC TA approval These are mostly ‘animal husbandry’ activities NOT nature based activities
Use of land: For conservation, interpretation and Appreciation of areas of environmental cultural or heritage value, local ecosystem and attributes of the natural environment	MSCPS Onsite entertainment, recreation i.e. theme park or zoo
Typical activities: Nature based focus Promote environmental awareness, education and conservation Carry out sustainable practices	MSC TA application, p.5 Quad bike activities Horse riding Tractor & trailer pull rides, horse and cart rides, cow milking and presentation on rural operations. Animal husbandry, cattle handling Australian and North Qld culture & lifestyle

i. The proponent has not detailed the activities with which the NBT visitors will be engaged. These activities, which may be both day and night together with any proposed ‘event’ activities, need to be described in the DA. In particular any environmentally significant activities which will require referral, particularly if they involve any of the water systems or flora, fauna on the property.

ii. DA application – Water resources 23.6 p.9 – Proponent has answered NO to taking overland flow water or use of bore water.

1. When overland flow water is collected by the on-site dam it is prevented from any overland flow to support the ecology of Owen Creek.
2. Explain how the NBT activities will be different and separate to the activities of the TA.
3. It is noted on the DA under 23.6 - Water Resources, that there will be no interfering with water in a watercourse. The Proponent needs to detail any activities which include ‘water’ and provide an independent environmental assessment.

4. If they involve night activities which will impact nocturnal fauna and/or neighbouring residents.

4. TENTS (TENTED ACCOMMODATION) - Accommodation facilities for tents located on the site. The facilities supplied for tourists being accommodated have not been discussed or detailed in the DA. The DA does not describe such facilities which may include:
 - i. Food, as there are no kitchens included in the tents
 1. There is an established BBQ area but no details are provided i.e. water supply, waste and rubbish removal, cleaning, shelter in rain.
 - ii. Liquor, there is no Liquor License after 7pm
 - iii. Water supply to baths, without plumbing to the tents
 - iv. Ensure health of tourists
 1. without drainage from the baths;
 2. with the tents located over an overland water flow catchment into the dam. The Proponent's DA ref. 23.6 Water resources, states that no overland water flows will be interfered with by this proposal.
 3. where located beside a dam with muddy edges and ideal mosquito breeding areas.
 - v. What erosion controls will be included around the eroded dam site?
 - vi. Night lighting to enable the safe movement of visitors around the site
 - vii. Disposal of waste
 - viii. Power and communications
 - ix. Emergency – access by ambulance etc to individual accommodations
5. CABINS – There are no details of the suggested building option which may involve cabins. The wording which describes the accommodation options is frequently interchanged between 'cabins' and 'tents' and the Proponent needs to provide clarity about the aspect of the proposal.
 1. There are no details about the building designs, location and layouts of cabins should they become the chosen option.
 2. Layout of tents seems to be entirely on Lot 22, yet they state Lot 22 and Lot 17. With no detailed layouts of the 'tent' site there is concern that the inclusion of Lot 17 to the DA may automatically include further 'tents' cabins without further impact assessments by the Community.
 3. The Kuranda region currently has a poor outcome from previous permanent tourist accommodation approval. This is the Kuranda Rainforest Resort, which met with much Community objection when built and has morphed into a low standard permanent accommodation with poor outcomes for local residents. Please provide information as to how this temporary tourism accommodation proposal will be restricted from morphing into permanent cabins. How will this be enforced?
 - i. The proposal appears to be a de facto way of providing higher density accommodation in Rural zone. The applicants appear to be exploiting the accommodation component of the land use definition without addressing the true nature of the "Nature Based" component. (see conflict in definitions of Nature Based Tourism and Tourist attraction).
6. The massed clustering of the proposed accommodation and a lack of nexus with a Nature base" is at odds with what would be expected of this land use – visually and aesthetically the tents/cabins are better described as "Short term accommodation" and should be assessed as such. The planning scheme limit on the number of guests expected for Nature Based Tourism also reflects the expected low key nature of this use.

The tourist attraction approval is issued over lots that do not make up lots contained in the subject application – surely if the Nature Based tourism application is relying in the tenuous link with the Tourist activity the application should cover the same lots as those in MCU18/18/0006.

7. ACCOMMODATION - PRIMARY RESIDENCE - MSCPS requires NBT accommodation to be located within 200m of the primary residence on the site. That a maximum of 2 dwellings is allowed for the accommodation with a maximum of 5 rooms.
 1. The Proponent has not provided details of the primary residence on the site. If the intention is to use the current 'Barnwell' house, then the Proponent needs to detail how this will comply, as this building was included in the DA for the Tourist Attraction and plans were supplied as part of that DA. These plans described 'Barnwell' house as a visitor attraction facility and not as a primary residence for the property.
 2. Has the Proponent provided satisfactory evidence that all proposed tents will be located on the site within the 200m boundary area from ANY proposed residence as required by the MSCPS.
8. ACCOMMODATION MAXIMUM - MSCPS 2016 requires that NBT accommodation will allow a maximum of 10 guests and 14 'events' per calendar year within the rural zone. The Proponent provided calculations (6.2.1 p.27) based on overall land area owned by Reeve and Ocean P/L to provide an argument for increasing the number of NBT guests overnight from 10 to 54. The evidence in the MSCPS to support this calculation has not been provided.
 1. In 6.2.1 p.27 - The Proponent has not addressed the intent of the rural zoning in the MSCPS which is to protect the rural production areas. If the calculations (6.2.1) are used and separate lots are each allowed accommodation for 10 guests with a primary residence then the rural production activity must be diminished.
 2. This application has asked for 54 guests, which is 5 times in excess of the allowed maximum under the MSCPS.
 3. There is a current approval for 12 rural worker accommodations on site. This is not addressed in the DA as part of a cumulative persons number on the site, but these additional people on site using infrastructure need to be taken into account, i.e. water, waste, health & safety etc. The site infrastructure and environmental constraints currently must cater for 12 (workers) + 150 (tourists) + 54 (proposed overnight tourists) + staff + an approved increase of 150 when the road is upgraded. The impact of the cumulative persons effect needs to be detailed in the submission.
 4. The on-site waste water impacts are down played in the common material and rely on AS/NZ1547 – the numbers of visitors authorised to use the site (potentially 300 + 54 or 150 + 54) may potentially exceed thresholds requiring an ERA 63STW under the Environmental Protection Act. No information provided in the application to show why the EP Act is not applicable in the circumstances, i.e. are they no release works?
 5. The Proponent needs to provide evidence that this number of guests (54) can comply with the intent of the planning scheme and not undermine the value of the rural operations of the land as required in this rural zone.
 6. The approval for Tourism Attraction MCU18006 refers to the MSCPS Rural Zone PO3 states that the accommodation density is complementary and subordinate to the rural values of the land and that residential density does not exceed 2 dwellings per lot (PO3, A03.2) Lot 22, which is the main subject of the application already has more than 8 buildings and this application adds 22 dwellings. This suggests that the MSCPS intent is for the rural zone values may be compromised.

9. EVENTS - The Proponent currently has a self-regulation arrangement to report to MSC the number of 'events' per year on the rural zone land. Any 'events' such as activities for NBT should be included in the allowed 14 per calendar year. No information has been provided about NBT 'events'.
 1. Will any approval allow a cumulative effect over the rural zone allowance of 14 calendar days per year for 'events'? Will the TA be allowed 14 days as well as the NBT be allowed 14 days, totalling 28 days per calendar year?
 2. There is no information which details how compliance for the NBT will be achieved to meet the TA approval conditions on the maximum number of guests per day (150) or the number of 'events' (14) per calendar year allowed.
10. TRANSPORT - The Proponent's DA for Tourism Attraction was required to provide a referral for State Transport Infrastructure.
 1. Transport options for overnight tourists have not been detailed? Do transport options involve helicopters?
 2. Can the proponent provide assurance that if approved, the numbers of visitors to the overall site (TA and NBT) will not be more than 150 per day (24 hours) and that any NBT approval for 150 people will include and not add to any approval for 54 people. This does not mean that we accept the NBT approval proposal.
11. TENTS OR CABINS – The term used in the DA is tents/cabins; the definitions in the MSCPS are 'tented camps' OR cabins. 'Tented camps' indicates a temporary accommodation option. The Proponent has submitted the DA and has not used the 'term tented' camps. There is not enough clarity regarding the accommodation option. The information supplied to the Community for impact assessment submissions does not differentiate between tents and cabins. The MSCPS term for 'tented camps' should be applied. The terms appear interchangeably and it is unclear as to what type of accommodation option is proposed in the DA (Example - Refer DA Schedule 1, Site Plan, sheet number AA-ALL02 (Issue E) 11/11/19 – the site plan used the term 'cabins' for both Stage 1 and Stage 2.

1. Schedule 1 – Site Plan, sheet number AA-GL02 (Issue E), 11/11/19,



- 2.

impacts.

Tourism Accommodation Stage 1 & 2. The site plan specifically describes the accommodation as 'cabins' as this snip from the document shows. The label is NOT tents/cabins. It would appear that this DA is for 'cabins', without including the cabins in any detailed description for the impact assessment to the Community.

The Proponent is asked to provide details of exactly what type of accommodation is proposed and the full details of that accommodation so that the community can assess the

12. WASTE– There is no detail about how the ablutions waste in each ‘tent’ will be managed.
 1. There is no detail about the requirement for an EPA review should the ‘equivalent persons’ calculation for waste exceed 22 persons.
 2. If waste is dealt with via the onsite TA bio-cycle system, there is no information about the current capacity and ability to accept further waste.
 - i. DA - P.11 - *It is noted that the existing waste-water treatment system may require upgrade and that relevant Plumbing and Drainage Works approval(s) will be sought at the relevant time (if required).*
 3. The biocycle discharge is located in the area of the dam spillway and any dam runoff combined with biocycle discharge would flow overland into Owen Creek and impact downstream residential neighbourhoods and the Myola frog population.
 4. Waste water - – applicant states in the analysis of the codes compliance that “Wastewater treatment is provided on-site via bio-cycle systems, which are understood to be in accordance AO2.2.” - – this is an uncertain statement – the application should know one way or the other whether the wastewater disposal complies with the relevant code, and further, whether the waste water should be addressed under the ERA63 STW process.
13. WATER SUPPLY – There are no details about the water supply to the ‘tents’ and how the supply and drainage will be managed.
 1. Water supply – applicant states in the analysis of the codes compliance that “*Water supply to the site is provided by bores, which are understood to comply with AO1.2(a).*” – this is an uncertain statement – the application should know one way or the other whether the water supply bores comply with the relevant code !
 2. There is no detail as to determine whether the bore water meets drinkable water quality standards and how such standards will be maintained.
14. KITCHEN FACILITIES are not provided.
 - i. There is no detail to describe how guests will be catered for, where they will eat, where the food will be supplied from and stored. Section 2 – Division 1 – 8.2 the proponent has stated that NO existing buildings will be used. There are buildings within the TA (kitchen; toilets; bio-cycle) but no detail is provided about their use by NBT.
 - ii. There is no detail about the management of all waste including food waste.
 - iii. The supply of liquor is not addressed, even though the current DA TA excludes supply past 7pm.
15. CYCLONES – The application states that the site is not in a cyclone area. Most of Queensland is located in Wind Region C where structures are to be built to withstand a Category 4 cyclone with wind speeds in region of 252km/hr. More information on planned infrastructure and accommodation is needed.
 1. If the Proponent is of the belief that cyclone ratings do not apply for buildings on this site, then the Council is requested to review the category ratings for all other established buildings on the site which were certified independently by Develop North Pty. Ltd.
 2. If the Proponent ‘discovers’ that there is a relevant cyclone rating, does this mean that any approval for ‘tents’ will be changed to ‘cabins’ or other permanent cyclone rated structures?
16. GROSS FLOOR AREA (GFA) – the current Tourist Attraction is limited to a gross floor area of 200m square in the rural zone code. Accommodation, if approved, would increase the GFA with additional infrastructure which is not detailed in this DA.

1. No details are provided to enable a determination of the final GFA if the NBT GFA is added to the TA GFA. Will any approval be subject to the GFA being restricted to the MSCPS allowance of 200m square.
 2. What consideration is made to the cumulative effect of the Tourism Attraction with this proposed Nature Based Tourism. The NBT is effectively growing the TA to a size that would have been impact assessable when it was applied for in July 2018. That size would have exceeded allowances such as GFA in the rural zone.
 3. Application states "tent" "platforms and poles will not require a Building approval? - The tent structures have pole supports and other tie down mechanisms, very likely to require Building Approvals – misleading to believe that these structures won't require a Building approval when simple garden sheds require approvals! On that basis it is misleading to assert that the GFA of the tents is irrelevant in assessing the impacts of this proposal.
17. CURRENT ON-SITE DAM – This is the location for some of the 'tent' accommodation. The previous approval by MSC included landscaping around the edge of the dam (landscape plan provided in DA) and grass coverage of the dam surrounds and the dam wall.
1. There is no detail about site beautification (shade trees) or grass coverage or landscaping at the edge of the dam to prevent mosquito breeding.
 2. Have the landscaping requirements of the Tourism Attraction (Table 9.4.2.3A) approval and the Operational Works Approval for the dam been satisfied?
 3. There are no risk assessment details regarding the water safety issues where accommodation is located close to the dam.
 4. Has night lighting been assessed regarding cane toad attraction in the areas near the dam water. Night lighting attracts cane toads. If night lighting is proposed around the dam area then there is a need for a risk assessment to breeding survival of the Myola frog.
 5. DA, Part 2 – Location Details of the DA state that the location is adjacent to a water body named as Owen Creek. The dam, which is also a water body, is very close to the development but has not been listed.

SUBMITTED BY:

Name: Honey and Michael Bresnan
Street address: 36 Monaro Close, Kuranda 4881
Email: hm.bresnan@icloud.com
Phone: 0401571562

From: Planning (Shared)
Sent: Fri, 13 Dec 2019 11:16:09 +1000
To: Planning (Shared)
Subject: Jax Bergersen - Kuranda Conservation Community Nursery Inc submission for MCU Nature Based Tourism - 112 Barnwell Road Kuranda - Reeve and Ocean Pty Ltd - MCU/19/0018

From: Jax <envirojax@gmail.com>
Sent: Friday, 13 December 2019 9:36 AM
To: Info (Shared) <info@msc.qld.gov.au>
Subject: Impact Submission – MCU190018

Please accept this as our submission regarding the Development Application No. MCU/19/0018 submitted by Reeve and Ocean Pty. Ltd. for “Glamping and Nature Based Tourism application”.

Our concern lies in the introduction of accommodation units, loosely described as tents or cabins. This is proposed to occur on rural zoned land designated as rural production land. In light of the issuing of the TLPI on 9 December 2019, development of such land is restricted. The intent of the TLPI is to ensure that decisions made by council are consistent with the FNQ Regional Plan and MSC's own planning scheme. The FNQ Regional Plan states that there will be no development within the Myola valley. If council was to approve development which is inconsistent with these existing documents, it is highly likely to be successfully challenged in the P&E Court.

While tents might be an allowable development, permanent cabin structures could arguably not be.

As the DA stands, it is grossly inconsistent with the relevant MSC Planning Scheme in that the number of guests and their respective accommodation far exceed that allowable. On these grounds alone, an approval decision by council would be very ill advised.

We are now accustomed to inadequate and shabby DAs from the proponent and would be very surprised if council would take the risk of approving this application without requesting a great deal more detail regarding water use, waste, tourism activity and accommodation types.

We the undersigned strongly require Mareeba Shire councillors not to risk an approval which we believe could be successfully challenged in the P&E Court for the reasons stated above.

SUBMITTED BY:
Name: Jax Bergersen
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Document Set ID: 3661567
Version: 1 Version Date: 13/12/2019



KURANDA
conservation
COMMUNITY NURSERY Inc

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- Phone: (07) 4093 8834
- email: kurandaconservation@hotmail.com
- ABN: 87 584 487 289
- www.kurandaconservation.org

Donations \$2 and over to our Gift Fund are tax deductible and fund our program to preserve the Cassowary

From: Planning (Shared)
Sent: Mon, 16 Dec 2019 09:15:19 +1000
To: Planning (Shared)
Subject: Jo Martin on behalf of Kuranda Region Planning Group submission for MCU Nature Based Tourism - 112 Barnwell Road Kuranda - Reeve and Ocean Pty Ltd - MCU/19/0018
Attachments: Nature based tourism in relation to MCU190018.pdf

From: Jo Martin <ojo@ojoonline.com>
Sent: Friday, 13 December 2019 4:47 PM
To: Info (Shared) <info@msc.qld.gov.au>
Subject: Submission for MCU190018

Hi,

Please find attached my submission for MCU190018 on Barnwell.

My details are:
Jo Martin
451 Oak Forest Road.
Kuranda QLD 4881

Thank you.

Kind regards,

jo

For Kuranda Region Planning Group

Summary
1. Nature based tourism References
2. What does Nature based tourism look like ?
3. Nature based tourism is not cows
4. Mareeba Shire Council Planning Scheme

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Nature based tourism in relation to MCU 190018

MCU NATURE BASED TOURISM

LOT 22 and LOT 17

BY REEVER AND OCEAN

13 December 2019

KRPG Code: BARN361834

Prepared by: Jo Martin

Document excerpts

Study notes

1

- A *Farm Theme Park* is not 'Nature based tourism' – by definition [SEE slides 3-14, 14-17]
- WTMA considers cattle grazing “generally *incompatible* with Wet Tropics World Heritage management” [SEE slide 13]
- While the proposed site is not strictly inside WTWHA, '*Nature based tourism*' on the site should be focused on Wet Tropics Bioregion assets such as the 135 million year old rainforest and rare endangered wildlife – not a cattle farm with mustering displays, pony tricks, noisy quad bikes scaring wildlife away, KUR-Cow steak lunch [SEE slides 18-22]
- KUR-Cow Farm Theme Park does not meet the criteria for 'Nature based tourism' in MSC Planning Scheme 2016 [SEE slide 23-24], *Queensland or Australia* [SEE slides 15-17], nor does it set a good precedent / benchmark for future regional tourism
- Mareeba Shire Council, FNQ should not be diluting the *intention* or the *legislation* around 'Nature based tourism' [SEE slides 3-14]



Nature-based tourism is a significant component of Queensland's visitor economy, ranking among top travel motivators for international visitors to the country.

Our national heritage and natural assets provides us with a unique competitive advantage in the global market - but it must be appropriately protected, managed and developed.



"...experiences that support the conservation of our special natural places..."

Queensland Ecotourism Plan

The draft [Queensland Ecotourism Plan 2015-2020](#) was released by the Department of National Parks, Recreation, Sport and Racing (NPSR) at the [2015 DestinationQ Forum](#). The plan provides operators, government, community and other stakeholders with clear direction on how Queensland can leverage its competitive advantages, while conserving the natural environment. The vision:

Queensland is an internationally celebrated ecotourism destination, delivering world-class experiences that support the conservation of our special natural places and unique Indigenous and cultural heritage.

<https://teq.queensland.com/en-au/industry-resources/industry-sectors/nature-based-tourism>

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“...recognition, understanding and appreciation of the unique values of the Wet Tropics...”

3 VISION FOR WET TROPICS NATURE BASED TOURISM

3.1 Vision

The vision for tourism in the Wet Tropics WHA is:

Regional, national and international recognition, understanding and appreciation of the unique values of the Wet Tropics WHA through:

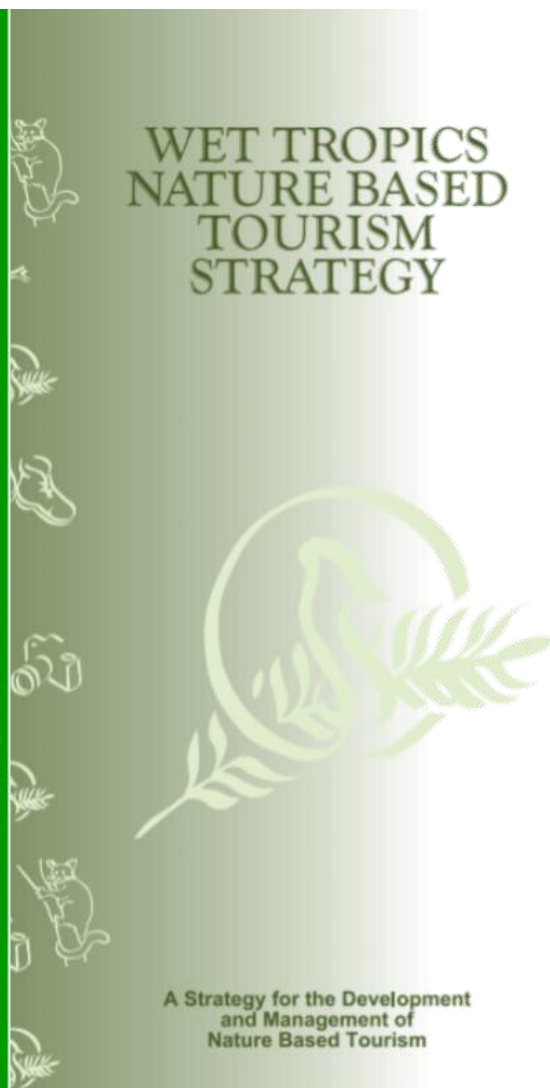
- the development and maintenance of dynamic, culturally appropriate and ecologically sustainable, professional and innovative presentation opportunities to world best standards, and
- cooperative partnerships between the tourism industry, managing agencies, indigenous people, conservation groups and the community,

to ensure ongoing protection of World Heritage values.

https://www.wettropics.gov.au/site/user-assets/docs/naturebased_tourism_rev.pdf

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1. Nature based tourism References



3.2 Objectives

Objectives for nature based tourism of the Wet Tropics WHA and surrounds are:

- World Heritage Values:* Tourism which supports implementation of Australia's duty to "protect, conserve, present, rehabilitate and transmit to future generations" the Area's World Heritage values.
- Natural Values:* Tourism which is consistent with:
- the conservation requirements of all endemic plant and animal species and regional ecosystems
 - protection of soil, landforms and waterways from non-natural degradation, and
 - rehabilitation processes on degraded lands.
- Cultural Heritage Values:* Tourism which contributes to an appreciation, understanding and protection of Aboriginal and non-Aboriginal cultural heritage values; and empowers Aboriginal people as tourism industry participants.
- Tourism Values:* The provision of opportunities for both commercial visitors and free and independent travellers to access, enjoy and develop an increased awareness of the natural and cultural values of the Area in an ecologically sustainable, culturally appropriate and economically viable manner.
- Community Values:* Tourism which complements community desires and aspirations and positively contributes to the regional community quality of life and economy.
- Recreational Values:* Tourism which is consistent with the provision of a diversity of quality recreational opportunities and based on the interests, and legitimate expectations of residents and visitors.

"protect, conserve, present, rehabilitate and transmit to future generations"

https://www.wettropics.gov.au/site/user-assets/docs/naturebased_tourism_rev.pdf

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Queensland Government

Department of National Parks, Sport and Racing

What is ecotourism?

Ecotourism encompasses nature-based activities that increase visitor appreciation and understanding of natural and cultural values. They are experiences that are managed to ensure they are ecologically, economically and socially sustainable, contributing to the wellbeing of the natural areas and local communities where they operate.

The World Tourism Organisation defines ecotourism as:

- All nature-based forms of tourism in which the main motivation of the tourists is the observation and appreciation of nature as well as the traditional cultures prevailing in natural areas.
- It contains educational and interpretation features.
- It is generally, but not exclusively organised by specialised tour operators for small groups. Service provider partners at the destinations tend to be small, locally owned businesses.
- It minimises negative impacts on the natural and socio-cultural environment.
- It supports the maintenance of natural areas which are used as ecotourism attractions by:
 - generating economic benefits for host communities, organisations and authorities managing natural areas with conservation purposes;
 - providing alternative employment and income opportunities for local communities; and
 - increasing awareness towards the conservation of natural and cultural assets, both among locals and tourists.

<https://www.npsr.qld.gov.au/tourism/ecotourism/>

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“...main motivation of tourists is the observation and appreciation of nature...”

“... minimises negative impacts on the natural and socio-cultural environment.”

“increasing awareness towards the conservation of natural and cultural assets, both among locals and tourists.”

1. Nature based tourism References

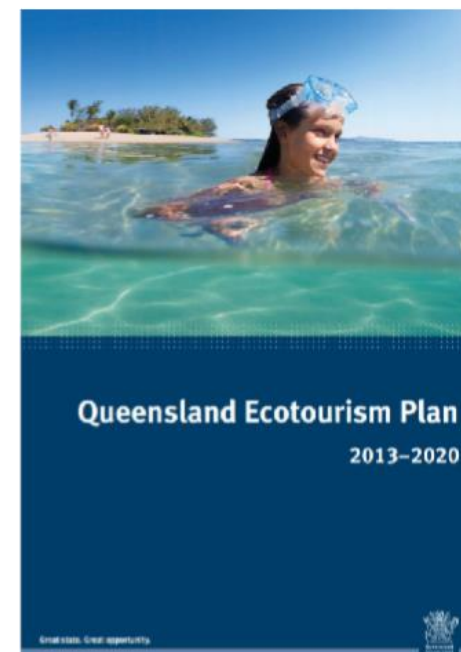
The vision for ecotourism in Queensland

The vision to be achieved by 2020:

Queensland is Australia's number one ecotourism destination and recognised as a world leader in ecotourism, delivering best practice nature-based experiences that contribute to the conservation of our natural resources and cultural heritage.

Accreditation plays an important role in contributing to the quality of ecotourism experiences and assuring visitors that ecotourism operators are committed to best practice and high quality nature-based experiences.

"In the global competitive tourism market, being able to differentiate ourselves is critical in maintaining and increasing our market share. We need to make sure our visitors have a consistently great experience that they tell their friends and family about. Industry certification is essential in achieving this. QTIC members have consistently argued for minimum best practice standards. We support the government in taking action to provide a cost efficient approach for operators, foster a sustainable approach for certification programs and maintain best practice standards. QTIC will be working closely with government to achieve this". Daniel Gschwind, Chief Executive, Queensland Tourism Industry Council.



"...best practice nature-based experiences that contribute to the conservation of our natural resources and cultural heritage."

"Accreditation plays an important role ... assuring visitors that ecotourism operators are committed to best practice and high quality nature-based experiences."

<https://www.cabinet.qld.gov.au/documents/2013/Aug/Ecotourism%20Plan/Attachments/Plan.PDF>

Document Set ID: 3661813
Version: 1 Version Date: 16/12/2019

1. Nature based tourism References

To inspire environmentally sustainable and culturally responsible tourism

The definition of ecotourism adopted by Ecotourism Australia is:

"Ecotourism is ecologically sustainable tourism with a primary focus on experiencing natural areas that fosters environmental and cultural understanding, appreciation and conservation."



"...primary focus on experiencing natural areas that fosters environmental and cultural understanding, appreciation and conservation."

"...leaves minimal impact on the environment."

"Tourism in a natural area..."



NATURE TOURISM

Tourism in natural areas that leaves minimal impact on the environment.



ECOTOURISM

Tourism in a natural area that focuses on optimal resources use, leaves minimal impact on the environment and offers interesting ways to learn about the environment with operators that use resources wisely, contribute to conserving the environment and help local communities.

<https://www.ecotourism.org.au/>

Document Set ID: 3661813
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What is ecotourism?



Ecotourism is ecologically sustainable tourism with a primary focus on experiencing natural areas that fosters environmental and cultural understanding, appreciation and conservation.

4. Environmental management

Nature tourism and ecotourism activities should not degrade the natural environment. Tourism operations should be developed and managed to conserve and enhance the natural and cultural environments in which they operate in, through the recognition and application of ecologically sustainable practices.

“Nature tourism... should not degrade the natural environment.”

4.6 Construction methods and materials: Construction has maximised the use of renewable and recycled materials and has involved practices to minimise environmental impacts.

4.7 Site disturbance and landscaping: The operation involves minimal disturbance; any areas disturbed are rehabilitated to restore ecological processes.

“Site disturbance and landscaping... minimal disturbance.”

4.10 Water supply and conservation: Operations involve minimal use of an ecologically sustainable supply of water.

4.11 Wastewater: Sewage and effluent is minimised and has no significant environmental impact.

4.12 Noise: The product and operations enable customers to experience the natural soundscape.

“...ecologically sustainable supply of water.”

“...experience natural soundscape.”

<https://www.ecotourism.org.au/assets/PDFs/Program-Summary-ECO-ROC-with-Criteria-09-2017.pdf>

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1. Nature based tourism References

Product information, operational records and customer feedback demonstrate that:

- The majority of each customer's activity time is spent within a natural area or with a natural area focus;*
- The prime focus of the product is presentation of the natural values of the local area;*
- The product helps customers to directly and personally experience nature and do so without causing damage; and*
- If located in an urban or "rural" area, the applicant must justify how the product has a natural area focus in the supporting information space below.*

SOURCE: Ecotourism Australia via email



"...majority... customer's... time is spent within a natural area or with a natural area focus."

"...prime focus... presentation of natural values of the local area."

"...personally experience nature... without causing damage."

"...'rural' area... product has a natural area focus..."

APPENDIX B – TOURISM LAND USE DEFINITIONS

USE	DEFINITION	EXAMPLES INCLUDE
SHORT TERM ACCOMMODATION		
<i>Short-Term Accommodation</i>	The use of premises for temporary short-term accommodation for tourists and visitors (typically not exceeding three consecutive months).	Accommodation Hotel, Backpacker Hostel, Bed and Breakfast, Cabins, Camping Ground, Caravan Park, Nature-Based Tourism, Farm-Stay, Holiday Letting, Motel, Resort Complex and Serviced Apartment.
<i>Ecotourism Product</i>	Ecotourism encompasses a broad spectrum of environmentally responsible activities that increase visitor appreciation, develop a better understanding of the natural and cultural heritage and are carefully managed to be ecologically, economically and socially sustainable. Ecotourism Australia defines ecotourism as 'ecologically sustainable tourism with a primary focus on experiencing natural areas that fosters environmental and cultural understanding, appreciation and conservation'.	
<i>Farm-Stay</i>	The use of a working farm to provide short-term accommodation for tourists and visitors to experience farm living. It is a secondary business to primary production.	Homesteads, Cabins, Huts and tented camps.



"...ecologically sustainable tourism with a primary focus on experiencing natural areas that fosters environmental and cultural understanding, appreciation and conservation."

"...working farm... experience farm living."

https://www.qtic.com.au/sites/default/files/qtic-planning_for_the_future_of_tourism_in_queensland_oct13.pdf

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1. Nature based tourism References

LEISURE AND TOURISM FACILITIES		
<i>Environmental Facility</i>	Facilities utilised for the conservation, interpretation and appreciation of areas of environmental, cultural or heritage value.	Environmental facilities include but are not limited to Nature-based attractions, Walking tracks, Seating and shelters, Boardwalks and Observation decks.
<i>Recreation Facility (Outdoor)</i>	The use of a premise/s for the provision of outdoor recreation, entertainment or sporting facilities which may be operated on a commercial basis. Facilities may also include ancillary uses such as club houses, equipment, store rooms and change rooms.	Recreation facilities (outdoor) include but are not limited to Public Swimming pools, golf courses, zoos, equestrian centres, outdoor theatres, paintball games facility, outdoor sports and grounds/fields.



“...conservation, interpretation and appreciation...”

“...outdoor recreation, entertainment...”

https://www.qtic.com.au/sites/default/files/qtic-planning_for_the_future_of_tourism_in_queensland_oct13.pdf

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Policy

Wet Tropics Management Authority

Grazing in the Wet Tropics WHA

Policies provide a framework for consistent application and interpretation of legislation and for the management of non-legislative matters by the Wet Tropics Management Authority. Policies are not intended to be applied inflexibly in all circumstances. Individual circumstances may require a modified application of policy.



The Wet Tropics Management Authority's Scientific Advisory Committee has advised that the grazing of stock is generally incompatible with the goals of Wet Tropics World Heritage Area management. The Scientific Advisory Committee also advise that although the most significant problems created by grazing animals within the Wet Tropics World Heritage Area are those of feral cattle, the grazing of domestic herds is also causing serious problems in some areas. The potential impacts of grazing on World Heritage values include:

- modification of the structure of vegetation and the floristic composition of the understorey and ground cover,
- loss of habitat diversity,
- initiation and exacerbation of soil erosion and consequent effects on water quality,
- introduction and spread of invasive weeds, particularly exotic pasture grasses and legumes,
- alteration of the amount and distribution of fuel throughout the landscape, potentially reducing the incidence, intensity and extent of fires,
- impacts of fencing, mustering activities, access roads and other infrastructure.

Cows are nice creatures – but they are *not* “eco” or “nature” and do not belong in Wet Tropics Bioregion.

https://www.wettropics.gov.au/site/user-assets/docs/policy10_grazing.pdf

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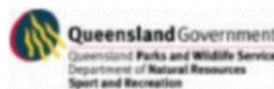
13

1. Nature based tourism References



Queensland Government

Department of National Parks, Sport and Racing

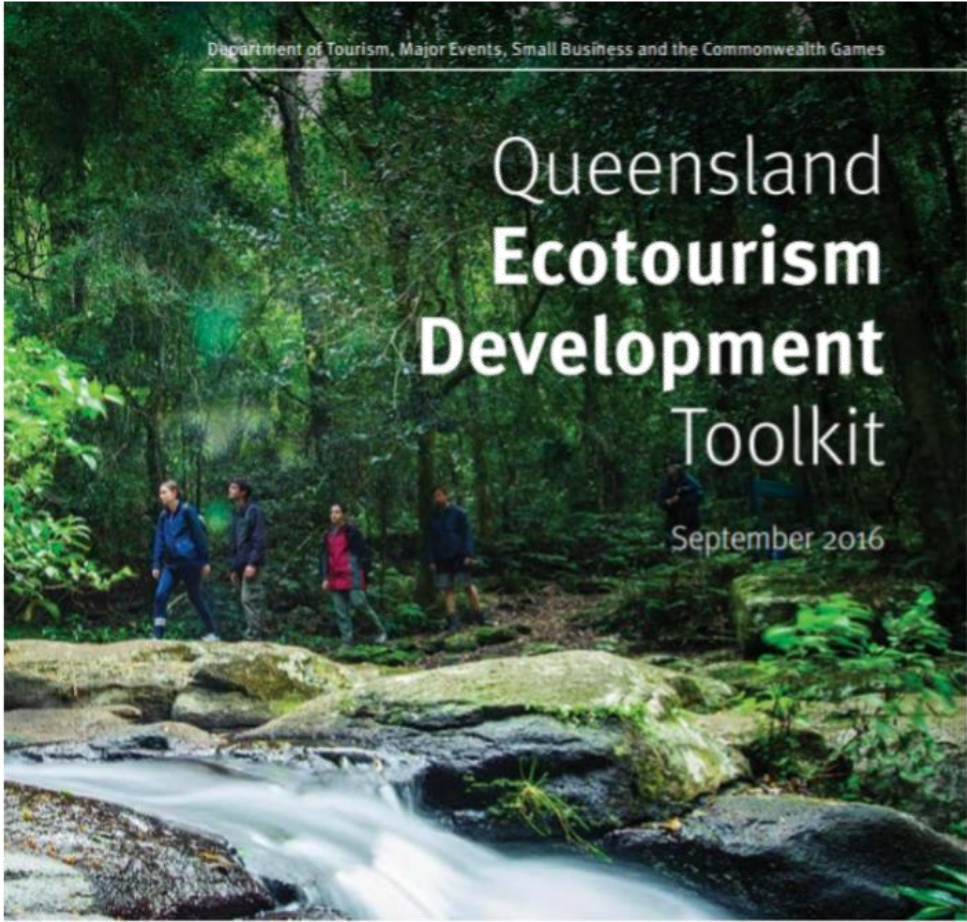


Higher order documents
are very clear about what
'Nature based tourism'
actually looks like.



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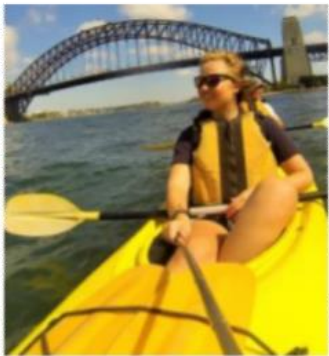
2. What does Nature based tourism look like ?



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2. What does Nature based tourism look like ?



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Version: 1 Version Date: 16/12/2019

2. What does Nature based tourism look like ?



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KUR-World
Great Barrier Reef
庫林世界



Cows are nice creatures
– but they are *not* “eco” or
“nature” and do not belong in
Wet Tropics Bioregion.

KUR-Cow is a Farm Theme Park –
not ‘Nature based tourism’



3. Nature based tourism is not cows

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3. Nature based tourism is not cows

Not 'Nature based tourism'



KUR-Cow promo China version

<https://www.youtube.com/watch?v=HMHZynXQE1o>

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3. Nature based tourism is not cows

KUR Cow Ranch basic final

https://www.youtube.com/watch?v=TsQKD6_7F9I

Not 'Nature based tourism'



Not 'Nature based tourism'



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3. Nature based tourism is not cows

KUR Cow Ranch basic final

https://www.youtube.com/watch?v=TsQKD6_7F9I

Not 'Nature based tourism'



Not 'Nature based tourism'



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3. Nature based tourism is not cows



Not 'Nature based tourism'



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Schedule 1 Definitions

Column 1 Use	Column 2 Definition	Column 3 Examples include	Column 4 Does not include the following examples
Nature-based tourism	The use of land or premises for a tourism activity, including tourist and visitor short-term accommodation, that is intended for the conservation, interpretation and appreciation of areas of environmental, cultural or heritage value, local ecosystem and attributes of the natural environment. Nature-based tourism activities typically: <ul style="list-style-type: none"> maintain a nature based focus or product promote environmental awareness, education and conservation carry out sustainable practices. 	Environmentally responsible accommodation facilities including lodges, cabins, huts and tented camps	Environment facility
Tourist attraction	Premises used for providing onsite entertainment, recreation or similar facilities for the general public. The use may include provision of food and drink for consumption on site.	Theme park, zoo	Hotel, major sport, recreation and entertainment facility, nightclub entertainment facility

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“local ecosystem”

“natural environment”

“nature based focus”

“environmental awareness”

“education and conservation”

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“onsite entertainment, recreation”

“theme park”

4. Mareeba Shire Council Planning Scheme

Table 5.5.9—Rural zone

Use	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
-----	--	--

Nature-based tourism	Accepted development	
	If for a temporary use.	
	Code assessment	
	If:	Rural zone code
	(a) not accepted development;	Parking and access code
	(b) on a lot greater than 15 hectares;	Works, services and infrastructure code
	(c) setback 100 metres from any property boundary;	
	(d) a maximum of 10 guests being accommodated at any one time;	
	(e) guest accommodation is located within 200 metres of the primary dwelling house; and	
	(f) a maximum of:	
	(i) 2 dwellings or accommodation units in addition to the primary dwelling or accommodation unit; or	
	(ii) 5 rooms are provided for guest accommodation in addition to the primary dwelling.	

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Tourist attraction	Code assessment	
	If less than 200m ² cumulative Tourist attraction gross floor area.	Rural zone code Landscaping code Works, services and infrastructure code

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https://websync.msc.qld.gov.au/public_documents/files/327/Mareeba%20Shire%20Planning%20Scheme%20-Amendment%202017.pdf

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From: Planning (Shared)
Sent: Mon, 16 Dec 2019 09:07:24 +1000
To: Planning (Shared)
Subject: Kathryn Edwards submits 4 x submission for MCU Nature Based Tourism - 112 Barnwell Road Kuranda - Reeve and Ocean Pty Ltd - MCU/19/0018
Attachments: Submission - glamping - JE.docx, Submission - glamping - KE.docx, Submission - glamping - NG.docx, Submission - glamping - RE.docx
Importance: High

From: Kathryn <jandkedwards@bigpond.com>
Sent: Friday, 13 December 2019 4:01 PM
To: Planning (Shared) <planning@msc.qld.gov.au>
Cc: Info (Shared) <info@msc.qld.gov.au>
Subject: FW: Submission - MCU190018 Reeve and Ocean P/L - Nature Based Tourism & Glamping
Importance: High

Hello to MSC customer service. I have just phoned and spoken with Christine (customer service). Could you phone me (40937297) and confirm that you have received this submission. It closes at 5pm and I am concerned that you have not yet received it.
Kathryn

Natascha,
Thankyou.
As you can see, I forwarded this at 11.26am today.
I am not sure why you have not yet received the submission.
Regards,
Kathryn Edwards

From: Kathryn [<mailto:jandkedwards@bigpond.com>]
Sent: Friday, 13 December 2019 11:26 AM
To: 'Planning (Shared)'
Cc: info@msc.qld.gov.au
Subject: RE: Submission - MCU190018 Reeve and Ocean P/L - Nature Based Tourism & Glamping

Thank you for letting us know.
They have now been amended.
With regards,
J, K, R Edwards and N Gibbon.

From: Planning (Shared) [<mailto:planning@msc.qld.gov.au>]
Sent: Friday, 13 December 2019 10:47 AM
To: jandkedwards@bigpond.com
Subject: FW: Submission - MCU190018 Reeve and Ocean P/L - Nature Based Tourism & Glamping

Hi John & Kathryn

If you would like to lodge the 4 attachments as separate submissions please amend the names at the bottom of the submission with the correct name and address so I can include them as individual submissions.

Natacha

Administration Officer - Planning



Phone: 1300 308 461 | **Fax:** 07 4092 3323

Email: planning@msc.qld.gov.au | **Website:** www.msc.qld.gov.au

65 Rankin St, Mareeba | PO Box 154, Mareeba, Queensland, Australia, 4880

The Mareeba Shire Council wishes to advise that all offices and libraries will be closed for Christmas/New Year from 1:00 PM Friday, 20th December 2019, re-opening on Monday 6th January 2020.

From: Kathryn <jandkedwards@bigpond.com>

Sent: Thursday, 12 December 2019 7:23 PM

To: Info (Shared) <info@msc.qld.gov.au>

Subject: Submission - MCU190018 Reeve and Ocean P/L - Nature Based Tourism & Glamping

Please find attached our submissions to the impact assessment for MCU19008.

John, Kathryn, Robert Edwards
and Nicola Gibbon,
Raintree Pocket
28 Monaro Close, Myola. 4881.
Phone: 4093 7297
Email: jandkedwards@bigpond.com



Submission re MCU190018 – Nature Based Tourism incl tourist and visitor accommodation in the rural zone

Due date – Friday 13 December 2019.

We wish to submit our concerns with regard to the DA MCU/19/0018 submitted by Reeve and Ocean Pty. Ltd. for “Glamping and Nature Based Tourism approval”.

This DA appears to be deliberately obtuse and we believe that this application could have been reviewed before release for community submission.

This application is on rural zoned land designated as rural production land. There is much interchange between the currently approved ‘Tourism Attraction’ (TA) and this new application for ‘Nature Based tourism’ (NBT) which includes accommodation.

There are a number of issues which have not been addressed in the application. The application is impact assessable and the Community should have the opportunity to comment on ALL proposed activities and intentions which may be included in the Proponent’s proposal.

The proposal is not consistent with the Strategic vision contained in the Planning Scheme, in particular “ *Environmental health and community well-being....*”. It is noted that Strategic vision is extrinsic to the planning scheme however it is unhelpful and insulting to have development that conflicts with elements of Council’s Strategic vision.

The tourist attraction (TA) approval is issued over lots that do not make up lots contained in the subject application – surely if the Nature Based tourism application is relying on the tenuous link with the Tourist activity the application should cover the same lots as those in MCU18/18/0006.

The Proponent has not established a NEED for this development in our Community.

- There are negative issues for environment, water quality, noise at night, waste disposal, undermining the planning scheme intent and no jobs.

There is much missing information in the DA. This is included in the following notes and comments:

1. MSCPS 2016 – The planning scheme separately defines the activities of Tourism Attraction (TA) and Nature Based Tourism (NBT).
 1. The MSC planning scheme definition states the intent that any Tourism Attraction should not include accommodation. If the intent of the planning scheme were to include accommodation then it should be stated. The proponent needs to explain why this intent should be altered for MCU190018.
 2. The planning scheme describes Tourism Attraction as *small-scale, low impact tourist facilities established across the rural landscape (MSCPS 3.7.7.1(5)(a)*. Any accommodation options in the rural landscape are limited to bed and breakfasts and NBT. The Proponent has not explained how this DA can fit the rural zoned location.
2. COMPLIANCE – The current approvals together with this development application are all generally located on the same footprint of land which is owned by Reeve and Ocean Pty. Ltd.

This includes:

- i. the rural zoning of the land for grazing purposes;

- ii. a tourist attraction with a focus on a cattle show and animal zoo with horse and quad bike riding, food and liquor;
- iii. this proposal for nature based tourism including accommodation

2. There are complex layers of compliance issues when combining the current approvals and the new application. Self-regulation does not seem to be an appropriate option given that Reeve and Ocean have been the subject of many Community complaints in the past 3 ½ years.

Any approval that would include 'conditions' does not provide assurance to the Community. Recent history with this Proponent would suggest that 'conditions' are not observed and that self-regulation is not appropriate. There is no information about how these compliance issues will be administered by the Proponent or ensured by MSC on behalf of the Community.

3. There is no discussion about the strong environmental significance or critically endangered flora and fauna; or that the land is located close to a rural residential valley, where impacts may affect the amenity of established neighbours.
 4. HEALTH AND WELL-BEING - There is no information about the proximity of tents/cabin accommodation to the animal shelters on site. There is no information about the impacts of noise, odour or light and the impact to the animals (included in 'animal husbandry' at night) or the health and wellbeing of the tourists in the closely located proposed accommodation.
3. CURRENT APPROVAL RESTRICTIONS - The Proponent states that this Nature Based Tourism (NBT) application will be both complementary and subordinate to their current Tourism Attraction (TA) approval already on site. . In the DA, 6.21 p.27.. *"the proposed Nature-based Tourism development is a complementary land use to the existing Tourist Attraction... the accommodation proposed is to meet the accommodation needs of the visitor base of the Tourist Attraction.* There is no discussion which indicates the inclusion of NBT activities.
 1. There is no explanation as to how the NBT can be complementary to the TA whilst they are defined in the MSCPS as very different activities. It is stated that the accommodation option is proposed to directly meet the needs of the TA, yet MSCPS does not allow accommodation for Tourism Attractions on rural land. Please explain how this application for accommodation is not a method of changing the intent of the planning scheme. MSC should be firm on how the definition of Nature Based Tourism is interpreted – if used as the applicant proposes then the definition becomes a de-facto way of providing short-term accommodation in the Rural zone.
 - i. The expected low key nature of accommodation associated with Nature based tourism is reflected in the fact that Nature based Tourism isn't categorised under "Accommodation activities" for purposes of Section 9.3.1.3 – the accommodation activities code.
 - ii. Please provide assurance that any approval for this impact assessable DA will not be followed by subsequent changes to the DA achieved through variations that will be code assessable.

2. There is no information about the cumulative effect of an approval for both the TA and NBT. NBT is defined as LOW IMPACT environmentally responsible accommodation and the MSCPS 2017 allows maximums as below in Column 1, whilst the Proponent is applying for much higher maximums (Column 2). More detail is required as to how these significant increases (Column 3) meet the intention of the planning scheme.

Column 1 MSCPS defines NBT maximums as:	Column 2 This DA is asking for:	Column 3 Difference
10 guests	54 guests	>5 times allowable limit
5 separate rooms	14 x 1 bed tents – 2 rooms each = 28 rooms 5 x 2 bed tent – 3 rooms each = 15 rooms 1 x 3 bed tent – 4 rooms Each = 4 rooms TOTAL 47 rooms	>9 times allowable limit
2 separate buildings	22 separate buildings	>11 times allowable limit
1 primary residence	0 primary residence	<allowable in MSCPS

- i. There is no discussion of the risk of impacts to the environment, neighbourhood amenity, rural production values etc of any further development applications on the site.
 - ii. In order to protect the environmental values of the site and any cumulative impacts, it is requested that conditions similar to those imposed on DA180001 (3.9 & 3.10, pg.3) be included in any approval.
 - iii. No further development of the sites should be undertaken until EPBC matters have been addressed – EPBC Matters likely to be impacted upon by cumulative impacts of the overlying MCU and ROL approvals.
 - iv. Details are not provided as to how the NBT activities and accommodation will affect the nearby rural residential properties.
 1. Light pollution
 2. Night activities, noise (particularly that which travels down the valley)
 3. Events
 4. Food and liquor consumption
 - v. The MSCPS lists NBT as a temporary use in the rural zone code. The DA gives no information as to whether this NBT is proposed as temporary or permanent. This proponent was the subject of much community objection with a previous application for NBT to 30/6/18. MSC received a large number of complaints via individual letters, a petition and complaints to Councillors and the Mayor.
3. Please address the restrictions imposed upon the TA which does not have a DA approval for operations after 7pm because the NBT is stated as an overnight proposal.
- i. In the DA 6.21 – the Proponent accepts that the current TA approval establishes a population limit, yet there is no acceptance of the current 7pm approval limits on visitors to the site. It

seems that the Proponent is 'cherry-picking' restrictions for discussion and not being transparent about their intentions.

1. These operations include – vehicle movements, noise, food and beverage (liquor license). All visitors must depart by 7pm.
 2. We have very strong objections to any tourist operations on site outside the current restrictions between 7pm and 7am.
4. NBT ACTIVITIES - The MSCPS provides definitions for Nature Based Tourism activities. These do not seem to be compatible with the activities currently approved for the Tourism Attraction (MCU18006) as explained in the Table below:

NBT activities as defined in the MSCPS	TA activities as defined in Proponent's application & MSC TA approval These are mostly 'animal husbandry' activities NOT nature based activities
Use of land: For conservation, interpretation and Appreciation of areas of environmental cultural or heritage value, local ecosystem and attributes of the natural environment	MSCPS Onsite entertainment, recreation i.e. theme park or zoo
Typical activities: Nature based focus Promote environmental awareness, education and conservation Carry out sustainable practices	MSC TA application, p.5 Quad bike activities Horse riding Tractor & trailer pull rides, horse and cart rides, cow milking and presentation on rural operations. Animal husbandry, cattle handling Australian and North Qld culture & lifestyle

- i. The proponent has not detailed the activities with which the NBT visitors will be engaged. These activities, which may be both day and night together with any proposed 'event' activities, need to be described in the DA. In particular any environmentally significant activities which will require referral, particularly if they involve any of the water systems or flora, fauna on the property.
- ii. DA application – Water resources 23.6 p.9 – Proponent has answered NO to taking overland flow water or use of bore water.
 1. When overland flow water is collected by the on-site dam it is prevented from any overland flow to support the ecology of Owen Creek.
 2. Explain how the NBT activities will be different and separate to the activities of the TA.
 3. It is noted on the DA under 23.6 - Water Resources, that there will be no interfering with water in a watercourse. The Proponent needs to detail any activities which include 'water' and provide an independent environmental assessment.
 4. If they involve night activities which will impact nocturnal fauna and/or neighbouring residents.

4. TENTS (TENTED ACCOMMODATION) - Accommodation facilities for tents located on the site. The facilities supplied for tourists being accommodated have not been discussed or detailed in the DA. The DA does not describe such facilities which may include:
 - i. Food, as there are no kitchens included in the tents
 1. There is an established BBQ area but no details are provided i.e. water supply, waste and rubbish removal, cleaning, shelter in rain.
 - ii. Liquor, there is no Liquor License after 7pm
 - iii. Water supply to baths, without plumbing to the tents
 - iv. Ensure health of tourists
 1. without drainage from the baths;
 2. with the tents located over an overland water flow catchment into the dam. The Proponent's DA ref. 23.6 Water resources, states that no overland water flows will be interfered with by this proposal.
 3. where located beside a dam with muddy edges and ideal mosquito breeding areas.
 - v. What erosion controls will be included around the eroded dam site?
 - vi. Night lighting to enable the safe movement of visitors around the site
 - vii. Disposal of waste
 - viii. Power and communications
 - ix. Emergency – access by ambulance etc to individual accommodations
5. CABINS – There are no details of the suggested building option which may involve cabins. The wording which describes the accommodation options is frequently interchanged between 'cabins' and 'tents' and the Proponent needs to provide clarity about the aspect of the proposal.
 1. There are no details about the building designs, location and layouts of cabins should they become the chosen option.
 2. Layout of tents seems to be entirely on Lot 22, yet they state Lot 22 and Lot 17. With no detailed layouts of the 'tent' site there is concern that the inclusion of Lot 17 to the DA may automatically include further 'tents' cabins without further impact assessments by the Community.
 3. The Kuranda region currently has a poor outcome from previous permanent tourist accommodation approval. This is the Kuranda Rainforest Resort, which met with much Community objection when built and has morphed into a low standard permanent accommodation with poor outcomes for local residents. Please provide information as to how this temporary tourism accommodation proposal will be restricted from morphing into permanent cabins. How will this be enforced?
 - i. The proposal appears to be a de facto way of providing higher density accommodation in Rural zone. The applicants appear to be exploiting the accommodation component of the land use definition without addressing the true nature of the "Nature Based" component. (see conflict in definitions of Nature Based Tourism and Tourist attraction).

6. The massed clustering of the proposed accommodation and a lack of nexus with a Nature base" is at odds with what would be expected of this land use – visually and aesthetically the tents/cabins are better described as "Short term accommodation" and should be assessed as such. The planning scheme limit on the number of guests expected for Nature Based Tourism also reflects the expected low key nature of this use.
7. ACCOMMODATION - PRIMARY RESIDENCE - MSCPS requires NBT accommodation to be located within 200m of the primary residence on the site. That a maximum of 2 dwellings is allowed for the accommodation with a maximum of 5 rooms.
 1. The Proponent has not provided details of the primary residence on the site. If the intention is to use the current 'Barnwell' house, then the Proponent needs to detail how this will comply, as this building was included in the DA for the Tourist Attraction and plans were supplied as part of that DA. These plans described 'Barnwell' house as a visitor attraction facility and not as a primary residence for the property.
 2. Has the Proponent provided satisfactory evidence that all proposed tents will be located on the site within the 200m boundary area from ANY proposed residence as required by the MSCPS.
8. ACCOMMODATION MAXIMUM - MSCPS 2016 requires that NBT accommodation will allow a maximum of 10 guests and 14 'events' per calendar year within the rural zone. The Proponent provided calculations (6.2.1 p.27) based on overall land area owned by Reeve and Ocean P/L to provide an argument for increasing the number of NBT guests overnight from 10 to 54. The evidence in the MSCPS to support this calculation has not been provided.
 1. In 6.2.1 p.27 - The Proponent has not addressed the intent of the rural zoning in the MSCPS which is to protect the rural production areas. If the calculations (6.2.1) are used and separate lots are each allowed accommodation for 10 guests with a primary residence then the rural production activity must be diminished.
 2. This application has asked for 54 guests, which is 5 times in excess of the allowed maximum under the MSCPS.
 3. There is a current approval for 12 rural worker accommodations on site. This is not addressed in the DA as part of a cumulative persons number on the site, but these additional people on site using infrastructure need to be taken into account, i.e. water, waste, health & safety etc. The site infrastructure and environmental constraints currently must cater for 12 (workers) + 150 (tourists) + 54 (proposed overnight tourists) + staff + an approved increase of 150 when the road is upgraded. The impact of the cumulative persons effect needs to be detailed in the submission.
 4. The on-site waste water impacts are down played in the common material and rely on ASNZ1547 – the numbers of visitors authorised to use the site (potentially 300 + 54 or 150 + 54) may potentially exceed thresholds requiring an ERA 63STW under the Environmental Protection Act. No information provided in the application to show why the EP Act is not applicable in the circumstances.
 5. The Proponent needs to provide evidence that this number of guests (54) can comply with the intent of the planning scheme and not undermine the value of the rural operations of the land as required in this rural zone.
 6. The approval for Tourism Attraction MCU18006 refers to the MSCPS Rural Zone PO3 states that the accommodation density is complementary and subordinate to the rural values of the land and that residential density does not exceed 2 dwellings per lot (PO3, A03.2) Lot 22, which is the main subject of the application already has more than 8 buildings and this application adds 22 dwellings. This suggests that the MSCPS intent is for the rural zone values may be compromised.

9. EVENTS - The Proponent currently has a self-regulation arrangement to report to MSC the number of 'events' per year on the rural zone land. Any 'events' such as activities for NBT should be included in the allowed 14 per calendar year. No information has been provided about NBT 'events'.
 1. Will any approval allow a cumulative effect over the rural zone allowance of 14 calendar days per year for 'events'? Will the TA be allowed 14 days as well as the NBT be allowed 14 days, totalling 28 days per calendar year?
 2. There is no information which details how compliance for the NBT will be achieved to meet the TA approval conditions on the maximum number of guests per day (150) or the number of 'events' (14) per calendar year allowed.
10. TRANSPORT - The Proponent's DA for Tourism Attraction was required to provide a referral for State Transport Infrastructure.
 1. Transport options for overnight tourists have not been detailed? Do transport options involve helicopters?
 2. Can the proponent provide assurance that if approved, the numbers of visitors to the overall site (TA and NBT) will not be more than 150 per day (24 hours) and that any NBT approval for 150 people will include and not add to any approval for 54 people. This does not mean that we accept the NBT approval proposal.
11. TENTS OR CABINS – The term used in the DA is tents/cabins; the definitions in the MSCPS are 'tented camps' OR cabins. 'Tented camps' indicates a temporary accommodation option. The Proponent has submitted the DA and has not used the 'term tented' camps. There is not enough clarity regarding the accommodation option. The information supplied to the Community for impact assessment submissions does not differentiate between tents and cabins. The MSCPS term for 'tented camps' should be applied. The terms appear interchangeably and it is unclear as to what type of accommodation option is proposed in the DA (Example - Refer DA Schedule 1, Site Plan, sheet number AA-ALL02 (Issue E) 11/11/19 – the site plan used the term 'cabins' for both Stage 1 and Stage 2.
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SUBMITTED BY:

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Submission re MCU190018 – Nature Based Tourism incl tourist and visitor accommodation in the rural zone

Due date – Friday 13 December 2019.

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This application is on rural zoned land designated as rural production land. There is much interchange between the currently approved ‘Tourism Attraction’ (TA) and this new application for ‘Nature Based tourism’ (NBT) which includes accommodation.

There are a number of issues which have not been addressed in the application. The application is impact assessable and the Community should have the opportunity to comment on ALL proposed activities and intentions which may be included in the Proponent’s proposal.

The proposal is not consistent with the Strategic vision contained in the Planning Scheme, in particular “ *Environmental health and community well-being....*”. It is noted that Strategic vision is extrinsic to the planning scheme however it is unhelpful and insulting to have development that conflicts with elements of Council’s Strategic vision.

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There is much missing information in the DA. This is included in the following notes and comments:

1. MSCPS 2016 – The planning scheme separately defines the activities of Tourism Attraction (TA) and Nature Based Tourism (NBT).
 1. The MSC planning scheme definition states the intent that any Tourism Attraction should not include accommodation. If the intent of the planning scheme were to include accommodation then it should be stated. The proponent needs to explain why this intent should be altered for MCU190018.
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2. COMPLIANCE – The current approvals together with this development application are all generally located on the same footprint of land which is owned by Reeve and Ocean Pty. Ltd.

This includes:

- i. the rural zoning of the land for grazing purposes;

- ii. a tourist attraction with a focus on a cattle show and animal zoo with horse and quad bike riding, food and liquor;
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- 2. There are complex layers of compliance issues when combining the current approvals and the new application. Self-regulation does not seem to be an appropriate option given that Reeve and Ocean have been the subject of many Community complaints in the past 3 ½ years.

Any approval that would include 'conditions' does not provide assurance to the Community. Recent history with this Proponent would suggest that 'conditions' are not observed and that self-regulation is not appropriate. There is no information about how these compliance issues will be administered by the Proponent or ensured by MSC on behalf of the Community.
- 3. There is no discussion about the strong environmental significance or critically endangered flora and fauna; or that the land is located close to a rural residential valley, where impacts may affect the amenity of established neighbours.
- 4. HEALTH AND WELL-BEING - There is no information about the proximity of tents/cabin accommodation to the animal shelters on site. There is no information about the impacts of noise, odour or light and the impact to the animals (included in 'animal husbandry' at night) or the health and wellbeing of the tourists in the closely located proposed accommodation.
- 3. CURRENT APPROVAL RESTRICTIONS - The Proponent states that this Nature Based Tourism (NBT) application will be both complementary and subordinate to their current Tourism Attraction (TA) approval already on site. . In the DA, 6.21 p.27.. *"the proposed Nature-based Tourism development is a complementary land use to the existing Tourist Attraction... the accommodation proposed is to meet the accommodation needs of the visitor base of the Tourist Attraction.* There is no discussion which indicates the inclusion of NBT activities.
 - 1. There is no explanation as to how the NBT can be complementary to the TA whilst they are defined in the MSCPS as very different activities. It is stated that the accommodation option is proposed to directly meet the needs of the TA, yet MSCPS does not allow accommodation for Tourism Attractions on rural land. Please explain how this application for accommodation is not a method of changing the intent of the planning scheme. MSC should be firm on how the definition of Nature Based Tourism is interpreted – if used as the applicant proposes then the definition becomes a de-facto way of providing short-term accommodation in the Rural zone.
 - i. The expected low key nature of accommodation associated with Nature based tourism is reflected in the fact that Nature based Tourism isn't categorised under "Accommodation activities" for purposes of Section 9.3.1.3 – the accommodation activities code.
 - ii. Please provide assurance that any approval for this impact assessable DA will not be followed by subsequent changes to the DA achieved through variations that will be code assessable.

2. There is no information about the cumulative effect of an approval for both the TA and NBT. NBT is defined as LOW IMPACT environmentally responsible accommodation and the MSCPS 2017 allows maximums as below in Column 1, whilst the Proponent is applying for much higher maximums (Column 2). More detail is required as to how these significant increases (Column 3) meet the intention of the planning scheme.

Column 1 MSCPS defines NBT maximums as:	Column 2 This DA is asking for:	Column 3 Difference
10 guests	54 guests	>5 times allowable limit
5 separate rooms	14 x 1 bed tents – 2 rooms each = 28 rooms 5 x 2 bed tent – 3 rooms each = 15 rooms 1 x 3 bed tent – 4 rooms Each = 4 rooms TOTAL 47 rooms	>9 times allowable limit
2 separate buildings	22 separate buildings	>11 times allowable limit
1 primary residence	0 primary residence	<allowable in MSCPS

- i. There is no discussion of the risk of impacts to the environment, neighbourhood amenity, rural production values etc of any further development applications on the site.
 - ii. In order to protect the environmental values of the site and any cumulative impacts, it is requested that conditions similar to those imposed on DA180001 (3.9 & 3.10, pg.3) be included in any approval.
 - iii. No further development of the sites should be undertaken until EPBC matters have been addressed – EPBC Matters likely to be impacted upon by cumulative impacts of the overlying MCU and ROL approvals.
 - iv. Details are not provided as to how the NBT activities and accommodation will affect the nearby rural residential properties.
 1. Light pollution
 2. Night activities, noise (particularly that which travels down the valley)
 3. Events
 4. Food and liquor consumption
 - v. The MSCPS lists NBT as a temporary use in the rural zone code. The DA gives no information as to whether this NBT is proposed as temporary or permanent. This proponent was the subject of much community objection with a previous application for NBT to 30/6/18. MSC received a large number of complaints via individual letters, a petition and complaints to Councillors and the Mayor.
3. Please address the restrictions imposed upon the TA which does not have a DA approval for operations after 7pm because the NBT is stated as an overnight proposal.
- i. In the DA 6.21 – the Proponent accepts that the current TA approval establishes a population limit, yet there is no acceptance of the current 7pm approval limits on visitors to the site. It

seems that the Proponent is 'cherry-picking' restrictions for discussion and not being transparent about their intentions.

1. These operations include – vehicle movements, noise, food and beverage (liquor license). All visitors must depart by 7pm.
 2. We have very strong objections to any tourist operations on site outside the current restrictions between 7pm and 7am.
4. NBT ACTIVITIES - The MSCPS provides definitions for Nature Based Tourism activities. These do not seem to be compatible with the activities currently approved for the Tourism Attraction (MCU18006) as explained in the Table below:

NBT activities as defined in the MSCPS	TA activities as defined in Proponent's application & MSC TA approval These are mostly 'animal husbandry' activities NOT nature based activities
Use of land: For conservation, interpretation and Appreciation of areas of environmental cultural or heritage value, local ecosystem and attributes of the natural environment	MSCPS Onsite entertainment, recreation i.e. theme park or zoo
Typical activities: Nature based focus Promote environmental awareness, education and conservation Carry out sustainable practices	MSC TA application, p.5 Quad bike activities Horse riding Tractor & trailer pull rides, horse and cart rides, cow milking and presentation on rural operations. Animal husbandry, cattle handling Australian and North Qld culture & lifestyle

- i. The proponent has not detailed the activities with which the NBT visitors will be engaged. These activities, which may be both day and night together with any proposed 'event' activities, need to be described in the DA. In particular any environmentally significant activities which will require referral, particularly if they involve any of the water systems or flora, fauna on the property.
- ii. DA application – Water resources 23.6 p.9 – Proponent has answered NO to taking overland flow water or use of bore water.
 1. When overland flow water is collected by the on-site dam it is prevented from any overland flow to support the ecology of Owen Creek.
 2. Explain how the NBT activities will be different and separate to the activities of the TA.
 3. It is noted on the DA under 23.6 - Water Resources, that there will be no interfering with water in a watercourse. The Proponent needs to detail any activities which include 'water' and provide an independent environmental assessment.
 4. If they involve night activities which will impact nocturnal fauna and/or neighbouring residents.

4. TENTS (TENTED ACCOMMODATION) - Accommodation facilities for tents located on the site. The facilities supplied for tourists being accommodated have not been discussed or detailed in the DA. The DA does not describe such facilities which may include:
 - i. Food, as there are no kitchens included in the tents
 1. There is an established BBQ area but no details are provided i.e. water supply, waste and rubbish removal, cleaning, shelter in rain.
 - ii. Liquor, there is no Liquor License after 7pm
 - iii. Water supply to baths, without plumbing to the tents
 - iv. Ensure health of tourists
 1. without drainage from the baths;
 2. with the tents located over an overland water flow catchment into the dam. The Proponent's DA ref. 23.6 Water resources, states that no overland water flows will be interfered with by this proposal.
 3. where located beside a dam with muddy edges and ideal mosquito breeding areas.
 - v. What erosion controls will be included around the eroded dam site?
 - vi. Night lighting to enable the safe movement of visitors around the site
 - vii. Disposal of waste
 - viii. Power and communications
 - ix. Emergency – access by ambulance etc to individual accommodations
5. CABINS – There are no details of the suggested building option which may involve cabins. The wording which describes the accommodation options is frequently interchanged between 'cabins' and 'tents' and the Proponent needs to provide clarity about the aspect of the proposal.
 1. There are no details about the building designs, location and layouts of cabins should they become the chosen option.
 2. Layout of tents seems to be entirely on Lot 22, yet they state Lot 22 and Lot 17. With no detailed layouts of the 'tent' site there is concern that the inclusion of Lot 17 to the DA may automatically include further 'tents' cabins without further impact assessments by the Community.
 3. The Kuranda region currently has a poor outcome from previous permanent tourist accommodation approval. This is the Kuranda Rainforest Resort, which met with much Community objection when built and has morphed into a low standard permanent accommodation with poor outcomes for local residents. Please provide information as to how this temporary tourism accommodation proposal will be restricted from morphing into permanent cabins. How will this be enforced?
 - i. The proposal appears to be a de facto way of providing higher density accommodation in Rural zone. The applicants appear to be exploiting the accommodation component of the land use definition without addressing the true nature of the "Nature Based" component. (see conflict in definitions of Nature Based Tourism and Tourist attraction).

6. The massed clustering of the proposed accommodation and a lack of nexus with a Nature base” is at odds with what would be expected of this land use – visually and aesthetically the tents/cabins are better described as “Short term accommodation” and should be assessed as such. The planning scheme limit on the number of guests expected for Nature Based Tourism also reflects the expected low key nature of this use.
7. ACCOMMODATION - PRIMARY RESIDENCE - MSCPS requires NBT accommodation to be located within 200m of the primary residence on the site. That a maximum of 2 dwellings is allowed for the accommodation with a maximum of 5 rooms.
 1. The Proponent has not provided details of the primary residence on the site. If the intention is to use the current ‘Barnwell’ house, then the Proponent needs to detail how this will comply, as this building was included in the DA for the Tourist Attraction and plans were supplied as part of that DA. These plans described ‘Barnwell’ house as a visitor attraction facility and not as a primary residence for the property.
 2. Has the Proponent provided satisfactory evidence that all proposed tents will be located on the site within the 200m boundary area from ANY proposed residence as required by the MSCPS.
8. ACCOMMODATION MAXIMUM - MSCPS 2016 requires that NBT accommodation will allow a maximum of 10 guests and 14 ‘events’ per calendar year within the rural zone. The Proponent provided calculations (6.2.1 p.27) based on overall land area owned by Reeve and Ocean P/L to provide an argument for increasing the number of NBT guests overnight from 10 to 54. The evidence in the MSCPS to support this calculation has not been provided.
 1. In 6.2.1 p.27 - The Proponent has not addressed the intent of the rural zoning in the MSCPS which is to protect the rural production areas. If the calculations (6.2.1) are used and separate lots are each allowed accommodation for 10 guests with a primary residence then the rural production activity must be diminished.
 2. This application has asked for 54 guests, which is 5 times in excess of the allowed maximum under the MSCPS.
 3. There is a current approval for 12 rural worker accommodations on site. This is not addressed in the DA as part of a cumulative persons number on the site, but these additional people on site using infrastructure need to be taken into account, i.e. water, waste, health & safety etc. The site infrastructure and environmental constraints currently must cater for 12 (workers) + 150 (tourists) + 54 (proposed overnight tourists) + staff + an approved increase of 150 when the road is upgraded. The impact of the cumulative persons effect needs to be detailed in the submission.
 4. The on-site waste water impacts are down played in the common material and rely on ASNZ1547 – the numbers of visitors authorised to use the site (potentially 300 + 54 or 150 + 54) may potentially exceed thresholds requiring an ERA 63STW under the Environmental Protection Act. No information provided in the application to show why the EP Act is not applicable in the circumstances.
 5. The Proponent needs to provide evidence that this number of guests (54) can comply with the intent of the planning scheme and not undermine the value of the rural operations of the land as required in this rural zone.
 6. The approval for Tourism Attraction MCU18006 refers to the MSCPS Rural Zone PO3 states that the accommodation density is complementary and subordinate to the rural values of the land and that residential density does not exceed 2 dwellings per lot (PO3, A03.2) Lot 22, which is the main subject of the application already has more than 8 buildings and this application adds 22 dwellings. This suggests that the MSCPS intent is for the rural zone values may be compromised.

9. EVENTS - The Proponent currently has a self-regulation arrangement to report to MSC the number of 'events' per year on the rural zone land. Any 'events' such as activities for NBT should be included in the allowed 14 per calendar year. No information has been provided about NBT 'events'.
 1. Will any approval allow a cumulative effect over the rural zone allowance of 14 calendar days per year for 'events'? Will the TA be allowed 14 days as well as the NBT be allowed 14 days, totalling 28 days per calendar year?
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 1. Transport options for overnight tourists have not been detailed? Do transport options involve helicopters?
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1. There is no explanation as to how the NBT can be complementary to the TA whilst they are defined in the MSCPS as very different activities. It is stated that the accommodation option is proposed to directly meet the needs of the TA, yet MSCPS does not allow accommodation for Tourism Attractions on rural land. Please explain how this application for accommodation is not a method of changing the intent of the planning scheme. MSC should be firm on how the definition of Nature Based Tourism is interpreted – if used as the applicant proposes then the definition becomes a de-facto way of providing short-term accommodation in the Rural zone.
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6. The massed clustering of the proposed accommodation and a lack of nexus with a Nature base" is at odds with what would be expected of this land use – visually and aesthetically the tents/cabins are better described as "Short term accommodation" and should be assessed as such. The planning scheme limit on the number of guests expected for Nature Based Tourism also reflects the expected low key nature of this use.
7. ACCOMMODATION - PRIMARY RESIDENCE - MSCPS requires NBT accommodation to be located within 200m of the primary residence on the site. That a maximum of 2 dwellings is allowed for the accommodation with a maximum of 5 rooms.
 1. The Proponent has not provided details of the primary residence on the site. If the intention is to use the current 'Barnwell' house, then the Proponent needs to detail how this will comply, as this building was included in the DA for the Tourist Attraction and plans were supplied as part of that DA. These plans described 'Barnwell' house as a visitor attraction facility and not as a primary residence for the property.
 2. Has the Proponent provided satisfactory evidence that all proposed tents will be located on the site within the 200m boundary area from ANY proposed residence as required by the MSCPS.
8. ACCOMMODATION MAXIMUM - MSCPS 2016 requires that NBT accommodation will allow a maximum of 10 guests and 14 'events' per calendar year within the rural zone. The Proponent provided calculations (6.2.1 p.27) based on overall land area owned by Reeve and Ocean P/L to provide an argument for increasing the number of NBT guests overnight from 10 to 54. The evidence in the MSCPS to support this calculation has not been provided.
 1. In 6.2.1 p.27 - The Proponent has not addressed the intent of the rural zoning in the MSCPS which is to protect the rural production areas. If the calculations (6.2.1) are used and separate lots are each allowed accommodation for 10 guests with a primary residence then the rural production activity must be diminished.
 2. This application has asked for 54 guests, which is 5 times in excess of the allowed maximum under the MSCPS.
 3. There is a current approval for 12 rural worker accommodations on site. This is not addressed in the DA as part of a cumulative persons number on the site, but these additional people on site using infrastructure need to be taken into account, i.e. water, waste, health & safety etc. The site infrastructure and environmental constraints currently must cater for 12 (workers) + 150 (tourists) + 54 (proposed overnight tourists) + staff + an approved increase of 150 when the road is upgraded. The impact of the cumulative persons effect needs to be detailed in the submission.
 4. The on-site waste water impacts are down played in the common material and rely on ASNZ1547 – the numbers of visitors authorised to use the site (potentially 300 + 54 or 150 + 54) may potentially exceed thresholds requiring an ERA 63STW under the Environmental Protection Act. No information provided in the application to show why the EP Act is not applicable in the circumstances.
 5. The Proponent needs to provide evidence that this number of guests (54) can comply with the intent of the planning scheme and not undermine the value of the rural operations of the land as required in this rural zone.
 6. The approval for Tourism Attraction MCU18006 refers to the MSCPS Rural Zone PO3 states that the accommodation density is complementary and subordinate to the rural values of the land and that residential density does not exceed 2 dwellings per lot (PO3, A03.2) Lot 22, which is the main subject of the application already has more than 8 buildings and this application adds 22 dwellings. This suggests that the MSCPS intent is for the rural zone values may be compromised.

9. EVENTS - The Proponent currently has a self-regulation arrangement to report to MSC the number of 'events' per year on the rural zone land. Any 'events' such as activities for NBT should be included in the allowed 14 per calendar year. No information has been provided about NBT 'events'.
 1. Will any approval allow a cumulative effect over the rural zone allowance of 14 calendar days per year for 'events'? Will the TA be allowed 14 days as well as the NBT be allowed 14 days, totalling 28 days per calendar year?
 2. There is no information which details how compliance for the NBT will be achieved to meet the TA approval conditions on the maximum number of guests per day (150) or the number of 'events' (14) per calendar year allowed.
10. TRANSPORT - The Proponent's DA for Tourism Attraction was required to provide a referral for State Transport Infrastructure.
 1. Transport options for overnight tourists have not been detailed? Do transport options involve helicopters?
 2. Can the proponent provide assurance that if approved, the numbers of visitors to the overall site (TA and NBT) will not be more than 150 per day (24 hours) and that any NBT approval for 150 people will include and not add to any approval for 54 people. This does not mean that we accept the NBT approval proposal.
11. TENTS OR CABINS – The term used in the DA is tents/cabins; the definitions in the MSCPS are 'tented camps' OR cabins. 'Tented camps' indicates a temporary accommodation option. The Proponent has submitted the DA and has not used the 'term tented' camps. There is not enough clarity regarding the accommodation option. The information supplied to the Community for impact assessment submissions does not differentiate between tents and cabins. The MSCPS term for 'tented camps' should be applied. The terms appear interchangeably and it is unclear as to what type of accommodation option is proposed in the DA (Example - Refer DA Schedule 1, Site Plan, sheet number AA-ALL02 (Issue E) 11/11/19 – the site plan used the term 'cabins' for both Stage 1 and Stage 2.
 1. Schedule 1 – Site Plan, sheet number AA-GL02 (Issue E), 11/11/19,

Tourism Accommodation Stage 1 & 2. The site plan specifically describes the accommodation as 'cabins' as this snip from the document shows. The label is NOT tents/cabins. It would appear that this DA is for 'cabins', without including the cabins in any detailed description for the impact assessment to the Community.
 2. The Proponent is asked to provide details of exactly what type of accommodation is proposed and the full details of that accommodation so that the community can assess the impacts.
12. WASTE– There is no detail about how the ablutions waste in each 'tent' will be managed.
 1. There is no detail about the requirement for an EPA review should the 'equivalent persons' calculation for waste exceed 22 persons.

2. If waste is dealt with via the onsite TA bio-cycle system, there is no information about the current capacity and ability to accept further waste.
 - i. DA - P.11 - *It is noted that the existing waste-water treatment system may require upgrade and that relevant Plumbing and Drainage Works approval(s) will be sought at the relevant time (if required).*
 3. The biocycle discharge is located in the area of the dam spillway and any dam runoff combined with biocycle discharge would flow overland into Owen Creek and impact downstream residential neighbourhoods and the Myola frog population.
 4. Waste water -- applicant states in the analysis of the codes compliance that "Wastewater treatment is provided on-site via bio-cycle systems, which are understood to be in accordance AO2.2." -- this is an uncertain statement -- the application should know one way or the other whether the wastewater disposal complies with the relevant code, and further, whether the waste water should be addressed under the ERA63 STW process.
13. WATER SUPPLY – There are no details about the water supply to the 'tents' and how the supply and drainage will be managed.
1. Water supply – applicant states in the analysis of the codes compliance that "*Water supply to the site is provided by bores, which are understood to comply with AO1.2(a).*" – this is an uncertain statement – the application should know one way or the other whether the water supply bores comply with the relevant code !
 2. There is no detail as to determine whether the bore water meets drinkable water quality standards and how such standards will be maintained.
14. KITCHEN FACILITIES are not provided.
- i. There is no detail to describe how guests will be catered for, where they will eat, where the food will be supplied from and stored. Section 2 – Division 1 – 8.2 the proponent has stated that NO existing buildings will be used. There are buildings within the TA (kitchen; toilets; bio-cycle) but no detail is provided about their use by NBT.
 - ii. There is no detail about the management of all waste including food waste.
 - iii. The supply of liquor is not addressed, even though the current DA TA excludes supply past 7pm.
15. CYCLONES – The application states that the site is not in a cyclone area. Most of Queensland is located in Wind Region C where structures are to be built to withstand a Category 4 cyclone with wind speeds in region of 252km/hr. More information on planned infrastructure and accommodation is needed.
1. If the Proponent is of the belief that cyclone ratings do not apply for buildings on this site, then the Council is requested to review the category ratings for all other established buildings on the site which were certified independently by Develop North Pty. Ltd.
 2. If the Proponent 'discovers' that there is a relevant cyclone rating, does this mean that any approval for 'tents' will be changed to 'cabins' or other permanent cyclone rated structures?
16. GROSS FLOOR AREA (GFA) – the current Tourist Attraction is limited to a gross floor area of 200m square in the rural zone code. Accommodation, if approved, would increase the GFA with additional infrastructure which is not detailed in this DA.

1. No details are provided to enable a determination of the final GFA if the NBT GFA is added to the TA GFA. Will any approval be subject to the GFA being restricted to the MSCPS allowance of 200m square.
 2. What consideration is made to the cumulative effect of the Tourism Attraction with this proposed Nature Based Tourism. The NBT is effectively growing the TA to a size that would have been impact assessable when it was applied for in July 2018. That size would have exceeded allowances such as GFA in the rural zone.
 3. Application states "tent "platforms and poles will not require a Building approval? - The tent structures have pole supports and other tie down mechanisms, very likely to require Building Approvals – misleading to believe that these structures won't require a Building approval when simple garden sheds require approvals! On that basis it is misleading to assert that the GFA of the tents is irrelevant in assessing the impacts of this proposal.
17. CURRENT ON-SITE DAM – This is the location for some of the 'tent' accommodation. The previous approval by MSC included landscaping around the edge of the dam (landscape plan provided in DA) and grass coverage of the dam surrounds and the dam wall.
1. There is no detail about site beautification (shade trees) or grass coverage or landscaping at the edge of the dam to prevent mosquito breeding.
 2. Have the landscaping requirements of the Tourism Attraction (Table 9.4.2.3A) approval and the Operational Works Approval for the dam been satisfied?
 3. There are no risk assessment details regarding the water safety issues where accommodation is located close to the dam.
 4. Has night lighting been assessed regarding cane toad attraction in the areas near the dam water. Night lighting attracts cane toads. If night lighting is proposed around the dam area then there is a need for a risk assessment to breeding survival of the Myola frog.
 5. DA, Part 2 – Location Details of the DA state that the location is adjacent to a water body named as Owen Creek. The dam, which is also a water body, is very close to the development but has not been listed.

SUBMITTED BY:

Nicola Gibbon

28 Monaro Close, Myola via Kuranda. 4881.

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Phone: 0740937297

Submission re MCU190018 – Nature Based Tourism incl tourist and visitor accommodation in the rural zone

Due date – Friday 13 December 2019.

We wish to submit our concerns with regard to the DA MCU/19/0018 submitted by Reeve and Ocean Pty. Ltd. for “Glamping and Nature Based Tourism approval”.

This DA appears to be deliberately obtuse and we believe that this application could have been reviewed before release for community submission.

This application is on rural zoned land designated as rural production land. There is much interchange between the currently approved ‘Tourism Attraction’ (TA) and this new application for ‘Nature Based tourism’ (NBT) which includes accommodation.

There are a number of issues which have not been addressed in the application. The application is impact assessable and the Community should have the opportunity to comment on ALL proposed activities and intentions which may be included in the Proponent’s proposal.

The proposal is not consistent with the Strategic vision contained in the Planning Scheme, in particular “ *Environmental health and community well-being....*”. It is noted that Strategic vision is extrinsic to the planning scheme however it is unhelpful and insulting to have development that conflicts with elements of Council’s Strategic vision.

The tourist attraction (TA) approval is issued over lots that do not make up lots contained in the subject application – surely if the Nature Based tourism application is relying on the tenuous link with the Tourist activity the application should cover the same lots as those in MCU18/18/0006.

The Proponent has not established a NEED for this development in our Community.

- There are negative issues for environment, water quality, noise at night, waste disposal, undermining the planning scheme intent and no jobs.

There is much missing information in the DA. This is included in the following notes and comments:

1. MSCPS 2016 – The planning scheme separately defines the activities of Tourism Attraction (TA) and Nature Based Tourism (NBT).
 1. The MSC planning scheme definition states the intent that any Tourism Attraction should not include accommodation. If the intent of the planning scheme were to include accommodation then it should be stated. The proponent needs to explain why this intent should be altered for MCU190018.
 2. The planning scheme describes Tourism Attraction as *small-scale, low impact tourist facilities established across the rural landscape (MSCPS 3.7.7.1(5)(a)*. Any accommodation options in the rural landscape are limited to bed and breakfasts and NBT. The Proponent has not explained how this DA can fit the rural zoned location.
2. COMPLIANCE – The current approvals together with this development application are all generally located on the same footprint of land which is owned by Reeve and Ocean Pty. Ltd.

This includes:

- i. the rural zoning of the land for grazing purposes;

- ii. a tourist attraction with a focus on a cattle show and animal zoo with horse and quad bike riding, food and liquor;
- iii. this proposal for nature based tourism including accommodation

2. There are complex layers of compliance issues when combining the current approvals and the new application. Self-regulation does not seem to be an appropriate option given that Reeve and Ocean have been the subject of many Community complaints in the past 3 ½ years.

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 2. Has the Proponent provided satisfactory evidence that all proposed tents will be located on the site within the 200m boundary area from ANY proposed residence as required by the MSCPS.
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Tourism Accommodation Stage 1 & 2. The site plan specifically describes the accommodation as 'cabins' as this snip from the document shows. The label is NOT tents/cabins. It would appear that this DA is for 'cabins', without including the cabins in any detailed description for the impact assessment to the Community.
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1. If the Proponent is of the belief that cyclone ratings do not apply for buildings on this site, then the Council is requested to review the category ratings for all other established buildings on the site which were certified independently by Develop North Pty. Ltd.
 2. If the Proponent 'discovers' that there is a relevant cyclone rating, does this mean that any approval for 'tents' will be changed to 'cabins' or other permanent cyclone rated structures?
16. GROSS FLOOR AREA (GFA) – the current Tourist Attraction is limited to a gross floor area of 200m square in the rural zone code. Accommodation, if approved, would increase the GFA with additional infrastructure which is not detailed in this DA.

1. No details are provided to enable a determination of the final GFA if the NBT GFA is added to the TA GFA. Will any approval be subject to the GFA being restricted to the MSCPS allowance of 200m square.
 2. What consideration is made to the cumulative effect of the Tourism Attraction with this proposed Nature Based Tourism. The NBT is effectively growing the TA to a size that would have been impact assessable when it was applied for in July 2018. That size would have exceeded allowances such as GFA in the rural zone.
 3. Application states "tent "platforms and poles will not require a Building approval? - The tent structures have pole supports and other tie down mechanisms, very likely to require Building Approvals – misleading to believe that these structures won't require a Building approval when simple garden sheds require approvals! On that basis it is misleading to assert that the GFA of the tents is irrelevant in assessing the impacts of this proposal.
17. CURRENT ON-SITE DAM – This is the location for some of the 'tent' accommodation. The previous approval by MSC included landscaping around the edge of the dam (landscape plan provided in DA) and grass coverage of the dam surrounds and the dam wall.
1. There is no detail about site beautification (shade trees) or grass coverage or landscaping at the edge of the dam to prevent mosquito breeding.
 2. Have the landscaping requirements of the Tourism Attraction (Table 9.4.2.3A) approval and the Operational Works Approval for the dam been satisfied?
 3. There are no risk assessment details regarding the water safety issues where accommodation is located close to the dam.
 4. Has night lighting been assessed regarding cane toad attraction in the areas near the dam water. Night lighting attracts cane toads. If night lighting is proposed around the dam area then there is a need for a risk assessment to breeding survival of the Myola frog.
 5. DA, Part 2 – Location Details of the DA state that the location is adjacent to a water body named as Owen Creek. The dam, which is also a water body, is very close to the development but has not been listed.

SUBMITTED BY:

Kathryn Edwards

28 Monaro Close, Myola via Kuranda. 4881.

Email: jandkedwards@bigpond.com

Phone: 0740937297

From: Johnno Ceciliot
Sent: Thu, 12 Dec 2019 09:19:43 +1000
To: Info (Shared)
Subject: MCU Nature Based Tourism - 112 Barnwell Road Kuranda - Reeve and Ocean
 Pty Ltd - Luciano Ceciliot - MCU/19/0018
Attachments: Draft Submission - Chano.odt

Please find attached.

Regards,
 Luciano Ceciliot

Document Set ID: 3661111
 Version: 1 Version Date: 12/12/2019



Submission re MCU190018 – Nature Based Tourism incl short term accommodation in the rural zone

Due date – Friday 13 December 2019.

I wish to submit my concerns with regard to the DA MCU/19/0018 submitted by Reeve and Ocean Pty. Ltd. for “Glamping and Nature Based Tourism approval”.

This DA appears to be deliberately obtuse, murky, dodgy and high on semantics. I believe that this application could have been reviewed before release for community submission.

This application is on rural zoned land designated as rural production land. There is much interchange between the currently approved ‘Tourism Attraction’ (TA) and this new application for ‘Nature Based tourism’ (NBT) which includes accommodation.

There are a number of issues which have not been addressed in the application. The application is impact assessable and the **Community** should have the opportunity to comment on ALL proposed activities and intentions which may be included in the Proponent’s proposal.

The proposal is not consistent with the Strategic vision contained in the Planning Scheme, in particular “... **Environmental health and community well-being**...”. It is noted that Strategic vision is extrinsic to the planning scheme however it is unhelpful, suspect and insulting to have development that conflicts with elements of Council’s Strategic vision.

The Proponent has not established a NEED for this development in our Community.

- **There are negative issues for environment, water quality, noise at night, waste disposal, undermining the planning scheme intent and no jobs**

There is much missing information in the DA. This is included in the following notes and comments:

1. MSCPS 2016 – The planning scheme separately defines the activities of Tourism Attraction (TA) and Nature Based Tourism (NBT).
 1. The **MSC planning scheme definition states** the intent **that any Tourism Attraction should not include accommodation**. If the intent of the planning scheme were to include accommodation then it should be stated. The proponent needs to explain why this intent should be altered for MCU190018.
 2. The planning scheme describes Tourism Attraction as *small-scale, low impact tourist facilities established across the rural landscape (MSCPS 3.7.7.1(5)(a)*. Any accommodation options in the rural landscape are limited to bed and breakfasts and NBT. The Proponent has not explained how this DA can fit the rural zoned location.
2. COMPLIANCE – **The current approvals together with this development application are all generally located on the same footprint** of land which is owned by Reeve and Ocean Pty. Ltd.

This includes:

- 1.i. the rural zoning of the land for grazing purposes;
- 1.ii. a tourist attraction with a focus on a cattle show and animal zoo with horse and quad bike riding, food and liquor;
- 1.iii. this proposal for nature based tourism including accommodation
2. There are complex layers of compliance issues when combining the current approvals and the new

application. **Self-regulation does not seem to be an appropriate option given that Reeve and Ocean have been the subject of many Community complaints in the past 3 ½ years.**

Any approval that would include **'conditions' does not provide assurance to the Community.** *Recent history with this Proponent would suggest that 'conditions' are not observed and that self-regulation is not appropriate.* There is no information about how these compliance issues will be administered by the Proponent or ensured by MSC on behalf of the Community.

3. There is no discussion about the strong environmental significance or critically endangered flora and fauna; or that the *land is located close to a rural residential valley, where impacts may affect the amenity of established neighbours.*
4. HEALTH AND WELL-BEING - There is no information about the proximity of tents/cabin accommodation to the animal shelters on site. There is *no information about the impacts of noise, odour or light* and the impact to the animals (included in 'animal husbandry' at night) or the health and wellbeing of the tourists in the closely located proposed accommodation.
3. CURRENT APPROVAL RESTRICTIONS - The Proponent states that this Nature Based Tourism (NBT) application will be both complementary and subordinate to their current Tourism Attraction (TA) approval already on site. . In the DA, 6.21 p.27.. *"the proposed Nature-based Tourism development is a complementary land use to the existing Tourist Attraction... the accommodation proposed is to meet the accommodation needs of the visitor base of the Tourist Attraction.* There is no discussion which indicates the inclusion of NBT activities.
 1. There is no explanation as to how the NBT can be complementary to the TA whilst they are defined in the MSCPS as very different activities. It is stated that the accommodation option is proposed to directly meet the needs of the TA, yet **MSCPS does not allow accommodation for Tourism Attractions on rural land.** Please explain how *this application for accommodation is not a method of changing the intent of the planning scheme.* MSC should be firm on how the definition of Nature Based Tourism is interpreted – if used as the applicant proposes then the definition becomes a **de-facto** way of providing short-term accommodation in the Rural zone.
 - 1.i. The expected low key nature of accommodation associated with Nature based tourism is reflected in the fact that Nature based Tourism isn't categorised under "Accommodation activities" for purposes of Section 9.3.1.3 – the accommodation activities code.
 - 1.ii. **Please provide assurance that any approval for this impact assessable DA will not be followed by subsequent and additional changes to the DA achieved through variations that will be code assessable.**

2. There is **no information about the cumulative effect of an approval for both the TA and NBT**. NBT is defined as LOW IMPACT environmentally responsible accommodation and the MSCPS 2017 allows maximums as below in Column 1, whilst the Proponent is applying for much higher maximums (Column 2). More detail is required as to how these significant increases (Column 3) meet the intention of the planning scheme.

Column 1 MSCPS defines NBT maximums as:	Column 2 This DA is asking for:	Column 3 Difference
10 guests	54 guests	>5 times allowable limit
5 separate rooms	14 x 1 bed tents – 2 rooms each = 28 rooms 5 x 2 bed tent – 3 rooms each = 15 rooms 1 x 3 bed tent – 4 rooms Each = 4 rooms TOTAL 47 rooms	>9 times allowable limit
2 separate buildings	22 separate buildings	>11 times allowable limit
1 primary residence	0 primary residence	<allowable in MSCPS

- 2.i. **There is no discussion of the risk of impacts to the environment, neighbourhood amenity, rural production values etc of any further development applications on the site.**
- 2.ii. In order to protect the environmental values of the site and any cumulative impacts, it is requested that conditions similar to those imposed on DA180001 (3.9 & 3.10, pg.3) be included in any approval.
- 2.iii. No further development of the sites should be undertaken until EPBC matters have been addressed – EPBC Matters likely to be impacted upon by cumulative impacts of the overlying MCU and ROL approvals.
- 2.iv. **Details are not provided as to how the NBT activities and accommodation will affect the nearby rural residential properties.**
- 2.iv.1. **Light pollution**
- 2.iv.2. **Night activities, noise (particularly that which travels down the valley)**
- 2.iv.3. **Events**
- 2.iv.4. **Food and liquor consumption**
- 2.v. The MSCPS lists NBT as a temporary use in the rural zone code. The DA gives no information as to whether this NBT is proposed as temporary or permanent. This proponent was the subject of much community objection with a previous application for NBT to 30/6/18. MSC received a large number of complaints via individual letters, a petition and complaints to Councillors and the Mayor. All, as expected **to no avail**.
3. Please **address the restrictions imposed upon the TA which does not have a DA approval for operations after 7pm because the NBT is stated as an overnight proposal.**
- 3.i. In the DA 6.21 – the Proponent accepts that the current TA approval establishes a population limit, yet there is no acceptance of the current 7pm approval limits on visitors to the site. It seems that the **Proponent is ‘cherry-picking’ restrictions for discussion and not being**

transparent about their intentions.

3.i.1. These operations include – vehicle movements, noise, food and beverage (liquor license). All visitors must depart by 7pm.

3.i.2. We have very strong objections to any tourist operations on site outside the current restrictions between 7pm and 7am.

4. NBT ACTIVITIES - The *MSCPS provides definitions for Nature Based Tourism activities*. These do *not seem to be compatible with the activities currently approved for the Tourism Attraction (MCU18006)* as explained in the Table below:

NBT activities as defined in the MSCPS	TA activities as defined in Proponent's application & MSC TA approval
Use of land: For conservation, interpretation and Appreciation of areas of environmental cultural or heritage value, local ecosystem and attributes of the natural environment	These are mostly 'animal husbandry' activities NOT nature based activities MSCPS Onsite entertainment, recreation i.e. theme park or zoo
Typical activities: Nature based focus Promote environmental awareness, education and conservation Carry out sustainable practices	MSC TA application, p.5 Quad bike activities Horse riding Tractor & trailer pull rides, horse and cart rides, cow milking and presentation on rural operations. Animal husbandry, cattle handling Australian and North Qld culture & lifestyle

- 4.i. The *proponent has not detailed the activities with which the NBT visitors will be engaged*. These activities, *which may be both day and night together with any proposed 'event' activities, need to be described in the DA*. In particular any environmentally significant activities which will require referral, particularly if they involve any of the water systems or flora, fauna on the property.
- 4.ii. DA application – Water resources 23.6 p.9 – Proponent has answered NO to taking overland flow water or use of bore water.
- 4.ii.1. When overland flow water is collected by the on-site dam it is prevented from any overland flow to support the ecology of Owen Creek.
- 4.ii.2. *Explain how the NBT activities will be different and separate to the activities of the TA.*
- 4.ii.3. It is noted on the DA under 23.6 - Water Resources, that there will be no interfering with water in a watercourse. The Proponent needs to detail any activities which include *'water'* and provide an independent environmental assessment.
- 4.ii.4. If they involve night activities which will impact nocturnal fauna and/or neighbouring residents.

4. **TENTS** (TENTED ACCOMMODATION) - Accommodation facilities for tents located on the site. The facilities supplied for tourists being accommodated have not been discussed or detailed in the DA. The DA does not describe such facilities which may include:
 - 1.i. Food, as there are no kitchens included in the tents
 - 1.i.1. There is an established BBQ area but no details are provided i.e. water supply, waste and rubbish removal, cleaning, shelter in rain.
 - 1.ii. Liquor, there is no Liquor License after 7pm
 - 1.iii. Water supply to baths, without plumbing to the tents
 - 1.iv. Ensure health of tourists
 - 1.iv.1. without drainage from the baths;
 - 1.iv.2. with the tents located over an overland water flow catchment into the dam. The Proponent's DA ref. 23.6 Water resources, states that no overland water flows will be interfered with by this proposal.
 - 1.iv.3. where located beside a dam with muddy edges and ideal mosquito breeding areas.
 - 1.v. What erosion controls will be included around the eroded dam site?
 - 1.vi. Night lighting to enable the safe movement of visitors around the site
 - 1.vii. Disposal of waste
 - 1.viii. Power and communications
 - 1.ix. Emergency – access by ambulance etc to individual accommodations
5. **CABINS** – There are no details of the suggested building option which may involve cabins. The wording which describes the accommodation options is frequently interchanged between 'cabins' and 'tents' and the Proponent needs to provide clarity about the aspect of the proposal and WHY the interchangeability.
 1. There are no details about the building designs, location and layouts of cabins should they become the chosen option.
 2. Layout of tents seems to be entirely on Lot 22, yet they state Lot 22 and Lot 17. With no detailed layouts of the 'tent' site there is concern that the inclusion of Lot 17 to the DA may automatically include further 'tents' cabins without further impact assessments by the Community.
 3. The Kuranda region currently has a poor outcome from previous permanent tourist accommodation approval. This is the Kuranda Rainforest Resort, which met with much Community objection when built and has morphed into a low standard permanent accommodation with poor outcomes for local residents. Please provide information as to how this temporary tourism accommodation proposal will be restricted from morphing into permanent cabins. How will this be enforced?
 - 3.i. The proposal appears to be a **de facto** way of providing higher density accommodation in Rural zone. The applicants appear to be **exploiting** the accommodation component of the land use definition without addressing the true nature of the "Nature Based" component. (see conflict in definitions of Nature Based Tourism and Tourist attraction).
6. The massed clustering of the proposed accommodation and a lack of nexus with a Nature base" is at odds with what would be expected of this land use – visually and aesthetically the tents/cabins are better described as

“Short term accommodation” and should be assessed as such. The planning scheme limit on the number of guests expected for Nature Based Tourism also reflects the expected low key nature of this use.

The tourist attraction approval is issued over lots that do not make up lots contained in the subject application – surely if the Nature Based tourism application is relying in the tenuous link with the Tourist activity the application should cover the same lots as those in MCU18/18/0006.

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 2. Have the landscaping requirements of the Tourism Attraction (Table 9.4.2.3A) approval and the Operational Works Approval for the dam been satisfied?
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 5. DA, Part 2 – Location Details of the DA state that the location is adjacent to a water body named as Owen Creek. The dam, which is also a water body, is very close to the development but has not been listed.

SUBMITTED BY:

Name: **Luciano Ceciliot**

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From: Planning (Shared)
Sent: Mon, 16 Dec 2019 09:05:23 +1000
To: Planning (Shared)
Subject: Maureen Birgan submission for MCU Nature Based Tourism - 112 Barnwell Road Kuranda - Reeve and Ocean Pty Ltd - MCU/19/0018

From: Catherine Harvey <catharvey55@gmail.com>
Sent: Friday, 13 December 2019 3:33 PM
To: Info (Shared) <info@msc.qld.gov.au>
Cc: eiskuranda@gmail.com
Subject: FW: Impact Submission - MCU190018

We wish to submit our concerns with regard to the DA MCU/19/0018 submitted by Reeve and Ocean Pty. Ltd. for "Glamping and Nature Based Tourism approval".
 This DA appears to be deliberately obtuse and we believe that this application could have been reviewed before release for community submission.
 This application is on rural zoned land designated as rural production land. There is much interchange between the currently approved 'Tourism Attraction' (TA) and this new application for 'Nature Based tourism' (NBT) which includes accommodation.
 There are a number of issues which have not been addressed in the application. The application is impact assessable and the Community should have the opportunity to comment on ALL proposed activities and intentions which may be included in the Proponent's proposal.
 The proposal is not consistent with the Strategic vision contained in the Planning Scheme, in particular ".... *Environmental health and community well-being*....". It is noted that Strategic vision is extrinsic to the planning scheme however it is unhelpful and insulting to have development that conflicts with elements of Council's Strategic vision.

The Proponent has not established a NEED for this development in our Community.

- There are negative issues for environment, water quality, noise at night, waste disposal, undermining the planning scheme intent and no jobs

.....
 There is much missing information in the DA. This is included in the following notes and comments:

1. MSCPS 2016 – The planning scheme separately defines the activities of Tourism Attraction (TA) and Nature Based Tourism (NBT).
 1. The MSC planning scheme definition states the intent that any Tourism Attraction should not include accommodation. If the intent of the planning scheme were to include accommodation then it should be stated. The proponent needs to explain why this intent should be altered for MCU190018.
 2. The planning scheme describes Tourism Attraction as *small-scale, low impact tourist facilities established across the rural landscape (MSCPS 3.7.7.1(5)(a). Any accommodation*

options in the rural landscape are limited to bed and breakfasts and NBT. The Proponent has not explained how this DA can fit the rural zoned location.

2. COMPLIANCE – The current approvals together with this development application are all generally located on the same footprint of land which is owned by Reeve and Ocean Pty. Ltd.

This includes:

- i. the rural zoning of the land for grazing purposes;
 - ii. a tourist attraction with a focus on a cattle show and animal zoo with horse and quad bike riding, food and liquor;
 - iii. this proposal for nature based tourism including accommodation
2. There are complex layers of compliance issues when combining the current approvals and the new application. Self-regulation does not seem to be an appropriate option given that Reeve and Ocean have been the subject of many Community complaints in the past 3 ½ years.

Any approval that would include 'conditions' does not provide assurance to the Community. Recent history with this Proponent would suggest that 'conditions' are not observed and that self-regulation is not appropriate. There is no information about how these compliance issues will be administered by the Proponent or ensured by MSC on behalf of the Community.
 3. There is no discussion about the strong environmental significance or critically endangered flora and fauna; or that the land is located close to a rural residential valley, where impacts may affect the amenity of established neighbours.
 4. HEALTH AND WELL-BEING - There is no information about the proximity of tents/cabin accommodation to the animal shelters on site. There is no information about the impacts of noise, odour or light and the impact to the animals (included in 'animal husbandry' at night) or the health and wellbeing of the tourists in the closely located proposed accommodation.

3. CURRENT APPROVAL RESTRICTIONS - The Proponent states that this Nature Based Tourism (NBT) application will be both complementary and subordinate to their current Tourism Attraction (TA) approval already on site. . In the DA, 6.21 p.27.. *"the proposed Nature-based Tourism development is a complementary land use to the existing Tourist Attraction... the accommodation proposed is to meet the accommodation needs of the visitor base of the Tourist Attraction.* There is no discussion which indicates the inclusion of NBT activities.

1. There is no explanation as to how the NBT can be complementary to the TA whilst they are defined in the MSCPS as very different activities. It is stated that the accommodation option is proposed to directly meet the needs of the TA, yet MSCPS does not allow accommodation for Tourism Attractions on rural land. Please explain how this application for accommodation is not a method of changing the intent of the planning scheme. MSC should be firm on how the definition of Nature Based Tourism is interpreted – if used as the

applicant proposes then the definition becomes a de-facto way of providing short-term accommodation in the Rural zone.

- i. The expected low key nature of accommodation associated with Nature based tourism is reflected in the fact that Nature based Tourism isn't categorised under "Accommodation activities" for purposes of Section 9.3.1.3 – the accommodation activities code.
- ii. Please provide assurance that any approval for this impact assessable DA will not be followed by subsequent changes to the DA achieved through variations that will be code assessable.

2. There is no information about the cumulative effect of an approval for both the TA and NBT. NBT is defined as LOW IMPACT environmentally responsible accommodation and the MSCPS 2017 allows maximums as below in Column 1, whilst the Proponent is applying for much higher maximums (Column 2). More detail is required as to how these significant increases (Column 3) meet the intention of the planning scheme.

Column 1 MSCPS defines NBT maximums as:	Column 2 This DA is asking for:	Column 3 Difference
10 guests	54 guests	>5 times allowable limit
5 separate rooms	14 x 1 bed tents – 2 rooms each = 28 rooms 5 x 2 bed tent – 3 rooms each = 15 rooms 1 x 3 bed tent – 4 rooms Each = 4 rooms TOTAL 47 rooms	>9 times allowable limit
2 separate buildings	22 separate buildings	>11 times allowable limit
1 primary residence	0 primary residence	<allowable in MSCPS

- i. There is no discussion of the risk of impacts to the environment, neighbourhood amenity, rural production values etc of any further development applications on the site.
- ii. In order to protect the environmental values of the site and any cumulative impacts, it is requested that conditions similar to those imposed on DA180001 (3.9 & 3.10, pg.3) be included in any approval.
- iii. No further development of the sites should be undertaken until EPBC matters have been addressed – EPBC Matters likely to be impacted upon by cumulative impacts of the overlying MCU and ROL approvals.
- iv. Details are not provided as to how the NBT activities and accommodation will affect the nearby rural residential properties.
 1. Light pollution
 2. Night activities, noise (particularly that which travels down the valley)
 3. Events
 4. Food and liquor consumption

- v. The MSCPS lists NBT as a temporary use in the rural zone code. The DA gives no information as to whether this NBT is proposed as temporary or permanent. This proponent was the subject of much community objection with a previous application for NBT to 30/6/18. MSC received a large number of complaints via individual letters, a petition and complaints to Councillors and the Mayor.
3. Please address the restrictions imposed upon the TA which does not have a DA approval for operations after 7pm because the NBT Is stated as an overnight proposal.
 - i. In the DA 6.21 – the Proponent accepts that the current TA approval establishes a population limit, yet there is no acceptance of the current 7pm approval limits on visitors to the site. It seems that the Proponent is ‘cherry-picking’ restrictions for discussion and not being transparent about their intentions.
 1. These operations include – vehicle movements, noise, food and beverage (liquor license). All visitors must depart by 7pm.
 2. We have very strong objections to any tourist operations on site outside the current restrictions between 7pm and 7am.
 4. NBT ACTIVITIES - The MSCPS provides definitions for Nature Based Tourism activities. These do not seem to be compatible with the activities currently approved for the Tourism Attraction (MCU18006) as explained in the Table below:

NBT activities as defined in the MSCPS	TA activities as defined in Proponent’s application & MSC TA approval These are mostly ‘animal husbandry’ activities NOT nature based activities
Use of land: For conservation, interpretation and Appreciation of areas of environmental cultural or heritage value, local ecosystem and attributes of the natural environment	MSCPS Onsite entertainment, recreation i.e. theme park or zoo
Typical activities: Nature based focus Promote environmental awareness, education and conservation Carry out sustainable practices	MSC TA application, p.5 Quad bike activities Horse riding Tractor & trailer pull rides, horse and cart rides, cow milking and presentation on rural operations. Animal husbandry, cattle handling Australian and North Qld culture & lifestyle

- i. The proponent has not detailed the activities with which the NBT visitors will be engaged. These activities, which may be both day and night together with any

proposed 'event' activities, need to be described in the DA. In particular any environmentally significant activities which will require referral, particularly if they involve any of the water systems or flora, fauna on the property.

ii. DA application – Water resources 23.6 p.9 – Proponent has answered NO to taking overland flow water or use of bore water.

1. When overland flow water is collected by the on-site dam it is prevented from any overland flow to support the ecology of Owen Creek.
2. Explain how the NBT activities will be different and separate to the activities of the TA.
3. It is noted on the DA under 23.6 - Water Resources, that there will be no interfering with water in a watercourse. The Proponent needs to detail any activities which include 'water' and provide an independent environmental assessment.
4. If they involve night activities which will impact nocturnal fauna and/or neighbouring residents.

4. TENTS (TENTED ACCOMMODATION) - Accommodation facilities for tents located on the site. The facilities supplied for tourists being accommodated have not been discussed or detailed in the DA. The DA does not describe such facilities which may include:
- i. Food, as there are no kitchens included in the tents
 - 1. There is an established BBQ area but no details are provided i.e. water supply, waste and rubbish removal, cleaning, shelter in rain.
 - ii. Liquor, there is no Liquor License after 7pm
 - iii. Water supply to baths, without plumbing to the tents
 - iv. Ensure health of tourists
 - 1. without drainage from the baths;
 - 2. with the tents located over an overland water flow catchment into the dam. The Proponent's DA ref. 23.6 Water resources, states that no overland water flows will be interfered with by this proposal.
 - 3. where located beside a dam with muddy edges and ideal mosquito breeding areas.
 - v. What erosion controls will be included around the eroded dam site?
 - vi. Night lighting to enable the safe movement of visitors around the site
 - vii. Disposal of waste
 - viii. Power and communications
 - ix. Emergency – access by ambulance etc to individual accommodations
5. CABINS – There are no details of the suggested building option which may involve cabins. The wording which describes the accommodation options is frequently interchanged between 'cabins' and 'tents' and the Proponent needs to provide clarity about the aspect of the proposal.
- 1. There are no details about the building designs, location and layouts of cabins should they become the chosen option.
 - 2. Layout of tents seems to be entirely on Lot 22, yet they state Lot 22 and Lot 17. With no detailed layouts of the 'tent' site there is concern that the inclusion of Lot 17 to the DA may automatically include further 'tents' cabins without further impact assessments by the Community.

3. The Kuranda region currently has a poor outcome from previous permanent tourist accommodation approval. This is the Kuranda Rainforest Resort, which met with much Community objection when built and has morphed into a low standard permanent accommodation with poor outcomes for local residents. Please provide information as to how this temporary tourism accommodation proposal will be restricted from morphing into permanent cabins. How will this be enforced?

- i. The proposal appears to be a de facto way of providing higher density accommodation in Rural zone. The applicants appear to be exploiting the accommodation component of the land use definition without addressing the true nature of the "Nature Based" component. (see conflict in definitions of Nature Based Tourism and Tourist attraction).

6. The massed clustering of the proposed accommodation and a lack of nexus with a Nature base" is at odds with what would be expected of this land use – visually and aesthetically the tents/cabins are better described as "Short term accommodation" and should be assessed as such. The planning scheme limit on the number of guests expected for Nature Based Tourism also reflects the expected low key nature of this use.

The tourist attraction approval is issued over lots that do not make up lots contained in the subject application – surely if the Nature Based tourism application is relying in the tenuous link with the Tourist activity the application should cover the same lots as those in MCU18/18/0006.

7. ACCOMMODATION - PRIMARY RESIDENCE - MSCPS requires NBT accommodation to be located within 200m of the primary residence on the site. That a maximum of 2 dwellings is allowed for the accommodation with a maximum of 5 rooms.

1. The Proponent has not provided details of the primary residence on the site. If the intention is to use the current 'Barnwell' house, then the Proponent needs to detail how this will comply, as this building was included in the DA for the Tourist Attraction and plans were supplied as part of that DA. These plans described 'Barnwell' house as a visitor attraction facility and not as a primary residence for the property.

2. Has the Proponent provided satisfactory evidence that all proposed tents will be located on the site within the 200m boundary area from ANY proposed residence as required by the MSCPS.

8. ACCOMMODATION MAXIMUM - MSCPS 2016 requires that NBT accommodation will allow a maximum of 10 guests and 14 'events' per calendar year within the rural zone. The Proponent provided calculations (6.2.1 p.27) based on overall land area owned by Reeve and Ocean P/L to provide an argument for increasing the number of NBT guests overnight from 10 to 54. The evidence in the MSCPS to support this calculation has not been provided.

1. In 6.2.1 p.27 - The Proponent has not addressed the intent of the rural zoning in the MSCPS which is to protect the rural production areas. If the calculations (6.2.1) are used and

separate lots are each allowed accommodation for 10 guests with a primary residence then the rural production activity must be diminished.

2. This application has asked for 54 guests, which is 5 times in excess of the allowed maximum under the MSCPS.
 3. There is a current approval for 12 rural worker accommodations on site. This is not addressed in the DA as part of a cumulative persons number on the site, but these additional people on site using infrastructure need to be taken into account, i.e. water, waste, health & safety etc. The site infrastructure and environmental constraints currently must cater for 12 (workers) + 150 (tourists) + 54 (proposed overnight tourists) + staff + an approved increase of 150 when the road is upgraded. The impact of the cumulative persons effect needs to be detailed in the submission.
 4. The on-site waste water impacts are down played in the common material and rely on ASNZ1547 – the numbers of visitors authorised to use the site (potentially 300 + 54 or 150 + 54) may potentially exceed thresholds requiring an ERA 63STW under the Environmental Protection Act. No information provided in the application to show why the EP Act is not applicable in the circumstances, i.e. are they no release works?
 5. The Proponent needs to provide evidence that this number of guests (54) can comply with the intent of the planning scheme and not undermine the value of the rural operations of the land as required in this rural zone.
 6. The approval for Tourism Attraction MCU18006 refers to the MSCPS Rural Zone PO3 states that the accommodation density is complementary and subordinate to the rural values of the land and that residential density does not exceed 2 dwellings per lot (PO3, A03.2) Lot 22, which is the main subject of the application already has more than 8 buildings and this application adds 22 dwellings. This suggests that the MSCPS intent is for the rural zone values may be compromised.
9. EVENTS - The Proponent currently has a self-regulation arrangement to report to MSC the number of 'events' per year on the rural zone land. Any 'events' such as activities for NBT should be included in the allowed 14 per calendar year. No information has been provided about NBT 'events'.
1. Will any approval allow a cumulative effect over the rural zone allowance of 14 calendar days per year for 'events'? Will the TA be allowed 14 days as well as the NBT be allowed 14 days, totalling 28 days per calendar year?
 2. There is no information which details how compliance for the NBT will be achieved to meet the TA approval conditions on the maximum number of guests per day (150) or the number of 'events' (14) per calendar year allowed.

10. TRANSPORT - The Proponent's DA for Tourism Attraction was required to provide a referral for State Transport Infrastructure.

1. Transport options for overnight tourists have not been detailed? Do transport options involve helicopters?
2. Can the proponent provide assurance that if approved, the numbers of visitors to the overall site (TA and NBT) will not be more than 150 per day (24 hours) and that any NBT approval for 150 people will include and not add to any approval for 54 people. This does not mean that we accept the NBT approval proposal.

11. TENTS OR CABINS – The term used in the DA is tents/cabins; the definitions in the MSCPS are 'tented camps' OR cabins. 'Tented camps' indicates a temporary accommodation option. The Proponent has submitted the DA and has not used the 'term tented' camps. There is not enough clarity regarding the accommodation option. The information supplied to the Community for impact assessment submissions does not differentiate between tents and cabins. The MSCPS term for 'tented camps' should be applied. The terms appear interchangeably and it is unclear as to what type of accommodation option is proposed in the DA (Example - Refer DA Schedule 1, Site Plan, sheet number AA-ALL02 (Issue E) 11/11/19 – the site plan used the term 'cabins' for both Stage 1 and Stage 2.

1. Schedule 1 – Site Plan, sheet number AA-GL02 (Issue E), 11/11/19,



Tourism Accommodation Stage 1 & 2. The site plan specifically describes the accommodation as 'cabins' as this snip from the document shows. The label is NOT tents/cabins. It would appear that this DA is for 'cabins', without including the cabins in any detailed description for the impact assessment to the Community.

2. The Proponent is asked to provide details of exactly what type of accommodation is proposed and the full details of that accommodation so that the community can assess the impacts.

12. WASTE– There is no detail about how the ablutions waste in each 'tent' will be managed.

1. There is no detail about the requirement for an EPA review should the 'equivalent persons' calculation for waste exceed 22 persons.
2. If waste is dealt with via the onsite TA bio-cycle system, there is no information about the current capacity and ability to accept further waste.

- i. DA - P.11 - *It is noted that the existing waste-water treatment system may require upgrade and that relevant Plumbing and Drainage Works approval(s) will be sought at the relevant time (if required).*
 3. The biocycle discharge is located in the area of the dam spillway and any dam runoff combined with biocycle discharge would flow overland into Owen Creek and impact downstream residential neighbourhoods and the Myola frog population.
 4. Waste water - – applicant states in the analysis of the codes compliance that “Wastewater treatment is provided on-site via bio-cycle systems, which are understood to be in accordance AO2.2.” – – this is an uncertain statement – the application should know one way or the other whether the wastewater disposal complies with the relevant code, and further, whether the waste water should be addressed under the ERA63 STW process.
13. WATER SUPPLY – There are no details about the water supply to the ‘tents’ and how the supply and drainage will be managed.
 1. Water supply – applicant states in the analysis of the codes compliance that “*Water supply to the site is provided by bores, which are understood to comply with AO1.2(a).*” – this is an uncertain statement – the application should know one way or the other whether the water supply bores comply with the relevant code !
 2. There is no detail as to determine whether the bore water meets drinkable water quality standards and how such standards will be maintained.
14. KITCHEN FACILITIES are not provided.
 - i. There is no detail to describe how guests will be catered for, where they will eat, where the food will be supplied from and stored. Section 2 – Division 1 – 8.2 the proponent has stated that NO existing buildings will be used. There are buildings within the TA (kitchen; toilets; bio-cycle) but no detail is provided about their use by NBT.
 - ii. There is no detail about the management of all waste including food waste.
 - iii. The supply of liquor is not addressed, even though the current DA TA excludes supply past 7pm.
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SUBMITTED BY:

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Document Set ID: 3661806
Version: 1 Version Date: 16/12/2019

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Document Set ID: 3661806
Version: 1 Version Date: 16/12/2019

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To: Planning (Shared)
Subject: Maureen Birgan submits not properly made submission for MCU Nature Based Tourism - 112 Barnwell Road Kuranda - Reeve and Ocean Pty Ltd - MCU/19/0018.msg
Attachments: 6FA10EE234884654AF226455C3ECDF8B.png, 2CDCB1723F4049D08C5A29CC304C2398.png

From: Maureen Birgan <mobirgan@gmail.com>
Sent: Friday, 13 December 2019 4:01 PM
To: Info (Shared) <info@msc.qld.gov.au>
Cc: eiskuranda@gmail.com
Subject: Fwd: FW: Impact Submission - MCU190018



Document Set ID: 3661818
Version: 1 Version Date: 16/12/2019



Document Set ID: 3661818
Version: 1 Version Date: 16/12/2019



Document Set ID: 3661818
Version: 1 Version Date: 16/12/2019

From: nadine O'Brien
Sent: Tue, 3 Dec 2019 14:31:00 +1000
To: Info (Shared)
Cc: KUR-Alert - Full Group
Subject: MCU Nature Based Tourism - 112 Barnwell Road, Kuranda - Reeve and Ocean Pty Ltd - MCU/19/0018
Attachments: MCU190018.pdf

To the assessment manager
Submission to MCU190018

I ask the development application be refused on the following grounds:

1. Development application page 22, 3.3.14-Natural Hazard Mitigation.

The applicant claims the site is not known to be located within a cyclone

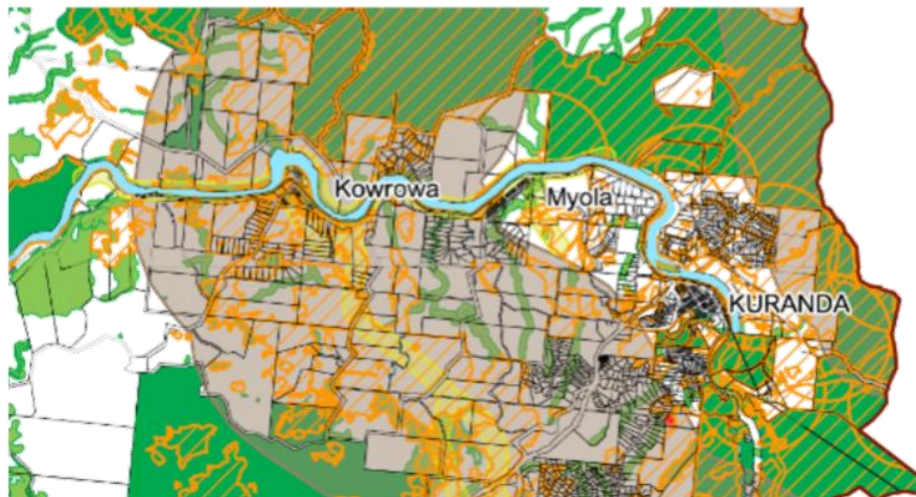
impact area. This is not accurate as the whole of Mareeba Shire lies within the cyclone impact area.

The proposed development does not comply with cyclone building standards.

There are no emergency cyclone shelters in the area to accommodate guests in the event of a cyclone.

2. The close proximity of the development to water, poses especially in a tropical environment, a great health risk. Mosquito borne diseases such as Dengue fever and Ross River fever for example are endemic to this area. As the guests most likely would be international, the risk of Malaria being introduced into that area, is also an issue.

3. The site is located within an ecological corridor. The grey area in the map below shows the corridor. Connectivity is severely compromised by this development, especially taking into account all the other developments already approved on this property.



Document Set ID: 3658428
Version: 1 Version Date: 03/12/2019

4. There is no need for this scale of tourist accommodation in Kuranda. "Kuranda Resort" at Greenhills Road has failed a number of times. There also is already a caravan/camping ground in Kuranda.
5. There is no supporting approved development in place, that can support overnight visitors without their own transport(the proponent suggests they arrive by bus). MCU180006 is only allowed to operate between 7am and 7pm. For example, there will be no access to food after 7pm. In fact guests will be marooned in the middle of nowhere.

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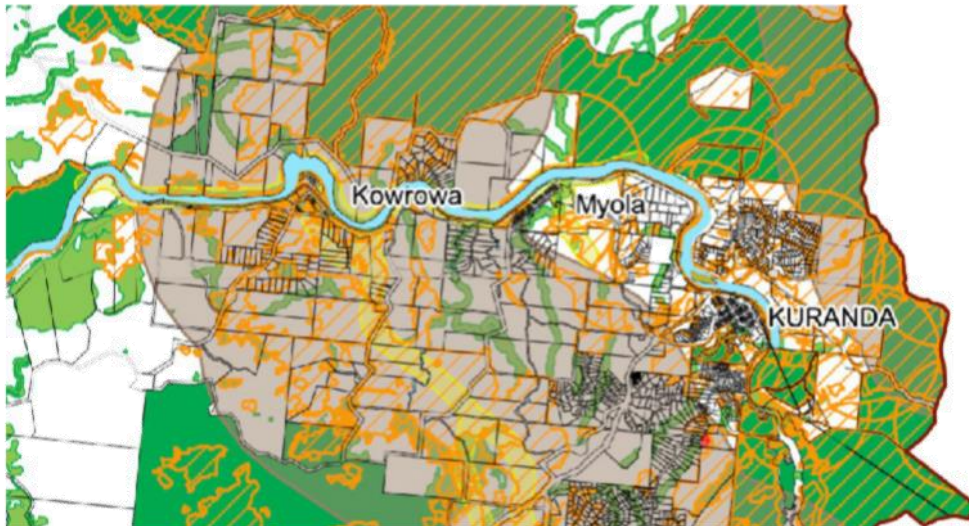
To the assessment manager

03 December 2019

Submission to MCU190018

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From: Planning (Shared)
Sent: Mon, 16 Dec 2019 09:04:14 +1000
To: Planning (Shared)
Subject: Peter Cohen submission for MCU Nature Based Tourism - 112 Barnwell Road Kuranda - Reeve and Ocean Pty Ltd - MCU/19/0018
Attachments: MCU NATURE BASED TOURISM LOT 22 and LOT 17.docx

From: Peter Cohen <peter.cohen1941@gmail.com>
Sent: Friday, 13 December 2019 2:06 PM
To: Info (Shared) <info@msc.qld.gov.au>
Subject: OBJECTION TO MCU APPLICATION 190018

Good Afternoon,
 Please find attached my objections to the
 MCU 190018 APPLICATION FOR NATURE BASED TOURISM LOT 22 and LOT 17
 BY REEVER AND OCEAN CURRENTLY OPERATING AS A TOURIST ATTRACTION.

Thank you,

Peter Cohen
 Punch Close, Kuranda. 4881
 Phone. 0427935654

**MCU NATURE BASED TOURISM LOT 22 and LOT 17
BY REEVER AND OCEAN MCU 190018
CURRENTLY OPERATING AS A TOURIST ATTRACTION**

I wish to submit my concerns regarding D/A MCU 19/0018 for Glamping and Nature Based Tourism as this appears to me to be nothing but Development by Stealth.

LOT 17 and LOT 22.

The Proponent is requesting permission for the application to include Lot 17 whilst nowhere within the application is there any mention of development considered for this Lot so why is Lot 17 included in the application ?.

The Proponent states clearly in the submission “ *In that Lot 17 forms part of the subject site* ” yet makes no attempt to tell us why or how it is involved. As the Proponent has not offered any advice on or clarified why Lot 17 has been included in the application then Lot 17 should be removed from any approval.

NATURE BASED TOURISM AND TOURIST ATTRACTION

The Proponent states in many other areas throughout the application, advices such as those quoted below and these are only a few of the many examples that are contained within.

“ The development is proposed as a complementary land use to the existing Tourist Attraction (MCU/18/0006) by providing an overnight accommodation option for visitors to the Tourist Attraction.”.

“ The Nature-based Tourism development is complementary and subordinate to the existing, approved Tourist Attraction (MCU/18/0006)”

*“ The proposed development has been designed to provide accommodation for existing Tourist Attraction visitors to the site (i.e. the **Nature-based Tourism development will not attract visitation or vehicle movements in its own right)**”*

“ No changes to service and waste disposal areas are proposed, in that the proposed development will be ancillary to the existing Tourist Attraction.”

“ No changes to servicing area, site access and manoeuvring areas are proposed, in that the proposed development will be ancillary to the existing Tourist Attraction. “

So quite simply, the Proponent would like MCU 19/0018 Nature based Tourism to become part of the Tourist Attraction MCUs 18/0006 simply for the accommodation. This then presents a problem as the Tourist Attraction (the reason people are coming to the site) , under the Provisions has no Accommodation component. The Proposal as submitted resembles either Short Term accommodation or a Tourist Park and this is what should have been applied for.

The definitions alone for Nature Based Tourism are not consistent with the Current Tourism Attraction activities. How does Rodeo type activities in an Arena relate to Nature based Tourism that is intended for the conservation and appreciation of areas of environmental, cultural or heritage value, local ecosystem and attributes of the natural environment. Nature-based tourism activities typically maintain a nature based focus or product, Promote environmental awareness, education and conservation and carry out sustainable practices. Where is the intended activities for the Nature Based Tourism described to support this application ? – they are simply ignored in the pursuit of gaining the permission for accommodation.

GROUND FLOOR AREA

If the Proponent was to convert the tents to fixed wall constructions or to erect cabins with fixed walls and ceilings instead of tents, then this would exceed the Ground Floor Area limitation of 200m² which is the restriction applicable to the existing Tourist attraction. We have already seen the Proponent circumvent this GFA limitation by building a huge steel framed Tent for the dining section of the Tourist attraction. The Proponent also specifically states in the Development summary application that

“ No GFA is proposed as part of the Nature-based Tourism development. “
“Therefore, no “building” is proposed, and accordingly no GFA “ .

Yet in the next paragraph of the same section

“ Notwithstanding that the proposal is for tented camps, the Applicant has requested that any Nature-based Tourism approval provide the flexibility to allow the “**conversion of tents to more permanent Structures** “

“ To this end, the Applicant requests that the approval specifically allow for “cabins” to be considered interchangeable with “tents” .

I argue that the cabins should be the main feature being applied for given they will have longer term impacts and the application should reflect that fact and not mislead people by having interchangeable buildings.

This request must be viewed for what it is, which is a deliberate attempt by the Proponent to circumvent Council rules and regulations and gain approval for what will become Permanent accommodation structures. This request by the Proponent must be declined by Council as any conversions of the actual Tents themselves or their replacement into, or with more Permanent structures having fixed walls and ceilings will increase the Total Ground Floor Area of the existing total Tourist attraction Site beyond what is allowed.

APPLICABLE NUMBERS AND SITING UNDER NATURE BASED TOURISM

Nature based tourism accommodation usually involves a maximum of up to 10 guests being accommodated at any one time with a maximum of only two dwellings allowed on any Lot in addition to a Primary building. This Proponent is requesting 22 Tented Camps for a total of 54 people. This is far in excess of what the Mareeba Shire Planning Scheme allows and I do not find the Proponents reasoning of the increased land size a justifiable reasoning for exceeding the Provisions of the Scheme.

Further, the Satellite accommodation units are usually located in close proximity to what is referred to as the Primary dwelling house or unit. The Proponent advises in the application that Barnwell House serves this function however Barnwell house by the Applicants own admission (in an earlier Development Application) is not a Residential Dwelling and is unoccupied so this criteria is lacking in support of the application.

CYCLONE AREA

The area is a known Cyclone area however the Proponent states that it is not a known Cyclone impact area. Ref. 3.3.14. This statement is entirely incorrect as Cyclones have impacted Kuranda and the Myola valley in the past and no doubt will do so again in the future quite possibly more so than in the past.

COST AND CONSTRUCTION

Reading the Proponents answer to Question 21 in Part 7 where it is stated that the total costs involved with this application will not amount to more than \$ 150,000 in total gives the idea that the project is of a minor nature involving simply pitching a few Tents. This is very misleading as pricing obtained from Glamping Tent suppliers would indicate that the cheapest possible 1 Bedroom Tents alone are around \$ 25000 plus to supply and they involve an erection

time of 20 man days for each tent. Adding to this the costs involved for the electricity and plumbing works for water and sewerage and we are probably looking at a figure closer to a million dollars, far in excess of the only given figure of \$ 150,000 in Question 21 for the Project cost. **Why is this ?**

WASTE WATER

There is conflicting information given in the application about Waste Water . In one section it is noted that the existing waste-water treatment system "*may require upgrade* " and that relevant Plumbing and Drainage Works approval(s) will be sought at the relevant time (if required) yet further down it is stated that " Wastewater treatment is provided on-site via bio-cycle systems, which are understood to be in accordance AO2.2." There is a vast difference in the amount of Waste Water generated by people who attend the Tourist attraction for any 3 or so hour period as opposed to what is generated by 54 people on a 24 hours a day basis, plus permanent staff, plus animals in addition to the daily visitors and I think these numbers have not been investigated properly. One of the purposes of the Rural Zone code is to " prevent adverse impacts on ecological values and the amount of additional Waste Water generated by this application is certainly going to have an effect on the breeding populations of the Myola Tree Frog whose habitat is Owen creek. Owen Creek will receive the increased run off from the additional Waste Water as it is downhill from the Waste Water discharge Site.

WATER SUPPLY

The proposed development is intended to be serviced by the existing on-site bore water supply, which has supposedly "sufficient capacity to service the development." I note that in one of the answers given the Proponent advises the "*Water supply to the site is provided by bores, which are understood to comply with AO1.2(a)*". Considering that there could be a total of 54 guests on a 24 hour basis in addition to the 96 other possible day guests, staff and all the animals on the property I would have thought that something better than " *understood to comply* " with proof of sufficient capacity determined was warranted , especially now, as bores are known to be running dry in the area.

These objections have been made by

Peter Cohen.

Punch Close, Kuranda. 4881.

From: Planning (Shared)
Sent: Mon, 16 Dec 2019 09:11:53 +1000
To: Planning (Shared)
Subject: Raymond Ganley submission for MCU Nature Based Tourism - 112 Barnwell Road Kuranda - Reeve and Ocean Pty Ltd - MCU/19/0018
Attachments: Submission.pdf

From: Raymond Ganley <rajanti1@bigpond.com>
Sent: Friday, 13 December 2019 4:09 PM
To: Info (Shared) <info@msc.qld.gov.au>
Subject: Submission re Development Application MCU/19/0018

Please find attached submission.

Ray Ganley

Submission

Re: MCU/19/0018 Lot22 on SP304952 / Lot 17 on SP296830

I would submit that the above application is incomplete and lacks clarity in many areas giving rise to many questions which I believe should be answered before being considered for approval. Following is a list of questions arising from the application.

- **How would this development be consistent with Nature Based Tourism as described in the Mareeba Shire Planning Scheme?**

There are no Nature Based activities on offer at the KURCOW Tourist Attraction while the TA which is supposedly the basis for tourist's attendance at the NBT facility, and there are no nature based activities proposed in the DA. Tourists are transported to site to participate in non nature based activities such as watching a rodeo, riding quad motorbikes, dining on slaughtered cattle etc. A visit to the KURCOW website and ticket office describes what is on offer. Nature Based Tourism is a complete misnomer in relation to this application and the MSPS. No elements of NBT are fulfilled. MSPS better describes this venture as a Tourist Park with at least some elements meeting that description ie.cabins.
- **What are the actual structures intending to be built as part of the NBT?**

The DA is very unclear on this point. It wishes to use the term 'tented camp' and cabins totally interchangeably. Both of the terms appear in the MSPS as do huts and lodges. Are these interchangeable also? What exactly is a tented camp or cabin or hut or lodge? If tented camp means tents, and the term tents is often used throughout the document then the only official Qld Government description comes from the Queensland Development Code Part 3.2 ., with associated building code.
- **Why would the restrictions on Gross Floor Area not apply to this application as stated in the application?**

If tents are interchangeable with cabins, or huts or lodges then the GFA must be taken into consideration.
- **What are the arrangements for dealing with waste and waste water?**

The DA is again vague on what the intentions are for dealing with waste water. BIO CYCLE systems are mentioned but does this mean waste is to be processed by upgrading the current on site facility and pumping waste to that facility, or is the intention to provide biocycle systems adjacent the *tented* area with the possibility of contaminated water leaching into Owen Creek either directly or via the dam?
- **Why would the proposed development not be required to meet the minimum boundary setback?**

The MSPS has been quite specific in detailing boundary requirements, The fact that in this case the development exceeds the minimum setback is a modification the developer needs to make to his/her plan rather than have the rules bent in their favour. The argument has been presented that the setback distance is not from an

external boundary. There is nothing to say that that internal boundary could not become an external boundary in the future as a result of sale of a lot etc. The developer is also at liberty to join the two lots thus removing the boundary.

- **How does the DA meet the Nature Based Tourism in a Rural Zone visitor limit of 10 persons?**

The MSPS makes no provision for visitor numbers to be scaled according to any adjacent Tourist Attraction visitor numbers. It clearly defines the maximum number of visitors without exception.

- **What are the arrangements for the provision of potable water to the *tented camps*?**

The DA states that water supply will be from bores. Chemical Analysis reports on groundwater samples from the KURWORLD site, as submitted as part of the EIS, notes the exceedance of values for some heavy metals, with a case of arsenic at more than double and Aluminium at almost 4 times the recommended concentration as per Australian Drinking Water Guideline. Additionally, pH values in most bores fall below ADWG limits.

- **What are the proposed operating hours of the NBT camp?**

The DA is completely opaque in this regard, with no information provided. It is noted that the DA allows for groups of up to 54 persons to occupy and overnight in the camp at any one time. With possible party groups this could mean operating hours will be 24 hours per day. This is quite an alarming development for residents adjoining or residing near the site, considering the noise and light pollution which will be generated. Additionally it also makes a mockery of the term 'Nature Based Tourism' when its own presence will destroy the quietude that characterizes the area and is essential for the on going existence of many shy nocturnal creatures.

- **What is intended for the provision of meals to guests staying at the NBT?**

The DA notes that the proposed accommodation units will not have cooking facilities included. Again the DA does not describe any arrangements for the cooking or serving of meals to guests other than a barbeque area is provided. It would be unreasonable for the proponent to request that this DA be approved while omitting to provide such information in the application.

SUBMITTED BY:

Name: Raymond Ganley

Street address: 77 Monaro Close, Kuranda

Email: jajanti1@bigpond.com

Phone: 0418480407

From: Planning (Shared)
Sent: Mon, 16 Dec 2019 09:26:05 +1000
To: Planning (Shared)
Subject: Rosina Aston for Cathy Retter on behalf of Kuranda Envirocare submission for MCU Nature Based Tourism - 112 Barnwell Road Kuranda - Reeve and Ocean Pty Ltd - MCU/19/0018
Attachments: KEC submission MCU 19 0018 - glamping for 54 persons.docx

From: Rosina Aston <r_aston@smartchat.net.au>
Sent: Friday, 13 December 2019 5:02 PM
To: Info (Shared) <info@msc.qld.gov.au>
Cc: cathy.retter.kuranda@gmail.com
Subject: FW: MCU 19/0018 - Nature based tourism accomodation submission to impact assessment

Kindest Regards

Rosina Aston
Principal Consultant and Facilitator
r_aston@smartchat.net.au



Before printing this e-mail think if you really need to print it! Save paper. Protect the environment.

From: Rosina Aston [mailto:r_aston@smartchat.net.au]
Sent: Friday, 13 December 2019 4:55 PM
To: 'info@msc.qld.gov.au'
Cc: 'cathy.retter.kuranda@gmail.com'
Subject: MCU 19/0018 – Nature based tourism accomodation submission to impact assessment

Good afternoon.

Please find attached submission for MCU 19/0018 – Nature based tourism accomodation

Kindest Regards



Before printing this e-mail think if you really need to print it! Save paper. Protect the environment.

Document Set ID: 3661816
Version: 1 Version Date: 16/12/2019

Submission re MCU190018 –

Nature Based Tourism incl short term accommodation in the rural zone

Dated: Friday 13 December 2019.

Background

Kuranda Envirocare is a not for profit organisation carrying out on ground environmental works on public and private land in the Kuranda region. Our aim is to enhance and repair biodiversity and uphold and protect the Wet Tropics environmental values which cover the Kuranda region. We spend time raising public awareness of the nature of the high value and irreplaceable nature of the Wet Tropics landscape in which Kuranda area residents reside.

Though within any organisation there are differing views and a range of opinions, nonetheless, in the main we are not opposed to development but rather focused on the environmental, social and economic outcomes. We believe that any development should be of a scale and nature appropriate to the sensitive environmental values of the specific site ie "good" development, not just development at any cost. Those days should be seen as being over.

We would also expect that for transparency and clarity any development proposals should be presented in such a way that it is clear what the environmental outcomes will be from that development. As a Guardian council to the Great Barrier Reef, it is incumbent on this council to consider changes to the water quality flowing in the Barron river catchment as well as matters of MSES under the overlays within the State Planning Act and Nature Conservation Act.

Our membership agreed a statement which is present on our website and which we can apply to this DA.

That is: No net negative change to the quality of the water and the vegetation on the site. There should be a high level of environmental requirements given to the application due to the degree to which MSES which should be taken into account as part of the DA.

Our analysis

Overall environmentally we see no consideration given to the environmental constraints of the site except with regard to no trees to be cut down under the Veg. management Act.

No ecological report has been provided as required under the planning scheme. This report should be required and should have reference to

- proposed treatment of bore water which currently does not meet WHO standards for drinking and food preparation due to levels of heavy metals (see bore water analysis in Kur World draft EIS documents)

- proposed method of on site effluent treatment for 100 EP (equivalent persons). Commercial Biocycle systems can produce Class C water quality but this is below standard to send to high ecological value receiving waters in Owen creek. See details below regarding constraints from the Kur World Stage 1B on-site effluent disposal study for approximately the same EP (ie the maximum allowable under the tourist attraction ie 300 day visitors). Design of such a system must cater for max. allowable under all current approvals even if conditions of those other approvals (eg Tourist attraction) have not yet been met. There is also a relevant trigger relating to ERA 63, requiring a permit process. Referral to EPA should have been made as a concurrence agency.

Other missing information relates to the general nature of the DA

- the council should be firm on the definition of Nature based tourism interpretation or they risk the definition becoming a defective way of providing short term accommodation within the rural zone.

- given that the proposal requires on site operation outside of the current operating hours approval, application should have been made concurrently for the required approvals beyond 7am to 7 pm as the proponent needs to give consideration to impacts relating to this type of operation in a rural zone. At present this application is silent on that matter.

-The proponent argues that tents are interchangeable with cabins therefore the greater of the tent and cabin requirements should apply. In this case the Gross floor area constraints should be applied during assessment against the codes.

-there is no information about the proximity of tents/cabin accommodation to the animal shelters on site. There is no information about the health of the tourists in the closely located proposed accommodation, given that stormwater drainage from the animal area may currently pass through that area and infiltrate the dam. Again there is no assessment provided as to associated risks. This poor quality dam water overflow may also impact on the area of human effluent disposal, changing the requirements. Again the proposal remains silent on how the elements of stormwater control will be managed given the introduction of hardened surfaces being roofs and raised walkways whether cabins or tents.

In conclusion

This DA appears to be particularly obscure in a number of areas. We believe that this application should have been reviewed and information requests sought and received before release for community submission. This seems to be a major oversight within the council planning process and does not instill confidence within our community as to the robust and objective nature of the planning assessment process.

We respectfully request that council obtain a much more comprehensive proposal from the proponent, addressing all missing information in the current DA and including an ecological report with cumulative impacts assessed relating to effluent design elements and including ERA permits required before consideration be given to any council conditions to be applied to this application.

Detail considerations for effluent disposal

(as outlined in the Kur World stage 1B effluent disposal study for on site effluent disposal)

The DA states that the proposed development will be serviced by onsite waste water treatment in the form of Biocycle. However, the application does not give any details of the system or its operation and thus it is not possible to make a decision on the adequacy of the proposal in terms of public safety or potential environmental impact. Biocycle treatment treats water to secondary standard.

A report was prepared by the proponent as part of its KurWorld EIS (NRA. 2017. Kur-World Effluent Irrigation Feasibility Study). This report modelled scenarios for Stage 1A of that proposal for an EP of 185-296 which is larger than the current proposal (55 EP plus day visitors). Nevertheless, the conclusions of the modelling remain relevant to the current application and demonstrate:

- whilst site soils provide a high capacity for phosphorus adsorption they have low hydraulic conductivity limiting rate of irrigation. Therefore, significant area would be required for effluent irrigation
- significant wet season storage is required

- significant management is required in terms of establishment and harvesting of ground covers that will uptake nutrients
- the risk of discharge from the system cannot not be eliminated and would occur at least once per annum
- wet weather ingress to storages must be managed and limited to minimise discharge
- slopes >20% and areas near waterways (without vegetated buffers) are not suitable for effluent irrigation
- discharge has the capacity to impact the receiving environment.

The proponent has not shown that there is the ability to manage wastewater treatment on site especially when similar treatment is proposed for adjoining subdivision applications. This aspect of the proposal is not a detail that can be addressed at a latter stage but a fundamental component of the development and reflects that the DA has not been correctly prepared.

In addition:

ERA 63 (1) (a) is triggered for any STP “that has a total peak capacity of at least 21EP”. So this DA proposal does trigger the need for an Environmental Authority. The application indicates that assessment of ERAs has been devolved to the local authority (ie is not a concurrence ERA which would require State assessment). This is correct if no discharge occurs but the proponent has failed to discuss how such discharge could be avoided.

It is noted that an approval for ERA 63(1)(a), Sewage Treatment, under the EP Regulation 2019 will be required (total peak capacity of at least 21 EP). The DA application fails to identify any Concurrence ERA presumably, in the case of sewage treatment, based on Schedule 2, Part 13 (63)(3)(1)(i) which defines the ERA 63 (1)(a) as not a Concurrence ERA ‘if treated effluent is discharged from the works to an infiltration trench or through an irrigation scheme’. However, based on work commissioned by the proponent and referenced above, this is unlikely to be the case and discharge to the natural environment will occur.

The proponent has failed to demonstrate how this will be avoided or indeed provided any details of how waste water will be managed. Based on this, Schedule 2, Part 13(63)(3)(1)(ii) of the EP Regulation 2019 applies and the ERA is a Concurrence ERA requiring State assessment. The DA application needs to be amended to reflect this.

SUBMITTED BY:

Name: Cathy retter on behalf of Kuranda Envirocare

Street address: 19 Kullaroo Close

Email: cathy.retter.kuranda@gmail.cim also info@envirocare.org.au

Phone: 0419 624 940

From: Planning (Shared)
Sent: Fri, 13 Dec 2019 11:17:44 +1000
To: Planning (Shared)
Subject: Sarah Isaacs submits 6 submissions for MCU Nature Based Tourism - 112 Barnwell Road Kuranda - Reeve and Ocean Pty Ltd - MCU/19/0018
Attachments: submission MCU190018 Isaacs.jpg, submission MCU190018 Jones.jpg, submission MCU190018 Marker.jpg, submission MCU190018 Moon.jpg, submission MCU190018 Reay.jpg, submission MCU190018 S.O'Brien.jpg

-----Original Message-----

From: Sarah Isaacs <sarahi3451@gmail.com>
 Sent: Friday, 13 December 2019 6:33 AM
 To: Info (Shared) <info@msc.qld.gov.au>
 Subject: to assessment officer planning department- submissions MCU190018

Please find attached 6 submissions for MCU190018.

Thank you,

Sarah

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 Sarah Isaacs
 345 Fantin Rd
 Koah
 4881
 ph 07 4085 0054

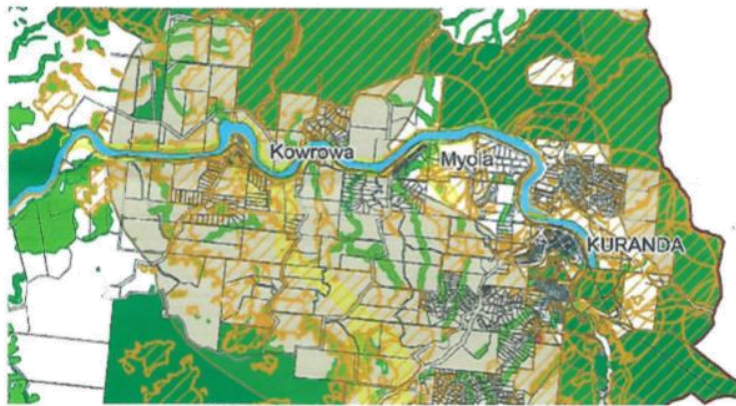
Document Set ID: 3661568
Version: 1 Version Date: 13/12/2019

To the assessment manager

Submission to MCU190018

I ask the development application be refused on the following grounds:

1. Development application page 22, 3.3.14-Natural Hazard Mitigation.
The applicant claims the site is not known to be located within a cyclone impact area. This is not accurate as the whole of Mareeba Shire is subject to cyclones.
The proposed development does not comply with cyclone building standards.
There are no emergency cyclone shelters in the area to accommodate guests in the event of a cyclone.
2. The close proximity of the development to water poses a significant health risk. Mosquito borne diseases such as Dengue fever and Ross River fever for example are endemic to this area. As the guests most likely would be international, the risk of malaria being introduced into that area is also an issue.
3. The site is located within an ecological corridor. The grey area in the map below shows the corridor. Connectivity is severely compromised by this development, especially taking into account all the other developments already approved on this property.



4. There is no need for this scale of tourist accommodation in Kuranda. "Kuranda Resort" at Greenhills Road has failed a number of times. There also is already a caravan/camping ground in Kuranda.
5. There is no supporting approved development in place that can support overnight visitors without their own transport (the proponent suggests they arrive by bus). MCU180006 is only allowed to operate between 7am and 7pm. For example, there will be no access to food after that. So guests will be left with no services and no transport between these hours.

Date: 12.12.19

Name: Sarah Isaac

Address: 345 Fantin Rd Koal 4881 QLD

Phone number 07 4085 0054

email: sarah3451@gmail.com

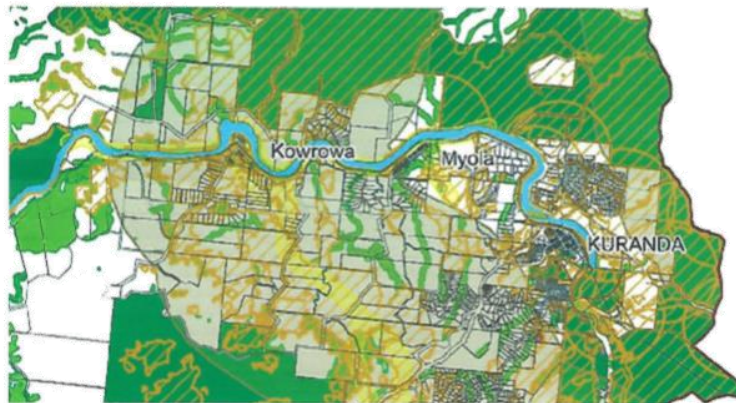
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Date: 8 December 2019
 Name: Bob & Karen Jones
 Address: 9636 Kennedy Hwy, Upper Barron
 Atherton
 Phone number 0404 930 946 (dodgy service)
 email: colonel-bob-jones@mail.com

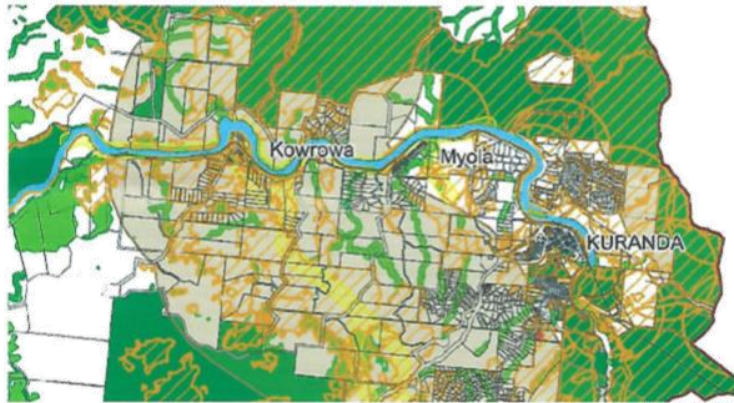
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Date: 7.12.19

Name: INGRID MARKER

Address: 1311 TULLY/MISSION BEACH RD
CARMOO 4852

Phone number 0438 688229

email: cassowary.keystone.conservations@hotmail.com

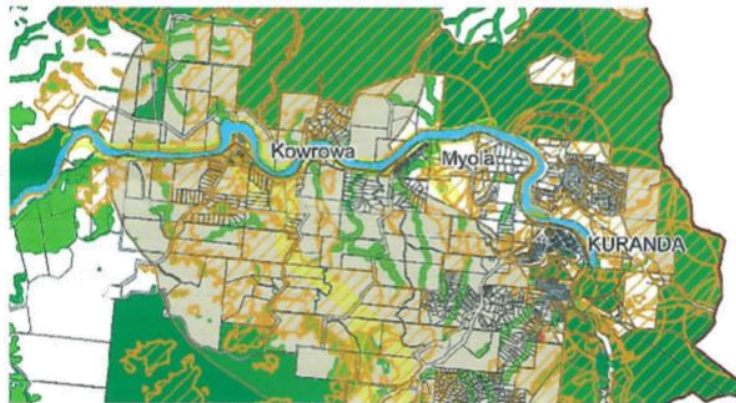
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Date: 8/12/19
Name: Solar Moan
Address: 11 Butler Drive
Kuranda
Phone number: 0419 175147
email: twianmoan@hotmail.com

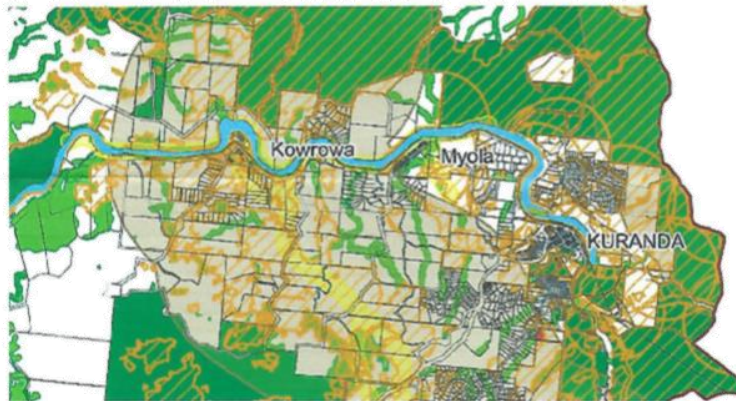
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Document Set ID: 3661568
Version: 1 Version Date: 13/12/2019

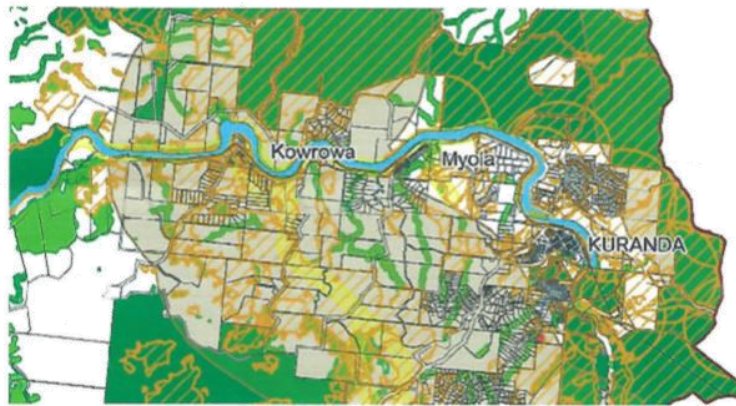
13 DEC.

To the assessment manager

Submission to MCU190018

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Date: 8-12-19.
Name: Stacey O'Brien
Address: 2/7 Mazlin St Edge Hill

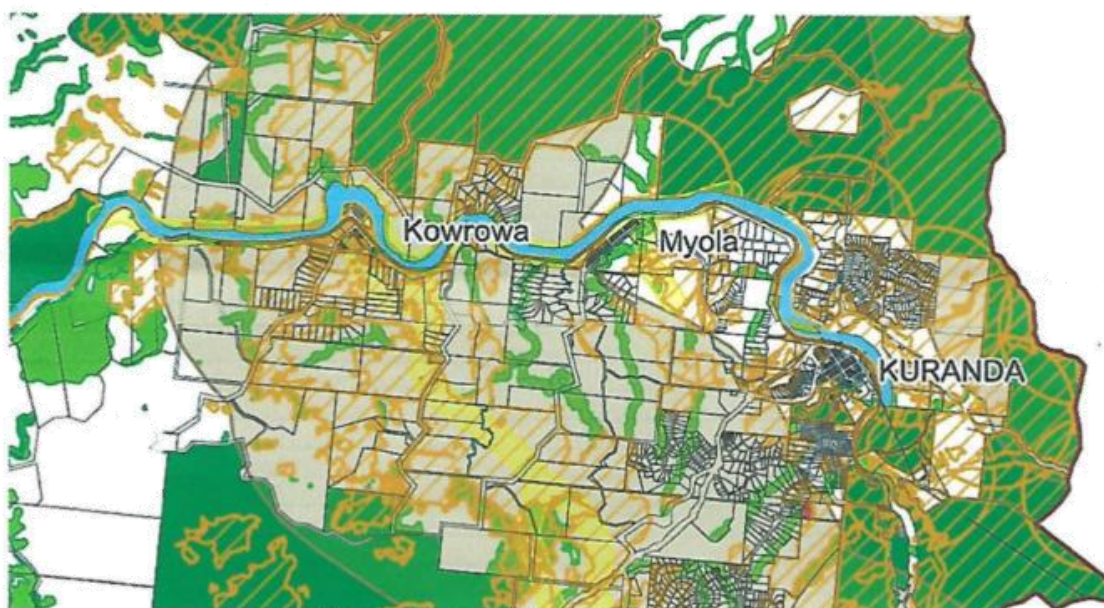
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Date: 12.12.19

Name: Sarah Isaac

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Phone number 07 4085 0054

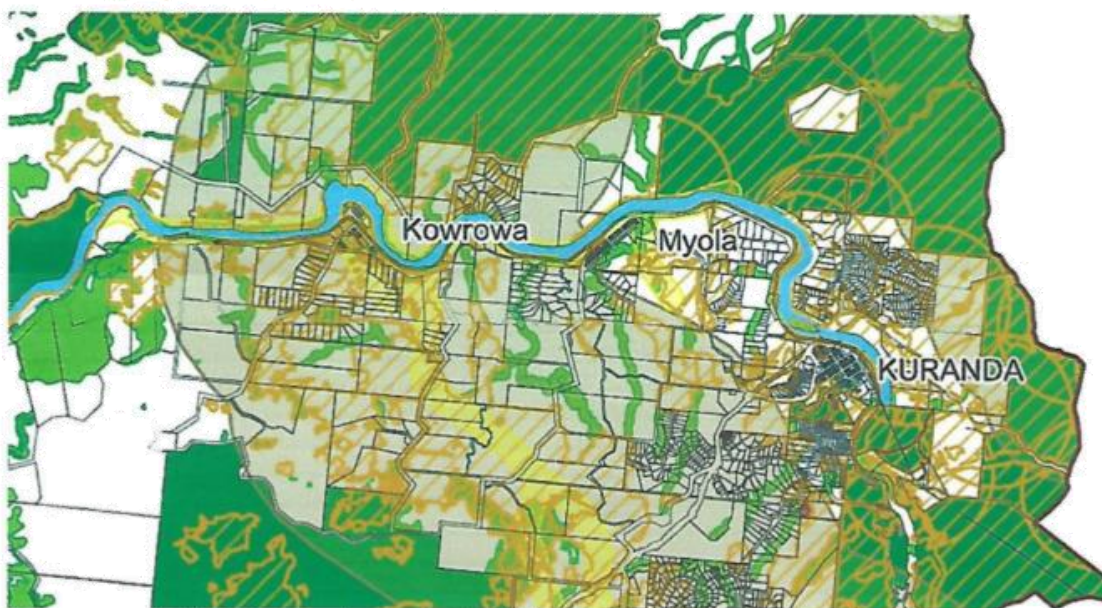
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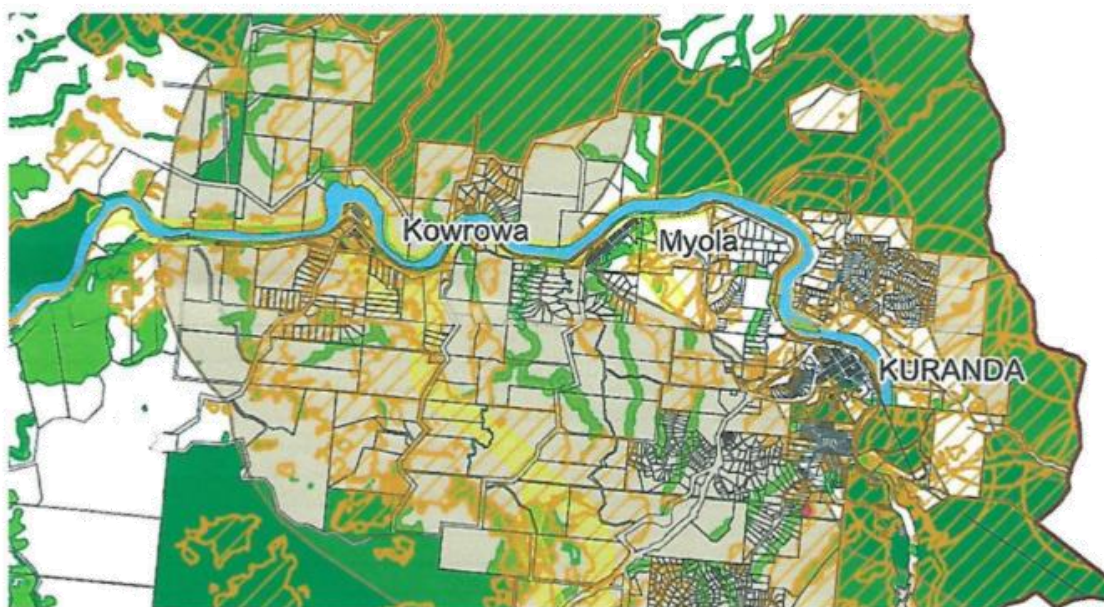
Date: 8 December 2019
 Name: Bob & Karen Jones
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 Atherton
 Phone number: 0404 930 946 (dodgy service)
 email: ~~colonel~~ colonel-bob-jones@mail.com

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Date: 7.12.19

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CARMOO 4852

Phone number 0438 688229

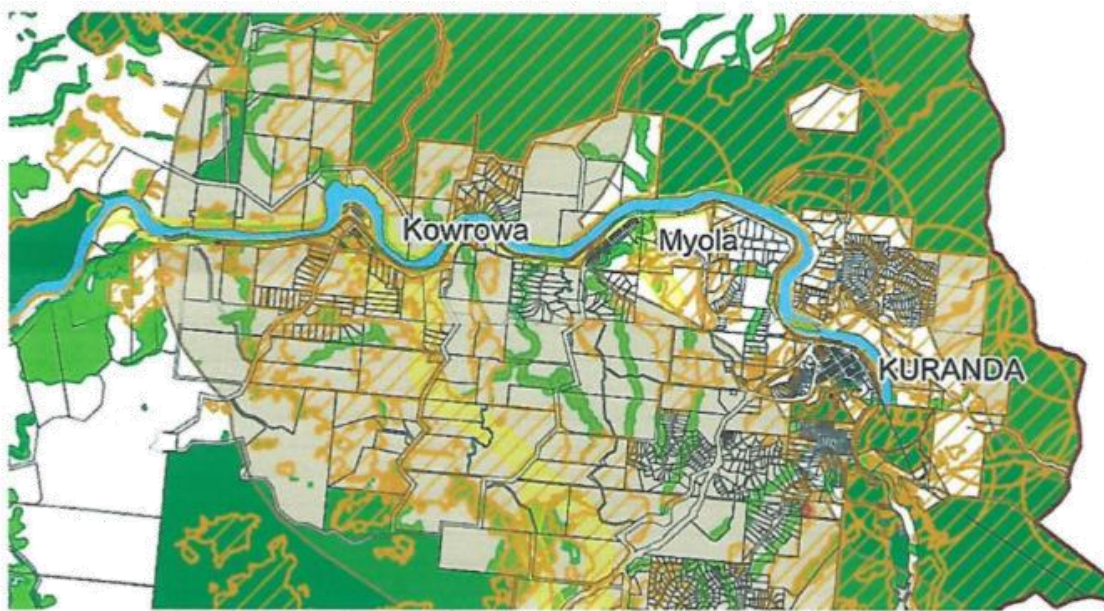
email: cassowary keystone conservation @ hotmail.com

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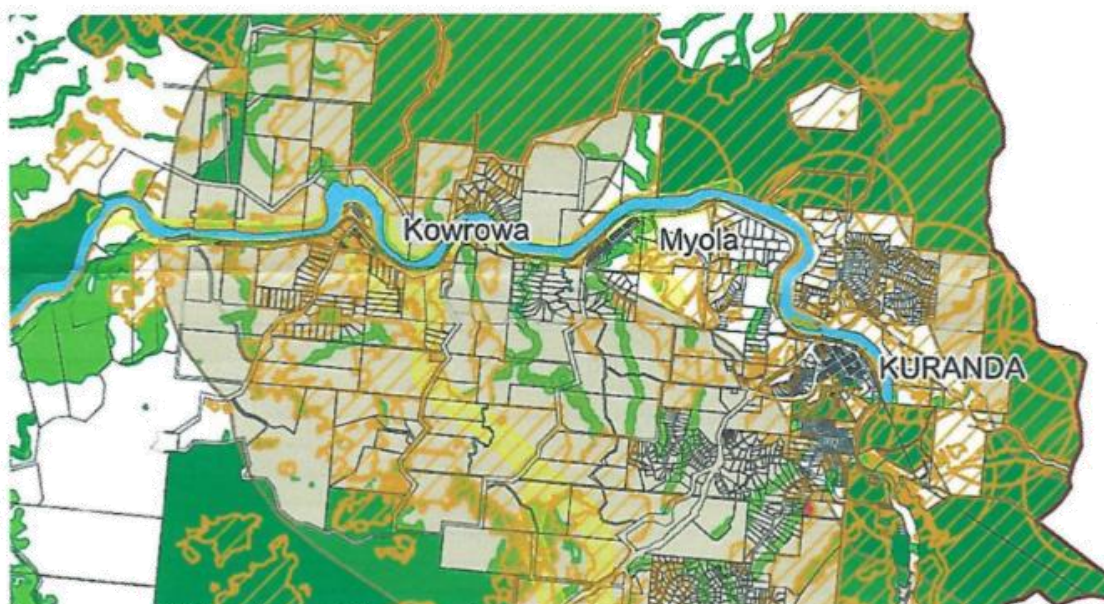
Date: 8/12/19
 Name: Solar Moan
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 Kuranda
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 Address: 36 McCLEOD STREET
 CURRUM 4870
 Phone number 0427 915 956
 email: preay1@gmail.com

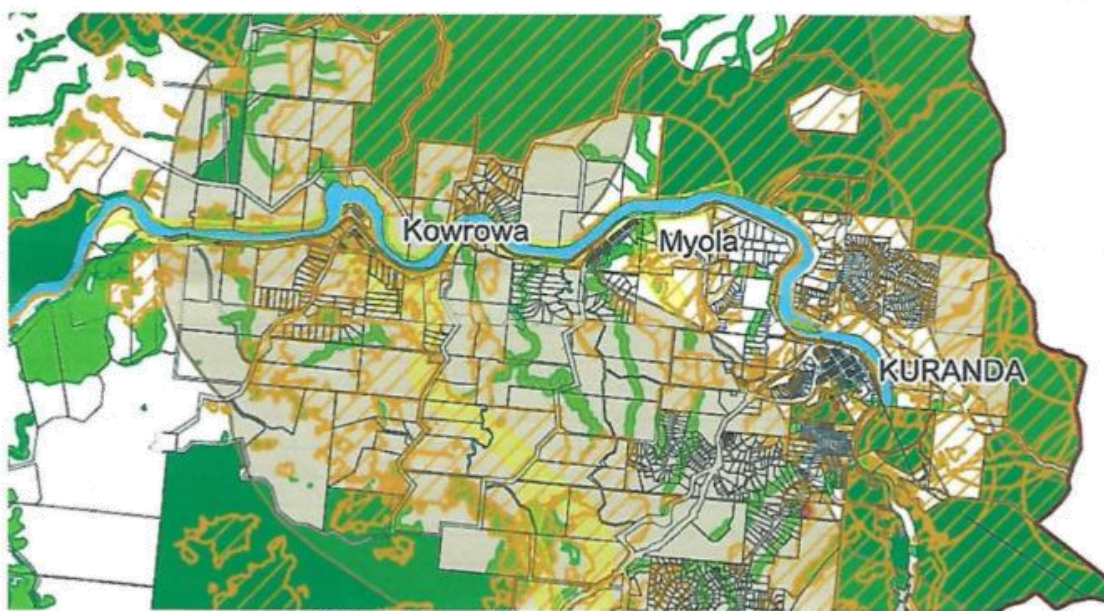
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Date: 8-12-19.
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Phone number 0439 201 249
 email: stacey.obrien@my.jcu.edu.au.

From: Planning (Shared)
Sent: Mon, 16 Dec 2019 09:12:53 +1000
To: Planning (Shared)
Subject: Sri Diah Widjajanti submission for MCU Nature Based Tourism - 112 Barnwell Road Kuranda - Reeve and Ocean Pty Ltd - MCU/19/0018
Attachments: Submission MCU 190018.pdf

From: Raymond Ganley <rajanti1@bigpond.com>
Sent: Friday, 13 December 2019 4:20 PM
To: Info (Shared) <info@msc.qld.gov.au>
Subject: MCU /19/0018 Development Application

Please find attached submission

Sri Diah Widjajanti

Submission re MCU190018 – Nature Based Tourism incl short term accommodation in the rural zone

Due date – Friday 13 December 2019.

We wish to submit our concerns with regard to the DA MCU/19/0018 submitted by Reeve and Ocean Pty. Ltd. for “Glamping and Nature Based Tourism approval”.

This DA appears to be deliberately obtuse and we believe that this application could have been reviewed before release for community submission.

This application is on rural zoned land designated as rural production land. There is much interchange between the currently approved ‘Tourism Attraction’ (TA) and this new application for ‘Nature Based tourism’ (NBT) which includes accommodation.

There are a number of issues which have not been addressed in the application. The application is impact assessable and the Community should have the opportunity to comment on ALL proposed activities and intentions which may be included in the Proponent’s proposal.

The proposal is not consistent with the Strategic vision contained in the Planning Scheme, in particular “... *Environmental health and community well-being....*”. It is noted that Strategic vision is extrinsic to the planning scheme however it is unhelpful and insulting to have development that conflicts with elements of Council’s Strategic vision.

The Proponent has not established a NEED for this development in our Community.

- There are negative issues for environment, water quality, noise at night, waste disposal, undermining the planning scheme intent and no jobs

There is much missing information in the DA. This is included in the following notes and comments:

1. MSCPS 2016 – The planning scheme separately defines the activities of Tourism Attraction (TA) and Nature Based Tourism (NBT).
 1. The MSC planning scheme definition states the intent that any Tourism Attraction should not include accommodation. If the intent of the planning scheme were to include accommodation then it should be stated. The proponent needs to explain why this intent should be altered for MCU190018.
 2. The planning scheme describes Tourism Attraction as *small-scale, low impact tourist facilities established across the rural landscape (MSCPS 3.7.7.1(5)(a)*. Any accommodation options in the rural landscape are limited to bed and breakfasts and NBT. The Proponent has not explained how this DA can fit the rural zoned location.
2. COMPLIANCE – The current approvals together with this development application are all generally located on the same footprint of land which is owned by Reeve and Ocean Pty. Ltd.

This includes:

- i. the rural zoning of the land for grazing purposes;
- ii. a tourist attraction with a focus on a cattle show and animal zoo with horse and quad bike riding, food and liquor;
- iii. this proposal for nature based tourism including accommodation

2. There are complex layers of compliance issues when combining the current approvals and the new application. Self-regulation does not seem to be an appropriate option given that Reeve and Ocean have been the subject of many Community complaints in the past 3 ½ years.

Any approval that would include 'conditions' does not provide assurance to the Community. Recent history with this Proponent would suggest that 'conditions' are not observed and that self-regulation is not appropriate. There is no information about how these compliance issues will be administered by the Proponent or ensured by MSC on behalf of the Community.

3. There is no discussion about the strong environmental significance or critically endangered flora and fauna; or that the land is located close to a rural residential valley, where impacts may affect the amenity of established neighbours.
4. HEALTH AND WELL-BEING - There is no information about the proximity of tents/cabin accommodation to the animal shelters on site. There is no information about the impacts of noise, odour or light and the impact to the animals (included in 'animal husbandry' at night) or the health and wellbeing of the tourists in the closely located proposed accommodation.
3. CURRENT APPROVAL RESTRICTIONS - The Proponent states that this Nature Based Tourism (NBT) application will be both complementary and subordinate to their current Tourism Attraction (TA) approval already on site. . In the DA, 6.21 p.27.. *"the proposed Nature-based Tourism development is a complementary land use to the existing Tourist Attraction... the accommodation proposed is to meet the accommodation needs of the visitor base of the Tourist Attraction.* There is no discussion which indicates the inclusion of NBT activities.
 1. There is no explanation as to how the NBT can be complementary to the TA whilst they are defined in the MSCPS as very different activities. It is stated that the accommodation option is proposed to directly meet the needs of the TA, yet MSCPS does not allow accommodation for Tourism Attractions on rural land. Please explain how this application for accommodation is not a method of changing the intent of the planning scheme. MSC should be firm on how the definition of Nature Based Tourism is interpreted – if used as the applicant proposes then the definition becomes a de-facto way of providing short-term accommodation in the Rural zone.
 - i. The expected low key nature of accommodation associated with Nature based tourism is reflected in the fact that Nature based Tourism isn't categorised under "Accommodation activities" for purposes of Section 9.3.1.3 – the accommodation activities code.
 - ii. Please provide assurance that any approval for this impact assessable DA will not be followed by subsequent changes to the DA achieved through variations that will be code assessable.

2. There is no information about the cumulative effect of an approval for both the TA and NBT. NBT is defined as LOW IMPACT environmentally responsible accommodation and the MSCPS 2017 allows maximums as below in Column 1, whilst the Proponent is applying for much higher maximums (Column 2). More detail is required as to how these significant increases (Column 3) meet the intention of the planning scheme.

Column 1 MSCPS defines NBT maximums as:	Column 2 This DA is asking for:	Column 3 Difference
10 guests	54 guests	>5 times allowable limit
5 separate rooms	14 x 1 bed tents – 2 rooms each = 28 rooms 5 x 2 bed tent – 3 rooms each = 15 rooms 1 x 3 bed tent – 4 rooms Each = 4 rooms TOTAL 47 rooms	>9 times allowable limit
2 separate buildings	22 separate buildings	>11 times allowable limit
1 primary residence	0 primary residence	<allowable in MSCPS

- i. There is no discussion of the risk of impacts to the environment, neighbourhood amenity, rural production values etc of any further development applications on the site.
 - ii. In order to protect the environmental values of the site and any cumulative impacts, it is requested that conditions similar to those imposed on DA180001 (3.9 & 3.10, pg.3) be included in any approval.
 - iii. No further development of the sites should be undertaken until EPBC matters have been addressed – EPBC Matters likely to be impacted upon by cumulative impacts of the overlying MCU and ROL approvals.
 - iv. Details are not provided as to how the NBT activities and accommodation will affect the nearby rural residential properties.
 1. Light pollution
 2. Night activities, noise (particularly that which travels down the valley)
 3. Events
 4. Food and liquor consumption
 - v. The MSCPS lists NBT as a temporary use in the rural zone code. The DA gives no information as to whether this NBT is proposed as temporary or permanent. This proponent was the subject of much community objection with a previous application for NBT to 30/6/18. MSC received a large number of complaints via individual letters, a petition and complaints to Councillors and the Mayor.
3. Please address the restrictions imposed upon the TA which does not have a DA approval for operations after 7pm because the NBT is stated as an overnight proposal.
- i. In the DA 6.21 – the Proponent accepts that the current TA approval establishes a population limit, yet there is no acceptance of the current 7pm approval limits on visitors to the site. It

seems that the Proponent is 'cherry-picking' restrictions for discussion and not being transparent about their intentions.

1. These operations include – vehicle movements, noise, food and beverage (liquor license). All visitors must depart by 7pm.
 2. We have very strong objections to any tourist operations on site outside the current restrictions between 7pm and 7am.
4. NBT ACTIVITIES - The MSCPS provides definitions for Nature Based Tourism activities. These do not seem to be compatible with the activities currently approved for the Tourism Attraction (MCU18006) as explained in the Table below:

NBT activities as defined in the MSCPS	TA activities as defined in Proponent's application & MSC TA approval These are mostly 'animal husbandry' activities NOT nature based activities
Use of land: For conservation, interpretation and Appreciation of areas of environmental cultural or heritage value, local ecosystem and attributes of the natural environment	MSCPS Onsite entertainment, recreation i.e. theme park or zoo
Typical activities: Nature based focus Promote environmental awareness, education and conservation Carry out sustainable practices	MSC TA application, p.5 Quad bike activities Horse riding Tractor & trailer pull rides, horse and cart rides, cow milking and presentation on rural operations. Animal husbandry, cattle handling Australian and North Qld culture & lifestyle

- i. The proponent has not detailed the activities with which the NBT visitors will be engaged. These activities, which may be both day and night together with any proposed 'event' activities, need to be described in the DA. In particular any environmentally significant activities which will require referral, particularly if they involve any of the water systems or flora, fauna on the property.
- ii. DA application – Water resources 23.6 p.9 – Proponent has answered NO to taking overland flow water or use of bore water.
 1. When overland flow water is collected by the on-site dam it is prevented from any overland flow to support the ecology of Owen Creek.
 2. Explain how the NBT activities will be different and separate to the activities of the TA.
 3. It is noted on the DA under 23.6 - Water Resources, that there will be no interfering with water in a watercourse. The Proponent needs to detail any activities which include 'water' and provide an independent environmental assessment.
 4. If they involve night activities which will impact nocturnal fauna and/or neighbouring residents.

4. TENTS (TENTED ACCOMMODATION) - Accommodation facilities for tents located on the site. The facilities supplied for tourists being accommodated have not been discussed or detailed in the DA. The DA does not describe such facilities which may include:
 - i. Food, as there are no kitchens included in the tents
 1. There is an established BBQ area but no details are provided i.e. water supply, waste and rubbish removal, cleaning, shelter in rain.
 - ii. Liquor, there is no Liquor License after 7pm
 - iii. Water supply to baths, without plumbing to the tents
 - iv. Ensure health of tourists
 1. without drainage from the baths;
 2. with the tents located over an overland water flow catchment into the dam. The Proponent's DA ref. 23.6 Water resources, states that no overland water flows will be interfered with by this proposal.
 3. where located beside a dam with muddy edges and ideal mosquito breeding areas.
 - v. What erosion controls will be included around the eroded dam site?
 - vi. Night lighting to enable the safe movement of visitors around the site
 - vii. Disposal of waste
 - viii. Power and communications
 - ix. Emergency – access by ambulance etc to individual accommodations
5. CABINS – There are no details of the suggested building option which may involve cabins. The wording which describes the accommodation options is frequently interchanged between 'cabins' and 'tents' and the Proponent needs to provide clarity about the aspect of the proposal.
 1. There are no details about the building designs, location and layouts of cabins should they become the chosen option.
 2. Layout of tents seems to be entirely on Lot 22, yet they state Lot 22 and Lot 17. With no detailed layouts of the 'tent' site there is concern that the inclusion of Lot 17 to the DA may automatically include further 'tents' cabins without further impact assessments by the Community.
 3. The Kuranda region currently has a poor outcome from previous permanent tourist accommodation approval. This is the Kuranda Rainforest Resort, which met with much Community objection when built and has morphed into a low standard permanent accommodation with poor outcomes for local residents. Please provide information as to how this temporary tourism accommodation proposal will be restricted from morphing into permanent cabins. How will this be enforced?
 - i. The proposal appears to be a de facto way of providing higher density accommodation in Rural zone. The applicants appear to be exploiting the accommodation component of the land use definition without addressing the true nature of the "Nature Based" component. (see conflict in definitions of Nature Based Tourism and Tourist attraction).

6. The massed clustering of the proposed accommodation and a lack of nexus with a Nature base" is at odds with what would be expected of this land use – visually and aesthetically the tents/cabins are better described as "Short term accommodation" and should be assessed as such. The planning scheme limit on the number of guests expected for Nature Based Tourism also reflects the expected low key nature of this use.

The tourist attraction approval is issued over lots that do not make up lots contained in the subject application – surely if the Nature Based tourism application is relying in the tenuous link with the Tourist activity the application should cover the same lots as those in MCU18/18/0006.

7. ACCOMMODATION - PRIMARY RESIDENCE - MSCPS requires NBT accommodation to be located within 200m of the primary residence on the site. That a maximum of 2 dwellings is allowed for the accommodation with a maximum of 5 rooms.
 1. The Proponent has not provided details of the primary residence on the site. If the intention is to use the current 'Barnwell' house, then the Proponent needs to detail how this will comply, as this building was included in the DA for the Tourist Attraction and plans were supplied as part of that DA. These plans described 'Barnwell' house as a visitor attraction facility and not as a primary residence for the property.
 2. Has the Proponent provided satisfactory evidence that all proposed tents will be located on the site within the 200m boundary area from ANY proposed residence as required by the MSCPS.
8. ACCOMMODATION MAXIMUM - MSCPS 2016 requires that NBT accommodation will allow a maximum of 10 guests and 14 'events' per calendar year within the rural zone. The Proponent provided calculations (6.2.1 p.27) based on overall land area owned by Reeve and Ocean P/L to provide an argument for increasing the number of NBT guests overnight from 10 to 54. The evidence in the MSCPS to support this calculation has not been provided.
 1. In 6.2.1 p.27 - The Proponent has not addressed the intent of the rural zoning in the MSCPS which is to protect the rural production areas. If the calculations (6.2.1) are used and separate lots are each allowed accommodation for 10 guests with a primary residence then the rural production activity must be diminished.
 2. This application has asked for 54 guests, which is 5 times in excess of the allowed maximum under the MSCPS.
 3. There is a current approval for 12 rural worker accommodations on site. This is not addressed in the DA as part of a cumulative persons number on the site, but these additional people on site using infrastructure need to be taken into account, i.e. water, waste, health & safety etc. The site infrastructure and environmental constraints currently must cater for 12 (workers) + 150 (tourists) + 54 (proposed overnight tourists) + staff + an approved increase of 150 when the road is upgraded. The impact of the cumulative persons effect needs to be detailed in the submission.
 4. The on-site waste water impacts are down played in the common material and rely on ASNZ1547 – the numbers of visitors authorised to use the site (potentially 300 + 54 or 150 + 54) may potentially exceed thresholds requiring an ERA 63STW under the Environmental Protection Act. No information provided in the application to show why the EP Act is not applicable in the circumstances, i.e. are they no release works?
 5. The Proponent needs to provide evidence that this number of guests (54) can comply with the intent of the planning scheme and not undermine the value of the rural operations of the land as required in this rural zone.

6. The approval for Tourism Attraction MCU18006 refers to the MSCPS Rural Zone PO3 states that the accommodation density is complementary and subordinate to the rural values of the land and that residential density does not exceed 2 dwellings per lot (PO3, A03.2) Lot 22, which is the main subject of the application already has more than 8 buildings and this application adds 22 dwellings. This suggests that the MSCPS intent is for the rural zone values may be compromised.
9. EVENTS - The Proponent currently has a self-regulation arrangement to report to MSC the number of 'events' per year on the rural zone land. Any 'events' such as activities for NBT should be included in the allowed 14 per calendar year. No information has been provided about NBT 'events'.
 1. Will any approval allow a cumulative effect over the rural zone allowance of 14 calendar days per year for 'events'? Will the TA be allowed 14 days as well as the NBT be allowed 14 days, totalling 28 days per calendar year?
 2. There is no information which details how compliance for the NBT will be achieved to meet the TA approval conditions on the maximum number of guests per day (150) or the number of 'events' (14) per calendar year allowed.
10. TRANSPORT - The Proponent's DA for Tourism Attraction was required to provide a referral for State Transport Infrastructure.
 1. Transport options for overnight tourists have not been detailed? Do transport options involve helicopters?
 2. Can the proponent provide assurance that if approved, the numbers of visitors to the overall site (TA and NBT) will not be more than 150 per day (24 hours) and that any NBT approval for 150 people will include and not add to any approval for 54 people. This does not mean that we accept the NBT approval proposal.
11. TENTS OR CABINS – The term used in the DA is tents/cabins; the definitions in the MSCPS are 'tent camps' OR cabins. 'Tented camps' indicates a temporary accommodation option. The Proponent has submitted the DA and has not used the 'term tented' camps. There is not enough clarity regarding the accommodation option. The information supplied to the Community for impact assessment submissions does not differentiate between tents and cabins. The MSCPS term for 'tent camps' should be applied. The terms appear interchangeably and it is unclear as to what type of accommodation option is proposed in the DA (Example - Refer DA Schedule 1, Site Plan, sheet number AA-ALL02 (Issue E) 11/11/19 – the site plan used the term 'cabins' for both Stage 1 and Stage 2.
 1. Schedule 1 – Site Plan, sheet number AA-GL02 (Issue E), 11/11/19,

Tourism Accommodation Stage 1 & 2. The site plan specifically describes the accommodation as 'cabins' as this snip from the document shows. The label is NOT tents/cabins. It would appear that this DA is for 'cabins', without including the cabins in any detailed description for the impact assessment to the Community.
 2. The Proponent is asked to provide details of exactly what type of accommodation is proposed and the full details of that accommodation so that the community can assess the impacts.

12. WASTE– There is no detail about how the ablutions waste in each ‘tent’ will be managed.

1. There is no detail about the requirement for an EPA review should the ‘equivalent persons’ calculation for waste exceed 22 persons.
2. If waste is dealt with via the onsite TA bio-cycle system, there is no information about the current capacity and ability to accept further waste.
 - i. DA - P.11 - *It is noted that the existing waste-water treatment system may require upgrade and that relevant Plumbing and Drainage Works approval(s) will be sought at the relevant time (if required).*
3. The biocycle discharge is located in the area of the dam spillway and any dam runoff combined with biocycle discharge would flow overland into Owen Creek and impact downstream residential neighbourhoods and the Myola frog population.
4. Waste water - – applicant states in the analysis of the codes compliance that “Wastewater treatment is provided on-site via bio-cycle systems, which are understood to be in accordance AO2.2.” - – this is an uncertain statement – the application should know one way or the other whether the wastewater disposal complies with the relevant code, and further, whether the waste water should be addressed under the ERA63 STW process.

13. WATER SUPPLY – There are no details about the water supply to the ‘tents’ and how the supply and drainage will be managed.

1. Water supply – applicant states in the analysis of the codes compliance that “*Water supply to the site is provided by bores, which are understood to comply with AO1.2(a).*” – this is an uncertain statement – the application should know one way or the other whether the water supply bores comply with the relevant code !
2. There is no detail as to determine whether the bore water meets drinkable water quality standards and how such standards will be maintained.

14. KITCHEN FACILITIES are not provided.

- i. There is no detail to describe how guests will be catered for, where they will eat, where the food will be supplied from and stored. Section 2 – Division 1 – 8.2 the proponent has stated that NO existing buildings will be used. There are buildings within the TA (kitchen; toilets; bio-cycle) but no detail is provided about their use by NBT.
- ii. There is no detail about the management of all waste including food waste.
- iii. The supply of liquor is not addressed, even though the current DA TA excludes supply past 7pm.

15. CYCLONES – The application states that the site is not in a cyclone area. Most of Queensland is located in Wind Region C where structures are to be built to withstand a Category 4 cyclone with wind speeds in region of 252km/hr. More information on planned infrastructure and accommodation is needed.

1. If the Proponent is of the belief that cyclone ratings do not apply for buildings on this site, then the Council is requested to review the category ratings for all other established buildings on the site which were certified independently by Develop North Pty. Ltd.
2. If the Proponent ‘discovers’ that there is a relevant cyclone rating, does this mean that any approval for ‘tents’ will be changed to ‘cabins’ or other permanent cyclone rated structures?

16. GROSS FLOOR AREA (GFA) – the current Tourist Attraction is limited to a gross floor area of 200m square in the rural zone code. Accommodation, if approved, would increase the GFA with additional infrastructure which is not detailed in this DA.
1. No details are provided to enable a determination of the final GFA if the NBT GFA is added to the TA GFA. Will any approval be subject to the GFA being restricted to the MSCPS allowance of 200m square.
 2. What consideration is made to the cumulative effect of the Tourism Attraction with this proposed Nature Based Tourism. The NBT is effectively growing the TA to a size that would have been impact assessable when it was applied for in July 2018. That size would have exceeded allowances such as GFA in the rural zone.
 3. Application states “tent “platforms and poles will not require a Building approval? - The tent structures have pole supports and other tie down mechanisms, very likely to require Building Approvals – misleading to believe that these structures won’t require a Building approval when simple garden sheds require approvals! On that basis it is misleading to assert that the GFA of the tents is irrelevant in assessing the impacts of this proposal.
17. CURRENT ON-SITE DAM – This is the location for some of the ‘tent’ accommodation. The previous approval by MSC included landscaping around the edge of the dam (landscape plan provided in DA) and grass coverage of the dam surrounds and the dam wall.
1. There is no detail about site beautification (shade trees) or grass coverage or landscaping at the edge of the dam to prevent mosquito breeding.
 2. Have the landscaping requirements of the Tourism Attraction (Table 9.4.2.3A) approval and the Operational Works Approval for the dam been satisfied?
 3. There are no risk assessment details regarding the water safety issues where accommodation is located close to the dam.
 4. Has night lighting been assessed regarding cane toad attraction in the areas near the dam water. Night lighting attracts cane toads. If night lighting is proposed around the dam area then there is a need for a risk assessment to breeding survival of the Myola frog.
 5. DA, Part 2 – Location Details of the DA state that the location is adjacent to a water body named as Owen Creek. The dam, which is also a water body, is very close to the development but has not been listed.

SUBMITTED BY:

Name: Sri Diah Widjajanti

Street address: 77 Monaro Close, Kuranda

Email: jajanti1@gmail.com

Phone: 0413199542

From: Planning (Shared)
Sent: Fri, 13 Dec 2019 11:15:12 +1000
To: Planning (Shared)
Subject: Steven Nowakowski - President Kur-Alert Inc. submission for MCU Nature Based Tourism - 112 Barnwell Road Kuranda - Reeve and Ocean Pty Ltd - MCU/19/0018
Attachments: Kur-Alert Submission 12-12-2019.pdf

From: Steven Nowakowski <info@stevennowakowski.com>
Sent: Thursday, 12 December 2019 10:36 PM
To: Info (Shared) <info@msc.qld.gov.au>
Subject: Submission on MCU 190018

Hello Mareeba Shire Council,

Please find attached a submission on MCU190018

Kind Regards,
 Steven Nowakowski
 President Kur-Alert Inc.
 m) 0402 810 411

PO Box 560
 KURANDA QLD 4881

KUR-ALERT Inc.

PO Box 560
KURANDA QLD 4881

12th December 2019

**MCU NATURE BASED TOURISM LOT 22 and LOT 17
BY REEVER AND OCEAN MCU 190018
CURRENTLY OPERATING AS A TOURIST ATTRACTION**

1. There are no details of cabins – one should not have to assume or imagine what cabins might look like even if they are just hard walled versions of the tents. The applicants require an option to “convert” the tent structures to permanent cabins – the cabins would constitute permanent structures that could enable longer term accommodation options – the Development Application should be re-presented with the permanent cabins as the dominant land use that is likely to have longer term cumulative effects . The potential impacts of the cabins should therefore require more information on their design and impacts and likely term of occupation.
2. The proposal is not consistent with the Strategic vision contained in the Planning Scheme, in particular “.... *Environmental health and community well-being*....”. It is noted that Strategic vision is extrinsic to the planning scheme however it is unhelpful and insulting to have development that conflicts with elements of Council’s Strategic vision.
3. No further development of the sites should be undertaken until EPBC matters have been addressed – EPBC matters likely to be impacted upon by cumulative impacts of the overlying MCU and ROL approvals.
4. Application states that the site is not in a cyclone area. Is this a joke? Most of coastal northern Queensland is located in Wind Region C where structures are to be built to withstand a Category 4 cyclone with wind speeds in region of 252km/hr.
5. Application states “tent” platforms and poles will not require a Building approval? - The tent structures have pole supports and other tie down mechanisms, very likely to require Building Approvals – misleading to believe that these structures won’t require a Building approval when simple garden sheds require approvals! On that basis it is misleading to assert that the ground floor area of the tents is irrelevant in assessing the impacts of proposal.
6. De facto way of providing higher density accommodation in Rural Zone. The applicants are exploiting the accommodation component of the land use definition without addressing the true nature of the “Nature Based” component. (*see conflict in definitions of Nature Based Tourism and Tourist attraction*)

7. The expected low-key nature of accommodation associated with Nature Based tourism is reflected in the fact that Nature based Tourism isn't categorised under "Accommodation activities" for purposes of Section 9.3.1.3 – the accommodation activities code.
8. The on-site waste water impacts are down played in the common material and rely on ASNZ1547 – the numbers of visitors authorised to use the site (potentially 300 + 54 or 150 + 54) may potentially exceed thresholds requiring an ERA 63STW under the Environmental Protection Act –

No information provided in the application to show why the EP Act is not applicable in the circumstances, i.e. are there no release works?

9. The relationship of the proposed land use with the previously approved MCU (MCU/18/0006) for a Tourist Attraction is tenuous and over relied upon. There is no information on the "nature based" component of the current application. The Tourist Attraction MCU has little, if any, nature based aspects other than limited quad bike rides. The main aspects of MCU/18/0006 are cattle and horse farming activities – these are animal husbandry activities not Nature Based Activities. This anomaly is reinforced in Section 4.4 of the application that states *"The proposed Nature-based Tourism development is complementary to the Tourist Attraction and Animal Husbandry (cattle grazing) operations that occur on site, which consistent with the FNQRP represents the diversification of the rural economy."*
The Nature Based Tourism is noted as being complimentary to the Tourist Attraction but there is no substance to what constitutes the "Nature Based" activities.

The applicants summary in Table 7-1 on page 21 expands on the myth that the proposal constitutes "Nature Based Tourism" by stating the following:

"The proposed development the subject of this application (Nature-based Tourism) seeks to provide for the overnight accommodation of visitors to the Tourist Attraction, pursuant to the Nature-based Tourism land use definition." – the applicants admit in this statement that they are only exploiting using the accommodation aspects of the definition of Nature Based Tourism with no attendant nature-based tourism activity. This constitutes a very simplistic use of the definition and nullifies any further use of the land use throughout the planning assessment.

The following extract from the Nature Based Tourism definition highlights the expectations of what this activity should constitute (our under lining):

term "The use of land or premises for a tourism activity, including tourist and visitor short accommodation that is intended for the conservation, interpretation and appreciation of areas of environmental, cultural or heritage value, local ecosystem and attributes of the natural environment."

The massed clustering of the proposed accommodation and a lack of nexus with a Nature Base is at odds with what would be expected of this land use – visually and aesthetically the tents/cabins are better described as "Short term accommodation" and should be

assessed as such. The planning scheme limit on the number of guests expected for Nature Based tourism also reflects the expected low-key nature of this use.

10. The tourist attraction approval is issued over lots that do not make up lots contained in the subject application – surely if the Nature Based tourism application is relying on the tenuous link with the Tourist activity the application should cover the same lots as those in MCU18/18/0006. Note this comment is being made without prejudicing our assertion that no Nature Based Tourist activity exists upon which to link the tents and cabins.
11. If the applicant is relying on activities established under MCU18/0006 then some attempt should have been made to show compliance with key relevant conditions in that approval, especially Condition 3.10, provision of a record of monthly tourist numbers, in order for the public to assess potential impacts of the new land use. Note this comment is made without prejudicing our assertion that no Nature Based Tourist activity exists upon which to link the tents and cabins
12. Water supply – applicant states in the analysis of the codes compliance that *“Water supply to the site is provided by bores, which are understood to comply with AO1.2(a).”* – this is an uncertain statement – the application should know one way or the other whether the water supply bores comply with the relevant code!
13. Waste water – applicant states in the analysis of the codes compliance that *“Wastewater treatment is provided on-site via bio-cycle systems, which are understood to be in accordance AO2.2.”* – this is an uncertain statement – the application should know one way or the other whether the wastewater disposal complies with the relevant code, and further, whether the waste water should be addressed under the ERA63 STW process.
14. The application is silent on how and where the persons staying on site will be provide with meals. There is no approvals for a food and drink outlet on sites.
15. The proposed land use (putting aside the anomalies with respect to how it is defined) will have hours of operation outside that of other uses within the sites.
16. MSC should be firm on how the definition of Nature Based Tourism is interpreted – is used as the applicant proposes then the definition becomes a defacto way of providing short-term accommodation in the Rural zone.



Steven Nowakowski
President Kur-Alert Inc.
m) 0402 810 411

8.2 D MARTIN - RECONFIGURING A LOT - SUBDIVISION (2 INTO 6 LOTS) - LOT 2 ON SP176556 & LOT 202 ON RP843530 - 2850 KENNEDY HIGHWAY & 116 KANERVO ROAD, KOAH - RAL/19/0022

Date Prepared: 7 January 2020

Author: Planning Officer

Attachments:

1. Proposal Plan [↓](#)
2. Department of State Development, Manufacturing, Infrastructure and Planning response 17 December 2019 [↓](#)

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	D Martin	ADDRESS	2850 Kennedy Highway & 116 Kanervo Road, Koah
DATE LODGED	25 October 2019	RPD	Lot 2 on SP176556 & Lot 202 on RP843530
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (2 into 6 Lots)		
FILE NO	RAL/19/0022	AREA	Lot 2 - 15.47 ha Lot 202 - 15.72 ha
LODGED BY	Planning Plus QLD Pty Ltd	OWNER	D Morris
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Rural Zone		
LEVEL OF ASSESSMENT	Code Assessment		
SUBMISSIONS	N/A - Code Assessment Only		

EXECUTIVE SUMMARY

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

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

The application and supporting material has been assessed against the Mareeba Shire Council Planning Scheme 2016 and is in conflict with Performance Outcome PO1 and Acceptable Outcome AO1 of the Reconfiguring a Lot Code.

All six (6) proposed allotments are smaller than the desired minimum reconfigured lot size of 60 hectares for land within the Rural zone.

The intent of the planning scheme for the rural zone is to discourage the creation of additional small rural lots. The proposed development, which essentially proposes the creation of an additional four (4) small rural lifestyle allotments, is in conflict with this intent.

On 9 December 2019, the Minister for State Development, Manufacturing, Infrastructure and Planning enacted statutory Temporary Local Planning Instrument No. 01 of 2019 (Subdivision in Rural zone) (TLPI) for the Mareeba Shire Council Local Government Area. The purpose of the TLPI is

to ensure that Rural zoned land within the Mareeba Shire is not subdivided into lots less than 60 hectares. To achieve this intent, the TLPI makes all subdivision applications within the Rural Zone where proposing the creation of lots less than 60 hectares impact assessable development (increased from code assessment), and introduces amendments to the Planning Scheme's Strategic Framework and various Development Codes that include provisions ensuring that subdivision applications proposing the creation of lots less than 60 hectares (regardless of their original size) could not be supported by Council officers.

The TLPI was enacted after this development application was lodged with Council, therefore does not affect the level of assessment for this application and Council officers do not necessarily need to assess the application against the TLPI (and its amended Strategic Framework and Development Codes). However, all lots proposed by this application are less than 60 hectares in size, which would result in significant conflicts with the TLPI (amended Planning Scheme).

It is recommended that the application be refused.

OFFICER'S RECOMMENDATION

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	D Martin	ADDRESS	2850 Kennedy Highway & 116 Kanervo Road, Koah
DATE LODGED	25 October 2019	RPD	Lot 2 on SP176556 & Lot 202 on RP843530
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (2 into 6 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:

Refused by Council for reasons set out in (B).

(A) REFUSED DEVELOPMENT: Development Permit for Reconfiguring a Lot - Subdivision (2 into 6 Lots)

(B) ASSESSMENT MANAGER'S REASONS FOR REFUSAL:

1. The proposed development is in conflict with Performance Outcome PO1 and Acceptable Outcome AO1 of the Reconfiguring a Lot Code:

PO1

Lots include an area and frontage that:

- (a) *is consistent with the design of lots in the surrounding area;*
- (b) *allows the desired amenity of the zone to be achieved;*

- (c) *is able to accommodate all buildings, structures and works associated with the intended land use;*
- (d) *allow the site to be provided with sufficient access;*
- (e) *considers the proximity of the land to:*
 - (i) *centres;*
 - (ii) *public transport services; and*
 - (iii) *open space; and*
- (f) *allows for the protection of environmental features; and*
- (g) *accommodates site constraints.*

AO1.1

*Lots provide a minimum area and frontage in accordance with **Table 9.4.4.3B**.*

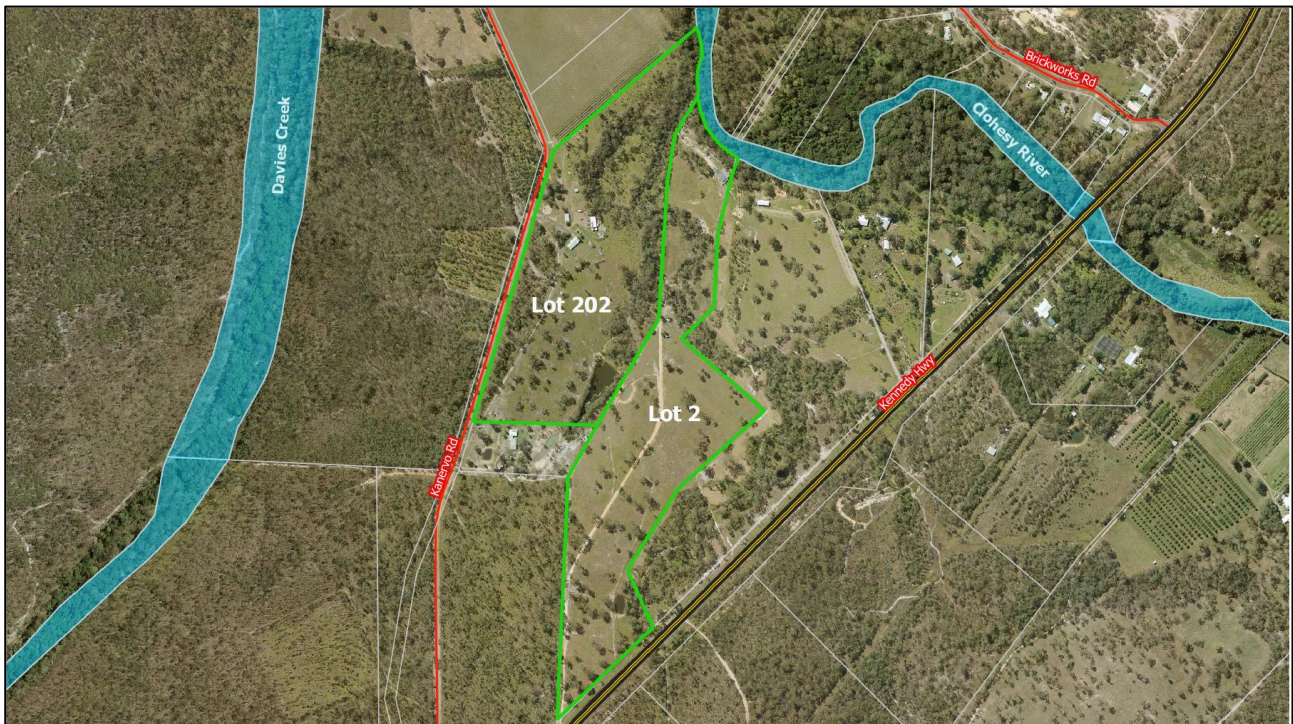
2. *That the application would significantly conflict with Temporary Local Planning Instrument No. 01 of 2019 (Subdivision in Rural zone).*

THE SITE

The subject land is made up of two (2) allotments situated at 2850 Kennedy Highway, Koah and 116 Kanervo Road, Koah, and more particularly described as Lot 2 on SP176556 and Lot 202 on RP843530 respectively. Despite fronting different roads, the two lots adjoin each other with a common boundary approximately 650 metres long. Both lots are situated within the Rural zone.

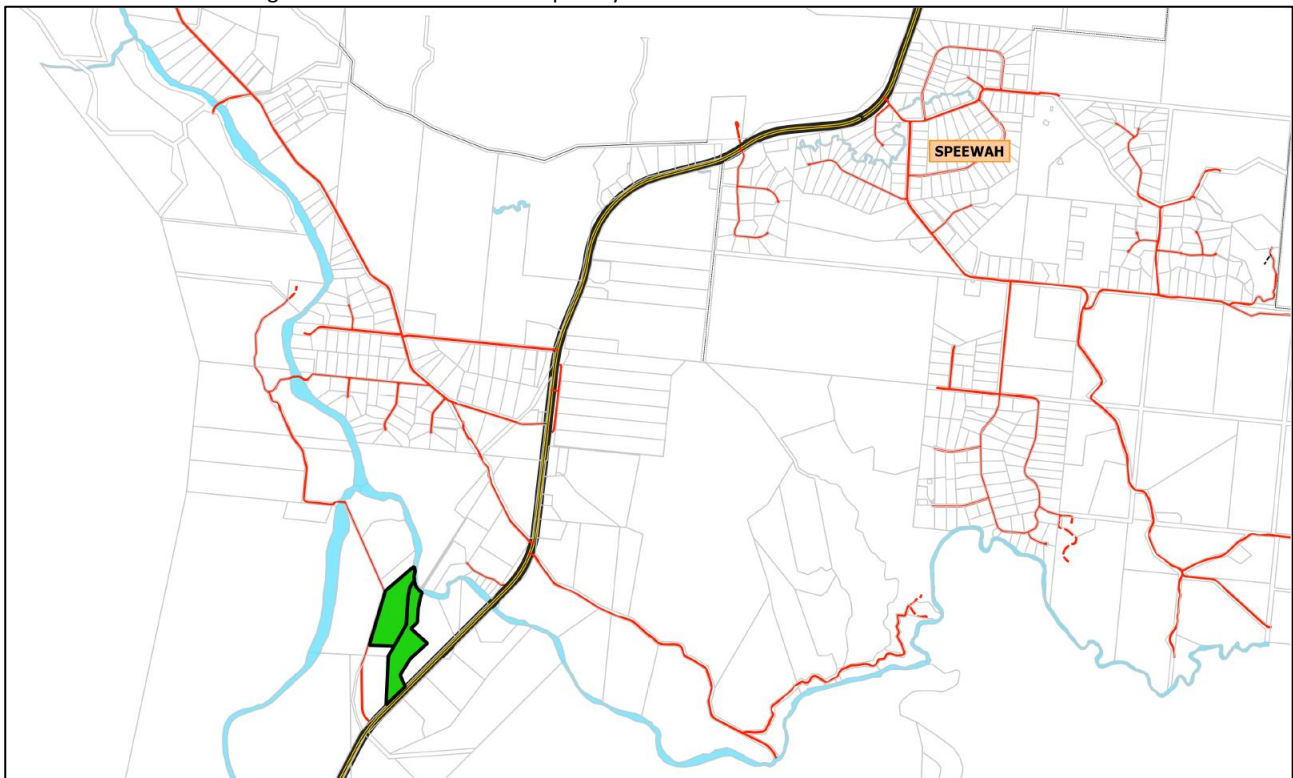
Lot 2 on SP176556 is irregularly shaped, with a total area of 15.72 hectares and a frontage of 251 metres to the Kennedy Highway which is constructed to a two directional bitumen sealed standard. A single gravel and rock access crossover services Lot 2 in the southern most corner. A long gravel driveway is used to access two sheds at the northernmost end of the property. Lot 2 has been predominately cleared with only scattered mature trees remaining. A seasonal watercourse runs through the northern end of the property and the lot also backs onto the Clohesy River for a distance of approximately 140 metres.

Lot 202 on RP843530 is also irregularly shaped with a total area of 15.72 hectares and a frontage of 527 metres to Kanervo Road which is constructed to a formed gravel standard. Access to Lot 202 is gained from Kanervo Road via a single gravel access crossover in the north-west corner of the site. A dwelling and multiple outbuildings are situated at the northern end of the property. Like Lot 2, Lot 202 has been predominately cleared with scattered mature trees covering the majority of the allotment with some pockets of more dense vegetation generally remaining in the lower lying section of the property and along the seasonal watercourse that meanders through the eastern side of the property. Lot 202 also backs onto the Clohesy River.



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 (2 into 6 Lots) in accordance with the plans shown in **Attachment 1**.

The details of the proposed allotments are as follows:

- Lot 1 - area of 2.9 ha, approximately 170 metres frontage to Kanervo Road;
- Lot 2 - area of 2.6 ha, approximately 170 metres frontage to Kanervo Road;
- Lot 3 - area of 2 ha, approximately 90 metres of frontage to Kanervo Road;
- Lot 4 - area of 2.8 ha, approximately 40 metres of frontage to Kanervo Road;
- Lot 5 - area of 10.2 ha, approximately 60 metres of frontage to Kanervo Road;
- Lot 6 - area of 11.7 ha, 250 metres of frontage to Kennedy Highway

Proposed Lots 3 and 5 will contain the established dwellings and sheds, while proposed Lots 1, 2, 4 and 6 all contain suitable flat, cleared areas to accommodate future dwellings.

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 as containing:

- *State & Regional Conservation Corridors*
- *Terrestrial Area of High Ecological Significance*
- *Terrestrial Area of General Ecological Significance*

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	Land Use Categories <ul style="list-style-type: none"> • Rural Other Natural Environment Elements <ul style="list-style-type: none"> • Biodiversity Area
Zone:	Rural zone
Overlays:	<ul style="list-style-type: none"> • Bushfire Hazard Overlay • Environmental Significance Overlay • Flood Hazard Overlay • Hill and Slope 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 Developments Codes**

The following Development Codes are considered to be applicable to the assessment of the application:

- 6.2.9 Rural zone code
- 8.2.3 Bushfire hazard overlay code
- 8.2.4 Environmental significance overlay code
- 8.2.6 Flood hazard overlay code
- 8.2.8 Hill and slope 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 would conflict with the identified section of the Reconfiguring a Lot Code.

Relevant Codes	Comments
Rural Zone Code	The application complies or can be conditioned to comply with the applicable acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Bushfire Hazard Overlay Code	The application complies or can be conditioned to comply with the applicable acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Environmental Significance Overlay Code	The application complies or can be conditioned to comply with the applicable acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.

Flood Hazard Overlay Code	The application complies or can be conditioned to comply with the applicable acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Hill and Slope Overlay Code	The application complies or can be conditioned to comply with the applicable acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Landscaping Code	The application complies or can be conditioned to comply with the applicable acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Parking and Access Code	The application complies or can be conditioned to comply with the applicable acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Reconfiguring a Lot Code	The application complies or can be conditioned to comply with the applicable acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code apart from the following: <ul style="list-style-type: none"> Performance Outcome PO1 and Acceptable Outcome AO1 Refer to planning discussion section of report.
Works, Services and Infrastructure Code	The application complies or can be conditioned to comply with the applicable acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.

(D) 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 to be designed and constructed to FNQROC Development Manual standards, to the satisfaction of Council's delegated officer.

REFERRAL AGENCY

The application triggered referral to the Department of State Development, Manufacturing, Infrastructure and Planning (SARA - DTMR) as a Referral Agency.

The Department advised in a letter dated 17 December 2019 (SARA Response) that they require the conditions to be attached to any approval **(Attachment 2)**.

Internal Consultation

Not applicable.

PLANNING DISCUSSION

Noncompliance with the Performance Outcomes and Acceptable Outcomes of the Reconfiguring a Lot Code are summarised as follows:

Conflicts with the Reconfiguring a Lot Code**PO1**

Lots include an area and frontage that:

- (a) is consistent with the design of lots in the surrounding area;*
- (b) allows the desired amenity of the zone to be achieved;*
- (c) is able to accommodate all buildings, structures and works associated with the intended land use;*
- (d) allow the site to be provided with sufficient access;*
- (e) considers the proximity of the land to:*
 - (i) centres;*
 - (ii) public transport services; and*
 - (iii) open space; and*
- (f) allows for the protection of environmental features; and*
- (g) accommodates site constraints.*

AO1.1

*Lots provide a minimum area and frontage in accordance with **Table 9.4.4.3B**.*

Comment

All proposed allotments have areas well below the 60 hectare minimum area nominated in Table 9.4.4.3B for rural allotments.

Proposed Lots 1 - 4 would have areas of between 2 ha and 2.9 ha, essentially making them rural residential allotments, while Lots 5 and 6 would be considered rural lifestyle lots.

The proposed development is not consistent with the intent of PO1/AO1 which is to maintain larger allotments and discourage the creation of rural residential/lifestyle allotments within the Rural zone.

It is acknowledged that multiple small rural and rural residential allotments already exist in the locality, however the majority of the small allotments were created prior to the commencement of the current planning scheme and is not sufficient grounds to justify further piecemeal and out of sequence rural residential development.

The proposed reconfiguration conflicts with PO1.

Temporary Local Planning Instrument No. 01 of 2019 (Subdivision in Rural zone)

On 9 December 2019, the Minister for State Development, Manufacturing, Infrastructure and Planning enacted statutory Temporary Local Planning Instrument No. 01 of 2019 (Subdivision in Rural zone) (TLPI) for the Mareeba Shire Council Local Government Area. The purpose of the TLPI is to ensure that Rural zoned land within the Mareeba Shire is not subdivided into lots less than 60 hectares. To achieve this intent, the TLPI makes all subdivision applications within the Rural Zone where proposing the creation of lots less than 60 hectares impact assessable development (increased from code assessment), and introduces amendments to the Planning Scheme's Strategic Framework and various Development Codes that include provisions ensuring that subdivision applications proposing the creation of lots less than 60 hectares (regardless of their original size) could not rationally be supported by Council officers.

The TLPI was enacted after this development application was lodged with Council, therefore does not affect the level of assessment for this application and Council officers do not need to assess the application against the TLPI (and its amended Strategic Framework and Development Codes). However, if the application were to be assessed against the TLPI (albeit informally) all lots proposed by this application are less than 60 hectares in size, which would result in additional significant conflicts with amended sections of the Planning Scheme, as underlined in the below excerpt from TLPI:

"1.1 Strategic Framework

The following sections of the Strategic Framework are to apply as follows;

1.2.1 Settlement pattern and built environment**1.2.1.1 Strategic outcomes**

This provision of the TLPI replaces Strategic Framework, Strategic outcome 3.3.1(5) of the planning scheme for the nominated development.

- (1) *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 or fragments large land holdings. The valued, relaxed rural 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.*
- (2) *New subdivisions which propose lots less than the minimum lot size of 60ha are not supported within the Rural zone."*

"1.2.4 Element—Rural areas**1.2.4.1 Specific outcomes**

This provision of the TLPI replaces Strategic Framework, Element 3.3.11, Specific Outcome 3.3.11.1(1), Specific Outcome 3.3.11.1(2), Specific Outcome 3.3.11.1(4), Specific Outcome 3.3.11.1(5) of the planning scheme for the nominated development.

- (1) *Rural areas include rural activities and land uses of varying scale, consistent with surrounding rural land use, character and site conditions.*
- (2) *Land in rural areas is maintained in large (60ha or greater) lot sizes to ensure that regional landscape and rural production values are not compromised by fragmentation, alienation or incompatible land uses. Subdivision of land is not supported on lots less than 60ha in the Rural zone.*

- (3) Other rural areas will be largely maintained in their current configuration, only being subdivided where large land holdings of 60ha or greater can be achieved and the infrastructure base of rural operations including workers accommodation, airstrips and farm infrastructure is provided.
- (4) *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."*

"1.3 Rural zone code

This provision of the TLPI replaces Rural zone code, section 6.2.9.2 Purpose, Section (2)(f); overall outcome (3)(a) and overall outcome (3)(f) of the planning scheme for the nominated development.

1.3.1 Purpose

- (1) *Provide for a range of non-urban uses, compatible and associated with rural or ecological values including recreational pursuits and tourist activities.*
- (2) Areas for use for primary production are conserved and new allotments below the minimum lot size identified in Table 9.4.4.3B is not supported.
- (3) *Residential and other uses are appropriate only where directly associated with the rural nature of the zone."*

"1.4 Reconfiguring a lot code

This provision of the TLPI replaces Reconfiguring a lot code, Section 9.4.4.2 Purpose, Section (2)(i) of the planning scheme for the nominated development.

1.4.1 Purpose

- (1) Subdivision within the Rural zone maintains lots equal to or larger than 60ha.

1.4.2 Assessment Criteria

This provision of the TLPI replaces Reconfiguring a lot code, Section 9.4.4.3, Table 9.4.4.3A Reconfiguring of lot code – For Assessable Development, Performance outcome – PO1 and Acceptable Outcome AO1.1 of the Planning Scheme for the nominated development.

1.4.2 Criteria for assessable development – Rural Zone

Performance outcomes	Acceptable outcomes
Area and frontage of lots – Rural Zone	
PO1.1 <u>No lots are created with an area of less than 60ha</u> <i>Note: This also applies to applications for boundary realignment.</i>	AO1.1 No acceptable outcome is provided
PO1.2 No lots are created with a frontage less than 400m <i>Note: This also applies to applications for boundary realignment.</i>	AO1.2 No acceptable outcome is provided
PO1.3 Proposed lots are;	AO1.3 No acceptable outcome is provided

- | | |
|---|--|
| <ul style="list-style-type: none">a. <i>Able to accommodate all buildings, structures and works associated with the rural use; and</i>b. <i>Suitable to allow the site to be provided with sufficient access</i> | |
|---|--|

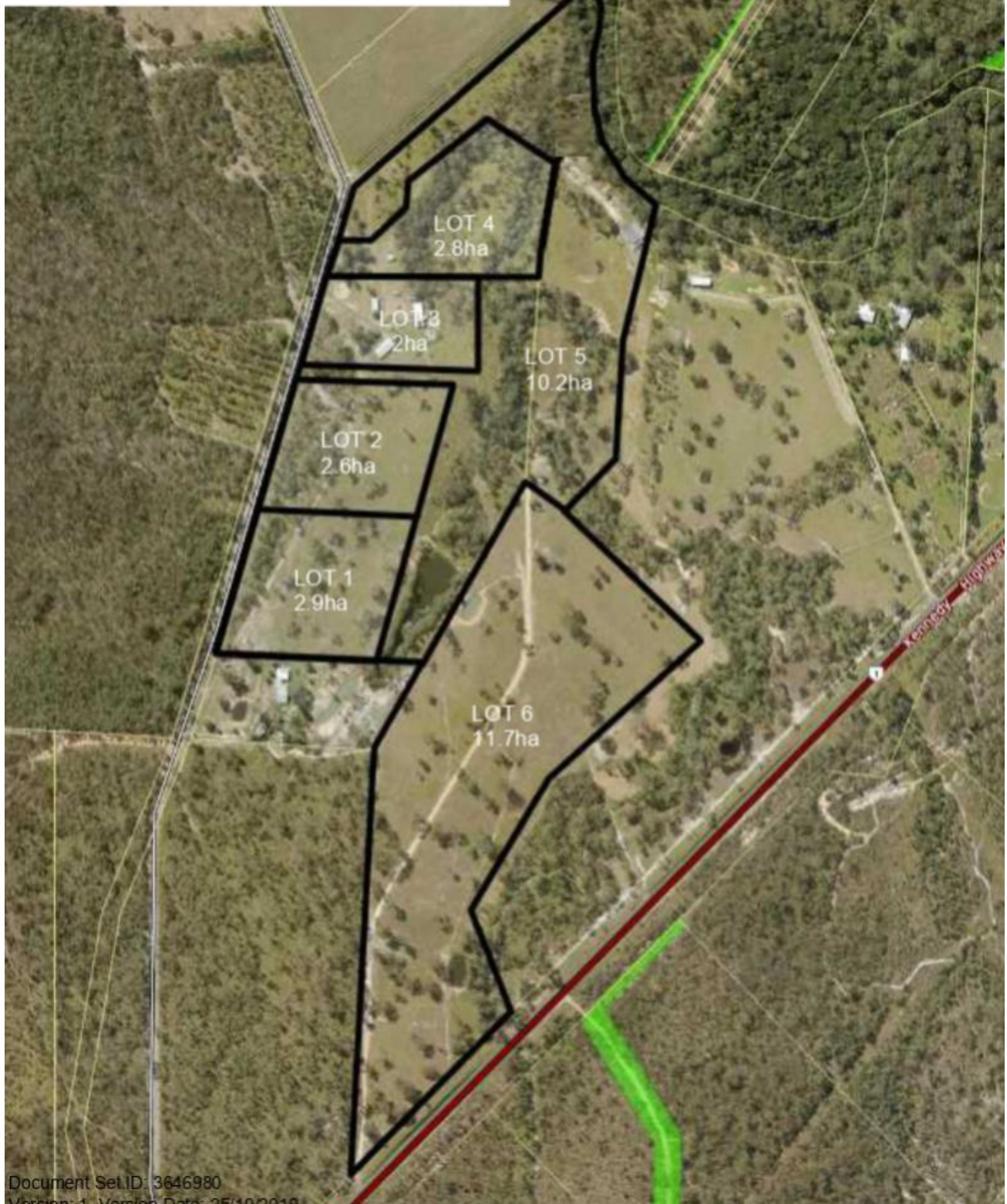
Note: This also applies to applications for boundary realignment.

Note – The balance of the assessment criteria in the Reconfiguring a lot code will apply to the development application to the extent they are not suspended or replaced by this TLPI."

The intent of the planning scheme for the rural zone is to discourage the creation of additional small rural lots. The proposed development, which essentially proposes the creation of four (4) additional small rural lifestyle allotments, is in conflict with this intent. Furthermore, there are not sufficient planning grounds to justify approval despite the identified conflicts.

It is recommended the application be refused.

Proposed reconfiguration of Lot 1, Lot 2 & Lot 3,
 Manero Road, Koah
 Lot 2 on SP176556 & Lot 202 on RP843530
 Drawing No. 19-16.01
 Date: 15/10/19



RA6-N



Department of
**State Development,
Manufacturing,
Infrastructure and Planning**

SARA reference: 1911-14201 SRA
Council reference: RAL/19/0022
Applicant reference: 19-16/000956

17 December 2019

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

Attention: Carl Ewin

Dear Sir/Madam

SARA response—116 Kanervo Road and 2850 Kennedy Highway, Koah – Reconfiguring a Lot - Subdivision (2 into 6 Lots)

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

The development application described below was confirmed as properly referred by the Department of State Development, Manufacturing, Infrastructure and Planning on 18 November 2019.

Response

Outcome:	Referral agency response – with conditions.
Date of response:	17 December 2019
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 - Subdivision (2 into 6 Lots)
SARA role:	Referral Agency.	

Page 1 of 7

Far North Queensland regional office
Ground Floor, Cnr Grafton and Hartley
Street, Cairns
PO Box 2358, Cairns QLD 4870

1911-14201 SRA

SARA trigger: **Schedule 10, Part 3, Division 4, Table 2, Item 1** (Planning Regulation 2017) – Reconfiguring a lot involving vegetation clearing

Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 (Planning Regulation 2017) - Reconfiguring a lot near a State-controlled road

SARA reference: 1911-14201 SRA

Assessment Manager: Mareeba Shire Council

Street address: 116 Kanervo Road and 2850 Kennedy Highway, Koah

Real property description: Lot 202 on RP843530 and Lot 2 on SP176556

Applicant name: Mr Dean Martin

Applicant contact details: C/- Planning Plus
PO Box 399
Redlynch QLD 4870
info@planningplusqld.com.au

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 Anthony Westbury, Planning Officer, on 0740373215 or via email CairnsSARA@dsdmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow
Manager (Planning)

cc Mr Dean Martin, info@planningplusqld.com.au

enc Attachment 1 - Referral agency conditions
Attachment 2 - Advice to the applicant
Attachment 3 - Reasons for referral agency response
Attachment 4 - Representations provisions
Attachment 5 - Approved plans and specifications

1911-14201 SRA

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 plans and specifications referenced below are found at Attachment 5)

No.	Conditions	Condition timing
Reconfiguring a lot		
Schedule 10, Part 3, Division 4, Table 2, Item 1 – Reconfiguring a lot involving native vegetation clearing— The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Natural Resources, Mining and Energy 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.	No clearing of vegetation is to occur within areas identified as Area A (Parts A1 – A9) as shown on the attached Technical Agency Response Plan (TARP) 1911-14201 SRA dated 04 December 2019.	At all times.
2.	No built structure, other than for fences, roads and underground services is to be established, constructed or located within areas identified as Area B (Parts B1-B7) as shown on attached Technical Agency Response Plan (TARP) 1911-14201 SRA dated 04 December 2019.	At all times.
3.	Any person(s) engaged or employed to carry out the clearing of vegetation under this development approval must be provided with a full copy of this development approval, and must be made aware of the full extent of clearing authorised by this development approval.	Prior to clearing.
Reconfiguring a lot		
Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 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):		
4.	The road access location is to be located generally in accordance with TMR Layout Plan (32A – 28.16km), prepared by the Department of Transport and Main Roads, dated 20/11/2019, Reference TMR19-28816 (500-1450), Issue A.	At all times.

1911-14201 SRA

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) [v2.5]. If a word remains undefined it has its ordinary meaning.
2.	To request an electronic file of the Derived Points (Attached to Plan: 1911-14201 SRA) as contained in this technical agency response, email a request to the Department of Natural Resources, Mines and Energy at northvegetation@dnrme.qld.gov.au and include application reference (1911-14201 SRA).
3.	Clearing vegetation to the extent the clearing is within an area mapped as a category C area or category R area on the regulated vegetation management map is not a relevant purpose under the <i>Vegetation Management Act 1999</i> . Accordingly clearing of vegetation in these areas cannot be approved under a development approval. If the proposed development includes clearing vegetation in any category C area or category R area under Queensland's vegetation management framework, the clearing can only be undertaken if it is exempt clearing work or in accordance with an Accepted Development Vegetation Clearing Code (ADVCC). Clearing vegetation in any category C area or category R area that is not exempt or in accordance with an ADVCC is prohibited development. Information on exempt clearing work or ADVCCs is available online at www.qld.gov.au (search 'exempt clearing work' or 'accepted development vegetation clearing codes').

1911-14201 SRA

Attachment 3—Reasons for referral agency response

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

The reasons for the department's decision are:

- The department carried out an assessment of the development application against the State Development and Assessment Provisions (SDAP), State Code 16: Native vegetation clearing and has found that, with conditions, the proposed development complies with the relevant assessment benchmarks as follows:
 - o Non-avoidable vegetation clearing is minimised.
 - o Watercourse vegetation is conserved.
 - o Essential habitat is maintained for the Southern Cassowary
- The department carried out an assessment of the development application against the SDAP, State Code 1: Development in a state-controlled road environment and has found that, with conditions, the proposed development complies with the relevant assessment benchmarks as follows:
 - o The proposed development does not compromise the safety, function and efficiency of the state-controlled road or surrounding network.

Material used in the assessment of the application:

- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The *State Development Assessment Provisions* (version [2.5]), as published by the department
- The Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system

1911-14201 SRA

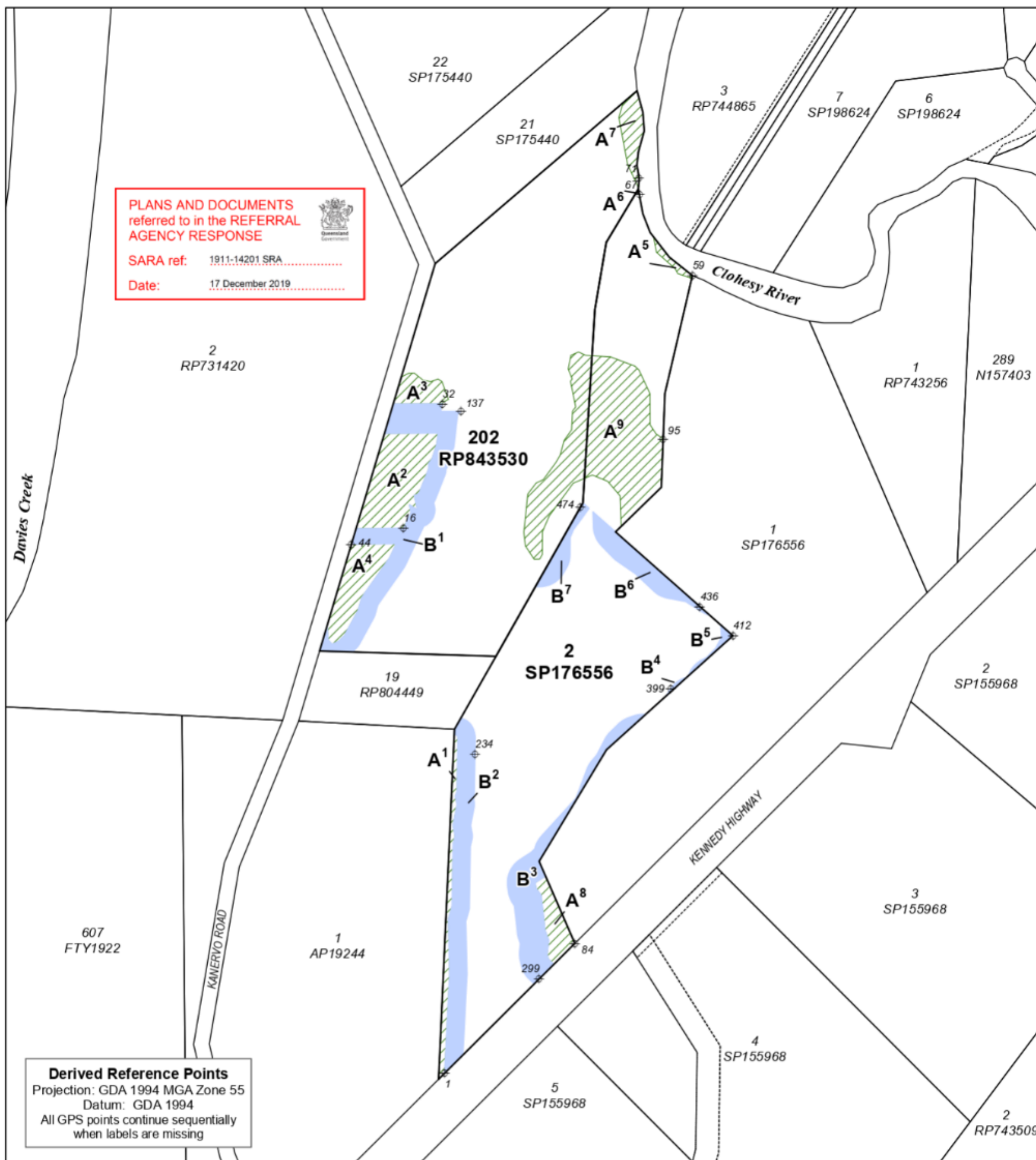
Attachment 4—Change representation provisions

(page left intentionally blank – attached separately)

1911-14201 SRA

Attachment 5—Approved plans and specifications

(page left intentionally blank - attached separately)



1:5,000 @ A3 size
 0 90 180 270 360 450 m
 Projection: GDA 1994 MGA Zone 55 Datum: GDA 1994

Note: Derived Reference Points are provided to assist in the location of area boundaries. Responsibility for locating these boundaries lies solely with the landholder and delegated contractor(s).

The property boundaries shown on this plan are APPROXIMATE ONLY. They are NOT an accurate representation of the legal boundaries.

This plan must be read in conjunction with Decision Notice 1911-14201 SRA

LEGEND Derived Reference Points for GPS (see attachment to plan) (Area start points shown only) Subject Lot(s) Area A (Parts A ¹ - A ⁹) Area B (Parts B ¹ - B ⁷)	Technical Agency Response Plan Plan of Area A (Parts A¹ - A⁹) and Area B (Parts B¹ - B⁷) in Lot 202 on Plan RP843530 and Lot 2 on Plan SP176556 eLVAS Case ID: 2019/004796 LOCAL GOVT: Mareeba Shire LOCALITY OF Koah File Reference: eDOCS: NA Compiled from: DCDB, RVM & NRMO Notes on File Prepared by: j5585 - JA Department: DNRME Region: NORTH Date: 04 December 2019	<div style="display: flex; justify-content: space-between;"> <div style="text-align: center;"> N </div> <div style="text-align: center;"> Queensland Government </div> </div> <div style="text-align: center;"> Version: 1 TARP 1911-14201 SRA Sheet 1 of 1 </div>
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**Attachment to Plan: 1911-14201 SRA
Derived Reference Points for GPS
Datum: GDA 1994, Projection: MGA Zone 55**

Notes: Derived Reference Points are provided to assist in the location of area boundaries.
Responsibility for locating these boundaries lies solely with the landholder and delegated contractor(s).
Coordinates start at a point indicated on the accompanying plan and proceed in a clockwise direction.

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



SARA ref: 1911-14201 SRA
Date: 17 December 2019

Part ID	Unique ID	Easting	Northing	Part ID	Unique ID	Easting	Northing	Part ID	Unique ID	Easting	Northing
A1	1	346030	8128887	A5	61	346334	8129929	A9	121	346197	8129775
A1	2	346023	8128879	A5	62	346331	8129935	A9	122	346195	8129789
A1	3	346043	8129329	A5	63	346306	8129957	A9	123	346197	8129792
A1	4	346047	8129328	A5	64	346303	8129977	A9	124	346192	8129805
A1	5	346048	8129325	A5	65	346323	8129951	A9	125	346195	8129823
A1	6	346047	8129255	A5	66	346353	8129927	A9	126	346205	8129827
A1	7	346044	8129248	A6	67	346284	8130032	A9	127	346214	8129823
A1	8	346047	8129238	A6	68	346285	8130025	A9	128	346222	8129822
A1	9	346041	8129210	A6	69	346284	8130028	A9	129	346246	8129821
A1	10	346044	8129196	A6	70	346284	8130032	A9	130	346278	8129809
A1	11	346041	8129186	A7	71	346284	8130053	A9	131	346284	8129803
A1	12	346040	8129105	A7	72	346283	8130041	A9	132	346298	8129773
A1	13	346035	8129088	A7	73	346269	8130071	A9	133	346298	8129732
A1	14	346037	8129015	A7	74	346259	8130124	A9	134	346306	8129721
A1	15	346030	8128887	A7	75	346257	8130133	A9	135	346312	8129716
A2	16	345977	8129597	A7	76	346261	8130144	A9	136	346315	8129714
A2	17	345915	8129597	A7	77	346263	8130152	B1	137	346052	8129750
A2	18	345917	8129602	A7	78	346281	8130167	B1	138	346051	8129750
A2	19	345950	8129715	A7	79	346289	8130139	B1	139	346050	8129748
A2	20	345952	8129721	A7	80	346290	8130115	B1	140	346048	8129747
A2	21	346022	8129721	A7	81	346283	8130088	B1	141	346047	8129746
A2	22	346020	8129707	A7	82	346281	8130071	B1	142	346046	8129732
A2	23	346014	8129688	A7	83	346284	8130053	B1	143	346045	8129722
A2	24	346010	8129682	A8	84	346200	8129056	B1	144	346043	8129705
A2	25	346010	8129675	A8	85	346173	8129029	B1	145	346042	8129703
A2	26	345997	8129643	A8	86	346166	8129036	B1	146	346042	8129702
A2	27	345991	8129640	A8	87	346164	8129043	B1	147	346042	8129700
A2	28	345995	8129621	A8	88	346166	8129060	B1	148	346035	8129681
A2	29	345985	8129628	A8	89	346161	8129073	B1	149	346035	8129680
A2	30	345987	8129618	A8	90	346156	8129119	B1	150	346034	8129678
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A3	32	346028	8129760	A8	92	346148	8129135	B1	152	346033	8129675
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A3	36	345991	8129799	A9	96	346313	8129651	B1	156	346031	8129669
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A4	45	345968	8129577	A9	105	346167	8129614	B1	165	346018	8129623
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A4	57	345906	8129568	A9	117	346186	8129712	B1	177	346008	8129603
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A5	60	346352	8129923	A9	120	346201	8129755	B1	180	346003	8129600

**Attachment to Plan: 1911-14201 SRA
Derived Reference Points for GPS
Datum: GDA 1994, Projection: MGA Zone 55**

PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE



SARA ref: 1911-14201 SRA

Date: 17 December 2019

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Part ID	Unique ID	Easting	Northing	Part ID	Unique ID	Easting	Northing	Part ID	Unique ID	Easting	Northing
B1	181	346002	8129598	B2	241	346069	8129243	B3	301	346141	8129009
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B1	183	345992	8129577	B2	243	346069	8129240	B3	303	346136	8129015
B1	184	345979	8129549	B2	244	346069	8129238	B3	304	346134	8129018
B1	185	345978	8129548	B2	245	346069	8129236	B3	305	346133	8129020
B1	186	345977	8129546	B2	246	346069	8129234	B3	306	346132	8129023
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B1	188	345940	8129485	B2	248	346064	8129210	B3	308	346130	8129028
B1	189	345939	8129483	B2	249	346066	8129200	B3	309	346129	8129035
B1	190	345939	8129482	B2	250	346066	8129198	B3	310	346129	8129036
B1	191	345938	8129480	B2	251	346066	8129196	B3	311	346128	8129039
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B1	193	345920	8129447	B2	253	346066	8129192	B3	313	346128	8129047
B1	194	345918	8129445	B2	254	346066	8129190	B3	314	346129	8129056
B1	195	345917	8129443	B2	255	346064	8129183	B3	315	346127	8129061
B1	196	345916	8129442	B2	256	346063	8129104	B3	316	346127	8129064
B1	197	345910	8129436	B2	257	346063	8129103	B3	317	346126	8129067
B1	198	345867	8129437	B2	258	346062	8129101	B3	318	346126	8129069
B1	199	345877	8129470	B2	259	346062	8129099	B3	319	346121	8129106
B1	200	345879	8129452	B2	260	346058	8129085	B3	320	346120	8129107
B1	201	345884	8129446	B2	261	346059	8129016	B3	321	346118	8129110
B1	202	345892	8129450	B2	262	346059	8129015	B3	322	346117	8129113
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B1	204	345918	8129491	B2	264	346054	8128911	B3	324	346115	8129119
B1	205	345923	8129507	B2	265	346030	8128887	B3	325	346114	8129122
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B1	219	346010	8129675	B2	279	346051	8129350	B3	339	346125	8129163
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B1	227	345963	8129759	B2	287	346064	8129342	B3	347	346150	8129187
B1	228	345978	8129759	B2	288	346065	8129341	B3	348	346152	8129189
B1	229	345989	8129759	B2	289	346066	8129339	B3	349	346153	8129192
B1	230	346028	8129760	B2	290	346067	8129337	B3	350	346155	8129195
B1	231	346026	8129756	B2	291	346068	8129336	B3	351	346156	8129196
B1	232	346025	8129750	B2	292	346068	8129335	B3	352	346164	8129204
B1	233	346052	8129750	B2	293	346069	8129331	B3	353	346201	8129245
B2	234	346070	8129303	B2	294	346070	8129329	B3	354	346202	8129248
B2	235	346069	8129254	B2	295	346070	8129327	B3	355	346216	8129284
B2	236	346069	8129252	B2	296	346070	8129325	B3	356	346217	8129286
B2	237	346069	8129251	B2	297	346070	8129324	B3	357	346218	8129289
B2	238	346068	8129249	B2	298	346070	8129303	B3	358	346220	8129291
B2	239	346068	8129247	B3	299	346154	8129010	B3	359	346222	8129294
B2	240	346068	8129247	B3	300	346147	8129004	B3	360	346222	8129294

**Attachment to Plan: 1911-14201 SRA
Derived Reference Points for GPS
Datum: GDA 1994, Projection: MGA Zone 55**

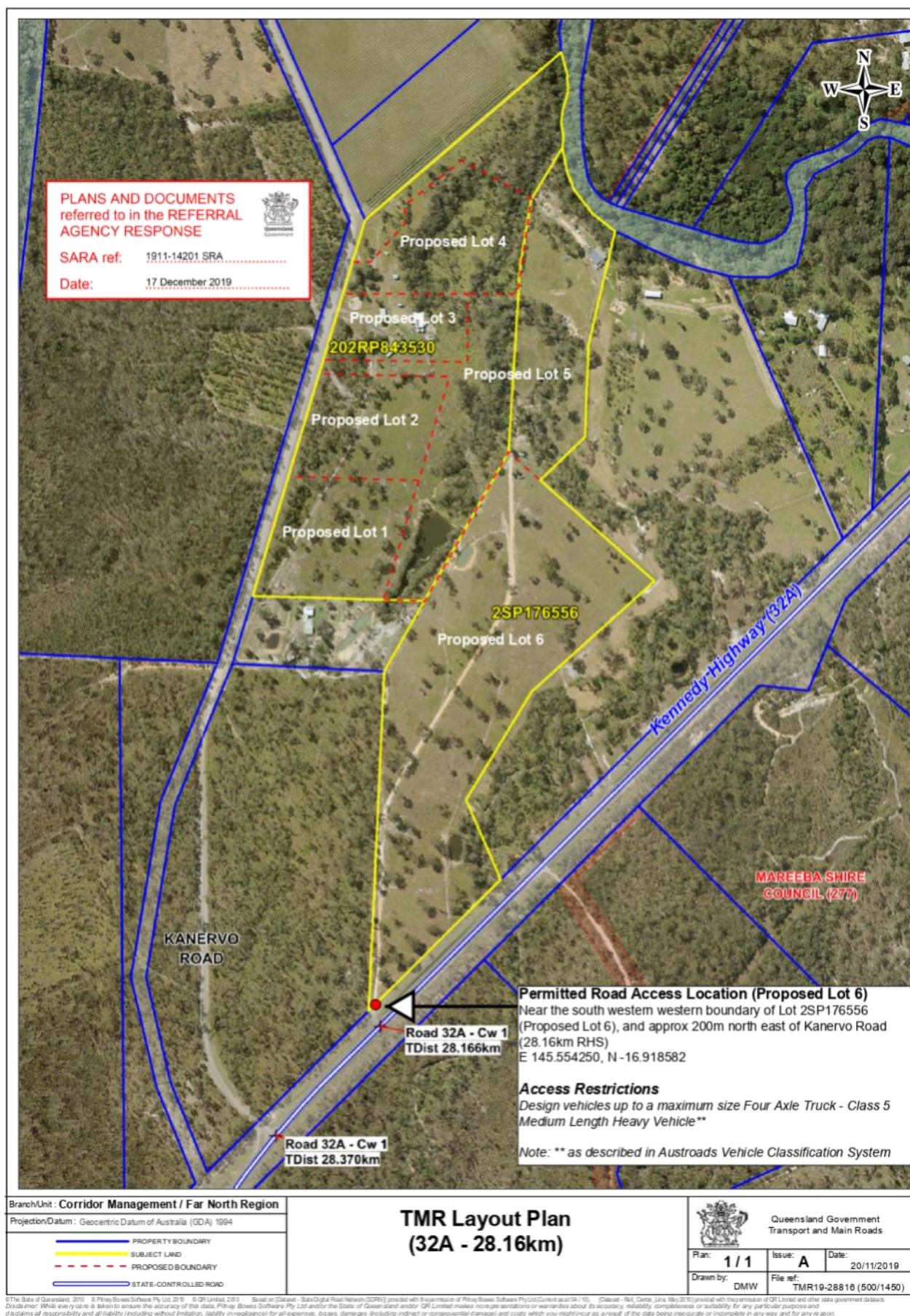
**PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE**



SARA ref: 1911-14201 SRA
Date: 17 December 2019

Notes: Derived Reference Points are provided to assist in the location of area boundaries.
Responsibility for locating these boundaries lies solely with the landholder and delegated contractor(s).
Coordinates start at a point indicated on the accompanying plan and proceed in a clockwise direction.

Part ID	Unique ID	Easting	Northing	Part ID	Unique ID	Easting	Northing	Part ID	Unique ID	Easting	Northing
B3	361	346229	8129302	B5	421	346359	8129421	B7	481	346198	8129596
B3	362	346236	8129316	B5	422	346362	8129423	B7	482	346194	8129585
B3	363	346238	8129320	B5	423	346364	8129425	B7	483	346194	8129563
B3	364	346240	8129323	B5	424	346366	8129426	B7	484	346194	8129560
B3	365	346240	8129324	B5	425	346372	8129429	B7	485	346193	8129557
B3	366	346242	8129327	B5	426	346373	8129430	B7	486	346193	8129554
B3	367	346244	8129329	B5	427	346375	8129433	B7	487	346192	8129551
B3	368	346246	8129332	B5	428	346384	8129441	B7	488	346191	8129548
B3	369	346253	8129338	B5	429	346391	8129455	B7	489	346189	8129545
B3	370	346257	8129342	B5	430	346391	8129457	B7	490	346186	8129539
B3	371	346259	8129344	B5	431	346391	8129460	B7	491	346184	8129537
B3	372	346261	8129346	B5	432	346391	8129464	B7	492	346182	8129534
B3	373	346264	8129348	B5	433	346391	8129471	B7	493	346180	8129532
B3	374	346267	8129349	B5	434	346400	8129462	B7	494	346178	8129530
B3	375	346270	8129350	B5	435	346406	8129457	B7	495	346175	8129528
B3	376	346271	8129351	B6	436	346363	8129495	B7	496	346173	8129526
B3	377	346277	8129353	B6	437	346375	8129484	B7	497	346170	8129525
B3	378	346280	8129354	B6	438	346375	8129484	B7	498	346167	8129523
B3	379	346282	8129354	B6	439	346372	8129485	B7	499	346164	8129522
B3	380	346285	8129355	B6	440	346369	8129487	B7	500	346161	8129522
B3	381	346288	8129355	B6	441	346366	8129488	B7	501	346158	8129521
B3	382	346291	8129355	B6	442	346365	8129489	B7	502	346155	8129521
B3	383	346292	8129355	B6	443	346363	8129490	B7	503	346149	8129521
B3	384	346294	8129359	B6	444	346356	8129494	B7	504	346205	8129621
B3	385	346205	8129249	B6	445	346344	8129502	B7	505	346207	8129625
B3	386	346187	8129219	B6	446	346321	8129506				
B3	387	346183	8129211	B6	447	346318	8129507				
B3	388	346154	8129163	B6	448	346315	8129508				
B3	389	346162	8129144	B6	449	346313	8129509				
B3	390	346148	8129135	B6	450	346310	8129510				
B3	391	346149	8129128	B6	451	346307	8129512				
B3	392	346156	8129119	B6	452	346305	8129514				
B3	393	346161	8129073	B6	453	346303	8129516				
B3	394	346166	8129060	B6	454	346294	8129524				
B3	395	346164	8129043	B6	455	346279	8129538				
B3	396	346166	8129036	B6	456	346255	8129554				
B3	397	346173	8129029	B6	457	346253	8129556				
B3	398	346154	8129010	B6	458	346250	8129559				
B4	399	346325	8129388	B6	459	346235	8129575				
B4	400	346325	8129389	B6	460	346233	8129577				
B4	401	346327	8129391	B6	461	346231	8129579				
B4	402	346329	8129393	B6	462	346229	8129582				
B4	403	346331	8129396	B6	463	346228	8129584				
B4	404	346334	8129397	B6	464	346227	8129587				
B4	405	346337	8129399	B6	465	346226	8129590				
B4	406	346339	8129400	B6	466	346225	8129593				
B4	407	346341	8129401	B6	467	346225	8129596				
B4	408	346347	8129404	B6	468	346225	8129598				
B4	409	346319	8129379	B6	469	346224	8129604				
B4	410	346324	8129387	B6	470	346224	8129619				
B4	411	346325	8129388	B6	471	346253	8129593				
B5	412	346406	8129457	B6	472	346260	8129586				
B5	413	346348	8129405	B6	473	346363	8129495				
B5	414	346348	8129405	B7	474	346207	8129625				
B5	415	346348	8129406	B7	475	346207	8129625				
B5	416	346350	8129409	B7	476	346211	8129630				
B5	417	346351	8129412	B7	477	346219	8129623				
B5	418	346353	8129414	B7	478	346213	8129616				
B5	419	346355	8129417	B7	479	346213	8129615				
B5	420	346357	8129419	B7	480	346210	8129612				



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.

8.3 PROPOSED AMENDMENT TO THE FNQROC DEVELOPMENT MANUAL PLANNING SCHEME POLICY

Date Prepared: 10 January 2020

Author: Senior Planner

Attachments: 1. Summary of Proposed Amendments [↓](#)

EXECUTIVE SUMMARY

Far North Queensland Regional Organisation of Councils (FNQROC) has recently undertaken a review of the regional development manual. The FNQROC Regional Development Manual is Planning Scheme Policy 4 of the Mareeba Shire Council Planning Scheme 2016.

The manual provides a comprehensive set of guidelines for carrying out various civil engineering works within the local government areas of: Cairns, Cassowary Coast, Cook, Douglas, Mareeba, and Tablelands.

The purpose of these latest amendments (referred to as Issue 8), is to ensure the manual continues to be functional and up to date and to provide a consistent set of standards to which all can refer.

This proposed revision includes all recommended amendments from the submissions received.

RECOMMENDATION

That Council:

1. Amends the Planning Scheme Policy 4 - FNQROC Regional Development Manual in accordance with Section 22 of the *Planning Act 2016* and Chapter 3 Minister's rules for making and amending a planning scheme policy; and
2. Proceeds to public consultation of the proposed amendments as required under Chapter 3 Minister's rules for making and amending a planning scheme policy.

BACKGROUND

Council adopted the FNQROC Regional Development Manual (Version 7) as a Planning Scheme Policy at its meeting on the 15 November 2017 and the policy took effect from 1 December 2017. Planning Scheme Policy 4 - FNQROC Regional Development Manual supports the Mareeba Shire Council Planning Scheme 2016.

RISK IMPLICATIONS**Infrastructure and Assets**

The risk of not continually updating the manual is that Council will eventually have a manual that is not functional in providing a consistent set of relevant standards to which all can refer.

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

A table summarising the planned actions and responsibilities over the coming months is as follows:

Action	Due Date	Responsibility
Send marked up development manual and proforma report to councils for Councils to resolve to amend the policy	16 December 2019	FNQROC
Council motion to amend the development manual	29 January 2020	Councils
Advertise the proposed amended policy through: <ul style="list-style-type: none"> - Cairns Post - Tablelander - Mossman/Port Douglas Gazette - Innisfail Advocate - Tully News - FNQROC Website Send e-subscriber advice to industry (note – all on mailing list have been moved to Development Manual Subscriber)	31 January 2020	FNQROC
Workshop with Industry on proposed changes 6 March 2020	6 March 2020	FNQROC Councils Industry
Submissions to FNQROC on the amended manual due 31 March 2020	31 March 2020	Councils Industry
Send submissions on the amended manual to Council officers in preparation for next meeting	6 April 2020	FNQROC
Council officers to review submissions prior to meeting 20 April 2020	6 April 2020 - 20 April 2020	Councils
Meeting to review and make recommendation on the submissions	20 April 2020	FNQROC Councils
Send list of submissions and recommendations with final development manual and report to Councils for adoption	4 May 2020	FNQROC
Councils to adopt manual and advertise effective date	20 May 2020	Councils

In accordance with Chapter 3 Minister's rules for making and amending a planning scheme policy (PSP), the proposed amendments must be advertised for a minimum of 20 days during which the community and industry groups may make comment. The public consultation period is currently planned to commence on Friday 31 January 2020 and conclude on Tuesday 31 March 2020.

During this time, two (2) workshops will also be undertaken with the development industry to explain the changes.

A summary of the proposed amendments is attached to this report (**Attachment 1**). To reduce the bulk / size of this report, it was deemed impractical to include a copy of all proposed amendments as an attachment to this report.

Following the public notification process and review of submissions, a further report will be presented to Council in May 2020 for adoption of the manual amendments.

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

Nil

Operating

Nil

LINK TO CORPORATE PLAN

Transport and Council Infrastructure: The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

IMPLEMENTATION/COMMUNICATION

Internal

Representatives from each of the local governments continually work together to review and make amendments to the manual. This is an ongoing process to ensure the manual is contemporary and reflects the needs of the users.

External

Public consultation of the proposed amendment is currently planned to commence on Friday 31 January 2020 and conclude Tuesday 31 March 2020. During this time, two workshops will be undertaken with industry to explain the proposed changes.

The FNQROC Regional Strategic Infrastructure Coordinator has managed the review process and will coordinate the advertising and response to any submissions.

On 4 May 2020, the FNQROC Regional Strategic Infrastructure Coordinator will provide Council with a summary of any submissions received, together with any recommendations arising from the submission review.

Item	Section	Title	Amend / New / Removal	Description	Action
1	AP1	AP1.08 Clause 11 Amend m	Add following sentence to m "In staged developments the hydraulic reports for both water and sewerage is to be updated for each stage."	Often hydraulic reports are submitted that are out of date and do not reflect the boundary conditions or existing pipework because changes have occurred over time with both internal and external pipework arrangement of the development.	Recommended
2	AP1	New Section after AP1.14	Insert new section "AP1.15 Co-ordinate Datum" "Refer to section 1 of Appendix P in CP1" ****Check with Matt Emmerson***	Recommended by Council's GIS Team. This is not a current issue however it will be an issue once the new national datum (GDA2020) is adopted and as it will replace current national datum (GDA94). This may not be until sometime in late 2018, 2019 or 2020. There will be plenty of overlap between datums as we transition from GDA94 to GDA2020 so we'll likely be accepting and providing data in both GDA94 and GDA2020 for a period of time. Once GDA2020 is adopted all references to GDA94 will need to be removed from FNQROC and replaced with GDA2020 or possibly something along the lines of 'current national datum'. This change is for horizontal X and Y coordinates only and does not affect AHD.	Recommended
3	AP1.22	AP1.22 Add new list item	Add "k. location of utilities"		Recommended
4	AP1.23	AP1.23 Add new list item	Add "h. location of utilities"		Recommended
5	AP1.27	AP1.27 Item e	Amend k to read "Location, size and material of existing sewers"		Recommended
6	AP1.27	AP1.27 Add new item	Add "kk. Set back between pump station and habitat dwelling"		Recommended
7	AP1.28	AP1.28 Item 2	Correct grammar in first line "This concept plan shall be submitted prior to providing with the detailed design and should include the following"		Recommended
8	AP1.29	AP1.29 Item f	Amend f to read "Location, size and material of existing sewers"		Recommended
9	Council Specific	CRC Specific Water New Drawing "Above ground PRV Installation"	**Drawing to be provided** Refer to #5586147 for example.	This installation has been used on several recent developments	Recommended - Council Specific
10	Council Specific	CRC Specific Water New Drawing "Scour valve and dissipation manhole"	New CRC Specific drawing. Refer #6223210 **Drawing to be provided**	This scour arrangement is what CRC currently prefers and has been required on a number of recent projects.	Recommended - Council Specific
11	Council Specific	CRC Specific Sewerage New Drawing "Scour valve arrangement"	New CRC Specific drawing. Refer #5791236 **Drawing to be provided**	This scour arrangement is what CRC currently prefers and has been required on a number of recent projects.	Recommended - Council Specific
12	Council Specific	CRC Specific Sewerage New Drawing "Manual Air Release"	New CRC Specific drawing. Refer #6169880 **Drawing to be provided**	This manual air valve arrangement is what CRC currently prefers and has been required on a number of recent projects.	Recommended - Council Specific
13	Council Specific	CRC Specific Sewerage New Drawing "Emergency bypass arrangement"	New CRC Specific drawing. Refer #5791235 **Drawing to be provided**	This emergency bypass arrangement is what CRC currently prefers and has been required on a number of recent projects.	Recommended - Council Specific
14	Council Specific	CRC Specific Drawing Sewerage New Drawing S3035 - CRC Pump Station Overflow Pit	Amend drawing to include isolation valve. **Amended Drawing to be provided**	Noted on amendment register. **Check with waste operations.	Recommended - Council Specific
15	Council Specific	CRC Specific Drawing Various	No dogs on playground equipment sign		Recommended - Council Specific
16	Council Specific	CRC Specific Drawing Various	Wheeler Bin Lid Restrictor		Recommended - Council Specific
17	Council Specific	CRC Specific Drawing Various	CBD Bin Cabinet		Recommended - Council Specific
18	Council Specific	CRC Specific Drawing Various	CRC Water Fountain		Recommended - Council Specific

20	Council Specific	MSC Council Specific D7.17 S6.23 & Appendix B Sewerage Pump Station Package FRP	MSC want to remove reference to Std Dwg S3020 and replace it with one similar to Townsville's Standard Drawing Sewerage SD-421 Sewerage Pump Stations Package Fibre reinforced Plastic.		Recommended - Council Specific
21	D6.07	CRC Specific - D6.07 Design Criteria Additional Clause 8.4	Delete this clause.	CRC requires all road crossings to be minimum 1000DN which is what's stated in D6.07 clause 8.	Recommended - Council Specific
22	CP1.17	CRC Specific - Construction Procedures CP1.17 Application for ...Private Works	Include the following text " CRC only undertakes private works for water infrastructure. CRC does not undertake any private works for sewerage infrastructure. "	To provide clarification to be consistent with CRC practices.	Recommended - Council Specific
23	D6.16	CRC Specific - Design Guideline - D6 Water Reticulation D7.16 General	Include following text " Refer to CRC Design Guideline for Water Pump Stations. "	CRC has developed Design Guidelines for water Pump Stations, Sewage Pump Stations and Switchboards	Recommended - Council Specific
24	D6.17	CRC Specific - Design Guideline - D6 Water Reticulation D7.17 Telemetry Systems	Include following text " Refer to CRC Design Guideline for Switchboards. "	CRC has developed Design Guidelines for water Pump Stations, Sewage Pump Stations and Switchboards	Recommended - Council Specific
25	D7.16	CRC Specific - Design Guideline - D7 Sewerage System D7.16 General	Include following text " Refer to CRC Design Guideline for Sewage Pump Stations. "	CRC has developed Design Guidelines for water Pump Stations, Sewage Pump Stations and Switchboards	Recommended - Council Specific
26	D7.17	CRC Specific - Design Guideline - D7 Sewerage System D7.17 Pump Stations	Include following text " Refer to CRC Design Guideline for Sewage Pump Stations. "	CRC has developed Design Guidelines for water Pump Stations, Sewage Pump Stations and Switchboards	Recommended - Council Specific
27	D7.18	CRC Specific - Design Guideline - D7 Sewerage System D7.18 Pump Stations	Include following text " Refer to CRC Design Guideline for Sewage Pump Stations. "	CRC has developed Design Guidelines for water Pump Stations, Sewage Pump Stations and Switchboards	Recommended - Council Specific
28	D7.26	CRC Specific - Design Guideline - D7 Sewerage System D7.26 Telemetry Systems	Include following text " Refer to CRC Design Guideline for Switchboards. "	CRC has developed Design Guidelines for water Pump Stations, Sewage Pump Stations and Switchboards	Recommended - Council Specific
29	Council Specific	Tablelands Regional Council - Specific Drawings - Issue - 2017 TRC Valve Box Installation	Amendments to TRC standard drawing S2000	Removal of reference to 50NB valves	Recommended - Council Specific
30	Council Specific	Tablelands Regional Council - Specific Drawings - Issue - 2017 TRC Watermain Connection Details Including Typical Cul-De-Sac Arrangement	Amendments to TRC standard drawing S2020	To bring inline with Council's standard and to simplify	Recommended - Council Specific
31	Council Specific	Tablelands Regional Council - Specific Drawings - Issue - 2017 TRC Domestic Water Service Connection Details	Amendments to TRC standard drawing S2060	To bring inline with Council's standard and to simplify	Recommended - Council Specific
19	Council Specific	Standard Drawing	CRC Preferred Typical Bicycle Treatment for Single Lane Roundabouts		Recommended - Council Specific
295	CP1	Appendix P Item 4 Drafting Requirements	MSC Specific Submission. To Denote MSC Superscript in the TITLE, and to implement a corresponding MSC specific requirement: All lines are to be 3D poly lines and all blocks are to have emebded z value (level value).		Recommended - Council Specific
296	CP1	Appendix P Item 12 Note 4	4. Water mains and irrigation pipes are to be one continuous 2D (MSC: 3D) Polyline, broken only at pipe junctions and valves.		Recommended - Council Specific
297	CP1	Appendix P Item 13 Note 3	3. Sewer pipes are to be one continuous 2D(MSC: 3D) polyline between manholes/valves/pump or lift stations.		Recommended - Council Specific

298	CP1	Appendix P Item 15 Note 4	4. Catch Drain polylines are to be a 2D(MSC:3D) polyline and based on the centre of the constructed drain.		Recommended - Council Specific
33	CP1	CP1.23 Clause 1	Amend second sentence "Operating and Maintenance Manuals shall include spare parts lists, P&I Diagram, electrical documentation....."	The inclusion of P&I Plans (Process and Instrumentation plans has been something our electricians have been requesting	Recommended
34	CP1	CP1.25 Clause 4	Add new item to list "1. Copy of Process and Instrumentation Diagram (P&ID)."	The inclusion of P&I Plans (Process and Instrumentation plans has been something our electricians have been requesting	Recommended
35	CP1	Appendix A, Pump Stations and Valve Chambers Electrical and SCADA	Change "Witness Point" to "Hold Point, Witness factory acceptance testing of switchboards prior to delivery to site"	Reflects what is actually happening. CRC requires the factory acceptance testing to be witnessed by Council.	to be at receiving councils discretion
36	CP1	Appendix I, Sewerage and Water Pump Station Commissioning Checklist	Under section Testing on page 10 add new item "1. Verify that Factory Acceptance Testing of the switchboard was completed"	Related to previous item 5	Recommended
37	CP1	Appendix I, Sewerage and Water Pump Station Commissioning Checklist Page 7	Under section Management on page 7 add new item Amend text to include "P&ID" as follows".....(as constructed details, operating manuals, P&ID, test results etc"	Related to previous item 3 and 4	Recommended
38	CP1	Appendix I, Sewerage and Water Pump Station Commissioning Checklist Page 7	Under section Concrete on page 7 amend item 1. to read "300mm" not 150mm	consistent with requirements set out in section D7.17 clause 10	Recommended
39	CP1	Appendix I, Sewerage and Water Pump Station Commissioning Checklist Page 10	Under section Testing on page 10 add new item "1. Verify that Factory Acceptance Testing of the switchboard was completed"	Related to previous item 5	Recommended
40	CP1	Appendix I, Sewerage and Water Pump Station Commissioning Checklist Page 11	Under section Electrical Equipment on page 11 add new item "6. Verify that the Process and Instrumentation Diagram is in switchboard cabinet"	Related to previous item 3 and 4	Recommended
41	CP1	Appendix I, Sewerage and Water Pump Station Commissioning Checklist Page 15	Under section Management on page 15 add new item Amend text to include "P&ID" as follows".....(as constructed details, operating manuals, P&ID, test results etc"	Related to previous item 3 and 4	Recommended
42	CP1	Appendix I, Sewerage and Water Pump Station Commissioning Checklist Page 18	Under section Testing on page 18 add new item "1. Verify that Factory Acceptance Testing of the switchboard was completed"	Related to previous item 5	Recommended
43	CP1	Appendix I, Sewerage and Water Pump Station Commissioning Checklist Page 18	Under section Testing on page 18 add new item "2. Verify that pump tests passed"	Make consistent with SPS Checklist	Recommended
44	CP1	Appendix I, Sewerage and Water Pump Station Commissioning Checklist Page 18	Under section Testing on page 18 add new item "3. Verify that rising main has been tested"	Make consistent with SPS Checklist	Recommended
45	CP1	Appendix I, Sewerage and Water Pump Station Commissioning Checklist Page 18	Under section Mechanical Equipment add: Refer to receiving council for specific requirements	Make form complete	To be supplied by 29th December - or to be supplied by receiving council

46	CP1	Appendix P, As-constructed, Item 3.	in 3. "As Constructed" Drawings as point g. If MGA co-ordinates have been used, "As Constructed" drawings can be submitted in MGA Zone 55 (GDA94) or MGA Zone 55 (GDA2020). The datum used should be clearly noted on drawing details."	Recommended by Council's GIS Team. This is not a current issue however it will be an issue once the new national datum (GDA2020) is adopted and as it will replace current national datum (GDA94). This may not be until sometime in late 2018, 2019 or 2020. There will be plenty of overlap between datums as we transition from GDA94 to GDA2020 so we'll likely be accepting and providing data in both GDA94 and GDA2020 for a period of time. Once GDA2020 is adopted all references to GDA94 will need to be removed from FNOROC and replaced with GDA2020 or possibly something along the lines of 'current national datum'. This change is for horizontal X and Y coordinates only and does not affect AHD.	Recommended
47	CP1	Appendix P, As-constructed, Clause 14 Sewerage Pump Stations Item 3 Details to be shown on the as-constructed drawing	Add new items to the list of information to be shown on the as-constructed drawing: "RL at Top of Sewer Pump Station Invert Level of Pressure Main Invert Level of each Gravity Main Invert Level of Overflow Pipe RL of High Level Alarm RL of Standby Start RL of Pump Duty Start RL of Pump Stop RL of Low Level Alarm RL of Pump Station floor Pump Station Internal Diameter"	Recommended by GIS Team. This information will facilitate reviewing the as-built against the design and be available to design and operational personnel.	Recommended
48	CP1	Appendix P, As-constructed, Clause 19 Page 27	Fix formatting of c. water . Compulsory attributes is sub heading to be removed from list.	Correction	Recommended
49	CP1	Appendix P, As-constructed, Clause 19 Item d Sewer Pipes Page 31	Under vii Lining - Pipe lining material add "viii. Lining - Lining installation date"		Recommended
50	CP1	Appendix P, As-constructed, Clause 19 Page 32	Under Desirable Attributes renumber list removing blank item	Correction	Recommended
32	CP1	- Appendix A Stormwater drainage	Remove backfilling of stormwater as a hold point.	LIVE-#5559625-FW_FNOROC review 0 Adam Goulet re hold points	Not Recommended
51	CP1	Appendix A	HOLD POINT - Where CBR tests dictate an alternative pavement design, the council approval of a revised pavement design shall form a hold point.	Request for a HOLD Point (for both the consulting engineer and council's approval of alternative design) where pavement design is changed due to poor soil conditions	Recommended
53	CP1	Appendix P 12. Water Reticulation	Item 1: Updated Layers for linework and additional category (Pipe Text leader line)	See document	Not Recommended - CRC Specific Appendix P
54	CP1	Appendix P 12. Water Reticulation	Item 7: Amended Layer type/name (AC Water Pipe)	See document	Not Recommended - CRC Specific Appendix P
55	CP1	Appendix P 12. Water Reticulation	New Condition 2. Each text box is to be inserted at the centre point of the associated line. Text blocks are dynamic and can be moved after insertion.	Additional wording to the condition	Not Recommended - CRC Specific Appendix P
56	CP1	Appendix P 13. Sewerage Reticulation	Item 1: Updated Layers for linework and additional category (Sewer Main leader line)	See document	Not Recommended - CRC Specific Appendix P
57	CP1	Appendix P 13. Sewerage Reticulation	Item 1: Amended Layer type/name (AC Sewer #Pipe)	See document	Not Recommended - CRC Specific Appendix P
58	CP1	Appendix P 13. Sewerage Reticulation	3. Pipe text boxes to be inserted at the centre point of the associated line. Text blocks are dynamic and can be moved after insertion. Sewer pipes are to be one continuous 2D polyline between manholes/valves/pump or lift stations.	Additional wording to the condition	Not Recommended - CRC Specific Appendix P
52	CP1	Appendix P	Survey Datum - Updated Links: https://www.icsm.gov.au/sites/default/files/2017-05/sp1v1-7.pdf http://www.icsm.gov.au/datum/gda2020-and-gda94-technical-manuals https://www.dnm.qld.gov.au/?a=105601	Subject to further review Issue 9	Recommended
59	CP1	Appendix P 15. Stormwater Drainage Reticulation	Item 1: Updated Layers for linework and additional categories	See document	Not Recommended - CRC Specific Appendix P
60	CP1	Appendix P 15. Stormwater Drainage Reticulation	New Condition 2. Each text box is to be inserted at the centre point of the associated line. Text blocks are dynamic and can be moved after insertion.		Not Recommended - CRC Specific Appendix P

62	CP1	Appendix H Final Works Acceptance - Sewerage Reticulation	Remove that items as listed for checking and simply require that any defects noted from the works acceptance inspection have been closed out with supporting evidence. This will drive rectification works to occur immediately following the WA inspection prior to the lots being titled and sold.	Sewer lines are run within lots. Post works acceptance, the lots are sold and at time of FWA, there are residences constructed. Neither Consultants or contractors have the right to enter the property to undertake inspection of defects. These items listed are the same as what was required years before manholes were deemed confined spaces(not all have confined space permits). Current practice is to undertake a CCTV review of the line at WA. Defects are noted and contractor provided a time period to rectify. This would typically occur prior to title issue/sale. After the lot is sold, the contractor cannot return to re-run CCTV. It is understood that councils have the right to access private property to inspect sewers. If a final check on the sewer is now required(CCTV is addressing problems earlier than previous methods) then that check should be undertaken by council	Not Recommended
63	CP1	CP1.10 Clause 5	Amend clause 5 to read 30 days (increased from 5 days) and add following " insert from condition wording."	To improve planning and scheduling of connection work and to avoid costs that maybe incurred by Council for late changes of the connection date.	Recommended
64	CP1	CP1.17	Include superscript "CRC" had heading as CRC only undertakes private works for water infrastructure	To provide clarification.	Recommended - Council Specific
61	CP1	Appendix P 15. Stormwater Drainage Reticulation	New Condition: 6. Each individual culvert is to have an associated Culvert Text box and leader line.		Not Recommended - CRC Specific Appendix P
65	D1.01	Reference Documents	Request removal of Queensland Streets reference throughout document as it has been replaced by the upcoming: IPWEA to release Street Design Manual – Walkable Neighbourhoods: Request to change reference to: 'IPWEA - Street Design Manual'	Draft copy available: https://drive.google.com/file/d/1wNJTZysopCcZkRDFFDMmfTd2uQKZs2QF/view?usp=sharing	ensure Devm manual wording identifies heirachy of documents is correct - FNQ takes precedence on road widths etc.
66	D1.03	Reference Documents	Remove MUTCD reference - Has been superseded by AS1742 - TMR has 1-2 Minor exceptions to AS1742 - which are listed on the website	https://www.tmr.qld.gov.au/business-industry/Technical-standards-publications/Manual-of-uniform-traffic-control-devices.aspx	Recommended
67	D1.03	Reference Documents	Remove Complete Streets - New doc available 'IPWEA - Street Design Manual'	Draft copy available: https://drive.google.com/file/d/1wNJTZysopCcZkRDFFDMmfTd2uQKZs2QF/view?usp=sharing	Recommended
68	D1.03	Reference Documents	Remove - Guide to the Geometric Design of Rural Roads, Guide Policy for the Geometric Design of Major Urban Roads as both are covered/included in the 'guide to road design, which is listed.		Recommended
69	D1.03	Reference Documents	Remove "Joint Venture for More Affordable Housing, Australian Model Code for Residential Development. (AMCORD)"	Very similar in content to Queensland's manual, with more planning input. Never used this in the context of the development manual, is it still relevant?" "Both are similar level mid tier street planning"	Recommended
296	D1.05 D1.06	Table D1.1	The addition of CCRC for specific road hierarchy classification for Access Street, Access Place, Low Density Residential and Residential Street.		Recommended - Council Specific
70	D1.09	Crossfalls	Suggest deletion of "1. Carriageway crossfalls for streets shall conform to the requirements of 'Queensland Streets'.	Crossfalls are stipulated in the item below it	Recommended d, on the basis of amending of point 2, stipulating cross falls must be(exception to be confirmed with council)
71	D1.10	Carriageway Widths	Alternate wording to provide better definition. Request change from 'with only minor delays in the peak period' to 'with >90% of AADT flowing without delay'	Alternative wording: with >90% of AADT flowing without delay. (See TMR RPDM CH5 , pg5.17(LOS-A) https://www.tmr.qld.gov.au/-/media/business/techstdpubs/Road-planning-and-design/Road-planning-and-design-manual/Current-document/RPDM_Chapter5.pdf?la=en	Recommended

72	D1.15	Speed bumps	Request change to a more detailed specification	Suggestion that this be brought into line with TMR/BCC/AUSTROADS standard for platform humps. Bump height = 100 mm. Maximum ramp grade = 1:15. Unit Length: >= 2m for Non Bus Routes (see 1) Unit Length: 6m for Bus Routes (See 2) 1. AUSTROADS Guide to Traffic Management Part 8 – Local Area Traffic Management(pg76) 2. https://www.tmr.qld.gov.au/business-industry/Technical-standards-publications/Manual-of-uniform-traffic-control-devices.aspx	Refer to austroads standards only. And subject to appropriate linemarking treatment being applied
73	D1.16	Bus Stops	Request change to reference standard - Superseeded document	Superseded by AUSTROADS – Guide to Road Design (Pt 4 – Intersections and Crossings (pg46))	Recommended
74	D1.19	Point 12 - Footpath Grades	Delete: The maximum gradient shall be 16 per cent with a maximum crossfall of 2.5 per cent. New: Where the pathway is parallel with a road with a grade greater than 16 per cent footpath gradient shall match that of the road.	To remove any ambiguity in relation to compliance with the Disability Discrimination Act	Recommended
75	D1.22	Signs and Road Markings	Department of Main Roads 'Manual of Uniform Traffic Control Devices' (MUTCD) has been superseded. Request to change throughout document to AS1742 Manual of Uniform Traffic Control Devices, throughout document		Recommended
76	D1.25 D1.26	Tramlines	Remove fencing title as all comments relate to tramlines		Recommended
77	D1.27	Table D1.4 Rural Road Elements	New Note. In Douglas Shire Council, the seal and pavement width will be min 5.5m with a shoulder width of 0.75m unless otherwise approved by council.	Less Edge breaks	Recommended - Council Specific
78	D2.13	Retaining Walls	Request wording amendment to comply with AS4678 and an increase in design life for the same purpose	Request wording amendment to comply with AS4678 and an increase in design life for the same purpose. See #6193320	Recommended - but consider the removal of design life (this is stipulated in the standard above)
79	D3.03	Reference Documents	Update to DTMR Documents to include MRTS30 and MRTS35 and AGPT02	Queensland Government Department of Transport and Main Road's Specification 'MRTS30 Asphalt Pavements' Queensland Government Department of Transport and Main Road's Specification 'MRTS35 Recycled Material Blends for Pavements' Austroads Part 2: Pavement Structural Design of the Austroads Guide to Pavement Technology (AGPT02)	Recommended
80	D3.03 D3.10	Recycled Materials in Pavements/Asphalt	Request the allowance of recycled materials (glass) to be used in asphalt pavements. To be as per TMR Technical Specification, MRTS35 Recycled Material Blends for Pavements	Request the allowance of recycled materials (glass) to be used in asphalt pavements. To be as per TMR Technical Specification, MRTS35 Recycled Material Blends for Pavements See minutes: DM#: 5868543 https://www.tmr.qld.gov.au/-/media/business/techstdpubs/Specifications-and-drawings/Specifications/5-Pavements-Subgrade-and-Surfacing/MRTS35.pdf?fa=en	Recommended
81	D3.05	Design Traffic	Item 2 - Update reference from DTMR pavement design manual to pavement structural design of Austroads guide to Pavement technology - AGPT02	TMR document has been consolidated to AGPT02	Recommended
82	D3.06 D3.09	Pavement and Seal (Asphalt) minimum thickness	Request for the following pavement design changes: a. Asphalt thickness must be a minimum 35mm as per MRTS 30 b. Pavement design must be submitted to the satisfaction of Council as a hold point. c. Pavement design should be for the minimum CBR for lengths of 500m (Le 500m section)	a. To bring into line with the current standards being used by CRC internally. Proposal for full region, if not, to be CRC specific. See DM#5784507	a & b not supported - Add comment that this is by exception to MRTS30 - On the basis of cost effectiveness. ALSO - Change requirements RURAL/RESIDENTIAL - to be council confirmed c - Supported
83	D3.10	Recycled Aggregates	Request introduction of a recycled aggregates (and or reglass) into roads standards	As demand creator for recycled products (and a reduction in waste going to landfill under the Waste Levy) See minutes: DM#: 5868543	Recommended. Subject to it complying with specifications as per Dev manual

84	D3.11	Flexible pavements	Amend wording of Section from 1. Flexible pavements with a design traffic up to 5 x 105 ESA's shall be designed in accordance with AUSTROADS publications 'Flexible pavement with a design traffic above 5 x 105 ESA's shall be designed in accordance with Queensland Government Department of Transport and Main Roads Pavement Design Manual, to Flexible pavements shall be designed in accordance with AUSTROADS publications part 2: Pavement Structural Design' of the Austroads Guide to Pavement Technology (AGPT02) '	As noted, TMR pavement manual consolidated to Part 2: Pavement Structural Design' of the Austroads Guide to Pavement Technology (AGPT02). New reference document has design scope up to 1x10^6 ESA, so no separate references needed.	Recommended
85	D3.15		Amended details in accordance with amendments made in the underlying document(MRTS30) . Asphalt (Deleted 40mm) 50mm or thicker is required to be a dense graded asphalt (DG14) in accordance with Queensland Government Department of Transport and Main Road's "Standard Specifications 'MRTS30 Asphalt Pavements, Asphalt of (Deleted 30mm) 35 –(Deleted 40mm) 50 mm thickness must be a dense graded asphalt (DG10) in accordance with the Main Roads Standard specifications for Roadworks...	Has been adjusted to suit what is in the Main Roads Technical Standard– See MRTS30. Table 8.6.1 (pg 40).	Recommended
86	D4.03	Reference Documents	Department of natural resources reference changed to Institute of Public Works Engineering Australasia - Queensland Urban Drainage Manual	QUDM Document housing	Recommended
87	D4.09	Pipe - FRC	Request Feedback from the group regarding the inclusion of FRC pipes in FNQROC RDM	Interested to get some feedback from developers/councils on the use of these, as historically my experience has been that they are quite susceptible to failure as a result of poor installation. If the case is that they are not being utilized across the region, perhaps we are better off not specifying them	Recommended
88	D4.14	Telemetry Systems	Note no longer required: 2. It should be noted that where amalgamated Councils have varying telemetry systems, left over from pre-amalgamation Councils, pump station telemetry systems and requirements may vary within that Council and requirements must therefore be reconfirmed as a part of the design		Recommended
89	D5	Stormwater Quality Management	State Planning Policy 2017 - Water Quality State Interest introduced	Implementation of a specific threshold (50mg/L Total suspended solids, or less, and a pH of 6.5-8.5) introduced. Review of D5 in light of new SPP recommended	Recommended
90	D5.02	Objectives	Addition of 2 objectives: (a) Assessment and mitigation of risks to waterway health and public safety (g) Adoption of appropriate stormwater treatment in line with the Water Quality Design Objectives (State Planning Policy).		Recommended
91	D5.03	Terminology	Addition of a definition: 4.5. WSUD Water Sensitive Urban Design is method for sustainably managing water resources including integrating SQDs into development and management of waterway health. D5.04 REFERENCE AND SOURCE DOCUMENTS		Recommended
92	D5.04	Reference Documents	Request removal of the reference document: Institution of Engineers - Soil Erosion and Sediment Control, Engineering Guidelines for Queensland Construction Sites, Institution of Engineers Australia (Queensland). Request inclusion of the following reference documents: Water by Design (Healthy Land and Water) (refer waterbydesign.com.au/resources for the latest version) - MUSIC Modelling Guideline - Bioretention Technical Design Guideline - Wetland Technical Design Guideline - WSUD Construction and Establishment Guideline - WSUD Asset Management and Handover Guideline - Waterbody Management Guidelines - Stormwater Harvesting Guidelines IECA - Erosion and Sediment Control Guideline	Update provided by subject matter expert	Recommended
93	D5.07	Site based water quality issues	Inclusion of a Nitrogen pollutant threshold(40%), as stipulated in the State Planning Policy (Appendix B)		Recommended
94	D5.07	Site based water quality issues	Item 4. Additional examples given: bioretention basins, constructed wetlands, water wise street trees, swales, Item 5: example given(MUSIC Modelling)	LR to follow up alternative legislative requirements(ie, federal law to identify alternative)	Recommended
95	D5.08	Acceptable Design Solutions	Amendment to wording to comply with SPP - 2. As mandated by the State Planning Policy, water quality(deleted: interception) improvement devices or a combination of interception devices and treatments are required to remove at least 90% of total suspended solids (litter) of size greater than 3.0mm as well as sand, 80% of total suspended sediment, 60% of total phosphorus, and 40% of nitrogen and shall be configured to prevent re-injection of captured contaminants.		Recommended

96	D5.08	Acceptable Design Solutions	Additional Condition:3. Vegetated Stormwater Treatment (e.g. bioretention, swales and constructed wetlands) will be specified in most cases and should be designed and constructed in accordance with the Water by Design technical guidelines as listed previously	Reworded to: 3. Where approved by Council, Vegetated Stormwater Treatment (e.g. bioretention, swales and constructed wetlands) should be designed and constructed in accordance with the Water by Design technical and design guideline documents listed in reference documentation.	Recommended
97	D5.08	Acceptable Design Solutions	3. (Deleted: All in-line and end-of line interception devices shall be of) Where proprietary products (i.e. GPTs) are specified, (Deleted: design and construction and) they will require a manufacturer's performance guarantee as to removal of foreign matter from stormwater and structural adequacy of the unit. The use of proprietary Wet Well Gross Pollutant Traps (GPT's) will not be accepted as a means of treating dissolved nitrogen and phosphorus. (Refer to SQDEP for further information) -	Requesting the removal of GPT's being the exclusive solution	Recommended
98	D5.08	Acceptable Design Solutions	7. Interception devices shall be fitted with a basket/s or other collection facilities, which shall be sized and configured to enable removal with a maximum wet, full weight of the collection facility is to be not greater than 2 tonnes. Preference is for those solutions that can be serviced with the use of a vacuum truck.	Request for additional wording to minimise maintenance requirements (removing the need to have a lift truck on site.)	Recommended
99	D5.08	Acceptable Design Solutions	10. A concrete access and handstand area adjacent to the (Removed: Gross Pollutant Trap (GPT)) SQID must be provided to allow maintenance vehicles to (Removed: park clear of the roadway) carry out maintenance safely and effectively.	Removing GPT exclusivity	Recommended - By exception, access treatment to be confirmed by council.
100	D5.10	Erosion and Sediment Control Strategy	Minor additional information requested: 3.b (b. Detail the major erosion and sediment control measures necessary to provide protection to downstream land owner(s), infrastructure, environment and receiving waters	Minor additional information requested	Recommended
101	D5.10	Erosion and Sediment Control Strategy	Deleted: 1. Design stormwater for sediment basin sizing is 80th percentile over a five day event. Added: As mandated by the State Planning Policy, all exposed areas greater than 2500m2 must be provided with sediment controls which are designed, implemented and maintained to a standard which would achieve at least 80% of the average annual runoff volume of the contributing catchment treated (i.e. 80% hydrologic effectiveness) to 50mg/L Total Suspended Solids (TSS) or less, and pH in the range (6.5-8.5) (Old State Planning Policy Appendix 2, Table A)	Amended to comply with State Planning Policy	Recommended
102	D5.11	Acceptable Design Solutions	Additional wording to condition: 3. If the site is disturbed (ie. rehabilitation works are not complete) during the period of prolonged or high rainfall (wet season) it is likely to be more vulnerable to the risk of erosion and a more rigorous inspection, clean out and maintenance regime will be required than for a site which is disturbed during the drier months. In particular, whenever possible schedule the land clearing and bulk earthworks to avoid the wet season (December to March) and stage land clearing works to minimise the area of exposed land.		Recommended
104	D6	Inclusion of reference to 'Thrust Blocks' in Design guideline	Add Reference to thrust blocks and drawing reference to Design Guideline - SEQ WAT standard drawings (1205-1 and 1206-1)	See #5980862	Addressed through another submission
105	D6	Appendix A Title page	Update version to Version 1.0 Aug 2019 from 2015	Update reference	Recommended
106	D6	Appendix A Addendum	***CRC to provide updated list***		RH to submit prior 29th December
103	D5.12	Design Guidance	Following additional guideline documents /resources added: Institution of Engineers • Soil Erosion and Sediment Control, Engineering Guidelines for Queensland Construction Sites, Institution of Engineers Australia (Queensland). Department of Natural Resources (jointly with Brisbane City Council & IMEAQ). • Queensland Urban Drainage Manual, Volumes 1 & 2. Brisbane City Council • Water Quality Management Guidelines Water by Design (Healthy Land and Water) (refer waterbydesign.com.au/resources for the latest version) • MUSIC Modelling Guideline • Bioretention Technical Design Guideline • Wetland Technical Design Guideline • WSUD Construction and Establishment Guideline • WSUD Asset Management and Handover Guideline • Waterbody Management Guidelines • Stormwater Harvesting Guidelines • IECA Erosion and Sediment Control Guideline • Best Practice Erosion and Sediment Control (BPESC) documents https://www.austieca.com.au/publications/best-practice-erosion-and-sediment-control-bpesc-document	As guided by consultant/subject matter expert	Recommended

108	D6 - Appendix A	Pipeline Materials	Series 1 PE100 – (Deleted: SDR11) SDR13.6 MIN PN (Deleted 16) 20 (or Chlorine resistant pipe)	See Document 6070452 for background. Technical discussion between councils required as temperature/severity changes throughout region.	2. Subject to consultation of ambient temperature and residual chlorine loading with council, all loop mains shall be SDR 11, Class 16, with additional note for: Subject to the oxidative reductive potential of the water being determined and an appropriate determination on of class of pipe being specified by the designing engineer.
109	D6.01	D6.01 Scope Clause 3 2nd Dot Point	Amend version of CTM Water Alliance Design and Construction Code to Version 1.0 Aug 2019)	Update reference	Recommended
110	D6.01	D6.01 Scope Clause 3 2nd Dot Point	Amend version of CTM Water Alliance Design and Construction Code to Version 1.0 Aug 2019)	Update reference	Recommended
111	D6.01	D6.01 Scope Clause 5	Reword and insert new text as follows ".....shall take precedence over the CTM Water Alliance Design and Construction Codes , Water Services Association of Australia Codes and the relevant..."	Amendment	Recommended
112	D6.04	D6.04 Reference Documents	Amend version of CTM Water Alliance Design and Construction Code to Version 1.0 Aug 2019)	Update reference	Recommended
113	D6.04	D6.04 Reference Documents	Amend version of WSA 03 to "2011"	Update reference	Recommended
114	D6.04	D6.04 Reference Documents	Include CRC Guidelines for Water and Sewage SPS's and switchboards in reference Documents. "Cairns Regional Council Design Guideline Switchboards Design Guideline Water Pump Stations"	Update reference	Recommended - Council Specific
115	D6.05	D6.05 General Clause 5	Add sentence to end "Plans in the report are to also show residual pressures and pressures under various fire flow scenarios".		Recommended
116	D6.07	D6.07 Design Criteria Title	CRC specific superscript		Recommended
117	D6.07	D6.07 Design Criteria Clause 3	Add new category and column to table - see #6219915	See document	LR to find and include definition of 'small community' - See QFRS (or find the map that defines this)
118	D6.07	D6.07 Design Criteria Clause 8 Road Crossings	Delete the CRC superscript at this clause. The wording in the CRC specific clause is nominated for deletion.	CRC specific text no longer required. It conflicts with CRC current practices for road crossings.	Recommended - Council Specific
119	D6.07	D6.07 Design Criteria Clause 8 Road Crossings	List item 2. Amend "...under industrial roads, collector-access roads or higher..."	CRC Operations is installing DICL on most road crossings now due significantly increased robustness with only marginal cost increase over PVC	Include comment that DSC and MSC accepts PVC
120	D6.09	D6.09 Rural and Rural Residential Developments Clause 9	Reference to be amended "...Appendix A4.6 A 5.8"	In appendix clause 5.8 is about Rider Mains	Recommended
121	D6.10	D6.10 Reticulation Network Clause 2	Replace WSA Code with "CTM Code"	Update reference	Recommended
122	D6.10 (Table D6.2 Standard Alignments	TRC Reticulation Network	Alter the alignment from 2.5m to 2.8m in urban only	To avoid main being under concrete footpaths. See # 6210772	Recommended - Council Specific
123	D6.13	D6.13 Valves after clause 8	New clause 9 as follows "9. Pressure reducing valves or other types of control valves are to have the set points identified on the drawings and in the hydraulic analysis report"		Recommended
124	D6.16	D6.16 Pump Stations	include "CRC" superscript at heading.	In the CRC Specific Requirements, CRC will reference design guidelines for Water Pump Stations and Switchboards.	Recommended
125	D6.16	D6.16 Pump Stations New Clause after 8	Insert new clause "9. Asset identification plates (tagging) are to be attached to equipment i.e. switchboards, wet wells, pumps, flowmeter, generator, pipes and valves etc. Confirm asset tagging requirements with the Local Authority".	Recommended by Asset management. Details to be at discretion of local Council.	Recommended
126	D6.17	D6.17 Telemetry Systems	include "CRC" superscript at heading.	In the CRC Specific Requirements, CRC will reference design guidelines for Water Pump Stations and Switchboards.	Recommended

127	D6.19	DUAL WATER SUPPLY SYSTEM	Updates to point 1 and 2. Amendment to update reference: Deleted (WSAA Dual Water Supply Systems Supplement) to the WSAA Water Supply Code WSA 03-2011		Recommended - to be checked by someone with access
128	D6-Appendix A	5.9 Amendments	Inclusion of a new note: 3) Subject to the oxidative reductive potential of the water being determined and an appropriate determination on of class of pipe being specified by the designing engineer.	Change to specification for pipe due to degradation in high temp areas See Document 6070452 for background. Technical discussion between councils required as temperature/severity changes throughout region.	Reword to: Subject to the oxidative reductive potential of the water being determined and an appropriate determination on of class of pipe being specified by the designing engineer.
129	D6	Appendix A Addendum to CTM Water Service Design and Construction Code	CRC to supply revised addendum for CTM Code 2019		RH to submit prior 29th December
130	D6	Appendix B Addendum to Sewerage Code of Australia WSA 02-2002	CRC to supply revised addendum for WSA Sewerage Code 2014		RH to submit prior 29th December
131	D7	Appendix C Addendum to Sewerage Pumping Code of Australia WSA 04-2003 Clause 25.1 Pump Lifting Chains	Dot points 2, 3, 4 and 5. Change "Galvanised" to "Stainless Steel"	Recommended by Waste Operations	Recommended
132	D7.02	Reference documents	Existing reference: SEQ Water Supply and Sewerage Design and Construction Code. (www.seqcode.com.au) • NuSewers Design and Construction Specification – NuSewers Edition V.6 New Reference: South East Queensland Water Supply and Sewerage Design and Construction Code	Update to reference	Recommended
133	D7.04	D7.04 Reference Documents	Amend version of CTM Water Alliance Design and Construction Code to Version 1.0 Aug 2019	Update reference	Recommended
134	D7.04	D7.04 Reference Documents	Amend version of WSA 02 to "2014"	Update reference	Recommended
135	D7.04	D7.04 Reference Documents	Amend version of WSA 05 to "2013"	Update reference	Recommended
136	D7.04	D7.04 Reference Documents	Include CRC Guidelines for Water and Sewage SPS's and switchboards in reference Documents. "Cairns Regional Council Design Guideline Switchboards Design Guideline Sewage Pumping Stations"	Update reference	Recommended
137	D7.08	D7.08 Design Criteria Clause 5 item a	CTM Table 4.8 "Check"	Update reference	RH to submit prior 29th December
138	D7.08	D7.08 Design Criteria Clause 3 Table 7.4 Minimum Grades for Gravity Sewers	Consider whether to remove pipe sizes >= 300mm given the code does not apply to trunk sizes	Development manual applies to non-trunk	Recommended
139	D7.08	D7.08 Design Criteria Clause 4 Table 7.5 Gravity Sewer Flows in EDC	Consider whether to remove pipe sizes >= 300mm given the code does not apply to trunk sizes	Development manual applies to non-trunk	Recommended
140	D7.09	D7.09 Sewer Alignment Clause 4	Replace reference from WSA 02-2002 4.4 to CTM Table 3.1	Update reference	Recommended
141	D7.10	D7.10 Manholes Clause 2	Reword to correct grammar "Manholes shall not be constructed across property boundaries. Minimum clearance from the edge of the manhole to the property boundary shall be 100m"		Recommended
142	D7.10	D7.10 Manholes Clause 3	Reword to correct grammar "...the standard alignment to a side or rear boundary, provide the flat area on three sides"		Recommended
143	D7.10	D7.10 Manholes Insert new Clause	New clause "7. Manhole covers are to be above the 1% AEP flood level unless otherwise approved by the Council".	This is to minimize any infiltration into the sewerage system. It will encourage consideration be given to the alignment of the sewer on land that is in a flood zone.	Reword to: Where practical, manholes are to be above the 1% AEP flood level. In the event this is not possible, bolt down manhole covers are to be used.
144	D7.11	D7.11 Covers and Surrounds	Delete all of this Clause D7.11 because it is exact duplication of Clause S6.22 in specification.	This is a duplication	Recommended

145	D7.12	D7.12 Dedication of Land, Easements,..... Clause 2 a Pipelines	Add new item to list under a. "via All sewers in Community Purpose Land i.e. state reserve"	CRC has been conditioning this requirement on DA's. Infrastructure within state reserve requires easement tenure to avoid future liabilities should the state seek compensation in the future where our infrastructure places an encumbrance on the land	Recommended
146	D7.13	D7.13 Creek Crossings	Reword 1. as follows "Where a sewer crossing of a water course is proposed, the sewer is to have 1.5m cover. All sewer creek crossings are to be in DIOL. If the cover is less than 1.5m the sewer is to be concrete encased using CLSM type concrete. If the cover is less than 1.5m then the sewer is to be in DIOL and concrete encased Concrete. Regardless of the cover, if the water course is considered unstable and susceptible to erosion, the sewer should be in DIOL and concrete encased."	CRC prefers all creek crossings in DIOL. DIOL is considered more cost effective due to the marginal cost increase over PVC while providing a more robust solution..	Recommended
147	D7.14	D7.14 Property Connections Item 7	For discussion....Amend as follows "Combined Property Drains are not permitted in any development works, unless otherwise approved."	Recommended by Michael Crookes. Discuss with plumbing about frequency.	not supported
148	D7.14	D7.14 Property Connections Item 7	Add sentence to end of item 7 "The route to the manhole through the building from the external entrance to where the manhole is located is to be a minimum of 3m wide by 2.4m high to facilitate access."	This requirement is to ensure that a sufficient access zone to the manhole is achieved through the building.	Recommended
149	D7.15	On Site Effluent Disposal - Flow Rate	It is noted that the standard requirement/flow rate for reticulated mains is 270L/person/day. The on site requirement is 200L/person/day.	It is noted that the standard requirement/flow rate for reticulated mains is 270L/person/day. The on site requirement is 200L/person/day. This has caused significant issues in large on site effluent treatment systems. It is suggested that they be made equal. See DM#5901969	not supported
150	D7.15	D7.15 On-site Sewerage Facilities	***Check with Paul Bates**		Delete
151	D7.16	D7.16 Building Over or Near Sewerage Infrastructure Cause 1 item g	Amend g. as follows "Residential dwellings including any livable areas associated with any form of accommodation type or commercial buildings with internal wall systems are not permitted to be located over sewerage infrastructure. Those parts of a residential dwelling or commercial building that are considered ancillary to the dwelling such as decks, garages and the like will be considered subject to compliance with this section."	Expand the number of examples based on lessons learned since section come into force.	Recommended
152	D7.16	D7.16 Building Over or Near Sewerage Infrastructure Cause 2 item d.	Amend d. 2nd sentence as follows ".....When a building encroachment occurs the easement document is to include a special clause making the property owner responsible for the demolition/removal and reinstatement costs of the building in the event Council has to demolish any part of the building to gain access to the sewer."	Include potential demolition and removal costs that Council would incur to gain access to the sewer.	Recommended
153	D7.16	D7.16 General	Numbering is to be updated as previous section is 7.16		Recommended
154	D7.16	D7.16 General	Amend title as follows "Pump stations and Pressure Rising Mains"	"Rising" main is the correct terminology	Recommended
155	D7.16	D7.16 General	Include superscript "CRC" beside heading to note that CRC has Council Specific Requirements	In the CRC Specific Requirements, CRC will reference design guidelines for Sewage Pump Stations and Switchboards.	Recommended - Council Specific
156	D7.16	D7.16 General Clause 7	Replace wording as follows "Wet well washers are required in all pump stations except in CRC and COOK pump stations."	Make wording clearer	Recommended
157	D7.17	D7.17 Pump Stations Clause 1	Add new item to list "1. Access hatch workshop drawing"	The inclusion of the access hatch workshop drawing will enable operational staff to determine if the design is consistent with their requirements for WH&S.	Recommended
158	D7.17	D7.17 Pump Stations	***Check against op works conditions ***		Delete
159	D7.17	D7.17 Pump Stations Clause 8.	Amend 8. as follows, take the last sentence and make new list item "The requirements of fencing of pump stations is to be confirmed with Council at the time of Operational Works application"	Seems logical to make a separate matter.	Recommended
160	D7.17	D7.14 Pump Stations Clause 14	Add following sentence to end of clause "Unless otherwise advised by council, the generator is to be sized to run both duty pumps"	Recommended by CRC waste operations	Recommended
161	D7.17	D7.17 Pump Stations New Clause	New Clause 17 "Access hatches are to have fall protection.....insert condition wording"	Required for WH&S and to minimize modifications after WA	Recommended
162	D7.17	D7.17 Pump Stations New Clause after 16	Insert new clause "18. Asset identification plates (tagging) are to be attached to equipment i.e. switchboards, wet wells, pumps, flowmeter, generator, pipes and valves etc. Confirm asset tagging requirements with the Local Authority".	Recommended by Asset management. Details to be at descretion of local Council.	Recommended
163	D7.18	D7.18 Sewage Pumping Systems	Include superscript "CRC" beside heading to note that CRC has Council Specific Requirements	In the CRC Specific Requirements, CRC will reference design guidelines for Sewage Pump Stations and Switchboards.	Recommended
164	D7.18	D7.18 Sewage Pumping Systems Table 7.14 Amend Item 7 Top Water Level	Amend wording as follows " Must be set no higher than 300mm below invert level of the inlet sewer. The drop pipe is to terminate at least 50mm above the TWL."	Clarification recommended by project delivery to ensure inlet pipe fully drains.	Recommended
165	D7.19	D7.19 Pressure Mains	Change Title to "Rising Mains"	Correction to terminology	Recommended
166	D7.19	D7.19 Pressure Mains	Change "Pressure Mains" to "Rising Mains" elsewhere in the section.	Correction to terminology	Recommended

167	D7.19	D7.19 Pressure Mains Clause 4	Replace wording as follows "All discharge manholes are to have a protective liner as approved by the local authority and installed in accordance with Manufacturers requirements"	The liners referenced in the current wording of the clause are no longer preferred.	Recommended
168	D7.20	D7.20 General Clause 2	Suggest rewording this clause to "Where the gravity sewer system cannot service or control a development site, Council may approve a private sewage pumping station on the site that would discharge into a manhole preferable within the site or as near as practicable to the site. The section of rising main in public land will be donated to Council as Council's infrastructure and a boundary kit is to be installed at the site boundary to delineate between Council and private owned infrastructure. A private rising main is not acceptable within a Council controlled road reserve".	The suggested rewording is to emphasise the preference to minimize the length of rising main that Council's are responsible for and to install a boundary kit at the boundary to identify the limit of ownership.	Recommended
169	D7.20	D7.20 General New Clause after Clause 2	Insert following wording "3. The minimum rising main diameter that is within the road reserve and transferred to Council ownership is to be 90mm OD". ***Check with plumbing, ben"		not supported - CRC to supply pump type to be specified
170	D7.20 D7.21 D7.22 D7.24	D7.20, D7.21, D7.22, 7.24	Change "pressure" main to "rising" main at all instances	Correction to terminology	Recommended
171	D7.23	D7.23 Private Pump Station Sizing and Operation Clause 4	Insert following wording at end of Clause 4 " Provide contact details of the property owner/manager and any maintenance contractor the owner has an agreement with in the event Council is notified of a red light/ alarm. ". ***Check with plumbing, ben"	This clause has been recommended by waste operations to enable the owners be contacted in the event of alarm .	Recommended but add wording "where not a single dwelling."
172	D7.23	D7.23 Private Pump Station Sizing and Operation New clause	Insert following wording "5. Where not a single dwelling, an Emergency Response Plan (ERP) is to be prepared and included in the Operation and Maintenance Manual held on site and with the property owner. The property owner is responsible for maintenance of the private pump station and shall have a maintenance agreement in place with a suitably qualified contractor at the commencement of operation. Details of the ERP and maintenance agreement is to be supplied for council records at works completion. "	This clause has been recommended for inclusion to address the issue of Council being requested to deal with blockages or other operational issues with private pump station such as those at body corporates.	Recommended
173	D7.26	D7.26 Telemetry Systems	Include superscript "CRC" beside heading to note that CRC has Council Specific Requirements	In the CRC Specific Requirements, CRC will reference design guidelines for Sewage Pump Stations and Switchboards.	Recommended
107	D6.08	D6.08 DEDICATION OF LAND, EASEMENTS & PERMITS TO ENTER	Addition of point g. All water mains in Community Purpose Land i.e. state reserve	Requesting easements in state land for water mains.	Recommended
174	D8.03	Reference Documents	Update for NBN Co Developer document	https://www.nbnco.com.au/content/dam/nbnco/documents/installing-pit-and-conduit-infrastructure.pdf	Recommended
175	D8.07	Table 8.1 Lighting Categories	Put existing commentary into manual	Existing commentary to be put into manual	Recommended
176	D8.07	Road Lighting	Amendment to wording: 1. All road lighting designs shall be prepared by electricity provider approved (Deleted: an approved Engineering Consultant) Registered Professional Engineer Queensland and shall be included in the design submission for acceptance by Council. (Claims Regional Council lighting design are submissions to be made under the Public Body Lighting Scheme Approval).	amended to align better with Ergon energy approved consultants/design requirements	Recommended
177	D8.07	Road Lighting	Addition to wording: 3.2. All light columns, luminaries and lamps are to be specified from the Electricity Authority's Lighting Construction Manual and Underground Construction Manual. Council's required luminaires are listed in Table D8.1 for the relevant road hierarchy.	Consolidating 2 conditions.	Recommended
178	D8.07	Road Lighting	All installation works shall be in accordance with the Electricity	To ensure approved contractors are undertaking electrical work. Requirement of Ergon.	Recommended
179	D8.07	Road Lighting	Amended wording to provide clearer delineation of roles: 5.4. The design and installation of lighting schemes on declared (state) roads are subject to the requirements and approval of the Department of Main Roads.	Amended wording to provide clearer delineation of roles. Correct wording to: The design and installation of lighting schemes on declared (state) roads are subject to the requirements and approval of the Department of Main Roads.	Recommended
180	D8.07	Road Lighting	Condition 8 Updated reference standard from 'supplementary to current AS1158 - Lighting for Roads and Public Spaces - Lighting of Pedestrian crossings.	Updated Luminaire type and lamp type options. Please see full document for details. Additional note added: 4. All major and minor road lighting luminaires (Except Nostalgia) are to be an aeroscreen fixture installed with a zero Degree upcast. See DM5-4812242	Recommended

181	D8.07	Road Lighting	Added 18. Foundation footing for minor road lighting must be constructed in accordance with electrical energy providers specification. (Deleted: Foundation footing for minor road lighting must be cast in situ, a precast concrete foundation is not permitted without prior approval of council.)	Condition amended to consider pre-cast options, subject to energy providers specification:	Recommended
182	D8.07	Road Lighting	20.17. The edge of a new driveway (inclusive of access aprons) shall be no closer than 1.0m to any power pole or street light pole.	Amended wording :To remove conflicts of pole/driveway. '	Recommended - subject to additional wording 'power pole, street light pole or electrical junction box' DRAWING - S1015 - AMEND NOTES AND CROSS SECTIONS TO REFLECT THIS
183	D8.07	Road Lighting	Added:18. Central high mast lighting is the preferred arrangement at roundabouts with a diameter greater than 6m. Deleted: The preferred lighting arrangement for roundabouts with a central island diameter of 6m or greater is a centrally located short arm high mast lighting column.	Amended roundabout wording to simplify	Recommended
184	D9.02	Reference Documents	Update to AS1156 to reflect current document		Recommended
185	S1.06	General	Updated references to sections of AS3798 to current document.	https://infostore.saiglobal.com/en-au/Standards/AS-3798-2007-304347/	Recommended
187	S2.02	Reference Documents	Updated reference for AS1742 from Queensland Department of Transport and Main Roads publication, to Australian Standards	Harmonisation/Crossover to the AS version currently being undertaken.	Recommended
188	S2.04	Asphaltic concrete surfacing	Removed 'Commentary Available'		Recommended
189	S2.04	Asphaltic concrete surfacing	Removal of : 1. For surfacing on pavements with depth 30mm, the material quality requirements, material quality compliance testing requirements and all other matters pertaining to Asphaltic Concrete road pavement surfacing shall conform to the requirements as specified in the "Asphalt Specification for Subdivision Pavements", published by the Australian Asphalt Pavement Association (Queensland Branch).		30mm was retained. No replacement required
190	S2.23	Road Furniture and Pavement Marking	Updated reference for AS1742 from Queensland Department of Transport and Main Roads publication, to Australian Standards	Harmonisation/Crossover to the AS version currently being undertaken.	Recommended
191	S3.02	Reference Documents	Updated Concrete Masonry Association of Australia Specification References T44 to PA03, T45 to PA02, T46 to PA01, ***and changed throughout document	Updated Document references	Recommended
192	S3.02	Reference Documents	Deleted: Clay Brick and Paver Institute Specifications - Clay paving Design and Construction Added: Think Brick - Clay Paving Manual - Construction Guidelines for Clay Masonry ***and updated references throughout manual	Updated Document references	Recommended
193	S4.02	Reference Documents	Updated AS 1761 to AS2041 - Buried corrugated metal structures, helically formed sinusoidal pipes	Updated Document references https://infostore.saiglobal.com/en-au/Standards/AS-NZS-2041-4-2010-1420421/	Recommended
194	S4.02	Reference Documents	Updated AS 1650 to AS4680 - Hot dipped galvanised coatings on ferrous articles	Updated Document references https://infostore.saiglobal.com/en-au/standards/as-nzs-4680-2006-r2017-385621/	Recommended
195	S4.02	Reference Documents	Removed: AS 2423 Galvanised Wire Fencing Products.	AS have withdrawn this document, and document is not directly referenced in the the body of the specification.	Recommended
196	S4.02	Reference Documents	AS 3600 included as directly referenced in document.	Updated Document references	Recommended
197	S4.02	Reference Documents	Wording adjusted to reflect title - AS 3725 Design for installation of Buried Concrete Pipes	Updated Document references	Recommended
198	S4.02	Reference Documents	MRTS03 amended to reflect naming adjustments made by TMR	Updated Document references Amended Naming Convention https://www.tmr.qld.gov.au/business-industry/Technical-standards-publications/Specifications/3-Roadworks-Drainage-Culverts-and-Geotechnical#MRTS03	Recommended
199	S4.02	Reference Documents	MRTS04 included as referenced in document	Updated Document references	Recommended
200	S4.02	Reference Documents	WSA05-2006 adjusted as document has been updated	Updated Document references https://www.wsaa.asn.au/shop/product15646	Recommended - but confirm with water group at the next meeting (Note)

201	S4.02	Reference Documents	Updated titling: American Association of State Highway and Transportation Officials (AASHTO) - M197-82 Aluminium Alloy Sheets for Culverts and Underdrains. American Association of State Highway and Transportation Officials (AASHTO) - M196-84 Corrugated Aluminium Alloy Culverts and Underdrains.	Updated Document references https://standards.globalspec.com/std/10031170/aashto-m-197	Delete - no update
202	S4.02	Reference Documents	American Association of State Highway and Transportation Officials (AASHTO) - M196-84 Corrugated Aluminium Alloy Culverts and Underdrains.	Updated Document references https://standards.globalspec.com/std/10031170/aashto-m-197	Delete - no update
203	S4.03.4	Steel Reinforced Concrete Pipes	Delete Clause S4.03.4 as exposure classifications are covered in AS4058 referenced in CI S4.03.1	Remove clause and move to adoption of product Australian Standard. Appendix E of AS4058 details allowable concentrations of impurities including sulfate and chlorides.	Recommended
204	S4.05.2	Reinforced Concrete Box Culverts	Delete Clause S4.05.2	Remove clause and move to adoption of product Australian Standard. Exposure classifications are appropriate specification are detailed in AS1597.1 and AS1597.2	Recommended
205	S4.07	Bedding Materials	Amend Clause to adopt grading limits as detailed in Table 6 of AS3725.	Grading for bedding material is provided in AS3725 and correlate to the bedding factors adopted for design in the standard. Adopting a different grading may result in insufficient bedding strength.	remove FRP reference in title. ADD SECTION ON BLACKMAX TYPE PRODUCT/And installations to be as per manufacturer standard.
206	S4.07	Bedding Materials	2. The bedding material to be used in conjunction with box culverts should conform to the grading specified in the Main Roads Standard Specification MRTS04 for drainage structures.	Wording has been amended to reflect amendments within the MRTS's, which now sits under the General earthworks section – see MRTS04 – 19.2.6 (doc pg 51)	Recommended
207	S4.13	Backfill Material - Item 1	Change wording to: 1. Backfill material shall be as per the Australian Standard relevant to the pipe type being used.	Request revision of condition or wording to include current construction technique of flooding graded sand.	Adjust to as per Australian standard bedding (check if there are different standards for bedding concrete reo pipes v blackmax etc)
208	S4.21	Drainage Structures	Add clause for Precast Gullies, Manholes and Field Inlets. Precast Gullies Manholes and Field Inlets shall be RPEQ Design Certified by manufacturer.	Precast structures are utilised by contractors and approved by councils and QDTMR, by adding the clause it covers their appropriate specification. Aligns with use in subdivision and in QDTMR projects.	put in wording around RPEQ considering this as an appropriate solution in the circumstance.
209	S4.21	Drainage Structures	Delete References to step irons as these are no longer used. 3. Concrete benching shall be shaped as specified and shall have smooth, even surfaces and neat edges. (Deleted: Step irons shall be installed horizontal, vertically in line, and shall project uniformly from the walls, where the depth of the structure is greater than 1.5m.)	Amended to reflect current requirements and practices	Recommended
211	S5	Appendix A Title page	Title page to refer to "CTM Water Alliance Design and Construction Code, Version 1.0 Aug 2019"	Update to current CTM code version	Recommended
212	S5	Appendix A	***CRC to provide updated list***	Update to current CTM code version	Recommended
210	S4.21	Drainage Structures	Delete Step iron reference. Delete Condition. 4. Where step irons are not cast-in-place, they shall be epoxy mortared into drilled holes. The joints between the step irons and the walls shall be completely filled so that the step irons are held rigid and the joints are watertight. Add: All manhole installations must have 1.5m clearance available on three sides to facilitate confined space access.	Amended to reflect current requirements and practices	Recommended
213	S5 - Appendix A	Correction of drawing reference	Amend reference from S2015 to SEQ WAT standard drawings (1205-1 and 1206-1) in document body	As noted. See #5980862	Not supported - Drawing S2015 reinstated.
215	S5.01	S5.01 Scope Clause 4	Replace reference to WSA code with CTM Water Alliance Design and Construction Code	Update reference	Recommended
216	S5.01	S5.01 Scope Clause 5	Replace reference to WSA code with CTM Water Alliance Design and Construction Code	Update reference	Recommended
217	S5.02	S5.02 Reference Documents	Add new standard "AS 5488 Classification of Subsurface Utility Information"	Update reference list	Recommended
218	S5.02	S5.02 Reference Documents	Amend version of CTM Water Alliance Design and Construction Code to Version 1.0 Aug 2019	Update reference	Recommended
214	S5 - Appendix A	Correction of worded reference	Appendix A of S5 indicates to substitute the SEQ WAT standard drawings (1205-1 and 1206-1) related to thrust blocks with S2015 which is not included in Issue 7	Include reference to (1205-1 and 1206-1) in next revision. See #5980862	Not supported - Drawing S2015 reinstated.
219	S5.02	Reference Documents	Inclusion of AS 4441 Oriented PVC (PVC-O) pipes for pressure applications		water and waste next meeting
220	S5.02	Reference Documents	Deleted: WSA03-2002 - Dual Water Supply Systems - Supplement to the water supply code to Added: WSA 03 - 2011 - Water Supply Code of Australia	Updated Reference Documents	Deferred - Water and waste next meeting

222	S5.19	S5.19 Bedding Clause 3	Amend wording "For Cairns Regional Council, With exception of Cairns Regional Council, Detector tape / marker wire shall be....."		Recommended
223	S5.21	S5.21 Connection to Existing	New numbered item "2. "The proposed date of any water connection work is to be submitted to and agreed with CRC Water and Waste as early as possible and at least 1 month in advance. The scheduled date of the connection work is to then be confirmed by the Contractor exactly 1 month prior to the date. Any change to the date within two weeks of the scheduled date will result in the contractor being responsible for any additional costs incurred by Council to change to the new date."	This new clause will enable service providers to program works more effectively.	Recommended - Generic wording Used.
224	S5.25	S5.25 Thrust Blocks	New numbered item "5. Where thrust blocks are cast to flanged fittings the concrete is to be kept sufficiently clear of the bolts so that they can be bolted and unbolted."	This new clause seeks to avoid flanged fittings from being encased in a blob concrete.	Recommended
225	S5.26	S5.26 Water Service Connections	CRC Specific "Connections to live mains or mains that will be donated to Council for either subdivision connections, water connections or connections for irrigation are to be undertaken by CRC."	CRC undertakes all connections. The wording also seeks to avoid contractors from installing connections prior to handover.	Recommended
226	S6	Appendix A Title page	Update version to Version 1.0 Aug 2019 from 2015	Update reference	Recommended
227	S6	Appendix A Drawing Addendum	***CRC to provide updated list***	Update reference	Recommended
228	S6	Appendix B Title page	Update version to "WSA 04-2014" from 2005	Update reference	Recommended
229	S6	Appendix A Drawing Addendum	Update version in title to "WSA 04-2014" from 2005	Update reference	Recommended
230	S6	Appendix A Drawing Addendum	***CRC to provide updated list***	Update reference	Recommended
231	S6.01	S6.01 Clause 4	Amend as follows "Aspects of modification or clarification of the codes are detailed in Appendix A and B of Design Manual - D7"	Correction	Recommended
232	S6.02	S6.02 Reference Documents	Add new standard "AS 5488 Classification of Subsurface Utility Information"	Update reference list	Recommended
233	S6.02	S6.02 Reference Documents	Amend version of CTM Water Alliance Design and Construction Code to Version 1.0 Aug 2019	Update reference	Recommended
234	S6.02	S6.02 Reference Documents	Amend version of WSA 02 to "2014"	Update reference	Recommended
235	S6.02	S6.02 Reference Documents	Amend version of WSA 05 to "2013"	Update reference	Recommended
236	S6.02	S6.02 Reference Documents	Include CRC Guidelines for Water and Sewage SPS's and switchboards under Reference Documents. "Cairns Regional Council Design Guideline Switchboards Design Guideline Sewage Pumping Stations"	Update reference	Recommended
221	S5.05	Polyethylene Pipe	Addition to wording: 2. PE pipes to be minimum PE100 PN16. As noted in D6 – Appendix A(3.8). Designing engineer is to consider the oxidative reductive potential of the water and an appropriate determination pipe class is to be specified.	Updated Reference Documents	Deferred - Water and waste next meeting
237	S6.02	Reference Documents	Update to Title of AS 1260 as per Australian Standard update: AS/NZS 1260 - PVC-U pipes and fittings for drain, waste and vent applications	Updated Reference Documents	water and waste next meeting
239	S6.05	S6.05 Ductile Iron Clause 1	Amend wording of Clause 1 as follows "Ductile Iron pipes shall be manufactured and cement lined in accordance with AS2280 by an Australian Standards quality endorsed company. DI pipes with normal cement lining shall not be used for gravity sewers, which should be Calcium Aluminate lined. Pipes shall be lined with calcium aluminate cement for sewerage applications. For sections of pressure rising mains pressure rising mains sewers that are permanently wet, DI pipes with normal cement lining may be used subject to Council approval. Sections of pressure (rising) rising mains subject to alternate wetting and drying shall have calcium aluminate lining. Where calcium aluminate lining is not available, fusion bonded epoxy lining should be used."	Recommended by Project Delivery. Flanged fittings are apparently no longer available in DI/CL with calcium aluminate lining - i.e. for sewerage applications. Feedback from manufacturers is that to manufacture flanged pipes, the spigots and sockets are cut off and flanges are fitted. There have been too many failures of the lining in this instance that they have ceased this practice. The alternative is flanged pipe with fusion bonded epoxy lining.	Recommended
240	S6.08+	After S6.08 Add new clause	New clause S6.09 PE Manholes "CRC to provide wording"***		RH to submit prior 29th December
241	S6.09	S6.09 Manhole Covers	Amend dot point 2 "Parks, verges etc" New dot point "3. Roads, Carparks etc - Class D"	For clarity, spigot/socket pipes with calcium aluminate lining are still manufactured to specific lengths.	Recommended
242	S6.17	S6.17 Connection to Existing	New numbered item "The proposed date of any sewerage connection work is to be submitted to and agreed with CRC Water and Waste as early as possible and at least 1 month in advance. The scheduled date of the connection work is to then be confirmed by the Contractor 1 month prior to the date. Any change to the date within two weeks of the scheduled date will result in the contractor being responsible for any additional costs incurred by Council to change to the new date. CRC to insert notice requirement wording from conditions"		Recommended (removed 'EXACTLY')

243	S6.20	S6.20 Pressure (Rising) Mains	Replace all instances of "pressure" with "rising"	Attached is an amended WSAA code from Power and Water Corporation (NT), i.e. a place with similar climatic conditions and H2S problems, where flanged pipes and fittings at pump stations are DIFBL (i.e. Ductile Iron Fusion Bonded Lining).	Recommended
244	S6.23	S6.23 Pump Stations	Include superscript "CRC" at heading to inform that CRC has CRC specific requirements.		Recommended - Council Specific
245	S6.26	S6.26 Testing of Manholes	The heading should read "Testing of manholes"	We have recently been having issues with designers specifying flanged DIFBL pipes for sewerage use (in accordance with FNQROC) with calcium aluminate lining for use at sewage pump stations and aerial crossings.	Recommended
246	S6.28	S6.28 Pressure (Rising) Mains	Replace all instances of "pressure" with "rising"	Correction to terminology	Recommended
247	S6.29	S6.29 CCTV Inspection of Sewers Subclause 3 a	The reference to include year WSA 05 - 2013	Correction	Recommended
248	S6.29	S6.29 CCTV Inspection of Sewers Subclause 3 c	***check with Plumbing and Matt about video file types***		RH to submit prior 29th December
238	S6.02	Reference Documents	Update to Title of AS 3996 as per Australian Standard update: AS/NZS 3996 - Access covers and grates	Updated Reference Documents	water and waste next meeting
249	S7.02	Reference Documents	Update AS1553 to AS 4855 Welding consumables - Covered electrodes for manual metal arc welding of non-alloy and fine grain steels ***** Also updated throughout document	Superseded document	Recommended
250	S7.02	Reference Documents	Update AS2203 to AS/ISO 17632 Welding consumables - Tubular cored electrodes for gas shielded and non- gas shielded metal arc welding of non-alloy and fine grain steels ***** Also updated throughout document	Superseded document	Recommended
252	S8.02	Reference Documents	Update AS3785 to AS3879 Solvent cements and priming fluids for PVC (PVC-U and PVC-M) and ABS and ASA pipes and fittings ***** Also updated throughout document	Superseded document	Recommended
251	S7.02	Reference Documents	Update AS2717.1 to AS/NZS 14341 Welding consumables - Wire electrodes and weld deposits for gas shielded metal arc welding of non alloy and fine grain steels ***** Also updated throughout document	Superseded document	Recommended
253	S8.10	Irrigation pipework	1. All below ground pipework shall be high chlorine resistance unplasticised Poly-vinyl Chloride (uPVC) unless otherwise approved. All pipes shall be Class 12 minimum with Class 18 fittings.	Addition of high chlorine resistance pipework due to heat/chlorine 'acidity' - in high temperature environments	delete - PVC not PE.
254	STD DRWG - NEW	CBD Pathway treatment	New drawing to illustrate cbd footpath treatment of gothic charm/ghost gum colour palette, tactile, banding to align with building features, stenciling guidelines, imprinted picture guideline, bin enclosure, bubbler, parking meters	Make council specific	Recommended - Council Specific
255	STD DRWG - S1000	Kerb & Channel drawing	Edge Restraint dimension - "200 mm" text to be changed to 300mm	Requires discussion from group	Recommended
256	STD DRWG - S1000	Kerb & Channel drawing	Change note text for 5. to be changed for better clarity 'Saw Cut'		Recommended
257	STD DRWG - S1005	Typical Road Cross Sections - Low Density Residential section	Change title to align with planning scheme. Low density residential replaced with "Rural residential Road"		Recommended
258	STD DRWG - S1015	Access Crossover	New Note: Refer to S2005 when hydrants are located in driveways		Recommended
259	STD DRWG - S1015	Access Crossover	Additional Sectional View (as per markup) which shows how driveway interacts with the crossing and the grades required for compliance. (Note: C/S to be amended to reflect FNQROC Grades - See D1 and D2)		Recommended - subject to amended grades
260	STD DRWG - S1040	Location of signs section	Request New Notes: Loop roads are to have two signs on the same pole in opposing directions.		Recommended
261	STD DRWG - S1040	Location of signs section	Request New Notes: Where not adjusted by note 5, signs are to be located on the opposite side of the street as the T intersection. Street name plate post on T intersection on the opposite side of the street, double plates for loop roads on same post in either direction		Recommended
262	STD DRWG - S1045	Notes	Amend notes to change TMR standard drawings from 1316 & 1318 to 12XX series of drawings. Note to read: 2. Refer Main Roads Standard Drawing 1250 & 1260 for installation of precast culverts and reinforced concrete bases. Remove note 3.	correct -typo in note 8. Correct the DENSO tape reference to 'manufacturers recommendation'	change wording to cast in situ, with precast to be used by exception, subject to council approval
263	STD DRWG - S1110	Typical driveway layout cross section	Add note: All grates within driveway/roadway are to be class D for vehicle traffic.		Recommended

265	STD DRWG - S2015	Thrust block detail	Drawing to be reinstated.		Recommended - amendment to condition 4 - for valves greater than 100dia
266	STD DRWG - S2038	Standard 20mm water connection	all 200mm reference to be changed to 300mm	Bringing it into alignment with existing specifications	Recommended - Amend wording of note 5 to read - Offsets are to be as per FNQROC Development manual D5.XX , Nominally xxxx (insert remainder of condition)
264	STD DRWG - S2005	Notes	Amend note 11/ to include a new note to refer to S1015 when hydrants in driveways. Note to read: Where located in paved areas, use expansion joint material to allow for removal of surround for maintenance without breakage - Refer S1015 for driveway detail. Refer S1035 for pathway/bikeway detail.		Recommended
267	STD DRWG - S4110	Contraction Joint detail	Amend galv mesh location to be on bottom of centrally placed mesh	As per other contraction joint detail	Add note wording to be saw cut detail to be as per council requirement
269	STD DWGS - S3020 S3025	Standard Drawing S3020 & S3025 Sewerage Pump Station cast in-situ & Typical Sewerage Pump Station	Amend drawing to include following amendments: - Change title replace "Sewerage" with "sewage" - Note 11 change to "stainless steel" - References to "gauge cock" changed to "AU Cock" - minor other amendments **Amended Drawing to be provided**	Amendments as recommended by waste Operations	spelling mistake (gauge cock) - Requirement to specify stainless steel grade (316 or 416)
268	STD DWGS	PWD Bubbler Std Drawing	PWD/Mobility Access Water Bubbler Standard Drawing	See # 6210752	Not Recommended - CRC Specific
270	STD DWGS - NEW	Sound Attenuation Fence	Need a drawing outlining sound attenuation fencing for council roads outlining the positions (alignments) and requirements for fencing	Not recommended - TMR have a drawing for this.	Not Recommended
271	STD DWGS - S1000F	Provision for asphalt overlay height in kerb	Amendment to drawing - Provision for asphalt overlay height in kerb - See TMR SD1033	When councils asphalt overlay, it changes the relative height of the kerb (ie. instead of the asphalt meeting the lip of the semi mountable, it goes up into the diagonal portion. Introduction of a standard to prevent that. See email/TMR drawing. See #5991008	Recommended
272	STD DWGS - S1016	Kerb Ramps	Request that drawings be amended to reflect the layout on the TMR drawing (KRG1)	Better articulates placement on the curves. Note that TGS's are indicated (FNQROC requirement is for CBD and environs/minor collectors and above). DM#5937027 DM#5937028	Recommended
273	STD DWGS - S1046	Excavation, Bedding and Backfilling of Concrete Pipes	300mm dimension for "Under Existing Pavements" not sitting in the right place. Remove.	See attachment for relevant Standard Drawing Number. See # 6197681. remove dimensions. ALSO - In table (MAXIMUM TRENCH WIDTH) - change maximum width 'E' to 'B'	Recommended
274	STD DWGS - S1050	Grated Kerb Inlet Pit Pipe DIA ≤ 600mm	Section B note to be change to reference a different number in Notes. "Subsoil tail (refer note 8)." needs to be amended to reference "note 7"	See attachment for relevant Standard Drawing Number. See # 6197681	Recommended
275	STD DWGS - S1055	Grated Kerb Inlet Pit Pipe DIA > 600mm	Section B note to be change to reference a different number in Notes. "Subsoil tail (refer note 10). Allow subsoil to drain." needs to be amended to reference "note 9"	See attachment for relevant Standard Drawing Number. See # 6197681	Recommended
276	STD DWGS - S1060	Grated Kerb Inlet	Include Precast One Piece Kerb Inlets	One piece kerb inlets that combine lintel, gully and grate in one piece units. Discussion required - Request to include one - piece precast units - Utilised by QDTMR and other councils	Recommended
277	STD DWGS - S1065	Stormwater Manholes	Include a note on the option of Precast.	Contractors utilise precast chambers and conversion slabs.	Recommended
278	STD DWGS - S1070	Field Inlet Pits	Include note on Precast alternative. Precast Field Inlet Pits shall be RPEQ Design Certified by manufacturer.	Precast structures are utilised by contractors and approved by councils and QDTMR, by adding the clause it covers their appropriate specification. Aligns with use in subdivision and in QDTMR projects.	Recommended
279	STD DWGS - S1085	Concrete Pipe Headwall Wingwalls and Apron	Multiple Pipes has a dimension that is floating around "T1". Needs to be moved down as part of the details for Section A	See attachment for relevant Standard Drawing Number. See # 6197681	Recommended
280	STD DWGS - S1085	Concrete Pipe Headwall	Include note on Precast alternative. Precast Headwalls are an acceptable alternative and shall be RPEQ Design Certified by manufacturer.	Precast structures are utilised by contractors and approved by councils and QDTMR, by adding the clause it covers their appropriate specification. Aligns with use in subdivision and in QDTMR projects.	Recommended
281	STD DWGS - S1105	Rural Allotment Accesses	Rotate the guideposts for the culvert to suit the travel direction of the access	See attachment for relevant Standard Drawing Number. See # 6197681	Recommended

283	STD DWGS - S2000	Standard Drawing S2000 Valve and Hydrants	Amend drawing to provide material dimensions and material type and grades for strapping of valves to the thrust block. Refer #5906262 **Amended Drawing to be provided**	Dimensions and materials not shown on the drawing. Have been requested previously by Contractor/consultants to advise Council's preference.	RH to submit prior 29th December
284	STD DWGS - S2010	Standard Drawing S2010 Kerb/Road Markers	Amend drawing to include Marker Plate detail for Vacuum Pods "VP". **Amended Drawing to be provided**	The marker plate would identify the location of vacuum pods. Applicable to vacuum sewer system.	Recommended - RH to submit
285	STD DWGS - S2011	Standard Drawing S2011 Steel Marker Posts	Amend drawing to include Marker Plate detail for Vacuum Pods "VP". **Amended Drawing to be provided**	The marker plate would identify the location of vacuum pods. Applicable to vacuum sewer system.	Recommended - RH to submit
286	STD DWGS - S2015	Standard Drawing S2015 Rev C	Reinstate drawing from version 6 2014.	It is believed that the drawing may have been mistakenly removed and replaced with CTM/SEQ thrust block drawing. However the CTM/SEQ drawing list in Appendix A of the water specification refers to S2015 instead of the CTM/SEQ thrust block drawing.	Recommended
287	STD DWGS - S2050	Standard Drawing S2050 Standard arrangement of >80mm water and fire installations	Reference to check valve as per #5870552 **Amended Drawing to be provided**	New Notes: Testable single check valve on the drawing, and new note: 4. Testable Single Check Valve is to be installed by Council. Initial and Annual Testing and Maintenance of this valve is the responsibility of the property owner.	Recommended
288	STD DWGS - S3000	Sewerage Manholes	Add note: Precast Manholes manufactured in accordance with AS4198 and	Aligns with existing FNQROC specification Clause S6.08	Recommended, on the basis of including wording of section S6.21, points 4 and 5.
289	STD DWGS - S3000	Standard Drawing S3000 Sewerage Manholes	Amend drawing to include following amendments: - Note 14 about lining to be reworded "internal lining to discharge manhole to be a product approved by Council." - On detail of discharge manhole remove reference to DIOL.	The lining systems noted on the drawing are not obsolete. Prefer not to nominate a brand as these may change. The drop pipe on the manhole does not need to be DIOL.	Recommended
290	STD DWGS - S3020	Standard Drawing S3020	Amend drawing to make the guiderails Stainless Steel not galvanised. Refer #5974223 **Amended Drawing to be provided**	At present FNQROC seems to specify galvanised guiderails for pumps in pump stations. Of late we have started specifying Stainless Steel guiderails on some of our projects, and changed from galvanised to SS during construction of others.	Recommended
292	STD DWGS - S9000	Standard Drawing S9000 Aerial Pipe Crossings	Include width and thickness of the steel protection grill straps Remove reference to height "1800mm" ****To be advised****	Details of the grill design are not provided on the drawing. Note that S9001 shows details.	Recommended
291	STD DWGS - S4210	Street Tree Planting	Reintroduction (see S4210- Rev A) of comment pointing to root barrier "2000 long x 600 deep root control barrier 300mm behind kerb or inside face of subsurface drainage trench"	Removed in 2006 through dev manual process, request is to reintroduce. See DM#5763725	Recommended
294	STD DWGS - S3005	Standard Drawing S3005 Property Connection Branches	Amend drawing to include following amendments: - Remove detail of Type A PCB - Removal of Type E1A **Check with plumbing** **Amended Drawing to be provided**	CRC does not recommend use of type A PCB's due to possibility of connecting to the riser. CRC waste operations is not supportive of Type E1A PCB's due to risk of loading vertically on the sewer. **To be discussed with plumbing**	Request to remove type E1A not supported. Remove all type A (and it's section above), Type A1, Type A2) Remove comment (depth >1.5m) below Type E in bottom right hand corner
293	STD DWGS - S1050	Grated Kerb Inlet	Include Precast One Piece Kerb Inlets	One piece kerb inlets that combine lintel, gully and grate in one piece units. Utilised by ODTMR and other council	Recommended
294	STD DWGS - S4110	Traffic Islands/Medians	Addition of the wording from the Dev manual: Traffic islands or medians of less than 2m width to be hard surfaced in concrete with a patterned or broomed finish incorporating a coloured pigment in accordance with Council's requirements. This colour shall be terracotta unless otherwise approved by Council		Recommended
AP1	AP1.28	Sewerage Reticulation plan and long section	p. Details of pumping stations including location, inlet/outlet levels, overflow details (location and invert levels), cut-off levels, electrical switchboard layout and water supply, size of pumping plant.	additional detail required	Recommended

	D4.09	Pipes and Box Culverts	Include the use of Blackmax type pipe: a. Where specifically approved for use by Council,		Supported
	D4.03	Reference Documents	Australian Standards □ AS 5065 Polyethylene and polypropylene pipes and fittings for drainage and sewerage applications" □ AS 2566 Buried flexible pipelines Installation		Supported
186	STD DWGS - S1000	Kerb and Channel	Inclusion of an asphalt overlay provision on the kerb. Marked up as per DTMR drawing		Recommended
	S4.04		Request the introduction of S4.06 POLYPROPYLENE STORMWATER PIPES 1. The use of polypropylene stormwater pipes must be at the express permission of the receiving Council. All pipework and fittings must conform in all respects to AS 5065 and installation must be in accordance with AS 2566. S4.05 REINFORCED CONCRETE BOX CULVERTS (RCBC)		Recommended. Request for inclusion made at Council Consultation meeting
	S5	Appendix B	***CRC to provide updated list***		Recommended
	Council Specific	CRC Specific Drawing Water New Drawing S9022 - CRC District Water Meter	CRC Specific Drawing Water New Drawing S9022 - CRC District Water Meter		Recommended - Council Specific
	STD DWGS - S2011	Steel Marker Posts	Delete - Duplicated data of S2010		Review

8.4 TEMPORARY LOCAL PLANNING INSTRUMENT

Date Prepared: 21 January 2020

Author: Manager Development and Governance

Attachments:

1. TLPI 01/2019 and Statement of Reasons [↓](#)
2. Minister's advice on Mareeba Shire Council Planning Scheme 2016 and FNQ Regional Plan [↓](#)

EXECUTIVE SUMMARY

On 9 December 2019, the Minister for State Development, Manufacturing, Infrastructure and Planning made *Temporary Local Planning Instrument No. 01 of 2019 (Subdivision in Rural zone)* (TLPI 01/2019).

TLPI 01/2019 applies to development for reconfiguring a lot within the Rural zone of the Mareeba Shire Council Planning Scheme 2016.

TLPI 01/2019 effectively prohibits the creation of lots with an area less than 60 hectares within the Rural zone.

TLPI 01/2019 commenced on 9 December 2019 and will remain in effect for a period of two (2) years or until it is repealed.

The Minister's Statement of Reasons for making TLPI 01/2019 are included in **Attachment 1**. The Statement of Reasons includes *Section 5 - Findings on material questions of fact* which states that Council has approved 5 applications to subdivide Rural zoned land to create lots less than 60 hectares since the Minister initially wrote to Council in May 2018.

Council is able to provide a sound planning rationale for the approval of each of the 5 applications referenced by the Minister. The use of these 5 applications as justification for the making TLPI 01/2019 is an extremely weak basis.

It is proposed that the Mayor write to the Minister and request that he reconsider the decision.

RECOMMENDATION

That the Mayor writes to the Minister of Development, Manufacturing, Infrastructure and Planning and request he reconsider his decision to implement the Temporary Local Planning Instrument.

BACKGROUND

On the 6 December 2019, the Minister for State Development, Manufacturing, Infrastructure and Planning wrote to Council notifying of his intent to make TLPI 01/2019.

TLPI 01/2019 came into effect on 9 December 2019. A copy of TLPI 01/2019 and the Minister's Statement of Reasons for making this instrument are included in **Attachment 1**.

The introduction of the TLPI will have a very negative impact on a number of land owners while not actually protecting and maintaining land used for agricultural purposes. Not only does it prevent the creation of logical rural blocks, the TLPI with its broad brush approach has other significant impacts. For example it is of concern that boundary realignments to correct survey anomalies and reconfiguration for community infrastructure lots (telecommunication leases, rural fire brigade lots) cannot be approved under the current TLPI 01/2019. Council is aware of two pending applications

for the two scenarios described above. One of these is where a farmer is prepared to cut off a small block of his land to give to the Rural Fire Brigade to establish a Fire Shed. This will effectively be impossible under the TLPI. Considering the current situation faced by Australia in regards to Fires, it seems inappropriate that Council will be unable to authorise an application of this nature.

The Statement of Reasons includes **Section 5 - Findings on material questions of fact**. Council officer comments have been provided on each of the Minister's findings below:

- 5.1 *I made the following findings of fact having regard to the evidence or other material as set out in Section 4 above including the Planning Assessment Report prepared by the department.*

Comment

Council has not been provided with the Department's Planning Assessment Report.

- 5.2 *Since 1 July 2016, the council has approved a total of 22 applications to subdivide Rural zoned land less than 60ha.*

Comment

This is correct, however there has been justification for each of these decisions

- 5.3 *Since my letter dated 30 May 2018 to the council, the council has approved 5 applications to subdivide Rural zoned land to create lots less than 60ha. One of those applications was assessed against the superseded Mareeba Shire Council Planning Scheme 2004.*

Comment

The 5 applications referenced are:

- (i) RAL/18/0002 - Reeve and Ocean Pty Ltd, Boyles Road, Kuranda - Reconfiguring a Lot - Subdivision (5 lots into 49 lots)

This application was made under the Superseded Mareeba Shire Planning Scheme 2004 within the 12 month period of Council adopting its new planning Scheme. If Council had refused to accept the application it would have exposed the community to the potential of a very large claim of "damages" by the Applicant. The 12 month rule is in place to ensure that land owners have the opportunity to make use of the land for the purposes they originally purchased it and to prevent this is unreasonable.

The land was in the Myola zone and the development was code assessable. The superseded planning scheme provisions are catered for under the Queensland *Planning Act 2016*. The Myola Zone of the Superseded Mareeba Shire Planning Scheme 2004 was included in the 2004 Planning Scheme at the instruction of the State as it was part of the State's regional plan.

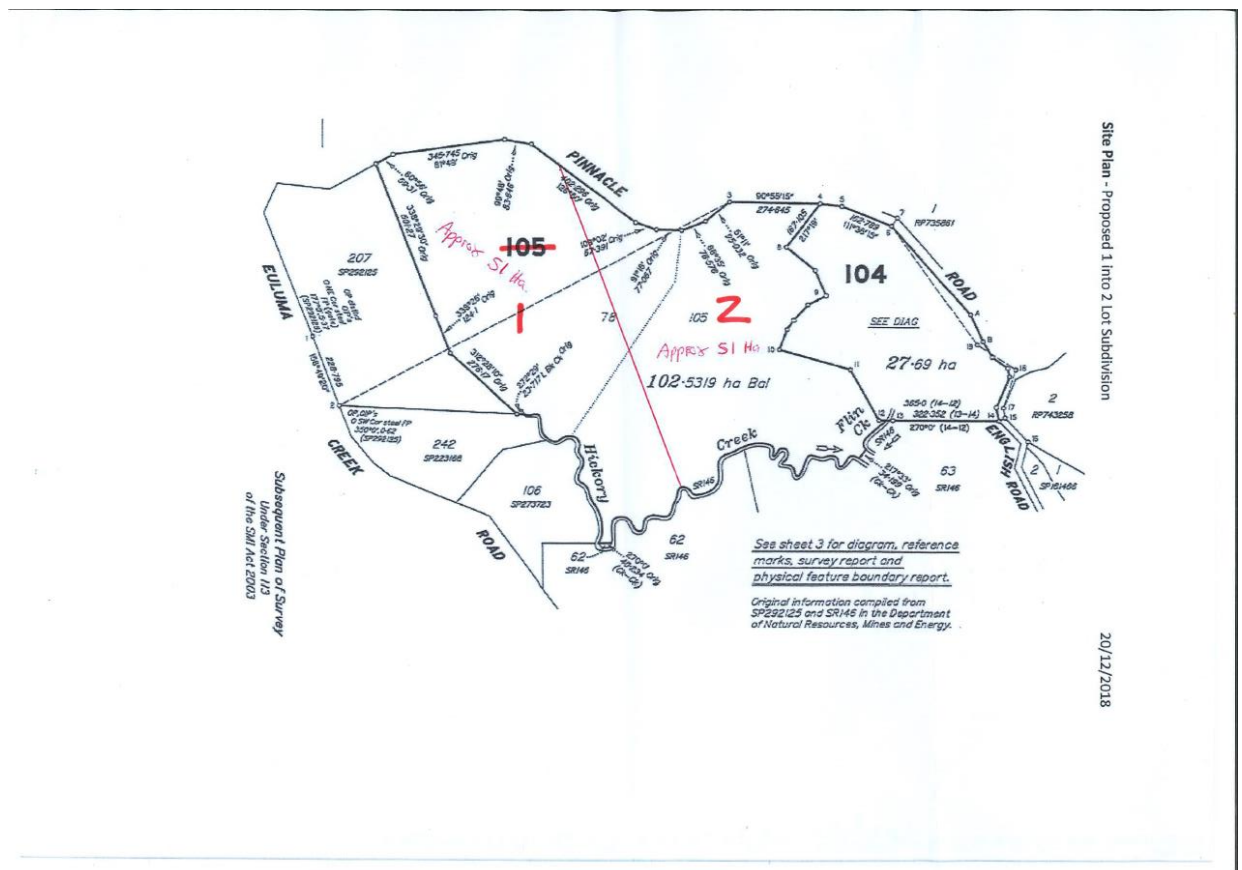
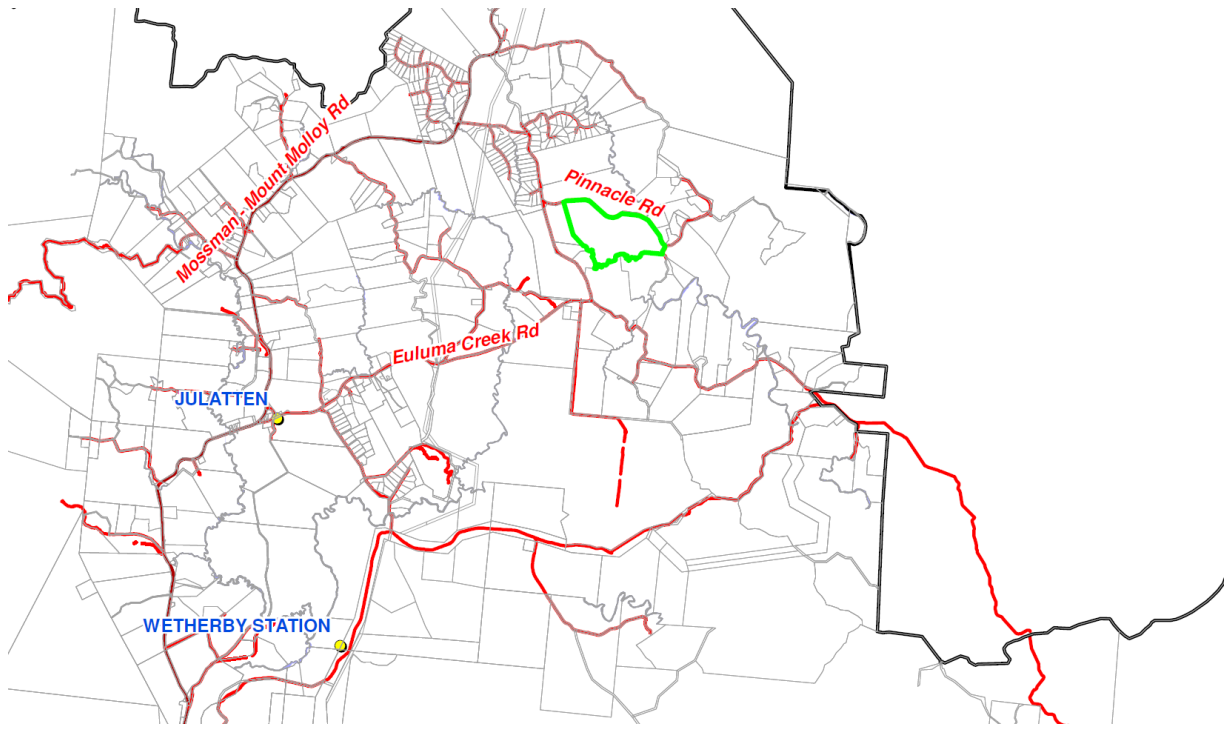
The assessment determined the development could be reasonably conditioned to comply with the Codes contained in the Scheme and was approved by Council.

- (ii) RAL/18/0039 - Cowe & Smith, Pinnacle Road, Julatten - Reconfiguring a Lot - Subdivision (1 lot into 2 lots)

The land is in the Rural zone and the development was code assessable.

The development created two 51 hectares rural lots.

The assessment determined the development could be reasonably conditioned to comply and was approved under delegated authority.

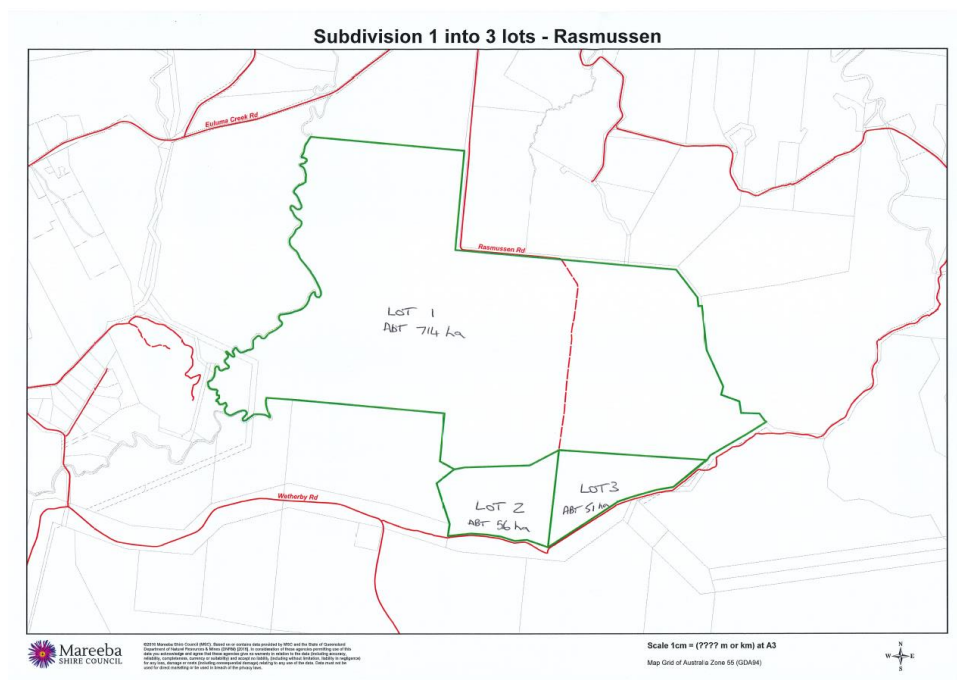
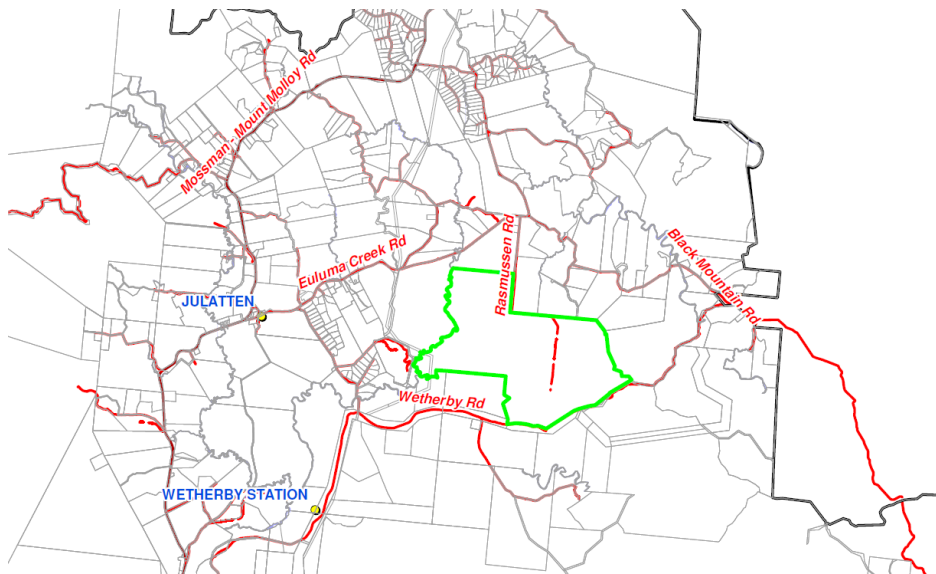


- (iii) RAL/19/0004 - Rasmussen, Rasmussen Road, Mount Molloy - Reconfiguring a Lot - Subdivision (1 lot into 3 lots)

The land is in the Rural zone and the development was code assessable.

The development created three lots being 714 hectares, 56 hectares and 51 hectares respectively. The proposed boundary follows a gully which results in the two lots under 60 hectares. Insisting on all lots achieving 60 hectares would result in an illogical boundary and have a portion of the lots effectively isolated and unusable. In addition these were not class A agricultural land and were not being use productively. However they are only marginally smaller than the 60 hectare and could if need be used for a range of rural pursuits.

The assessment determined the development could be reasonably conditioned to comply and was approved under delegated authority.



- (iv) RAL/19/0007 - Reid, 12 Powell Road, Mareeba - Reconfiguring a Lot - Subdivision (1 lot into 2 lots)

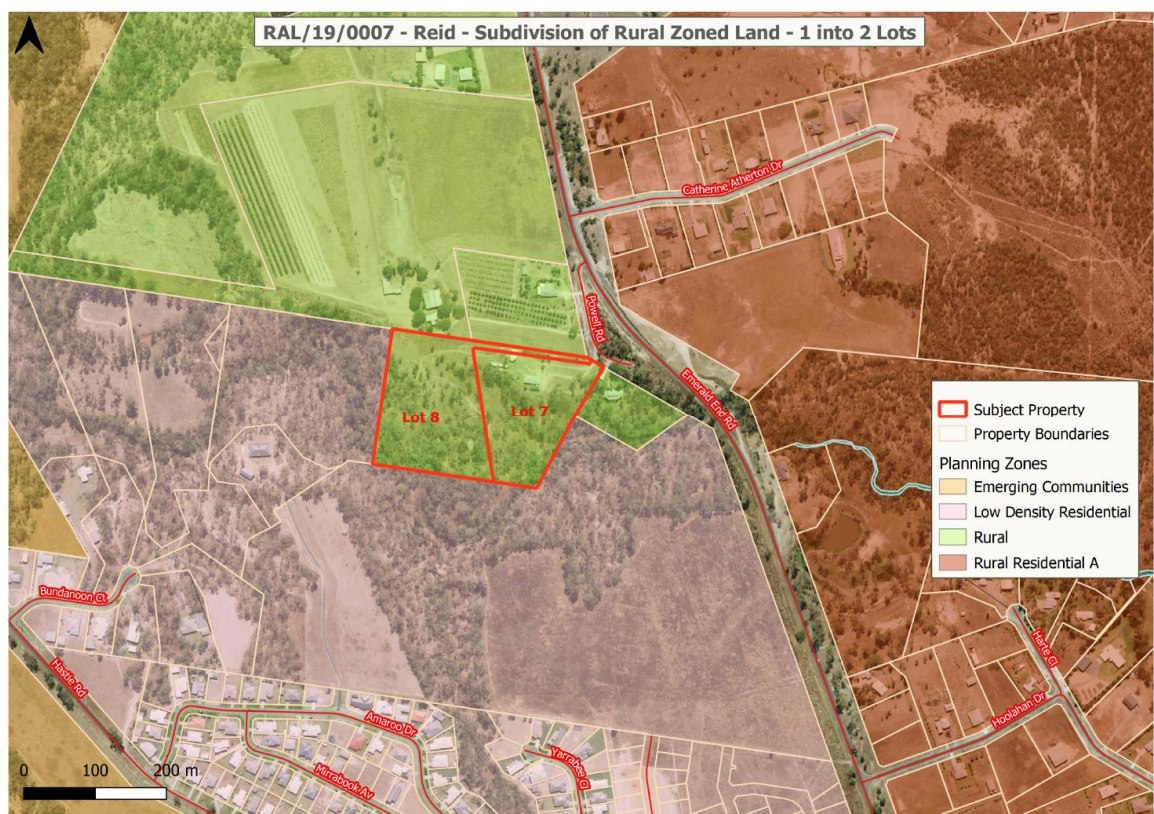
The land is in the Rural zone and the development was code assessable. It was a total of 5.6 Hectares and was used as a rural residential block. Cutting it in two had no impact on or loss of productive Rural agricultural Land.

The development created two lots being 3 hectares and 2.16 hectares respectively.

The application was assessed against the performance outcome. The land is surrounded on three sides with Low Density Residential zone (its western, southern and eastern boundaries) and extensive Rural Residential zoned areas are located to the north-east.

There are approximately 133 allotments within 500 metres of the subject land. The average area of these 133 lots is 1.6 hectares. The proposed lot size was consistent with the design of lots in the surrounding area.

The assessment determined the development could be reasonably conditioned to comply and was approved under delegated authority.



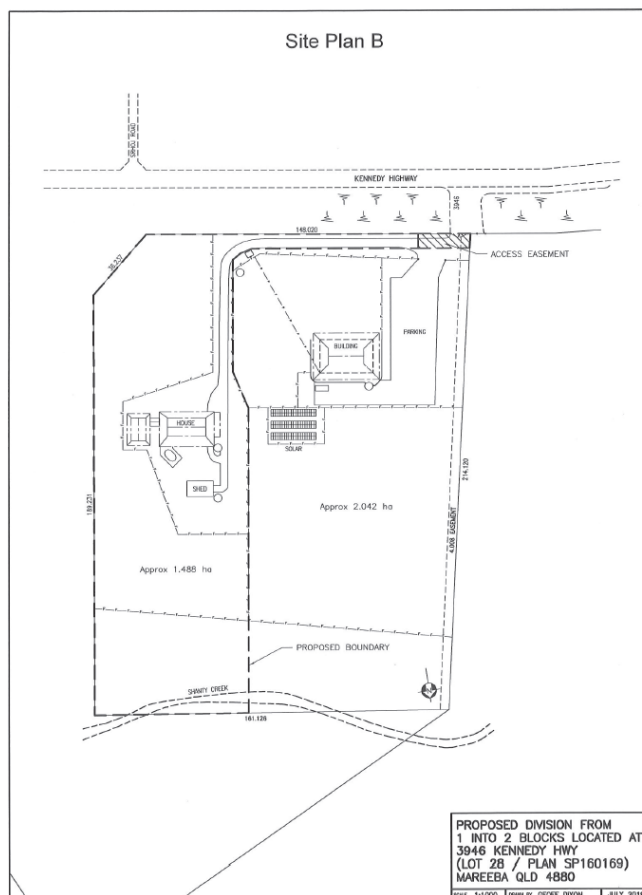
- (v) RAL/19/00018 - Dixon, 3946 Kennedy Highway, Mareeba - Reconfiguring a Lot - Subdivision (1 lot into 2 lots)

While the land is in the Rural zone it has had an existing approval on it for approximately 15 years for commercial use. It operates as an Ice Cream Manufacturing and Sales operation and a restaurant.

The land contains the Emerald Creek Ice Creamery and a dwelling house. The reconfiguring a lot application separated the ice creamery from the dwelling house. The size of the entire lot was 3.5 Ha so cutting it to two (2) had very little impact on its "agricultural" potential.

Both lots remain consistent in size with the adjoining allotments. Again the surrounding lots are used for residential purposes and not agriculture. The land itself cannot in any way be considered suitable for agricultural purposes.

The assessment determined the development could be reasonably conditioned to comply and was approved by Council.



Of the five (5) applications, three (3) were approved by Council Officers under delegated authority. The approval of these five (5) applications could quite easily have been justified to the Minister had Council been given the opportunity to do so.

- 5.4 *My letter dated 30 May 2018, outlines my concerns with the approval of development applications inconsistent with the planning scheme resulting in state interests in the FNQ Regional Plan being compromised.*

Comment

This letter and comment was noted by Council. However if each of the 17 approvals is considered there are planning grounds to justify each of the decisions.

- 5.5 *The local community has expressed its concerns regarding the council's decisions to approve subdivision applications to create lots in the Rural zone less 60ha. As an example, the council's decision to approve 5 lots into 49 lots on 23 October 2019 (where 48 new lots will be less than 60ha) generated over 80 separate requests for the application to be called in by the Minister.*

Comment

This should more accurately be written as some members of the local community have expressed concerns.

There is no evidence of the wider MSC community holding these same concerns.

As mentioned above this application was legally lodged under the Superseded Planning Scheme, it was assessed against the appropriate Code, noting that this Code had effectively established by the State Government in its Regional Plan.

The Minister had the authority to "call in" this application and the Minister chose not to. Given the facts he would have had no justification for calling it in and reversing Council's decision. As stated, the application was properly made under the Superseded Planning Scheme, was properly assessed under the Codes that were from the State's Regional Plan, and then properly and appropriately considered and approved by Council.

- 5.6 *The Planning Assessment Report prepared by the department states that the decision of the council to approve subdivisions to create lots less than 60ha in the Rural zone is contrary to the FNQ Regional Plan.*

Comment

The original FNQ Regulatory Provisions established a minimum lot size of 60 hectares for subdivision in the regional landscape and rural production area. These Regulatory Provisions were repealed by the State.

The current FNQ Regional Plan rural subdivision policies do not have a minimum rural lot size. Therefore this basis for implementing the TLPI has no grounds.

- 5.7 *The Planning Assessment Report prepared by the department states that the drafting of P01 and A01.1 of the Reconfiguring a lot code contained within the planning scheme is drafted in a manner that does not support the policy intent of the FNQ Regional Plan or the Rural zone under the planning scheme.*

Comment

This statement is contrary to the written Ministerial Advice dated 3 June 2016 (**Attachment 2**). The Minister effectively stated that the MSC Planning Scheme, which does not require the 60 ha minimum as a performance outcome, was in line with the FNQ Regional Plan and State Planning Policy.

- 5.8 *In their current form the planning scheme provisions could result in an assessment manager approving the subdivision of lots within the Rural zone less than 60ha. This would be inconsistent with the Rural zone intent, the FNQ Regional Plan, and community expectations for the Rural zone.*

Comment

The Queensland Planning System is performance based.

The approval of a rural lot less than 60 hectares can still be consistent with the Rural zone intent, the FNQ Regional Plan, and community expectations for the Rural zone.

As outlined previously there are numerous situations where lots less than 60ha are appropriate in the Rural Zone.

- 5.9 *In their current form the planning scheme provisions could result in the assessment manager approving subdivisions that would be incompatible with the existing and intended character of the Rural zone and undermine the FNQ Regional Plan.*

Comment

Not agreed. The existing performance outcome in the Mareeba Shire Planning Scheme would not support such a decision. If one considers the approvals given, there are no examples of Council approving incompatible subdivisions. As a rural Shire Council is very cognisant of the importance of ensuring the integrity of the rural character and operations of the Shire.

- 5.10 *The Planning Assessment Report prepared by the department states that the FNQ Regional Plan aims to protect Rural zoned land from further fragmentation or encroachment by inappropriate development, particularly urban or rural residential development.*

Comment

Correct, as does the MSC Planning Scheme.

- 5.11 *The Planning Assessment Report prepared by the department states the FNQ Regional Plan highlights the risk of out-of-sequence urban development in the Rural zone between Kuranda and Mareeba advising that it could lead to an increase of unplanned traffic generation that would adversely impact on the safety and efficiency of the Kuranda Range Road.*

Comment

The Minister has call-in powers in the event that such applications were to be made.

There is no evidence to support the concerns of a pending rush of out of sequence rural subdivision applications.

Given the projected growth of not only Mareeba Shire but other Shires who's communities utilize the Kuranda Range Road, the State's own projections show that this road will not cater for the traffic volumes at the end of the various Planning Schemes lives.

Overall population growth will not necessarily increase if settlement patterns change slightly. The volume of commuter traffic between Cairns and Mareeba and the rest of the Tablelands has grown exponentially over the last few years and restricting development in the Kuranda to Mareeba corridor is not going to affect this growth.

The Kuranda Range Road currently exceeds appropriate traffic volumes at times and by preventing further development in Kuranda and through to Mareeba will not remedy this situation. The Range Road is an inhibiting factor to not only Mareeba Shire but also to the entire Cape York Peninsula with all its Aboriginal communities and the Gulf Councils. Numerous documents have been provided to the State and Federal Governments in this regard and the fact is that trying to restrict development in Kuranda and west to Mareeba is not going to change the fact that the Kuranda Range Road is failing and work on it needs to occur sooner rather than later if the entire FNQ is to see any real economic growth and the creation of jobs.

- 5.12 *The Planning Assessment Report prepared by the department confirmed, based on the 2014 Broad Hectare Study prepared by the Queensland Government Statistician's Office, that the council area has an oversupply of suitably zoned land available for residential and rural residential purposes.*

Comment

The relevance of this comment is questioned. As stated above the overall population growth will not necessarily increase if settlement patterns change slightly. The population growth will remain within the projections, however where this growth occurs may change. Planning Schemes are designed to accommodate these changes.

The need for housing reflects the demand of the community and the fact that there is a supply of land in inappropriate places does not necessarily mean there is an over-supply. The fact that there is land west of Mareeba for which there has been limited uptake but there is a demand for lots to the east should not simply be ignored.

Council is very cognisant of the need for proper land use planning and particularly the need to ensure there is not fragmentation of good agricultural land nor creating potential conflicts between residential and agricultural uses. However any of the applications approved by Council have taken this into account and none create this conflict.

- 5.13 *The Planning Assessment Report prepared by the department drew to my attention that the time taken to consult with the council to undertake amendments to the planning scheme is likely to be delayed by the local government elections scheduled for March 2020. As a consequence of this delay, the council may receive and decide applications that are inconsistent with the Rural zone intent and the FNQ Regional Plan.*

Comment

There have been only five (5) approvals granted in almost two (2) years. However should this unfounded and highly unlikely concern ever eventuate the Minister has call-in powers in the event that such applications were to be made.

There is no evidence to support the concerns of a pending rush of rural subdivision applications.

RISK IMPLICATIONS

Nil

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

What does the TLPI mean for future applications for Rural subdivision

In essence, the subdivision of rural land to create any lot less than 60 hectares is now Impact Assessable and prohibited.

Such applications will require public notification (open to submissions) and have to be assessed against the entire planning scheme (instead of specific codes). This would come at a considerably greater cost to any applicant.

Additional provisions have been added to the Strategic Framework, Rural Zone Code and Reconfiguring a Lot Code, which make it extremely unlikely that a rural subdivision to create lots less than 60 hectares could be approved.

TLPI 01/2019 applies to boundary realignments and reconfiguration to community infrastructure lots (telecommunication leases, rural fire brigade lots).

It also remains to be seen if the State will reflect the intent of TLPI 01/2019 in State land tenure dealings (e.g. freeholding of leases less than 60 hectares).

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

Nil

Operating

Nil

LINK TO CORPORATE PLAN

Governance: Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community.

IMPLEMENTATION/COMMUNICATION

The Mayor will write to the Minister



The Hon. Cameron Dick MP
Minister for State Development, Manufacturing,
Infrastructure and Planning

Our ref: MBN19/2145

6 December 2019



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Queensland 4002 Australia
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Email statedevelopment@ministerial.qld.gov.au
www.dsdmip.qld.gov.au

Mr Peter Franks
Chief Executive Officer
65 Rankin Street
MAREEBA QLD 4880

By hand delivery

Dear Mr Franks

In accordance with section 27(2) of the *Planning Act 2016* (the Planning Act), I hereby give you Notice that I intend to make Temporary Local Planning Instrument No. 01 of 2019 (Subdivision in Rural zone) (the proposed TLPI) effective from the day published in the government gazette. The proposed TLPI will suspend or otherwise affect the operation of the *Mareeba Shire Council Planning Scheme 2016*. A copy of the proposed TLPI is enclosed.

I consider that urgent action should be taken to protect, or give effect to, a state interest in accordance with 27(1) of the Planning Act. My reasons for taking this action are also enclosed.

If you have any questions about my notice to you, please contact my office on (07) 3719 7200 or email statedevelopment@ministerial.qld.gov.au.

Yours sincerely

CAMERON DICK MP
Minister for State Development, Manufacturing,
Infrastructure and Planning

Enc (2)

cc: Councillor Tom Gilmore
Mayor
Mareeba Shire Council

By hand delivery

STATEMENT OF REASONS

Statement of Reasons in respect of the decision by the Honourable Cameron Dick MP, Minister for State Development, Manufacturing, Infrastructure and Planning, of 6 December 2019 made under section 27 of the *Planning Act 2016 (Qld)* (the Planning Act) to intend to make a Temporary Local Planning Instrument (TLPI).

1. Decision

- 1.1 On 6 December 2019, I, the Honourable Cameron Dick MP, Minister for State Development, Manufacturing, Infrastructure and Planning, decided, in accordance with section 27 of the Planning Act, to give notice to the Mareeba Shire Council (the council) in accordance with section 27(2) of the Planning Act, that I intend to take action, namely, to make Temporary Local Planning Instrument No. 01 of 2019 (Subdivision in Rural zone). This TLPI provides an interim policy response to protect Rural zoned land within the Mareeba Shire Council local government area. If made, the TLPI will suspend or otherwise affect the operation of the *Mareeba Shire Planning Scheme 2016* (planning scheme) as set out in the TLPI.
- 1.2 I am satisfied that the action I intend to take:
- (a) should be taken under section 26(2)(b) of the Planning Act to protect, or give effect to, a state interest and
 - (b) must be taken urgently.
- 1.3 The reasons for my decision are set out below.

2. Introduction

- 2.1 On 30 May 2018, I wrote to Councillor Tom Gilmore, Mayor of the council, raising concerns with the approval of rural subdivision development applications inconsistent with the planning scheme resulting in state interests in the *Far North Queensland Regional Plan 2009-2031* (FNQ Regional Plan) being compromised.
- 2.2 The Department of State Development, Manufacturing, Infrastructure and Planning (the department) has conducted a review of the council's decisions for applications to subdivide Rural zoned land between 1 July 2016 to November 2019. This review found that the council:
- (a) approved 17 applications for the subdivision of lots less than the minimum lot size of 60 hectares (ha) in the Rural zone between 1 July 2016 and 30 May 2018 and
 - (b) approved 5 applications for the subdivision of lots less than the minimum lot size of 60ha in the Rural zone between 1 June 2018 and 30 November 2019.
- 2.3 The Planning Assessment Report prepared by my department concludes that these decisions made by the council are contrary to the minimum rural lot size prescribed in the FNQ Regional Plan and do not achieve the intent of the Rural zone.

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3. **Legislative framework**

3.1 Legislation and statutory instruments relevant to my decision are the:

- (a) Planning Act
- (b) Planning Regulation 2017
- (c) Minister's Guidelines and Rules under the Planning Act, dated July 2017
- (d) the planning scheme and
- (e) FNQ Regional Plan

3.2 Section 27 of the Planning Act applies if I consider that:

- (a) action should be taken under section 26(2)(b) to protect, or give effect to, a state interest and
- (b) the action must be taken urgently.

3.3 A 'state interest' is defined as an interest that I consider:

- (a) affects an economic or environmental interest of the state or a part of the state or
- (b) affects the interest of ensuring that the Planning Act's purpose is achieved.¹

3.4 The action which I may consider taking urgently under section 27 and 26(2)(b) of the Planning Act includes making a TLPI.

3.5 Under section 27 I can, as Minister, take this action to make a TLPI if under section 23(1) of the Planning Act, I am satisfied:

- (a) there is significant risk of serious adverse cultural, economic, environmental or social conditions happening in the local government area
- (b) the delay involved in using the process in sections 18 to 22 to make or amend another local planning instrument would increase the risk and
- (c) the making of the TLPI would not adversely affect state interests.

3.6 Under section 27(2) of the Planning Act, before taking action, I must give the relevant local government a notice that states:

- (a) the action that I intend to take and
- (b) the reasons for taking the action.

¹ Schedule 2 *Planning Act 2016*.

- 3.7 Under section 27(3) of the Planning Act, after giving the relevant notice under the Planning Act, I may take the action as required under the process in the Minister's Guidelines and Rules (MGR) without:
- (a) giving a direction to the local government under section 26 or
 - (b) consulting with any person before taking the action.
- 3.8 The MGR is made under section 17 of the Planning Act and include rules about making or amending TLPIs.
- 3.9 Section 10 of the Planning Regulation 2017 provides that the MGR are contained in the document called the 'Minister's Guidelines and Rules' dated July 2017, published on the department's website.
- 3.10 Chapter 3, Part 2 of the MGR prescribes the process for making or amending a TLPI for section 23 of the Planning Act².
- 3.11 A TLPI may suspend, or otherwise affect, the operation of another local planning instrument. However, a TLPI does not amend or repeal the instrument.³ A TLPI is a statutory instrument.⁴
4. **The evidence or other material on which findings on material questions of fact are based**
- 4.1 In deciding that I intend to exercise my power under section 27 of the Planning Act, I had regard to the following documents:
- (a) my letter dated 30 May 2018 to the council
 - (b) Briefing note and associated attachments under Ministerial Briefing Note MBN19/2145, including:
 - (i) the draft Temporary Local Planning Instrument No. 01 of 2019 (Subdivision in Rural zone)
 - (ii) Planning Assessment Report and its appendices
 - (c) draft Notice to the council in accordance with section 27(2) of the Planning Act dated 6 December 2019
 - (d) this statement of reasons.
5. **Findings on material questions of fact**
- 5.1 I made the following findings of fact having regard to the evidence or other material as set out in Section 4 above including the Planning Assessment Report prepared by the department.

² section 6.1 *Minister's Guidelines and Rules*

³ section 23(3) *Planning Act 2016*.

⁴ section 7 *Statutory Instruments Act 1992*.

- 5.2 Since 1 July 2016, the council has approved a total of 22 applications to subdivide Rural zoned land less than 60ha.
- 5.3 Since my letter dated 30 May 2018 to the council, the council has approved 5 applications to subdivide Rural zoned land to create lots less than 60ha. One of those applications was assessed against the superseded Mareeba Shire Council Planning Scheme 2004.
- 5.4 My letter dated 30 May 2018, outlines my concerns with the approval of development applications inconsistent with the planning scheme resulting in state interests in the FNQ Regional Plan being compromised.
- 5.5 The local community has expressed its concerns regarding the council's decisions to approve subdivision applications to create lots in the Rural zone less than 60ha. As an example, the council's decision to approve 5 lots into 49 lots on 23 October 2019 (where 48 new lots will be less than 60ha) generated over 80 separate requests for the application to be called in by the Minister.
- 5.6 The Planning Assessment Report prepared by the department states that the decision of the council to approve subdivisions to create lots less than 60ha in the Rural zone is contrary to the FNQ Regional Plan.
- 5.7 The Planning Assessment Report prepared by the department states that the drafting of PO1 and AO1.1 of the Reconfiguring a lot code contained with the planning scheme is drafted in a manner that does not support the policy intent of the FNQ Regional Plan or the Rural zone under the planning scheme.
- 5.8 In their current form the planning scheme provisions could result in an assessment manager approving the subdivision of lots within the Rural zone less than 60ha. This would be inconsistent with the Rural zone intent, the FNQ Regional Plan, and community expectations for the Rural zone.
- 5.9 In their current form the planning scheme provisions could result in the assessment manager approving subdivisions that would be incompatible with the existing and intended character of the Rural zone and undermine the FNQ Regional Plan.
- 5.10 The Planning Assessment Report prepared by the department states that the FNQ Regional Plan aims to protect Rural zoned land from further fragmentation or encroachment by inappropriate development, particularly urban or rural residential development.
- 5.11 The Planning Assessment Report prepared by the department states the FNQ Regional Plan highlights the risk of out-of-sequence urban development in the Rural zone between Kuranda and Mareeba advising that it could lead to an increase of unplanned traffic generation that would adversely impact on the safety and efficiency of the Kuranda Range Road.
- 5.12 The Planning Assessment Report prepared by the department confirmed, based on the 2014 Broad Hectare Study prepared by the Queensland

Government Statistician's Office, that the council area has an oversupply of suitably zoned land available for residential and rural residential purposes.

- 5.13 The Planning Assessment Report prepared by the department drew to my attention that the time taken to consult with the council to undertake amendments to the planning scheme is likely to be delayed by the local government elections scheduled for March 2020. As a consequence of this delay, the council may receive and decide applications that are inconsistent with the Rural zone intent and the FNQ Regional Plan.

6. **Reasons for decision**

- 6.1 I consider it is appropriate to and I intend to make the TLPI pursuant to section 27 of the Planning Act to suspend or otherwise affect the operation of the planning scheme for the following reasons.

Section 23(1)(a) of the Planning Act

- 6.2 I consider there is a significant risk of serious adverse economic or social conditions happening in the local government area, as I am satisfied of the following, identified in the Planning Assessment Report:

- a) Potential serious adverse economic impacts:
- Decisions fragmenting land in the Rural zone have the effect of subjecting important agricultural land holdings to encroachment by urban and rural residential development. This could threaten the economic viability of the agricultural sector in the region and is contrary to the following provisions of the FNQ Regional Plan:
 - Section 2.6 Rural Subdivision (page 56) - *The regional plan introduces controls on subdivision of rural zoned land in the regional landscape and rural production area. These controls serve two purposes—to maintain larger lots sizes to ensure the economic viability of rural land holdings and to protect important agricultural lands and areas of ecological significance from encroachment by urban and rural residential development.*
 - Land use policy 2.6.1 (page 56) - *Further fragmentation of agricultural land in the regional landscape and rural production area is avoided to maintain economically viable farm lot sizes.*
 - The FNQ Regional plan (page 57) further notes that *land fragmentation has accumulative impacts which may contribute adversely to the region's economic potential.* Fragmenting land in the Rural zone creates an inefficient land use settlement pattern that has not been planned for in the planning scheme or the FNQ Regional Plan. This may result in additional infrastructure and servicing costs.
- b) Potential serious adverse social issues:
- Part E, Regional Policy 2: Regional landscape and Natural Resources of the FNQ Regional Plan identifies the Desired Regional Outcome as

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the environmental, cultural, social and economic features that comprise the region's unique tropical and rural landscapes are identified, maintained and managed sustainably and are more resilient to the impacts of climate change. There is a significant risk that development which is not in accordance with the intent of the FNQ Regional Plan compromises this desired outcome and is not meeting the reasonable expectations of people living and visiting the area.

- There is a risk of loss of confidence in the planning system if the council continues to approve subdivisions of less than 60ha in Rural zoned land.
- The level of community concern around the ongoing fragmentation of Rural zoned land is evidenced by over 80 separate requests for a Ministerial call in on the most recent application decided by the council in October 2019.
- Part E, Regional Policy 8: Integrated transport and land use planning of the FNQ Regional Plan identifies in Land use policy 8.1.5 (p.128) that *the staged provision of transport infrastructure occurs in sequence with the preferred pattern of development.*
- Page 25 of the FNQ Regional Plan also sets out that *the proposed urban development at Myola could not be accommodated by the existing Kuranda Range Road and the cost of upgrading the Kuranda Range Road between Cairns and the northern Tablelands is unaffordable in the short to medium term, in a regional and state-wide context.*
- The FNQ Regional Plan identifies these impacts to illustrate that out-of-sequence urban development in the Rural zone between Kuranda and Mareeba will lead to increased infrastructure and servicing costs. This out-of-sequence development will adversely impact on the safety and efficiency of the Kuranda Range Road as it is not consistent with the staged upgrading of this state-controlled road.

c) Potential significant risks:

- As a result of the decisions contrary to the Rural zone intent and the FNQ Regional Plan, as well as the relevant superseded planning scheme decision, there is a significant and imminent risk that further applications will be made for lots less than 60ha under the current planning scheme, as:
 - it may be expected that further council decisions approving lots less than 60ha will be made
 - these decisions will create further lots less than 60ha which are then potentially the 'surrounding lots' relevant to satisfy PO1 Table 9.4.4.3A as discussed in section 4 above.

- Given the recent approval history and the flawed code construction, it is reasonable to expect that further subdivisions prejudicing the intent of the FNQ Regional Plan would be approved, should applications be made.
- The delay associated with amending the planning scheme will increase the risk of reconfiguring a lot development applications in the Rural zone being made and decided contrary to the Rural zone intent and the FNQ Regional Plan.

Section 23(1)(b) of the Planning Act

- 6.3 I consider the delay involved in using the process in sections 18 to 22 of the Planning Act to make or amend another local planning instrument would increase the risk described in 6.2 above, as I am satisfied of the following, identified in the Planning Assessment Report:
- (a) The delay associated in amending the planning scheme will increase the risk of reconfiguring a lot development applications in the Rural zone being made and decided by the council in a manner contrary to the FNQ Regional Plan.
 - (b) In May 2018, I notified the council of my concerns regarding the council's approval of subdivision proposals of less than 60ha in the Rural zone. Despite this notice, the council continued to make decisions contrary to the FNQ Regional Plan, evidenced by the recent October 2019 decision (5 lots in 49 lots).
 - (c) I am of the view that the council has had sufficient time since May 2018 to review the planning scheme, identify deficiencies and start the process to amend the scheme if the long-term growth needs had changed. I am not aware of any review or proposed scheme amendment that the council may have planned.
 - (d) If the council was minded to make the appropriate amendments to the planning scheme this will take a substantial period of time to complete. In addition, the local government election in March 2020 is most likely to further delay the council taking reasonable steps to address this issue through formal plan making processes. During the caretaker period in the lead up to local government elections the council cannot make significant policy decisions.
 - (e) Furthermore, I consider there is a risk of a rush of speculative development applications being made and assessed against the current scheme provisions during any process to amend the scheme. Given the flawed code construction and approval history I consider there to be a current and reasonable risk that the council will continue to support development applications that are contrary to the FNQ Regional Plan.

- (f) A TLPI is effective immediately on gazettal and would significantly reduce the risk arising from delays in following the planning scheme amendment processes under sections 18-22 of the Planning Act.

Section 23(1)(c) of the Planning Act

6.4 I consider that making the TLPI would not adversely affect state interests on the basis of the department's assessment of the TLPI against all state interests which I am informed concluded:

- (a) no effect on any other state interests would result from this TLPI
- (b) in particular, no adverse effects on the Planning for liveable communities and housing state interest within the State Planning Policy July 2017 would result from this TLPI.

Section 27 of the Planning Act

6.5 I consider the requirements set out in section 27 of the Planning Act are met as:

- (a) The making of the TLPI should be taken to protect or give effect to the state interests outlined below; and
- (b) The TLPI should be made urgently.

6.6 I am satisfied that the following state interests are not being protected or being given to, and are being adversely affected:

Purpose of the Planning Act

6.7 I note:

- (a) The purpose of the Planning Act is to '*establish an efficient, effective, transparent, integrated, coordinated and accountable system of land use planning, development assessment and related matters that facilitates the achievement of ecological sustainability*'.
- (b) I consider the council's approval of development applications that are contrary to the Rural zone intent and the FNQ Regional Plan, undermines the community's confidence in the planning system and:
 - (i) results in an ineffective system of development assessment that is neither accountable nor transparent, and
 - (ii) adversely affects the interest of ensuring the purpose of the Planning Act is achieved.

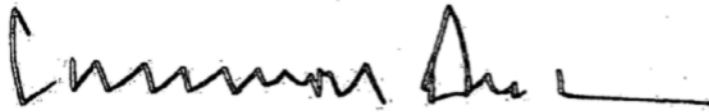
FNQ Regional Plan

6.8 I note:

- (a) The FNQ Regional Plan specifically aims to protect economically viable agricultural land and significant environmental areas in the RLRPA from fragmentation or encroachment by urban development.

- (b) The FNQ Regional Plan clearly outlines that further subdivision of Rural zoned land in the Mareeba Shire is not currently required.
 - (c) The FNQ Regional Plan further states that *'the regional plan determines the preferred settlement pattern for the next twenty years and sets the framework for coordinated and timely delivery of infrastructure and services to support the predicted population growth'*.
- 6.9 I further note that since the commencement of the current planning scheme in 2016, 22 subdivision applications on Rural zoned land were approved with lots less than 60ha.
- 6.10 I consider these decisions are contrary to, and undermine, the FNQ Regional Plan which is made to protect or give effect to state interests. Accordingly, the State interests the Regional Plan seeks to protect and give effect to are being adversely affected.
- 6.11 On the basis of the above, I am satisfied that the making of the TLPI is required to protect or give effect to the above state interests.
- 6.12 Further, I consider the TLPI is required to be made urgently as:
- (a) As a result of the decisions contrary to the Rural zone intent and the FNQ Regional Plan made since 2016, as well as the relevant superseded planning scheme decision, I consider there is a significant and imminent risk that further applications will be made for lots less than 60ha under the current planning scheme, as:
 - (i) it may be expected that further decisions approving lots less than 60ha will be made;
 - (ii) these decisions will create further lots less than 60ha which are then potentially the 'surrounding lots' relevant to satisfy PO1 Table 9.4.4.3A in the planning scheme.
 - (b) Given the recent approval history and the flawed code construction, I consider it is reasonable to expect that further subdivisions prejudicing the intent of the FNQ Regional Plan would be approved, should applications be made.
 - (c) If the council was minded to make the appropriate amendments to the planning scheme this will take a substantial period of time to complete.
 - (d) Furthermore, I consider there is a risk of a rush of speculative development applications being made and assessed against the current scheme provisions during any process to amend the scheme.
 - (e) A TLPI is effective immediately on gazettal.
- 6.13 On this basis, I consider it is necessary to urgently implement the TLPI.

Dated this 6th day of December 2019

A handwritten signature in black ink, appearing to read 'Cameron Dick', followed by a horizontal line.

CAMERON DICK MP
Minister for State Development, Manufacturing,
Infrastructure and Planning

TEMPORARY LOCAL PLANNING INSTRUMENT No. 01 of 2019 (SUBDIVISION IN RURAL ZONE)

Mareeba Shire Council Planning Scheme 2016

PART 1 – SHORT TITLE

1. This Temporary Local Planning Instrument (TLPI) may be cited as TLPI 01/2019 (Subdivision in Rural zone)

PART 2 – OVERVIEW

- 2.1 This TLPI provides an interim policy response to accord with the intent of the *Far North Queensland Regional Plan 2009 – 2031* (the Regional Plan) and to protect the values of Rural zoned land by restricting minimum lot size for Rural zoned land within the Mareeba Shire Council local government area.
- 2.2 This TLPI seeks to:
 - (a) give effect to the state interests of certainty and transparency for the subdivision of land in the Rural zone; and
 - (b) give effect to the Regional Plan by ensuring land in the Rural zone of the *Mareeba Shire Planning Scheme 2016* (the planning scheme) is not subdivided or reconfigured to create lots less than 60 hectares (ha).

PART 3 – PURPOSE OF THE TLPI

- 3.1 The purpose of this TLPI is to regulate:
 - (a) minimum lot size for land in the Rural zone in the planning scheme.
- 3.2 To achieve this purpose, the TLPI—
 - (a) amends the level of assessment for a development application for reconfiguring a lot that seeks to create a lot less than 60ha in the Rural zone from code to impact assessment; and
 - (b) includes assessment benchmarks (Strategic Framework, Rural zone code, Reconfiguring a Lot code) for subdivision within the Rural zone.

PART 4 – DURATION OF THE TLPI

- 4.1 In accordance with section 9(3)(a) of the *Planning Act 2016* (the Planning Act) the effective day for the TLPI is the day on which public notice of the TLPI is published in the Queensland Government Gazette.
- 4.2 This TLPI will have effect in accordance with the Planning Act for a period not exceeding two years from the effective day or a longer period as may be permitted by law or unless otherwise repealed sooner.

PART 5 – INTERPRETATION

- 5.1 Where a term used in the TLPI is not defined, the term shall have the meaning assigned to it by—

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- (a) the planning scheme; or
- (b) the Planning Act where the term is not defined in the planning scheme.

5.2 To the extent of any inconsistency between the planning scheme and the TLPI or a planning scheme policy and the TLPI, the TLPI prevails.

PART 6 – APPLICATION OF THE TLPI

6.1 The TLPI only applies to reconfiguring a lot development applications for land zoned Rural in the Mareeba Shire Council local government area (the nominated development).

PART 7 – EFFECT OF THE TLPI

7.1 This TLPI is a local categorising instrument which sets out categories of assessment and assessment benchmarks against which assessable development must be considered.

7.2 For nominated development only:

- i. This TLPI suspends the following provisions of the planning scheme –
 - a. Part 3, Strategic Framework, Strategic outcomes 3.3.1(5); Element 3.3.4, Specific Outcome 3.3.4.1(4); Element 3.3.6, Specific Outcome 3.3.6.1(1); Element 3.3.11, Specific Outcome 3.3.11.1(1); Specific Outcome 3.3.11.1(2); Specific Outcome 3.3.11.1(4); Specific Outcome 3.3.11.1(5) and Strategic Outcomes 3.6.1(6);
 - b. Part 5, Section 5.6 - Categories of development and assessment - Reconfiguring a lot, Table 5.6.1 – Reconfiguring a lot;
 - c. Part 6, Section 6.2.9 – Rural zone code, Section 6.2.9.2 Purpose, Section (2)(f), overall outcomes (3)(a) and (3)(f);
 - d. Part 9, Section 9.4.4 – Reconfiguring a lot code, Section 9.4.4.2 Purpose, section (2)(d), (2)(i);
 - e. Part 9, Section 9.4.4 – Reconfiguring a lot code, Section 9.4.4.3, Table 9.4.4.3A, Reconfiguring a Lot code – For Assessable Development, Performance outcome – PO1 and Acceptable Outcome AO1.1;
- ii. This TLPI provides a category of assessment and assessment benchmarks at Schedule 1 – Reconfiguring a lot in Rural zone - Category of Assessment and Assessment Benchmarks;
- iii. This TLPI provides assessment benchmarks for the Strategic Framework, Rural zone code and Reconfiguring a lot code at Schedule 2 – Reconfiguring a lot in Rural zone – Assessment benchmarks.

Schedule 1— Reconfiguring a lot in Rural zone – Category of Assessment and Assessment Benchmarks

1.1 Category of Assessment and Assessment Benchmarks

Table 1.1.1—Reconfiguring a lot

Zone	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
Rural zone	Impact assessment	
	If creating a lot less than 60ha	The planning scheme
	Code assessment	
	If creating a lot 60ha or greater	Reconfiguring a lot code Relevant zone code Landscaping code Parking and access code Works, services and infrastructure code

Schedule 2— Reconfiguring of a lot in Rural zone – Assessment Benchmarks**1.1 Strategic Framework**

The following sections of the Strategic Framework are to apply as follows;

1.2.1 Settlement pattern and built environment**1.2.1.1 Strategic outcomes**

This provision of the TLPI replaces Strategic Framework, Strategic outcome 3.3.1(5) of the planning scheme for the nominated development.

- (1) 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 or fragments large land holdings. The valued, relaxed rural-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.
- (2) New subdivisions which propose lots less than the minimum lot size of 60ha are not supported within the Rural zone.

1.2.2 Element—Village activity centre**1.2.2.1 Specific outcomes**

This provision of the TLPI replaces section Strategic Framework, Element 3.3.4, Specific Outcome 3.3.4.1(4) of the planning scheme for the nominated development.

- (1) Growth is focused within the Kuranda village. Further residential or rural residential development in the Myola corridor is not supported.

1.2.3 Element—Rural villages**1.2.3.1 Specific outcomes**

This provision of the TLPI replaces Strategic Framework, Element 3.3.6, Specific Outcome 3.3.6.1(1) of the planning scheme for the nominated development.

- (1) Bibbohra, Irvinebank, Julatten, Koah, Mutchilba, Mt Molloy, Myola and Speewah are rural villages that have limited centre activities and other non-residential activities. Some rural villages include small clusters of activity in which limited, small-scale development may occur. Any growth within rural villages is limited and is proportionate to their current scale and zoning intent. Further expansion of these villages is to only occur on land designated as urban footprint under the Regional Plan.

1.2.4 Element—Rural areas**1.2.4.1 Specific outcomes**

This provision of the TLPI replaces Strategic Framework, Element 3.3.11, Specific Outcome 3.3.11.1(1), Specific Outcome 3.3.11.1(2), Specific Outcome 3.3.11.1(4), Specific Outcome 3.3.11.1(5) of the planning scheme for the nominated development.

- (1) Rural areas include rural activities and land uses of varying scale, consistent with surrounding rural land use, character and site conditions.
- (2) Land in rural areas is maintained in large (60ha or greater) lot sizes to ensure that regional landscape and rural production values are not compromised by fragmentation, alienation or incompatible land uses. Subdivision of land is not supported on lots less than 60ha in the Rural zone.
- (3) Other rural areas will be largely maintained in their current configuration, only being subdivided where large land holdings of 60ha or greater can be achieved and the infrastructure base of rural operations including workers accommodation, airstrips and farm infrastructure is provided.
- (4) 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.

1.2.5 Transport and infrastructure

1.2.5.1 Strategic outcomes

This provision of the TLPI replaces Strategic Framework, Strategic Outcome 3.6.1(6) of the planning scheme for the nominated development.

- (1) New development is appropriately sequenced and coordinated with existing and future water, wastewater, stormwater and transport infrastructure, to ensure the operations of existing infrastructure are not compromised and community needs continue to be met. New infrastructure is provided to development in accordance with the council's desired standards of service and supports a consolidated urban form to maximise return on investment. The ongoing operation of key infrastructure elements is not prejudiced by inappropriate development. Subdivision of land in the Rural zone to create lots less than 60ha is not consistent with facilitating appropriately sequenced and coordinated development.

1.3 Rural zone code

This provision of the TLPI replaces Rural zone code, section 6.2.9.2 Purpose, Section (2)(f); overall outcome (3)(a) and overall outcome (3)(f) of the planning scheme for the nominated development.

1.3.1 Purpose

- (1) Provide for a range of non-urban uses, compatible and associated with rural or ecological values including recreational pursuits and tourist activities.
- (2) Areas for use for primary production are conserved and new allotments below the minimum lot size identified in Table 9.4.4.3B is not supported.
- (3) Residential and other uses are appropriate only where directly associated with the rural nature of the zone.

1.4 Reconfiguring a lot code

This provision of the TLPI replaces Reconfiguring a lot code, Section 9.4.4.2 Purpose, Section (2)(i) of the planning scheme for the nominated development.

1.4.1 Purpose

(1) Subdivision within the Rural zone maintains lots equal to or larger than 60ha.

1.4.2 Assessment Criteria

This provision of the TLPI replaces Reconfiguring a lot code, Section 9.4.4.3, Table 9.4.4.3A Reconfiguring of lot code – For Assessable Development, Performance outcome – PO1 and Acceptable Outcome AO1.1 of the Planning Scheme for the nominated development.

1.4.2 Criteria for assessable development – Rural Zone

Performance outcomes	Acceptable outcomes
Area and frontage of lots – Rural Zone	
PO1.1 No lots are created with an area of less than 60ha Note: This also applies to applications for boundary realignment.	AO1.1 No acceptable outcome is provided
PO1.2 No lots are created with a frontage less than 400m Note: This also applies to applications for boundary realignment.	AO1.2 No acceptable outcome is provided
PO1.3 Proposed lots are; <ul style="list-style-type: none"> a. Able to accommodate all buildings, structures and works associated with the rural use; and b. Suitable to allow the site to be provided with sufficient access Note: This also applies to applications for boundary realignment.	AO1.3 No acceptable outcome is provided

Note – The balance of the assessment criteria in the Reconfiguring a lot code will apply to the development application to the extent they are not suspended or replaced by this TLPI.

ENCLOSURE – MINISTERIAL ADVICE REGARDING THE ASPECTS OF STATE PLANNING INSTRUMENTS INTEGRATED IN A PLANNING SCHEME

1. I have identified that the State Planning Policy (July 2014) is appropriately integrated in the proposed Mareeba Shire Council Planning Scheme in the following ways:

Aspects of the State Planning Policy appropriately reflected

- Liveable communities and housing
 - Liveable communities
 - Housing supply and diversity
- Economic growth
 - Agriculture
 - Development and construction
 - Mining and extractive resources
 - Tourism
- Environment and heritage
 - Biodiversity
 - Cultural heritage
 - Water quality
- Hazards and safety
 - Emissions and hazardous activities
 - Natural hazards (flood, bushfire and landslide)
- Infrastructure
 - Energy and water supply
 - State transport infrastructure
 - Strategic airports and aviation facilities.

Aspects of the State Planning Policy not reflected

- Nil.

Aspects of the State Planning Policy not relevant to Mareeba Shire Council

- Environment and heritage
 - Coastal environment
- Hazards and safety
 - Natural hazards (coastal hazards)
- Infrastructure
 - Strategic ports.

2. I have identified that the planning scheme, specifically the strategic framework, appropriately advances the *Far North Queensland Regional Plan 2009-2031*, as it applies in the planning scheme area.

3. I have identified that the Queensland Planning Provisions version 4.0 dated 8 January 2016 are appropriately reflected in the planning scheme.

This advice, where relevant, is to be reflected in the planning scheme pursuant to Part 2 of the Queensland Planning Provisions.

Dated this 3rd day of June 2016



JACKIE TRAD MP
DEPUTY PREMIER
Minister for Infrastructure, Local Government and Planning
and Minister for Trade and Investment

8.5 COUNCIL POLICY REVIEW

Date Prepared: 7 January 2020

Author: Manager Development and Governance

Attachments: 1. Public Interest Disclosure Policy (reviewed) [↓](#)
2. Use of Council Land for Agistment Purposes (amended) [↓](#)

EXECUTIVE SUMMARY

As part of the ongoing organisation-wide compliance policy review work, amended and newly created instruments along with instruments marked for repeal are presented to Council for consideration.

RECOMMENDATION

That Council:

1. Repeal the following policies and procedures:
 - (i) Public Interest Disclosure Policy adopted January 2017
 - (ii) Use of Council Land for Agistment Purposes adopted December 2019; and
2. Adopt the following policies and procedures:
 - (i) Public Interest Disclosure Policy
 - (ii) Use of Council Land for Agistment Purposes

BACKGROUND**Public Interest Disclosure Policy**

The extant policy expired on 1 January 2020 and content has now been reviewed and reformatted. There have been no amendments to the overarching State legislation and the policy intent and content thus remains unchanged.

Use of Council Land for Agistment Purposes

The policy adopted in December of 2019 included a section 3 clause declaring that all permits will be issued for a default term of 12 months. It has been determined that circumstances may exist that warrant issue of a permit for longer periods due to the initial establishment investment outlay required by the applicant for installation of fencing and other facilities. The revised policy amends this section 3 clause to accommodate a longer permit term as assessed by Council on a case-by-case basis.

FINANCIAL AND RESOURCE IMPLICATIONS***Capital***

Nil

Operating

Nil

LINK TO CORPORATE PLAN

Governance: Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community.

IMPLEMENTATION/COMMUNICATION

The above reviewed policies and any accompanying procedure and guideline instruments are to be published on Council's website for community reference with repealed instruments to be removed from publication.



Public Interest Disclosure Policy

Policy Type	Governance Policy	Version:	2.0
Responsible Officer	Manager Development and Governance	Date Approved:	29/01/2020
Review Officer:	Manager Development and Governance	Review Due:	01/01/2023
Author:	Senior Compliance Officer	Commencement:	29/01/2020

1. PURPOSE

To:

- acknowledge Council's obligations as a Public Sector Entity as defined in the *Public Interest Disclosure Act 2010* (Qld) ("**PID Act**");
- establish Council's commitment to the proper management of Public Interest Disclosures;
- Declare a high level framework for Councillors and employees of Mareeba Shire Council ("**Council**") to make appropriate disclosures.

2. SCOPE

This policy applies across Council and to members of the public.

3. POLICY STATEMENT

Council is committed to fostering an ethical, transparent culture. In pursuit of this, Council values the disclosure of information about suspected wrongdoing in the public sector so that it can be properly assessed and, if necessary, appropriately investigated. Council will provide support to an employee or others who make disclosures about matters in the public interest.

Public Interest Disclosures are broadly defined in the PID Act as being all information disclosed to a proper authority about a public interest matter referred to within the PID Act.

A Public Interest Disclosure can be **made by any person**¹ about—

- a substantial and specific danger to the health or safety of a person with a disability; or
- the commission of an offence against a provision mentioned in schedule 2 of the PID Act,² if the commission of the offence is or would be a substantial and specific danger to the environment; or
- a contravention of a condition imposed under a provision mentioned in schedule 2 of the PID Act,³ if the contravention is or would be a substantial and specific danger to the environment; or
- the conduct of another person that could, if proved, be a reprisal.

¹ See *Public Interest Disclosure Act 2010* s 12.

² Ibid sch 2 - specifies particular statutory offences or contraventions involving endangering the environment.

³ Ibid.



Alternatively, a Public Interest Disclosure can be made **by a public officer**⁴ about—

- a) the conduct of another person that could, if proved, be—
 - (i) official misconduct; or
 - (ii) maladministration that adversely affects a person's interests in a substantial and specific way; or
- b) a substantial misuse of public resources (other than an alleged misuse based on mere disagreement over policy that may properly be adopted about amounts, purposes or priorities of expenditure); or
- c) a substantial and specific danger to public health or safety; or
- d) a substantial and specific danger to the environment.

Public Interest Disclosures made under the PID Act must:

- a) be made to a **proper authority**;⁵ and
- b) be information about the conduct of another person or another matter if—
 - (i) the person honestly believes on reasonable grounds that the information tends to show the conduct or other matter; or
 - (ii) the information tends to show the conduct or other matter, regardless of whether the person honestly believes the information tends to show the conduct or other matter.

Council recognises the important role Councillors, Council employees and members of the public can play in the identification of cases of maladministration, official misconduct and the misuse of public resources or contraventions giving rise to dangers to public health and safety, the environment or to persons with disabilities.

In accordance with the objectives of the PID Act, Council will:

- a) promote the public interest by facilitating Public Interest Disclosures of wrongdoing in the public sector; and
- b) ensure that Public Interest Disclosures are properly made, assessed, and when appropriate, properly investigated and dealt with; and
- c) ensure that appropriate consideration is given to the interests of persons who are the subject of a Public Interest Disclosure; and
- d) afford protection from reprisals to persons making Public Interest Disclosures.

These outcomes (including information regarding how a PID may be made) are achieved via Council's *Public Interest Disclosure Management Plan*.

⁴ See *Public Interest Disclosure Act 2010* s 13.

⁵ Ibid s 5 - as defined.



Council recognises the sensitivities which can be associated with Public Interest Disclosures and the need to maintain public confidence in its process for managing Public Interest Disclosures. To this end, Council will:

- a) ensure that Public Interest Disclosures are managed appropriately in accordance with Council's *Public Interest Disclosure Management Plan*;
- b) maintain the confidentiality of Public Interest Disclosures received;⁶
- c) prosecute any person who provides a false or misleading statement or information to Council with the intention of it being processed as a Public Interest Disclosure;⁷
- d) prosecute and/or take disciplinary action against any Councillor or Council employee who takes or attempts to take a reprisal action;⁸
- e) ensure that the proper records of Public Interest Disclosures received are maintained,⁹ and that the confidentiality of all records created during the investigation and reporting of Public Interest Disclosures is preserved.¹⁰

4. REPORTING

- Refer to Council's *Public Interest Disclosure Management Plan* for reporting requirements

5. DEFINITIONS

Council – means the Mareeba Shire Council including all elected representatives, employees, contractors, volunteers, a Standing or Joint Standing Committee, committee members and any entity under direct Council ownership, management, sponsorship or financial control.

Proper authority – includes a public sector entity as defined under the PID Act¹¹ if the information the subject of the disclosure relates to the conduct of the entity or the public sector entity has the power to investigate or remedy. A proper authority may include public sector entities¹² such as the Crime and Misconduct Commission, the Public Service Commission, the Queensland Ombudsman, Anti-Discrimination Commission or the Queensland Industrial Relations Commission; it may also include Council itself or another Government department that maintains relevant investigation and/or enforcement powers relating to the nature of the disclosure.

Public Interest Disclosure – means a disclosure by any person or a public officer as detailed in section 2 of this policy and includes all information and help given by the discloser.

Public officers – means an employee, member or officer of the entity. Public officers of local governments include both Councillors and employees (including persons engaged under a contract of employment).

⁶ See *Public Interest Disclosure Act 2010* s 65 - requirements for preservation of confidentiality.

⁷ *Ibid* s 66.

⁸ *Ibid* ss 40-41.

⁹ *Ibid* s 29.

¹⁰ *Ibid* s 65.

¹¹ *Ibid* s 5.

¹² *Ibid* s 6.

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6. RELATED DOCUMENTS AND REFERENCES

Public Interest Disclosure Act 2010 (Qld)

Public Interest Disclosure Management Plan (MSC)

7. REVIEW

It is the responsibility of the Manager Development and Governance to monitor the adequacy of this policy and implement and approve appropriate changes. This policy will be formally reviewed every three (3) years or as required by Council.



Use of Council Land for Agistment Purposes Policy

Policy Type	Governance Policy	Version:	2.0
Responsible Officer	Manager Development and Governance	Date Approved:	29/01/2020
Review Officer:	Manager Development and Governance	Review Due:	29/01/2024
Author:	Senior Compliance Officer	Commencement:	29/01/2020

1. PURPOSE

To provide a framework for equitable assessment of requests received from members of the community for use of Council owned or controlled vacant land for agistment purposes. An additional purpose is to assist Council with land management of large vacant land parcels.

2. SCOPE

This Policy applies across Council.

3. POLICY STATEMENT

The following principles will apply to assessment of requests under this policy:

- Applications for use of vacant land for agistment must be made in writing and include a proposal for management of the land, fencing of the land and a rental consideration;
- Applications will be considered for use of vacant land under this policy only where such land is not subject to an existing lease or permit under a current statutory instrument;¹
- Council assessment of applications will have regard to the level of demand expressed by the community for use of the subject land and any resulting escalated requirement for calling of expressions of interest by the wider community;²
- Applications may be subject to approval by resolution of Council;
- Assessment of applications will have regard to the impact upon the subject vacant land to ensure that agistment is not likely to:
 - a) Introduce a declared pest onto the land;
 - b) Spread a declared pest on the land;
 - c) Degrade the land;
 - d) Adversely affect road safety; and that
 - e) Stock to be agisted are not affected by a notifiable disease.
- Priority consideration will be afforded to landowners adjoining the subject vacant land who are affected by drought, fire or flood;
- Where the vacant subject land is a local government controlled Reserve, the intended use must be consistent with the formally gazetted Reserve purpose;

¹ As may exist for example under the *Land Act 1994*.

² In accordance with requirements under the *Local Government regulation 2012* s 236.

Use of Council Land for Agistment Purposes Policy

- Where the vacant subject land is freehold land, the assessment will be subject to any requirements under Council's current Planning Scheme and any applicable statutory requirements governing use of the land;
- Any administrative costs associated with permit issue will be borne by the applicant;
- Tenure for use of vacant land will be offered via issue of a Land Occupy Permit;
- Permits will be issued for a default term of 12 months however may be issued for a longer term as determined by Council on a case-by-case basis.

4. REPORTING

Nil reporting required

5. DEFINITIONS

Council - means all elected representatives, officers, employees, contractors and volunteers of the Mareeba Shire Council as well as committee members and to all Council activities, including entities which Council has direct ownership, management, sponsorship or financial control.

Council owned or controlled land - means land for which Council is either assigned as Trustee by the State of Queensland or land that is owned by Council under freehold title.

Vacant subject land/vacant land - means the land which is the subject of the application for tenure and use and which holds no structures and no or minimal infrastructure upon the land surface.

Reserve Land (Council Controlled) - Land for which Council is Trustee and which holds a defined gazetted purpose under the *Land Act 1994* (Qld).

Council Freehold Land - Land owned by Council under freehold title.

6. RELATED DOCUMENTS AND REFERENCES

Land Act 1994 (Qld)

Local Government Act 2009 (Qld)

Local Government Regulation 2012 (Qld)

7. REVIEW

It is the responsibility of the Manager Development and Governance to monitor the adequacy of this policy and implement and approve appropriate changes. This policy will be formally reviewed every four (4) years or as required by Council.

8.6 DELEGATIONS UPDATE JANUARY 2020

Date Prepared: 7 January 2020

Author: Manager Development and Governance

Attachments: 1. Table of Delegable Powers [↓](#)

EXECUTIVE SUMMARY

As part of the monthly delegations update service provided by MacDonnells Law, Council is advised of amendments to various pieces of legislation that require amendments to existing delegations or new delegations to be made by Council. Also, to ensure good governance within Council the Delegations and Authorisations Policy has been reviewed.

RECOMMENDATION

That:

1. Council delegates the exercise of the powers contained in the attached Table of Delegable Powers, with such powers to be exercised subject to any limitations;
2. In specified circumstances, Mayor is delegated to give leave to a Councillor in relation to paragraph 162 (1)(d)(ii) *Local Government Act 2009*; and
3. Any prior delegations of power relating to the same matters are revoked.

BACKGROUND

Council has delegated to the Chief Executive Officer (CEO) the necessary statutory powers under various pieces of legislation to enable him to effectively perform the requirements of the role and efficiently manage the operations of the Council. All delegations are made subject to the limitations on the attached documentation.

This report and the recommended delegations of power to the CEO if executed by resolution of Council, will provide a base for good decision making and accountability while maintaining statutory compliance by the Mareeba Shire Council.

Council subscribes to a monthly delegation's update service provided by MacDonnells Law, under which MacDonnells review the myriad pieces of legislation that provide statutory powers to local government and they then advise the subscribing Councils of any changes to legislation that require amendment of existing delegations or new delegations to be made by Council.

The attached Tables of Delegable Power display the legislation recently reviewed by MacDonnells and the amendments or additions to be made as a result thereof.

Environmental Protection Act 1994 (Qld) ("ENPA")

The ENPA was amended by the *Environmental Protection (Great Barrier Reef Protection Measures) and Other Legislation Amendment Regulation 2019* (Qld) with provisions commencing on Proclamation. The date of proclamation is 21 December 2019.

The amendment to the ENPA expanding the circumstances in which the Local Government can commission an audit relating to a contravention to include a contravention of an agricultural ERA standard.

Environmental Protection Regulation 1994 (Qld) ("ENPR")

The ENPR was amended by the *Environmental Protection (Great Barrier Reef Protection Measures) and Other Legislation Amendment Regulation 2019* (Qld) which commences 1 December 2019.

The amendment to the ENPR consider and make decision on further environmental matters, relevant to the Great Barrier Reef when making decisions under Chapter 4, Part 2 of the ENPR.

Local Government Act 2012 (Qld) ("LOGA")

The LOGA was amended by the *Local Government Legislation (Implementing Stage 2 of Belcarra) Amendment Regulation 2019* (Qld) which commences on 1 January 2020.

LOGA adds new powers (and requirements) to the Chief Executive Officer to keep records of directions made to them by the Mayor, and to produce to the Local Government directions that were made to them by the Mayor.

We have also updated the powers in section 162 to accord with the LOGA and specifically given this authority to the Mayor. Section 162 defines when a councillor's office becomes vacant, and subsection (d) defines the office becomes vacant if a councillor misses 2 consecutive meetings over a period of 2 months, unless the councillor is absent (ii) with the local government's leave.

Planning Regulation 2017 (Qld) ("PLAR")

The PLAR was amended by the Planning (Infrastructure Charges Register and Other Matters) Amendment Regulation 2019 with the provision to commence on 1 January 2020.

The amendment to the PLAR reflects a requirement that Local Governments keep and publish a register in relation to infrastructure charges and other information (which for example, includes the way in which local governments spend infrastructure charges collected from property developers). This register is required to be published online, and in certain circumstances, documents which contain information in the Register must be made available for purchase.

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

There are legal implications for local government if management is not aware of the delegated powers and powers of authorised persons that are required for their sections to operate efficiently.

The statutory powers of employees, whether delegated to their position by the CEO or obtained as a result of an appointment as an authorised person under particular statutes, will be invalid if they cannot be supported by an instrument documenting the particulars.

In the case where Council is challenged on an action taken or a decision made by its employees, there needs to be proof that the employee held the powers required to do so. Such documentation is known as the instrument and is required for delegations, sub-delegations and appointments. Section 260 requires the CEO to establish and maintain a register of delegations and make it available to the public.

FINANCIAL AND RESOURCE IMPLICATIONS***Capital***

Nil

Operating

Nil

LINK TO CORPORATE PLAN

Governance: Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community.

IMPLEMENTATION/COMMUNICATION

Nil

Delegable Powers under the Local Government Act 2009 ("LOGA")

CHAPTER 5 – MONITORING AND ENFORCING THE LOCAL GOVERNMENT ACTS

Part 1 – Local governments

Division 3 – Remedial action by minister

Entity power given to	Section of LOGA	Description	Date of Resolution of Delegation to the CEO	Limitations and Conditions
Local Government	120(5)	Power to make submissions within the time specified in the notice.		

CHAPTER 5A – COUNCILLOR CONDUCT

Part 3 – Dealing with inappropriate conduct, misconduct and corrupt conduct

Division 3 – Local government duties to notify assessor about particular councillor conduct

Entity power given to	Section of LOGA	Description	Date of Resolution of Delegation to the CEO	Limitations and Conditions
Local Government	150S(2)	In the specified circumstances, the power to give the assessor a notice about the councillor's conduct and all information held by the local government that relates to the conduct.		

Division 6 – Application to conduct tribunal about misconduct and connected inappropriate conduct

Entity power given to	Section of LOGA	Description	Date of Resolution of Delegation to the CEO	Limitations and Conditions
Local Government	150AK(3)	In the specified circumstances, the power to give to the councillor a copy of the application.		

CHAPTER 6 – ADMINISTRATION

Division 5 – Obligations of councillors

Entity power given to	Section of LOGA	Description	<u>Date of Resolution of Delegation to the CEO</u>	Limitations and Conditions
Chief Executive Officer	170(4)(b)	Power to make available to the local government each direction mentioned under section 170(a).	This power does not need to be delegated as it is given directly to the CEO under the Act.	

Delegable Powers under the Environmental Protection Act 1994 ("ENPA")

CHAPTER 7 – ENVIRONMENTAL MANAGEMENT

Part 2 – Environmental evaluations

Division 2 – Environmental audits

Subdivision 1 – Audit requirements

Entity power given to	Section of ENPA	Description	Date of Resolution of Delegation to the CEO	Limitations and Conditions
Administering Authority	323(1)	<p>Power to be satisfied that:</p> <p>(a) a person is, or has been, contravening</p> <ul style="list-style-type: none"> (i) a regulation; or (ii) an environmental protection policy; or (iii) an agricultural ERA standard; or (iv) a transitional environmental program; or (v) an enforceable undertaking; or <p>(b) a person is, or has been, contravening any of the following provisions:</p> <ul style="list-style-type: none"> (i) section 363E; (ii) section 440Q; (iii) section 440ZG; <p>a provision of chapter 8, part 3D, 3E or 3F.</p>		

Delegable Powers under the Environmental Protection Regulation 2019 ("ENPR")

CHAPTER 4 – REGULATORY REQUIREMENTS¹

Part 2 – Regulatory requirements for all environmental decision

Entity power given to	Section of ENPR	Description	Date of Resolution of Delegation to the CEO	Limitations and Conditions
Administering Authority	35(3)	In the specified circumstances, power to: (a) carry out an environmental objective assessment against the environmental objective and performance outcomes mentioned in schedule 8, part 3, division 1; and (b) consider the matters mentioned in subsection (1)(b), (c) and (d).		
Administering Authority	35(4)	In the specified circumstances, power to: (a) carry out an environmental objective assessment against the environmental objectives for water and groundwater mentioned in schedule 8, part 3, division 1, to the extent the performance outcomes for the environmental objectives relate to fine sediment, or dissolved inorganic nitrogen, entering the water of the Great Barrier Reef; (b) consider each environmental value, declared under this regulation, to the extent the value relates to fine sediment, or dissolved inorganic nitrogen, entering the water of the Great Barrier Reef; and (c) if the activity is to be carried out in a strategic environmental area – consider the impacts of the activity on each environmental attribute for the area under the <i>Regional Planning Interests act</i>		

¹ The powers under Chapter 4 may only be exercised by a local government for a matter the enforcement and administration of which has been devolved to the local government under Chapter 8, Part 1, Division 1 and which has not been excluded by Chapter 8, Part 1, Division 2.

		<p>2014, to the extent the attribute relates to fine sediment, or dissolved inorganic nitrogen, entering the water of the Great Barrier Reef; and</p> <p>(d) consider each of the following matters under a relevant environmental protection policy, to the extent the matter relates to fine sediment, or dissolved inorganic nitrogen, entering water of the Great Barrier Reef:</p> <ul style="list-style-type: none"> (i) the management hierarchy; (ii) environmental values; (iii) quality objectives; <p>the management intent.</p>		
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Part 3 – Additional regulatory requirements for particular environmental management decisions

Entity power given to	Section of ENPR	Description	Date of Resolution of Delegation to the CEO	Limitations and Conditions
Administering Authority	41AA(3)	Power to consider the relevant activity will, or may, have a residual impact.		

Delegable Powers under the Planning Regulation 2017 ("PLAR")

SCHEDULE 22 – PUBLICLY ACCESSIBLE DOCUMENTS

Entity power given to	Section of PLAR	Description	Date of Resolution of Delegation to the CEO	Limitations and Conditions
Local Government	3A	In the specified circumstances, power to publish on the local government website a register that complies with section 3A. ²		
Local Government	3B	Power to keep available for inspection and purchase a document that includes the trunk infrastructure information that the local government publishes on its website under 3A(4)-(5). ³		

² Commences on 1 January 2020.

³ Commences on 1 January 2020.

8.7 DEVELOPMENT AND GOVERNANCE QUARTERLY REPORT - OCTOBER TO DECEMBER 2019

Date Prepared: 14 January 2020
Author: Manager Development and Governance
Attachments: Nil

EXECUTIVE SUMMARY

This report presents the key activities and achievements of the Development and Governance Group for the October to December 2019 quarter.

RECOMMENDATION

That Council receives and notes the quarterly report of the Development and Governance Group for the October to December 2019 quarter.

BACKGROUND

The development and Governance Group is comprised of the following Council service areas:

- Governance and Compliance
- Building and Plumbing
- Regional Land Use Planning
- Local Laws and Environmental Health.

The following activities have occurred during the October to December 2019 quarter and are presented below by service area:

GOVERNANCE AND COMPLIANCE**Native Title**

There are currently nine (9) Native Title claims within Mareeba Shire consisting of Djungan #5, Wakaman #3, #4, #5, Cairns Regional Claim Group, Djabugay-Bulway-Yirrgay-Nyakali-Guluy and Kurtijar, Muluridji #3 and Kunggandji Gurrabuna.

Native Title Determination Application QUD21/2019 - Kunggandji Gurrabuna People of Kamoi (Kimoi or Kimuy) - Preston Law has joined Council to the proceedings.

During the quarter, Council officers met with the Western Yalanji people to conduct the held over annual ILUA meeting during which the mandatory ILUA requirement for negotiated review of ILUA content was raised.

Industrial ParksChillagoe Industrial Estate:

- Nil recorded sales or settlements occurred within the quarter.

Mareeba Industrial Park:

The status for land at MIP as at 31 December 2019 is as follows:

- No sales activity has been finalised for the December quarter.
- Of the total remaining undeveloped lots at MIP there are still twelve (12) available for sale.

Mareeba Aerodrome:

Enquiries continue relevant to lease sites at Mareeba Aerodrome with information being provided to interested persons. Lease application received for one (1) recreational site (small site). Awaiting plans to submit with application for approval.

Land and Lease

Council secured renewal or new lease instruments with the following entities during the December quarter:

Leases

- Mareeba Theatre Group lease has been extended for a term of 10 years.
- Mareeba Heritage and Information Centre lease for existing facility and adjoining vacant land has been delayed at the request of the centre Committee due to recently arising intentions for use of Lot 480.

Management Agreements

- Agistment Land Occupancy Permit for Lot 20 RP748320 (Ray Road Mareeba) has been issued;
- Agistment Land Occupancy Permit for Lot 561 NR810260 (Adil Road Mareeba) has been issued.

Compliance

Council's Property and Rating system infringement module has been updated to incorporate a capacity for issuing of notices under the Water Supply (Safety and Reliability) Act 2008 for infringement offences under the State Penalties Enforcement Act 1999 and accompanying Regulation.

Council's Senior Compliance Officer attended seminars in Cairns during October and November detailing amendments to legislation impacting upon staff Blue Card requirements and obligations arising from the new *Human Rights Act 2019* (Qld) which, from 1 January 2020 will require that all Council business related decision-making and actions are compatible with human rights.

Complaints

Council experienced nil fluctuation in complaints carried forward from the previous period with a 10% decrease in resolve rate within this period. Number of complaints lodged during this period have decreased overall by 33% in compared with the previous period. Details of complaints received/processed during the quarter ending 31 December 2019 are displayed in the table below:

Complaints carried over from previous period (July to September 2019)	11
Complaints carried over from previous period finalised during this reporting period	11
Complaints lodged during reporting period (October to December 2019)	21
Complaints finalised during reporting period (October to December 2019)	17
Complaints still in process (not finalised) during reporting period (October to December 2019)	4

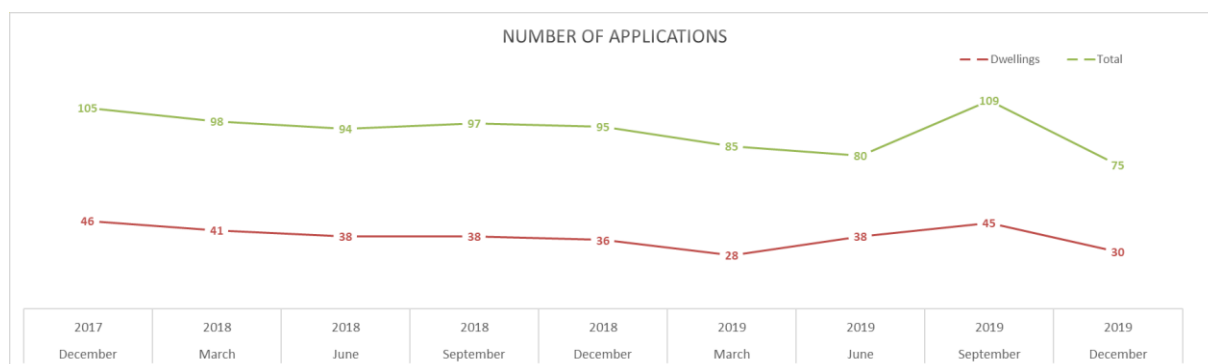
BUILDING AND PLUMBING

Building Approvals

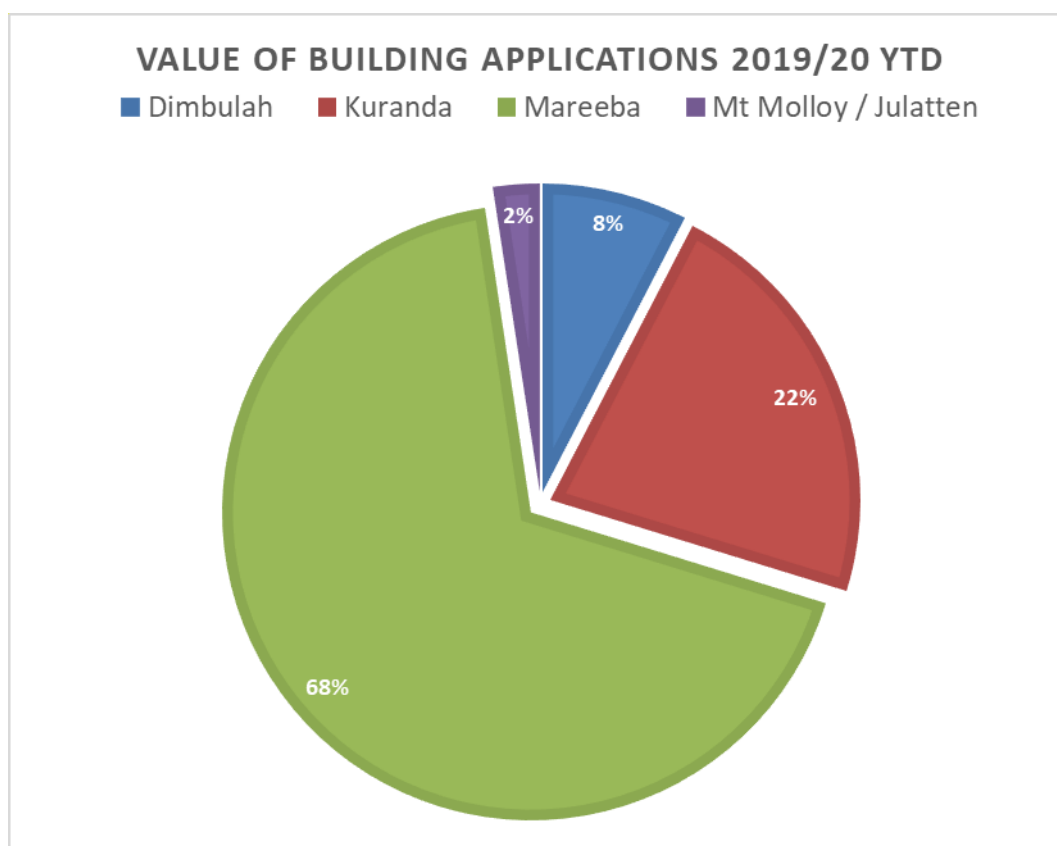
This quarter Council's building approvals has declined overall. Last year there were large commercial developments that increased the value of development dramatically. Overall the number of dwelling applications is constant year to date, however, the value of construction decreased.

Quarter	Oct - Dec 2019 QTR		Oct - Dec 2018 QTR	
Type	\$	A	\$	A
Dwellings	5,469,405	30	7,495,664	36
10A (Sheds, ETC)	1,309,715	34	1,582,704	42
Commercial	317,401	4	10,704,040	7
Others	257,490	7	293,970	10
Total	7,354,011	75	20,076,378	95

Quarter	Oct - Dec 2019 YTD		Oct - Dec 2018 YTD	
Type	\$	A	\$	A
Dwellings	12,842,237	75	14,987,844	74
10A (Sheds, ETC)	2,717,467	83	2,702,910	79
Commercial	3,102,045	12	12,490,563	21
Others	533,249	14	637,160	18
Total	19,194,998	184	30,818,477	192



The below graph summarises where construction investment is occurring across the Shire YTD for the 2019/20 financial year.



Regulatory Tasks

Building and Plumbing Services had 104 customer requests this quarter of which 98 were resolved.

Tradewaste

Council officers have implemented the revised Tradewaste Policy and Plan. To date letters have been sent to all businesses that are generating tradewaste and have received positive feedback. An inspection program in Mareeba was conducted during the reporting period. Non-compliant tradewaste generators were able to amend their operations to ensure compliance.

REGIONAL LAND USE PLANNING**New Development Applications**

Nine (9) development applications were lodged in the December quarter of 2019 compared to six (6) lodged in the December quarter of 2018.

Development Applications received/approved during the October to December 2019 quarter as compared to the YTD (July to December) comparisons are as follows:

	Oct - Dec 2019	2019/20 YTD	2018/19 YTD
New Development Applications lodged	9	22	38
Decision Notices issued under delegated authority	6	17	19
Negotiated Decision Notices issued under delegated authority	1	3	0
Decision Notices issued (from Council Minutes)	5	10	10
Negotiated Decision Notices issued (from Council Minutes)	0	0	2
Extensions to relevant period issued	0	2	7
Extensions to relevant period issued (from Council Minutes)	0	0	0
Change to existing Development Approval issued	0	1	0
Referral Agency Response approvals issued under delegated authority	4	8	12
Survey Plans endorsed	5	11	18
Notices issued under SPA	0	1	1
Planning Appeals and other Court proceedings	1	1	0

LOCAL LAWS AND ENVIRONMENTAL HEALTH**Environmental Health**

The Environmental Health section responded to a total of 79 enquiries, complaints and service requests for the quarter relating to the following matters:

	Oct - Dec 2019	2019/20 YTD	2018/19 YTD
Food Complaints	1	1	6
Food Enquiry	12	26	43
Health Enquiry	4	10	25
Pollution	29	51	80
Flying Foxes	9	10	11
Public Health Complaint, Enquiry	0	1	15
General Service Enquiry	17	20	8
Other	7	9	5
Total	79	128	193

Notices Issued, Inspections Carried Out, Applications Processed

	Oct - Dec 2019	2019/20 YTD	2018/19 YTD
Animals Impounded	117	271	293
Regulated Parking infringements issued	111	332	425
Animal Management infringements issued	25	246	289
Local Laws Infringements issued	32	59	56
Warning letters issued	97	145	126
Compliance Notices issued	13	26	89
Food Inspections undertaken	8	15	102

Compliance Notices - Council's process post implementation of the new local laws was altered regarding 'animals wandering at large' and 'animals not under effective control'. Council officers no longer issue compliance notices, instead a warning letter is issued and if the person repeats the offence, they an infringement.

Food Inspections - Last year Council had a casual food inspector carrying out routine food inspections. At that time there was backlog of food inspections.

Local Laws

Local Laws Officers dealt with the below complaints and enquiries during the quarter relating to the following matters:

Animals

	Oct - Dec 2019	2019/20 YTD	2018/19 YTD
Dangerous Aggressive dogs	30	48	86
Missing/Lost/Found	18	49	64
Barking Complaints	49	123	112
Restrained for Collection	31	68	66
Council traps	35	85	93
Straying Animals	86	223	224
Too Many Animals	15	20	21
Enquiries, Unregistered, Hygiene, unleashed	113	305	281
Cruelty	5	7	6
Total	382	928	953

In the last quarter (1 October to 31 December 2019) the following impounds were recorded for dogs:

- Animal returned to owner 1st occasion for free (dog was wandering but was registered): 10 dogs.
- Animal caught wandering (not registered or registered and previously returned to owner): 52 dogs were impounded.

Other Areas

	Oct - Dec 2019	2019/20 YTD	2018/19 YTD
Abandoned Vehicles	24	54	40
Overgrown	13	38	20
Commercial Use of Roads	26	57	51
Illegal Camping	6	12	21
Illegal Signs	18	28	14
Parking, illegal parking	18	58	71
Obstruction of Footpath	4	5	7
General Enquiries	1	1	14
Other	0	0	14
Gates and Grids	0	0	18
Total	110	253	270

Dog Registration

As at the 31 December 2019 Council has a registered population of 4,206 dogs in the shire with 121 dog renewals outstanding.

	Oct - Dec 2019	2019/20 YTD	2018/19 YTD
New Registrations	222	457	338
Deceased	71	242	93
Left the area	43	140	87

Inspection Program (Julatten)

The inspection program identified 85 unregistered dogs from 221 properties. This represents 40% of properties with unregistered dogs. 58 warning letters were issued and only four (4) progressed to fines for failing to register their dog.

RISK IMPLICATIONS

Nil

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Nil

FINANCIAL AND RESOURCE IMPLICATIONS***Capital***

Nil

Operating

Nil

LINK TO CORPORATE PLAN

Economy and Environment: A resilient economy that promotes and supports the shire's natural assets and local industry and encourages investment while preserving and future proofing for generations to come.

Governance: Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community.

IMPLEMENTATION/COMMUNICATION

Nil

8.8 OPERATIONAL PLAN 2019/20 PROGRESS REPORT JULY TO DECEMBER 2019

Date Prepared: 14 January 2020
Author: Manager Development and Governance
Attachments: 1. Operational Plan Progress Report [↓](#)

EXECUTIVE SUMMARY

The attached report provides information regarding the progress of the 2019/20 Operational Plan projects.

RECOMMENDATION

That Council receives and notes the progress report on implementation of the 2019/20 Operational Plan for the period July to December 2019.

BACKGROUND

The *Local Government Regulation 2012* provides that a local government must prepare and adopt an annual operational plan for each year. The Operational Plan is a statement of specific works to be undertaken and services to be provided in order to progress the goals and objectives set out in a Council's Corporate Plan over a period of one (1) year.

In accordance with section 174(3) of the *Local Government Regulation 2012*, the Chief Executive Officer must present a written assessment of the local government's progress towards implementing the annual operational plan at meetings of the local government held at regular intervals of not more than three (3) months.

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

It is a statutory requirement for an assessment of progress in implementing the Operational Plan to be presented to Council at least on a quarterly basis.

FINANCIAL AND RESOURCE IMPLICATIONS***Capital***

Nil

Operating

Nil

LINK TO CORPORATE PLAN

Governance: Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community.

IMPLEMENTATION/COMMUNICATION

Nil

Financial Sustainability “A council that continuously looks for savings and opportunities while managing council’s assets and reserves to ensure a sustainable future in a cost-effective manner”					
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Progress Report
Long-term Financial Plan	FIN 1 FIN 2	Long-Term Financial Plan that supports effective and sustainable financial management Effective and sustainable financial management	Finance	<ul style="list-style-type: none"> Ensure Long Term Asset Management Plan and Financial Plan aligns with revised Sub-Asset Management Plans 	<ul style="list-style-type: none"> Long Term Asset Management Plan was updated and adopted on 23 October 2019 and in turn the Long Term Financial Plan updated to align with this. As the Sub-Asset Management Plans are adopted throughout the year, both Long Term Financial Plan and Long Term Asset Management Plan will be updated.
Comprehensive Asset Revaluations <ul style="list-style-type: none"> Footpaths Sealed Roads Minor Culverts 	FIN 1	Long-Term Financial Plan that supports effective and sustainable financial management	Finance	<ul style="list-style-type: none"> Footpaths comprehensive revaluations Sealed Roads comprehensive revaluations Minor Culverts comprehensive revaluations 	<ul style="list-style-type: none"> Contract valuers onsite and currently working on Land, Sealed Roads, and Minor Culverts. Draft report for land due back January and Roads and Culverts due in February. Work is progressing for footpath data.
Library Service Review	FIN 2	Effective and sustainable financial management	Community Wellbeing	<ul style="list-style-type: none"> Finalise balance of recommendations from Service Level Review Review Mareeba Library premises for efficient service delivery and to meet the most important community needs 	<ul style="list-style-type: none"> Drawings and layout plans to relocate the Mareeba Library to the Cedric Davies Community Hub are in progress with tenders to be called and finalized by Dec 2019.

Financial Sustainability “A council that continuously looks for savings and opportunities while managing council’s assets and reserves to ensure a sustainable future in a cost-effective manner”					
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Progress Report
Grant Funding	FIN 2	Effective and sustainable financial management	Finance Community Wellbeing	<ul style="list-style-type: none"> Identify potential projects for grant applications 	<ul style="list-style-type: none"> A strategic and coordinated approach to the identification and prioritization of grant applications continues
Access to financial information	FIN 3	Effective business management	Finance	<ul style="list-style-type: none"> More users able to operate financial systems and locate relevant documentation. Provide in-house training and support 	<ul style="list-style-type: none"> Training and support from Finance is provided upon request
Full cost pricing models to ensure equitable allocation of costs across departments	FIN 3	Effective business management	Finance	<ul style="list-style-type: none"> Review model and reporting of business 	<ul style="list-style-type: none"> Corporate overhead was updated and reflected 2019/20 budget. A separate full cost model for waste is currently being reviewed.
Mareeba Industrial Estate Development	FIN 3	Effective business management	Technical Services Development & Governance	<ul style="list-style-type: none"> Review Master Plan and amend to cater for future demand subject to grant funding Review pricing structure for current and future land sales Promote sale of industrial land 	<ul style="list-style-type: none"> Planned to start in the beginning of 2020.
Financial viability of solar electricity	FIN 3	Effective business management	Finance Technical Services Development & Governance	<ul style="list-style-type: none"> Undertake a review of electricity usage per facility 	<ul style="list-style-type: none"> Feasibility study complete to be budget to be considered in 2020/21 budget.

Financial Sustainability “A council that continuously looks for savings and opportunities while managing council’s assets and reserves to ensure a sustainable future in a cost-effective manner”					
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Progress Report
Customer Service Standards	FIN 3	Effective business management	Systems & Customer Service	<ul style="list-style-type: none"> Monitoring and reporting to be implemented 	<ul style="list-style-type: none"> Progress to begin in 2020.
ICT Strategy implementation <ul style="list-style-type: none"> Internet Communications O365 implementation Technology One 'software as a service' 	FIN 3	Effective business management	Systems & Customer Service All	<ul style="list-style-type: none"> Review communications to provide redundancy for ICT 'Cloud first' strategy Mailbox migration, Messaging, Cloud Storage Implement 'software as a service' (SaaS) solution for Technology One products: <ul style="list-style-type: none"> Property and Rating (P&R) Core Enterprise Suite (CES) Enterprise Content Management (ECM) Geographical Information System (GIS) 	<ul style="list-style-type: none"> The installation of an NBN Enterprise Ethernet connection has been completed. The installation of an NBN Enterprise Ethernet connection has been completed. Skype for Business has been migrated to the Microsoft O365 Cloud. ECM workflow has been migrated to the new Business Process Automation model. Work has commenced on the implementation of Technology One Enterprise Cash Receipting (ECR). Work has commenced on the implementation of Taggle MiWater Automatic Meter Read software (Cloud hosted).

Financial Sustainability “A council that continuously looks for savings and opportunities while managing council’s assets and reserves to ensure a sustainable future in a cost-effective manner”					
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Progress Report
Sustainable workforce	FIN 4	A skilled and sustainable workforce	Organisational Development	<ul style="list-style-type: none"> • Training of workforce where required to improve efficiencies and safety • Review of guidelines for recruitment and retention of staff 	<ul style="list-style-type: none"> • Regular training has been delivered to employees to improve efficiencies and safety • Recruitment and retention policies and procedures have been updated on a regular basis to ensure they comply with legislative changes and deal with evolving workplace issues

Community “An engaged community which supports and encourages effective partnerships to enhance the liveability of the shire and the wellbeing of residents in communities which are resilient and prepared for unforeseen events”					
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Progress Report
Arts Connection to Tourism	COM 1	An engaged community	Community Wellbeing	<ul style="list-style-type: none"> Updated Arts & Culture Plan Ensure connection with the Community Wellbeing Strategy 	<ul style="list-style-type: none"> Currently on hold until resources available
Community Wellbeing Strategy	COM 1 COM 2 COM 3	An engaged community An active, safe and healthy community A community being prepared and resilient to emergencies and disasters	Community Wellbeing	<ul style="list-style-type: none"> Strategy is developed and adopted for the delivery of sustainable community wellbeing services and activities across the shire 	<ul style="list-style-type: none"> Currently on hold until resources available
Sport and Recreation Infrastructure Plan	COM2	An active, safe and healthy community	Community Wellbeing Technical Services	<ul style="list-style-type: none"> Complete audit of sport and recreational facilities Develop draft plan for consultation purposes Finalise plan based on community feedback 	<ul style="list-style-type: none"> Quotes to be called early 2020 for consultant to prepare plan with club and community input
Accommodation and support services for Seniors	COM2	An active, safe and healthy community	Community Wellbeing	<ul style="list-style-type: none"> Investigate possible viable models that are likely deliver increase accommodation stock, Community Management of Council's Community Housing. 	<ul style="list-style-type: none"> Study underway regarding future community housing options and draft report due for presentation to Councillors in April/May 2020

Transport and Council Infrastructure “The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles”					
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Progress Report
Asset Management Sub-Plans <ul style="list-style-type: none"> Bridges Sealed Roads Aerodromes Water Footpaths 	TCI 1 TCI 2 TCI 3	Sustainable Infrastructure for the future Safe and effective transport network Securing and managing water resources	Technical Services	<ul style="list-style-type: none"> Undertake data verification Undertake condition assessment and defect identification across individual asset classes. Administrative Asset Management Plan adopted by EMT 	<ul style="list-style-type: none"> Ongoing verification of existing data sets continues. Asset Inspections to verify condition and defects of Civil Infrastructure ongoing. Verification of Asset Stock underway, with Sub-Plans in progress.
Asset Management Sub-Plans <ul style="list-style-type: none"> Facilities Pools 	TCI 1 TCI 2 TCI 3	Sustainable Infrastructure for the future Safe and effective transport network Securing and managing water resources	Technical Services	<ul style="list-style-type: none"> Undertake data verification Undertake condition assessment and defect identification across individual asset classes. 	<ul style="list-style-type: none"> Asset verification for Pool Facilities completed, defect backlog and future capital works program in development. Inspection of Facilities underway.
Asset Management Sub-Plans <ul style="list-style-type: none"> Drainage 	TCI 1 TCI 2 TCI 3	Sustainable Infrastructure for the future Safe and effective transport network Securing and managing water resources	Technical Services	<ul style="list-style-type: none"> Undertake data verification Undertake condition assessment and defect identification across individual asset classes. 	<ul style="list-style-type: none"> Inspection of underground, cross-drainage completed. Verification of Asset Stock underway, with Sub-Plan in progress.
Community Housing Asset Management Plan	TCI 1	Sustainable Infrastructure for the future	Technical Services Community Wellbeing	<ul style="list-style-type: none"> Monitor and review Asset Management Plan 	<ul style="list-style-type: none"> Condition assessments of all 108 properties due for completion mid Oct 2019 and data will be used to update CHAMP;

Transport and Council Infrastructure “The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles”					
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Progress Report
			Development & Governance	<ul style="list-style-type: none"> Ensure assets are maintained in accordance with Community Housing Asset Management Plan All Housing has been 100% inspected 	<ul style="list-style-type: none"> Implementation of priority works identified in CHAMP continues.
Mareeba Pound Facility	TCI 1	Sustainable Infrastructure for the future	Technical Services Development & Governance	<ul style="list-style-type: none"> Ensure any facility meets appropriate standards 	<ul style="list-style-type: none"> Currently seeking further funding sources.
Kuranda Cemetery	TCI 1	Sustainable Infrastructure for the future	Systems & Customer Service Technical Services	<ul style="list-style-type: none"> Investigate proposed site suitability and provide estimates for community consultation Prepare implementation plan for adoption by Council 	<ul style="list-style-type: none"> Investigations into suitable sites ongoing.
Mareeba Cemetery	TCI 1	Sustainable Infrastructure for the future	Systems & Customer Service Technical Services	<ul style="list-style-type: none"> Identify possible sites to secure a growth strategy 	<ul style="list-style-type: none"> Progress to begin in 2020.
Kuranda Infrastructure Program	TCI 1	Sustainable Infrastructure for the future	Technical Services Works	<ul style="list-style-type: none"> Complete projects in accordance with Kuranda Township Masterplan Negotiate renewed agreement 	<ul style="list-style-type: none"> Continuation of projects in line with Kuranda Township Masterplan. Barron Falls Walking Trail contract awarded in October 2019 and works to commence in early 2020, weather permitting. Preparations for negotiation of renewed agreement continue.

Transport and Council Infrastructure "The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles"					
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Progress Report
Anzac Avenue (John Doyle) Bridge Rehabilitation	TCI 2	Safe and effective transport network	Works Technical Services	<ul style="list-style-type: none"> Complete restoration works 	<ul style="list-style-type: none"> Rehabilitation of Anzac Avenue (John Doyle) Bridge programmed for completion in 2020.
Mareeba Water Strategy	TCI 3	Securing and managing water resources	Water & Waste	<ul style="list-style-type: none"> Prepare options assessment and business case for Mareeba Long Term Water Strategy (MIPP Report) Present Mareeba Long Term Water Strategy to Council for adoption Incorporate outcomes into Local Government Infrastructure Plan (LGIP) 	<ul style="list-style-type: none"> Final options assessment report received for Council review in December 2019. Strategy to be presented to Council in early 2020 for adoption.
Shire Beautification	TCI 4	Public spaces and facilities	Technical Services Works	<ul style="list-style-type: none"> Continue upgrade Mareeba Byrnes Street Develop Street Tree Planting Policy/Guideline for public use 	<ul style="list-style-type: none"> Design for tree planting and parking upgrades on eastern side of Byrnes street underway with project to commence in late 2020. Footpath Planting and Management Policy and Street Tree and Kerbside Planting Guide adopted in October 2019

Economy and Environment “A resilient economy that promotes and supports the shire's natural assets and local industry and encourages investment while preserving and future proofing for generations to come”					
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Progress Report
Waste Strategy	EAE 1	Environmentally responsible and efficient waste and wastewater management	Water & Waste Finance	<ul style="list-style-type: none"> Continue Implementation of Action Plan 	Action Plan implementation on track: <ul style="list-style-type: none"> Long term municipal solid waste and organics planning underway. Mareeba waste transfer station reconfiguration commenced. FNQROC and LAWMAC. Illegal dumping data review, investigations and advocacy for waste reduction and circular economy opportunities and waste characterisation audit of Council's own waste to commence in early 2020.
Environmental Authority Amendments	EAE 1	Environmentally responsible and efficient waste and wastewater management	Water and Waste	<ul style="list-style-type: none"> Seek amendment of the environmental authority to reflect modern of operations and provide meaningful environmental protection Continue to monitor compliance with requirements of environmental authority 	<ul style="list-style-type: none"> Prelodgement process completed for amendment request. Submission to be lodged in early 2020.
Mareeba Airport Upgrade	EAE 3	Support and encourage industrial and commercial growth and development.	Technical Services	<ul style="list-style-type: none"> Complete construction of runway, taxiway and airfield lighting works Promote the industrial lease areas 	<ul style="list-style-type: none"> Practical completion reached early December 2019.

Economy and Environment “A resilient economy that promotes and supports the shire’s natural assets and local industry and encourages investment while preserving and future proofing for generations to come”					
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Progress Report
			Development & Governance		<ul style="list-style-type: none"> Applications for 7 lease sites progressed with a further 22 lots on hold for prospective lessees.
Economic Tourism development	EAE 3	Support and encourage industrial and commercial growth and development.	Community Wellbeing	<ul style="list-style-type: none"> Advocate and support economic tourism development Seek advocacy and grant opportunities supporting economic growth Where appropriate partner with industry groups to grow opportunities 	<ul style="list-style-type: none"> Tourism Kuranda Strategic Plan 2019-25 launched August 2019; Kuranda Visitor Survey completed and report launched 19 Dec 2019; Tourism Kuranda minor brand review to commence February 2020; Kuranda Local Operator Survey conducted and report due March/April 2020; Strategic approach to lodging grant applications for priority projects in place; Mareeba Visitor Survey completed and report launched December 2019.
Land, Pest and Fire Management Review	EAE 4	Our region’s environmental assets are best managed while promoting economic wellbeing	Works Finance Development & Governance	<ul style="list-style-type: none"> Develop and implement MSC Biosecurity Plan 	<ul style="list-style-type: none"> Fire breaks installed and fuel reduction burns completed on selected Council land; Biosecurity Plan under development & will be presented to Council meeting in early 2020

Economy and Environment “A resilient economy that promotes and supports the shire's natural assets and local industry and encourages investment while preserving and future proofing for generations to come”					
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Progress Report
Reef Guardian Council Program	EAE 4	Our region's environmental assets are best managed while promoting economic wellbeing	Water & Waste Works	<ul style="list-style-type: none"> Support the Reef Guardian Program through continued participation, and identify and develop communication and partnership opportunities 	<ul style="list-style-type: none"> Participation in Reef Guardian working group and steering committee meetings continue Action Plan implementation in progress. New Terms of Reference and MoU due in 2020

Governance “Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community”					
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Progress Report
Policy Review	GOV 1	Ethical, accountable and transparent decision making	Development & Governance All	<ul style="list-style-type: none"> All policies to be reviewed and updated to ensure legislative and other requirements are met 	<ul style="list-style-type: none"> In progress. Current focus is on Infrastructure Department policies.
Enterprise Risk Management	GOV 2	Strong focus on compliance and enterprise risk	Development & Governance All	<ul style="list-style-type: none"> Monitor and Review risk registers and risk treatment plans 	<ul style="list-style-type: none"> Reviewed and Adopted Treatment plans received by Audit Committee.
Compliance Review	GOV 2	Strong focus on compliance and enterprise risk	Development & Governance All	<ul style="list-style-type: none"> Ensure all legislative requirements are being met Implement Compliance Portal 	<ul style="list-style-type: none"> In progress

8.9 FINANCIAL STATEMENTS PERIOD ENDING 31 DECEMBER 2019**Date Prepared:** 7 January 2020**Author:** Manager Finance**Attachments:** 1. Budgeted Income Statement By Fund 2019/20 Budget [↓](#)**EXECUTIVE SUMMARY**

The purpose of this report is to provide Council with an overview of financial matters for the period 1 July 2019 to 31 December 2019.

RECOMMENDATION

That Council note the financial report for the period ending 31 December 2019.

BACKGROUND

Each month, year to date financial statements are prepared in order to monitor actual performance against budgets.

For the period ending 31 December 2019, the actual results are in line with the year to date budget.

The budgeted figures reflect the 2019/20 Budget as adopted by Council at the 19 June 2019 meeting. There are no issues or concerns to discuss or highlight at this stage.

December 2019 - Snapshot

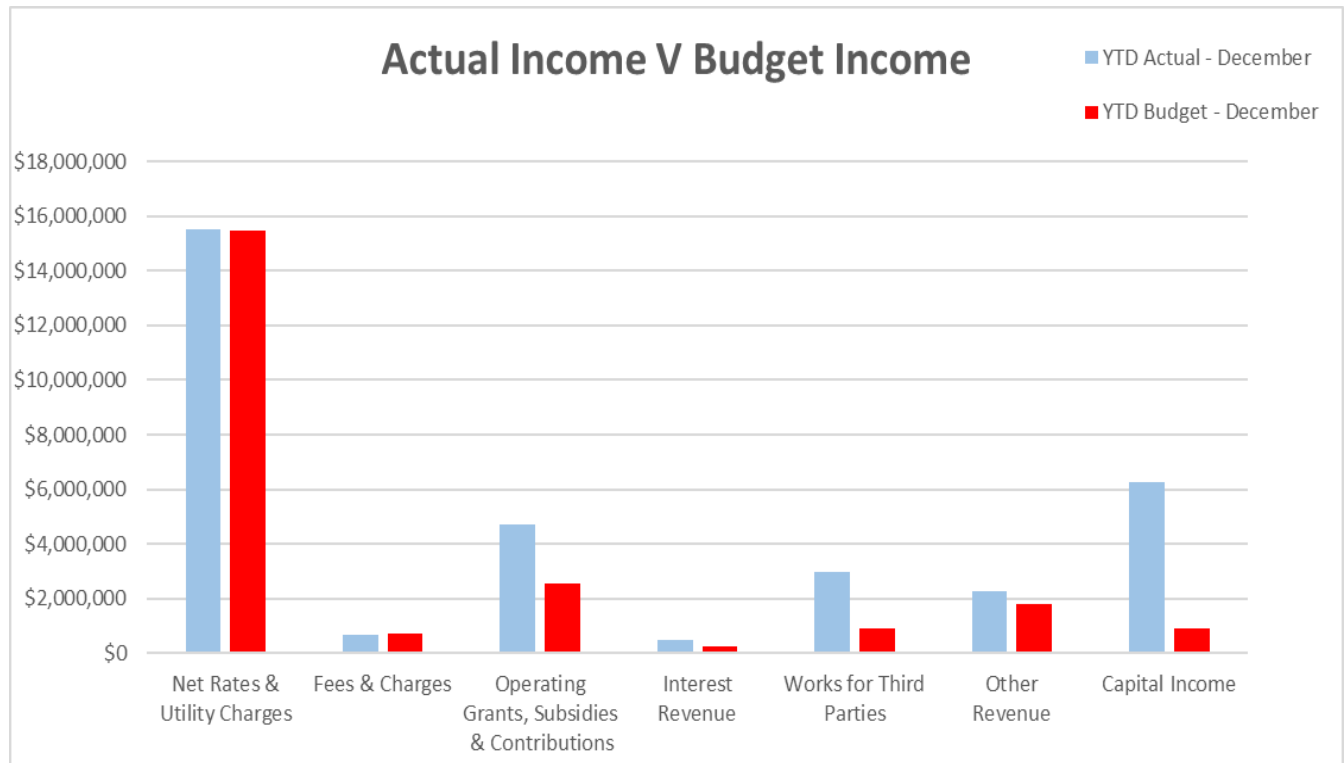
Total Operating Income	\$	26,638,743
Total Operating Expenditure	\$	26,164,066
Operating Surplus/(Deficit)	\$	474,677
Total Capital Income (grants, developer contributions)	\$	6,259,740
Net Result - Surplus/(Deficit)	\$	6,734,417

Council Officers have reviewed the operational budget and there are no major variances or issues to report. Any areas that are over budget will be compensated with savings in other areas, and Officers will continue to monitor to find savings. It is anticipated that come 30 June 2020, Council should still come in line with the anticipated budget result.

Income Analysis

Total income (including capital income of \$6,259,740) for the period ending 31 December 2019 is \$32,898,483 compared to the YTD budget of \$22,629,949.

The graph below shows actual income against budget for the period ending 31 December 2019.



	Actual YTD	Budget YTD	Note
Net Rates & Utility Charges	15,500,488	15,467,457	
Fees & Charges	686,629	739,759	
Operating Grants, Subsidies & Contributions	4,728,562	2,568,389	1
Interest Received	486,756	250,254	
Works for Third Parties	2,974,032	895,500	2
Other Revenue	2,262,276	1,814,792	3
Capital Income	6,259,740	893,798	4

Notes:

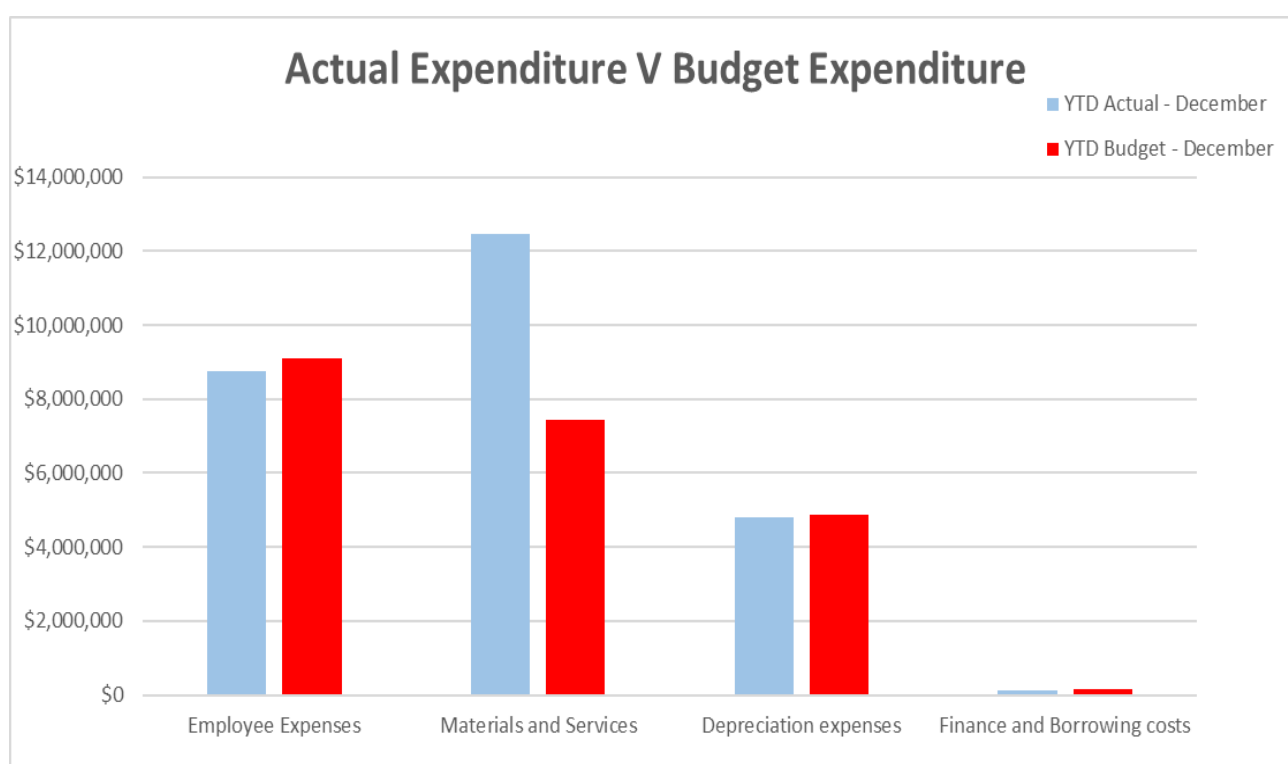
1. Favourable variance is in relation to NDRRA income received for the 2018 event. This is not budgeted but will be completely offset with expenditure.
2. Favourable result due to 3rd party works which were not budgeted for. The associated costs form part of the operational expenses which were also not budgeted. The net impact of these additional works is likely to result in a small surplus.

3. Favourable variance due to the balance of payments through settlement of land sales at the Mareeba Industrial Estate (\$489k).
4. Council has received \$4.55M in capital grants (Ootann Road, Barang Street pump station, Cedric Davies Community Hub, Airport upgrade, Dimbulah Pool filtration system, Road to Recovery quarterly grant), and an additional \$162k in developer contributions which are not reflected in the budget. Donated assets of \$1.5M were recognised, of which \$1M relates to the Mareeba Community Hub.

Expenditure Analysis

Total expenses for the period ending 31 December 2019 is \$26,164,066 compared to the YTD budget of \$21,591,083.

The graph below shows actual expenditure against budget for the period ending 31 December 2019.



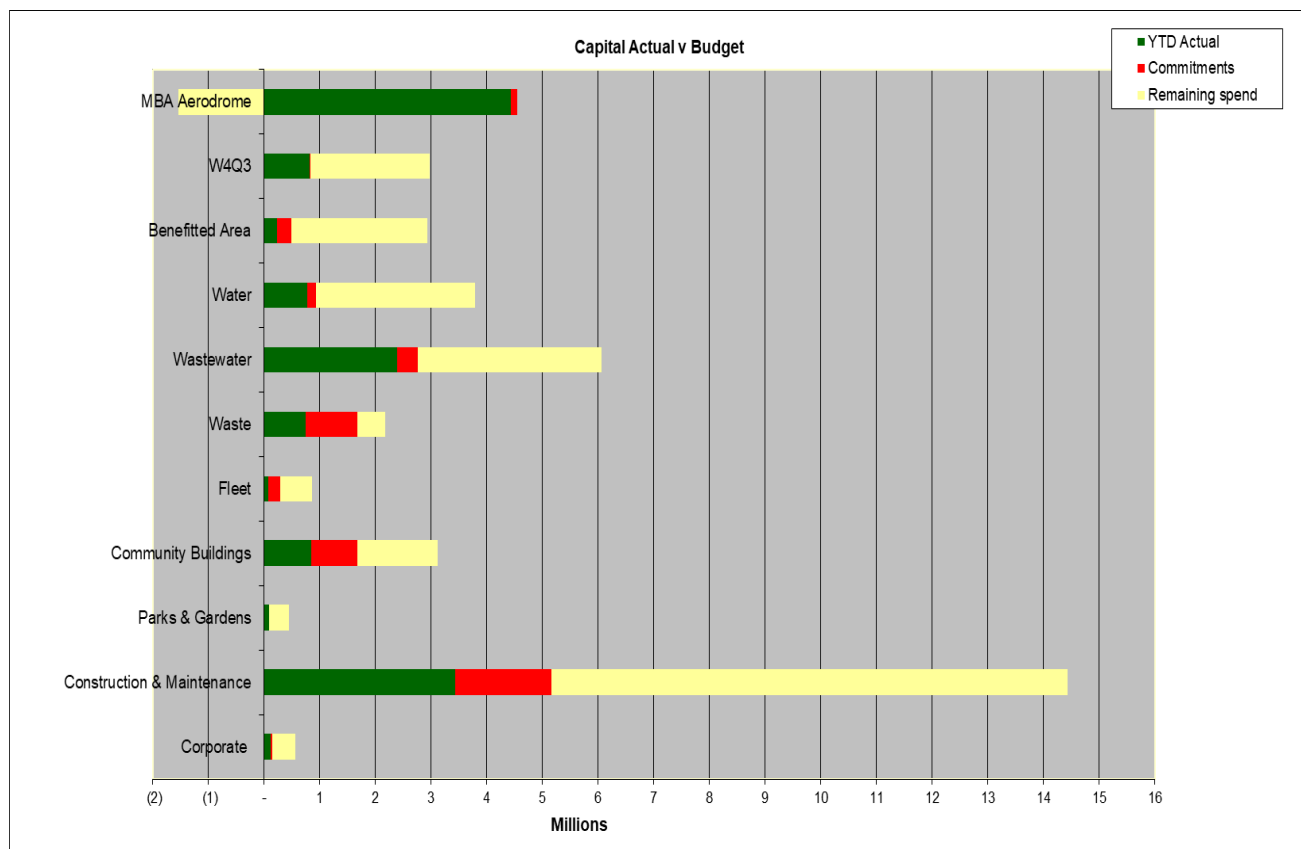
	Actual YTD	Budget YTD	Note
Employee expenses	8,758,679	9,112,844	
Materials & Services	12,466,758	7,454,718	1
Depreciation expenses	4,820,348	4,864,939	
Finance & Borrowing costs	118,281	158,582	

Notes:

1. The majority of this variance relates to NDRRA expenditure and additional 3rd party works. This will be offset by additional income.

Capital Expenditure

Total capital expenditure of \$18,611,578 (including commitments) has been spent for the period ending 31 December 2019 against the 2019/20 adjusted annual capital budget of \$40,404,497. This budget figure includes carry overs from 2018/19 of \$8,373,114 and new and additional funds required for 2019/20 capital projects of \$4,574,655. The figures have been updated as Council was successful in securing an additional \$40k in grants to be allocated 50/50 towards the Kuranda Recreation Centre refurbishment and Chillagoe Hall external refurbishment.

Loan Borrowings

Council's loan balance is as follows:

QTC Loan - Mareeba Sewerage Treatment Plant	\$4,333,972
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Rates and Sundry Debtors Analysis

Rates and Charges

The total rates and charges payable as at 31 December 2019 are \$2,048,274 which is broken down as follows:

Status	31 December 2019		31 December 2018	
	No. of properties	Amount	No. of properties	Amount
Valueless land	18	877,752	16	457,132
Payment Arrangement	140	95,476	146	65,033
Collection House	285	781,798	332	763,224
Exhausted – awaiting sale of land	9	114,365	9	93,169
Sale of Land	8	104,396	6	78,007
Other (includes current rates) *	313	74,487	217	137,700
TOTAL	773	2,048,274	726	1,594,265

* Of this total, there are 199 properties with a rates balance of less than \$10.

The Rate Notices for the period ending 31 December 2019 were issued on 12 August 2019 with the discount due date being 13 September 2019. Total Gross Rates and Charges levied for this six (6) month period totalled \$17,429,286.

Collection House collected \$64,573 for the month of December 2019.

Council Officers are currently reviewing valueless land properties and will prepare a report for the Council. The procedure will take up to 12 months to complete.

Sundry Debtors

The total outstanding for Sundry Debtors as at 31 December 2019 is \$1,606,416 which is made up of the following:

Current	30 days	60 days	90 + days
\$1,399,756	\$137,609	\$49,346	\$19,705
87%	8%	3%	2%

Procurement

There were no emergency orders for the month.

RISK IMPLICATIONS

Nil

Legal/Compliance/Policy Implications

Section 204 of the *Local Government Regulation 2012* requires the financial report to be presented to local government if the local government holds its ordinary meetings more frequently (than once per month) - to a meeting in each month.

FINANCIAL AND RESOURCE IMPLICATIONS

Nil

LINK TO CORPORATE PLAN

Governance: Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community.

IMPLEMENTATION/COMMUNICATION

Nil

Budgeted Income Statement by Fund 2019/20 Budget

Consolidated

	Actual YTD	Budget YTD	2019/20 Budget
Revenue			
Rates and utility charges	16,462,004	16,464,207	32,928,414
Less Discounts and Pensioner Remissions	(961,516)	(996,750)	(1,993,500)
Net Rates and Utility Charges	15,500,488	15,467,457	30,934,914
Fees and Charges	686,629	739,759	1,245,717
Operating Grants and Subsidies	4,201,051	2,108,058	7,215,763
Operating Contributions	527,511	460,331	920,662
Interest Revenue	486,756	250,254	500,509
Works for Third Parties	2,974,032	895,500	1,791,000
Other Revenue	2,262,276	1,814,792	3,628,870
Total Operating Revenue	26,638,743	21,736,151	46,237,435
Expenditure			
Employee Expenses	8,758,679	9,112,844	18,329,611
Materials and Services	12,466,758	7,454,718	13,393,002
Depreciation expense	4,820,348	4,864,939	9,729,879
Finance and Borrowing costs	118,281	158,582	317,163
Total Operating Expenses	26,164,066	21,591,083	41,769,655
Operating Surplus/(Deficit)	474,677	145,069	4,467,780
Capital Income			
Capital Contributions	161,993	-	-
Capital Grants and Subsidies	4,550,141	893,798	10,428,798
Donated Assets	1,547,606	-	-
Profit/(Loss) on Sale of Asset	-	-	-
Total Capital Income	6,259,740	893,798	10,428,798
Net Result	6,734,417	1,038,867	14,896,578

Budgeted Income Statement by Fund 2019/20 Budget			
<u>General</u>			

	Actual YTD	Budget YTD	2019/20 Budget
Revenue			
Rates and utility charges	9,059,757	8,972,475	17,944,951
Less Discounts and Pensioner Remissions	(961,516)	(996,750)	(1,993,500)
Net Rates and Utility Charges	8,098,241	7,975,725	15,951,451
Fees and Charges	681,032	739,759	1,245,717
Operating Grants and Subsidies	4,198,551	2,108,058	7,215,763
Operating Contributions	3,291	-	-
Interest Revenue	242,439	145,000	290,000
Works for Third Parties	2,927,800	871,500	1,743,000
Other Revenue	1,539,402	919,492	1,860,270
Total Operating Revenue	17,690,756	12,759,533	28,306,201
Expenditure			
Employee Expenses	7,999,149	8,189,237	16,494,992
Materials and Services	8,187,507	2,739,870	4,407,198
Depreciation expense	3,221,125	3,242,510	6,485,022
Finance and Borrowing costs	51,139	92,500	185,000
Total Operating Expenses	19,458,920	14,264,117	27,572,212
Operating Surplus/(Deficit)	(1,768,164)	(1,504,583)	733,989
Capital Income			
Capital Contributions	111,617	-	-
Capital Grants and Subsidies	4,219,075	893,798	8,626,298
Donated Assets	1,547,606	-	-
Profit/(Loss) on Sale of Asset	-	-	-
Total Capital Income	5,878,298	893,798	8,626,298
Net Result	4,110,134	(610,785)	9,360,287

Budgeted Income Statement by Fund 2019/20 Budget

Waste

	Actual YTD	Budget YTD	2019/20 Budget
Revenue			
Rates and utility charges	1,913,501	1,903,299	3,806,598
Less Discounts and Pensioner Remissions	-	-	-
Net Rates and Utility Charges	1,913,501	1,903,299	3,806,598
Fees and Charges	-	-	-
Operating Grants and Subsidies	-	-	-
Operating Contributions	-	-	-
Interest Revenue	52,374	25,000	50,000
Works for Third Parties	-	-	-
Other Revenue	616,947	834,800	1,669,600
Total Operating Revenue	2,582,822	2,763,099	5,526,198
Expenditure			
Employee Expenses	236,908	206,676	393,821
Materials and Services	1,953,797	2,315,160	4,365,426
Depreciation expense	171,503	102,643	205,285
Finance and Borrowing costs	-	-	-
Total Operating Expenses	2,362,207	2,624,479	4,964,532
Operating Surplus/(Deficit)	220,615	138,620	561,666
Capital Income			
Capital Contributions	10,730	-	-
Capital Grants and Subsidies	54,314	-	190,000
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	-	-	-
Total Capital Income	65,044	-	190,000
Net Result	286,659	138,620	751,666

Budgeted Income Statement by Fund 2019/20 Budget

Wastewater

	Actual YTD	Budget YTD	2019/20 Budget
Revenue			
Rates and utility charges	2,494,934	2,477,187	4,954,374
Less Discounts and Pensioner Remissions	-	-	-
Net Rates and Utility Charges	2,494,934	2,477,187	4,954,374
Fees and Charges	5,597	-	-
Operating Grants and Subsidies	-	-	-
Operating Contributions	-	-	-
Interest Revenue	80,959	42,500	85,000
Works for Third Parties	390	1,500	3,000
Other Revenue	36,665	22,500	45,000
Total Operating Revenue	2,618,545	2,543,687	5,087,374
Expenditure			
Employee Expenses	215,854	266,840	536,235
Materials and Services	790,468	850,188	1,635,815
Depreciation expense	744,695	740,854	1,481,708
Finance and Borrowing costs	67,142	66,082	132,163
Total Operating Expenses	1,818,159	1,923,964	3,785,921
Operating Surplus/(Deficit)	800,386	619,723	1,301,453
Capital Income			
Capital Contributions	20,846	-	-
Capital Grants and Subsidies	225,000	-	462,500
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	-	-	-
Total Capital Income	245,846	-	462,500
Net Result	1,046,232	619,723	1,763,953

Budgeted Income Statement by Fund 2019/20 Budget

Water

	Actual YTD	Budget YTD	2019/20 Budget
Revenue			
Rates and utility charges	2,823,390	2,943,658	5,887,316
Less Discounts and Pensioner Remissions	-	-	-
Net Rates and Utility Charges	2,823,390	2,943,658	5,887,316
Fees and Charges	-	-	-
Operating Grants and Subsidies	2,500	-	-
Operating Contributions	-	-	-
Interest Revenue	56,678	12,500	25,000
Works for Third Parties	45,842	22,500	45,000
Other Revenue	38,757	16,000	32,000
Total Operating Revenue	2,967,167	2,994,658	5,989,316
Expenditure			
Employee Expenses	260,209	405,679	815,254
Materials and Services	1,409,390	1,393,509	2,712,759
Depreciation expense	645,955	735,946	1,471,893
Finance and Borrowing costs	-	-	-
Total Operating Expenses	2,315,554	2,535,134	4,999,906
Operating Surplus/(Deficit)	651,613	459,524	989,410
Capital Income			
Capital Contributions	18,800	-	-
Capital Grants and Subsidies	51,752	-	1,150,000
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	-	-	-
Total Capital Income	70,552	-	1,150,000
Net Result	722,165	459,524	2,139,410

Budgeted Income Statement by Fund 2019/20 Budget			
<u>Benefited Area</u>			

	Actual YTD	Budget YTD	2019/20 Budget
Revenue			
Rates and utility charges	170,420	167,588	335,175
Less Discounts and Pensioner Remissions	-	-	-
Net Rates and Utility Charges	170,420	167,588	335,175
Fees and Charges	-	-	-
Operating Grants and Subsidies	-	-	-
Operating Contributions	524,220	460,331	920,662
Interest Revenue	54,306	25,255	50,509
Works for Third Parties	-	-	-
Other Revenue	30,506	22,000	22,000
Total Operating Revenue	779,452	675,176	1,328,346
Expenditure			
Employee Expenses	46,560	44,412	89,309
Materials and Services	125,597	155,990	271,804
Depreciation expense	37,071	42,986	85,972
Finance and Borrowing costs	-	-	-
Total Operating Expenses	209,228	243,388	447,085
Operating Surplus/(Deficit)	570,224	431,788	881,261
Capital Income			
Capital Contributions	-	-	-
Capital Grants and Subsidies	-	-	-
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	-	-	-
Total Capital Income	-	-	-
Net Result	570,224	431,788	881,261

9 INFRASTRUCTURE SERVICES

9.1 TENDER AWARD - TMSC2019-26 WESTERN ROADS PACKAGE

Date Prepared: 22 January 2020

Author: Manager Technical Services

Attachments: 1. 2019 DRFA Works Combined Tender Assessment Report - Confidential
(under separate cover)

EXECUTIVE SUMMARY

The purpose of this report is to inform Council of the assessments of tender submissions for TMSC2019-26 Western Roads Package and provide recommendation on award of the tender.

Council has invited tenders from suitably qualified and experienced contractors for the reinstatement and repair of civil infrastructure, which closed on Tuesday, 7 January 2020.

Seven (7) tenders were received.

RECOMMENDATION

That Council awards the contract for TMSC2019-26 Western Roads Package to Errol Fitzgerald for the amount of \$1,493,523.00 (ex GST) subject to Queensland Reconstruction Authority (QRA) approval of the awarding of the tender to the recommended contractor.

BACKGROUND

Queensland Reconstruction Authority (QRA) declared the North & Far North Queensland Monsoon Trough, 25 January – 14 February 2019 a natural disaster event, triggering Disaster Recovery Funding Arrangements (DRFA) which provide local governments with assistance to reinstate essential infrastructure.

Council has engaged Trinity Engineering and Consulting (TEC) to undertake site investigations necessary for the development of a detailed reinstatement methodology, which was subsequently submitted to the QRA for assessment against 'compliance' and 'value for money' criteria.

QRA has considered and approved the scope of works associated with the project, including the allocation of a preliminary budget. With completion of the tender process, Council officers intend to seek reconfirmation of both the scope and value of works from QRA to ensure compliance with funding requirements.

The scope of works includes reinstatement of stormwater, road shoulders and carriageway on various roads to pre-existing condition and to a standard which complies with current engineering and environmental standards.

Council invited tenders from 7 December 2019 and tenders closed on Tuesday, 7 January 2020.

Seven (7) tenderers provided submissions for the works (one (1) being deemed non-conforming) which were assessed against relevant evaluation criteria.

Design Criteria

As funding for the project will be sourced via DRFA, specific design requirements are applicable to the project, design inputs and considerations include;

- a) Reinstatement of civil infrastructure to pre-existing condition.
- b) Complying with legislative requirements for waterway barrier works, where applicable.
- c) Culvert design considerations (creek levels/road levels) and
- d) Road design/road safety.

TEC have undertaken a detailed review of the damage identified and provided moderation of the sites to ensure consistency and compliance with the relevant funding and engineering constraints.

Tender Procurement Process:

Tenderers provided detailed submissions for the works, which have been assessed against relevant weighted criteria being;

- 40% - Price
- 15% - Relevant Skills and Experience
- 10% - Key Personnel
- 25% - Demonstrated Understanding
- 10% - Local Content

Each tender was evaluated and scored against the criteria, with the criteria scores then weighted to provide a total weighted score for the submissions. Additionally, each tender was assessed for conformance, compliance and discrepancies, against the requested response schedules.

Six (6) submissions received met the requirements of the tender and assessed as conforming, one (1) submission only provided for part of the works and was therefore deemed non-conforming. The outcomes of the assessed responses, and submission values as tendered, are provided below.

Tenderer	Price Ex GST	Ranking
KBN Holdings Pty Ltd	\$ 371,762.70*	N/A
Errol Fitzgerald	\$ 1,493,523.00	1
Gregg Constructions Pty Ltd	\$ 2,134,436.25	3
Gulf Civil Pty Ltd	\$ 2,558,381.45	4
Gunther Civil Pty Ltd	\$ 2,279,942.39	6
S&K Civil contracting Pty Ltd	\$ 2,174,757.37	5
Watto's Earthmoving and Machinery Hire Pty Ltd	\$ 2,172,404.80	2

*Denotes non-conforming tender.

Based on both quantitative and qualitative criteria assessment, Errol Fitzgerald is the recommended tenderer for Contract TMS2019-26 Western Roads Package.

RISK IMPLICATIONS

Financial

Actual costs associated with the reconstruction of essential public infrastructure are eligible for reimbursement through DRFA which is administered via the QRA. Council has maintained regular

contact with the QRA to ensure the proposed design is compliant and meets the required value for money criteria.

Infrastructure and Assets

The reinstated civil infrastructure will meet pre-existing condition and current engineering standards and therefore should not impact the long-term asset management of the network.

Legal and Compliance

Tenders were sought in-line with Council's Procurement Policy.

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

\$1,493,523.00 (ex GST) contract value; additional costs associated with contact management and contingencies will be applicable. All eligible costs are able to be sought for reimbursement through DRFA.

Is the expenditure noted above included in the current budget?

No, however the actual costs associated with the project are reimbursable via DRFA.

If not you must recommend how the budget can be amended to accommodate the expenditure

Nil

Operating

The replacement civil infrastructure will not increase the operational costs associated with maintaining the network.

LINK TO CORPORATE PLAN

Financial Sustainability: A council that continuously looks for savings and opportunities while managing council's assets and reserves to ensure a sustainable future in a cost-effective manner.

Community: An engaged community which supports and encourages effective partnerships to enhance the liveability of the shire and the wellbeing of residents in communities which are resilient and prepared for unforeseen events.

Transport and Council Infrastructure: The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

Economy and Environment: A resilient economy that promotes and supports the shire's natural assets and local industry and encourages investment while preserving and future proofing for generations to come.

Governance: Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community.

IMPLEMENTATION/COMMUNICATION

Nil

9.2 TENDER AWARD - TMSC2019-27 MID-WESTERN AND DIMBULAH ROADS PACKAGE

Date Prepared: 19 January 2020
Author: Manager Technical Services
Attachments: Nil

EXECUTIVE SUMMARY

The purpose of this report is to inform Council of the assessments of tender submissions for TMSC2019-27 Mid-Western and Dimbulah Roads Package and provide recommendation on award of the tender.

Council has invited tenders from suitably qualified and experienced contractors for the reinstatement and repair of civil infrastructure, which closed on Tuesday, 7 January 2020.

Five (5) tenders were received.

RECOMMENDATION

That Council awards the contract for TMSC2019-27 Mid-Western and Dimbulah Roads Package to Watto's Earthmoving and Machinery Hire Pty Ltd for the amount of \$978,667.50 (ex GST) subject to Queensland Reconstruction Authority (QRA) approval.

BACKGROUND

Queensland Reconstruction Authority (QRA) declared the North & Far North Queensland Monsoon Trough, 25 January – 14 February 2019 a natural disaster event, triggering Disaster Recovery Funding Arrangements (DRFA) which provide local governments with assistance to reinstate essential infrastructure.

Council has engaged Trinity Engineering and Consulting (TEC) to undertake site investigations necessary for the development of a detailed reinstatement methodology, which was subsequently submitted to the QRA for assessment against 'compliance' and 'value for money' criteria.

QRA has considered and approved the scope of works associated with the project, including the allocation of a preliminary budget. With completion of the tender process, Council officers intend to seek reconfirmation of both the scope and value of works from QRA to ensure compliance with funding requirements.

The scope of works includes reinstatement of stormwater, road shoulders and carriageway on various roads to pre-existing condition and to a standard which complies with current engineering and environmental standards.

Council invited tenders from 7 December 2019 and tenders closed on Tuesday, 7 January 2020.

Five (5) Tenderers provided submissions for the works (one (1) being deemed non-conforming) which were assessed against relevant evaluation criteria.

Design Criteria

As funding for the project will be sourced via DRFA, specific design requirements are applicable to the project, design inputs and considerations include;

- a) Reinstatement of civil infrastructure to pre-existing condition.

- b) Complying with legislative requirements for waterway barrier works, where applicable.
- c) Culvert design considerations (creek levels/road levels) and
- d) Road design/road safety.

TEC have undertaken a detailed review of the damage identified and provided 'moderation' of the sites to ensure consistency and compliance with the relevant funding and engineering constraints.

Tender Procurement Process:

Tenderers provided detailed submissions for the works, which have been assessed against relevant weighted criteria being;

- 40% - Price
- 15% - Relevant Skills and Experience
- 10% - Key Personnel
- 25% - Demonstrated Understanding
- 10% - Local Content

Each tender was evaluated and scored against the criteria, with the criteria scores then weighted to provide a total weighted score for the submissions. Additionally, each tender was assessed for conformance, compliance and discrepancies, against the requested response schedules.

Four (4) submissions received met the requirements of the tender and assessed as conforming, one (1) submission only provided for part of the works and was therefore deemed non-conforming. The outcomes of the assessed responses, and submission values as tendered, are provided below.

Tenderer	Price Ex GST	Ranking
Gregg Constructions Pty Ltd	\$ 566,182.00*	N/A
Downer EDI Works Pty Ltd	\$ 1,633,044.00	4
Gulf Civil Pty Ltd	\$ 1,364,200.55	2
Gunther Civil Pty Ltd	\$ 1,182,301.88	3
Wattos Earthmoving and Machinery Hire Pty Ltd	\$ 978,667.50	1

*Denotes non-conforming tender.

Based on both quantitative and qualitative criteria assessment, Wattos Earthmoving and Machinery Hire Pty Ltd is the recommended tenderer for Contract TMSC2019-27 Mid-Western and Dimbulah Roads Package.

RISK IMPLICATIONS

Financial

Actual costs associated with the reconstruction of essential public infrastructure are eligible for reimbursement through DRFA which is administered via the QRA. Council has maintained regular contact with the QRA to ensure the proposed design is compliant and meets the required value for money criteria.

Infrastructure and Assets

The reinstated civil infrastructure will meet pre-existing condition and current engineering standards and therefore should not impact the long-term asset management of the network.

Legal and Compliance

Tenders were sought in-line with Council's Procurement Policy.

FINANCIAL AND RESOURCE IMPLICATIONS***Capital***

\$978,667.50 (ex GST) contract value; additional costs associated with contact management and contingencies will be applicable. All eligible costs are able to be sought for reimbursement through DRFA.

Is the expenditure noted above included in the current budget?

No, however the actual costs associated with the project are reimbursable via DRFA.

Operating

The replacement civil infrastructure will not increase the operational costs associated with maintaining the network.

LINK TO CORPORATE PLAN

Financial Sustainability: A council that continuously looks for savings and opportunities while managing council's assets and reserves to ensure a sustainable future in a cost-effective manner.

Community: An engaged community which supports and encourages effective partnerships to enhance the liveability of the shire and the wellbeing of residents in communities which are resilient and prepared for unforeseen events.

Transport and Council Infrastructure: The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

Economy and Environment: A resilient economy that promotes and supports the shire's natural assets and local industry and encourages investment while preserving and future proofing for generations to come.

Governance: Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community.

IMPLEMENTATION/COMMUNICATION

Nil

9.3 TENDER AWARD - TMSC2019-28 EASTERN ROADS PACKAGE

Date Prepared: 20 January 2020
Author: Manager Technical Services
Attachments: Nil

EXECUTIVE SUMMARY

The purpose of this report is to inform Council of the assessments of tender submissions for TMSC2019-28 Eastern Roads Package and provide recommendation on award of the tender.

Council has invited tenders from suitably qualified and experienced contractors for the reinstatement and repair of civil infrastructure, which closed on Tuesday, 7 January 2020.

Four (4) tenders were received.

RECOMMENDATION

That Council awards the contract for TMSC2019-28 Eastern Roads Package to Gregg Constructions Pty Ltd for the amount of \$1,099,171.32 (ex GST) subject to Queensland Reconstruction Authority (QRA) approval.

BACKGROUND

Queensland Reconstruction Authority (QRA) declared the North & Far North Queensland Monsoon Trough, 25 January – 14 February 2019 a natural disaster event, triggering Disaster Recovery Funding Arrangements (DRFA) which provide local governments with assistance to reinstate essential infrastructure.

Council has engaged Trinity Engineering and Consulting (TEC) to undertake site investigations necessary for the development of a detailed reinstatement methodology, which was subsequently submitted to the QRA for assessment against 'compliance' and 'value for money' criteria.

QRA has considered and approved the scope of works associated with the project, including the allocation of a preliminary budget. With completion of the tender process, Council officers intend to seek reconfirmation of both the scope and value of works from QRA to ensure compliance with funding requirements.

The scope of works includes reinstatement of stormwater, road shoulders and carriageway on various roads to pre-existing condition and to a standard which complies with current engineering and environmental standards.

Council invited tenders from 7 December 2019 and tenders closed on Tuesday, 7 January 2020.

Four (4) Tenderers provided submissions for the works which were assessed against relevant evaluation criteria.

Design Criteria

As funding for the project will be sourced via DRFA, specific design requirements are applicable to the project, design inputs and considerations include;

- a) Reinstatement of civil infrastructure to pre-existing condition.

- b) Complying with legislative requirements for waterway barrier works, where applicable.
- c) Culvert design considerations (creek levels/road levels) and
- d) Road design/road safety.

TEC have undertaken a detailed review of the damage identified and provided moderation of the sites to ensure consistency and compliance with the relevant funding and engineering constraints.

Tender Procurement Process:

Tenderers provided detailed submissions for the works, which have been assessed against relevant weighted criteria being;

- 40% - Price
- 15% - Relevant Skills and Experience
- 10% - Key Personnel
- 25% - Demonstrated Understanding
- 10% - Local Content

Each tender was evaluated and scored against the criteria, with the criteria scores then weighted to provide a total weighted score for the submissions. Additionally, each tender was assessed for conformance, compliance and discrepancies, against the requested response schedules.

Four (4) submissions received met the requirements of the tender and assessed as conforming. The outcomes of the assessed responses, and submission values as tendered, are provided below.

Tenderer	Price Ex GST	Ranking
Bonos Excavations Pty Ltd	\$ 1,329,480.90	4
Gregg Constructions Pty Ltd	\$ 1,099,171.32	1
Gulf Civil Pty Ltd	\$ 1,782,066.31	3
Keltone Constructions Pty Ltd	\$ 1,140,557.83	2

Based on both quantitative and qualitative criteria assessment, Gregg Constructions Pty Ltd is the recommended tenderer for Contract TMSC2019-28 Eastern Roads Package.

RISK IMPLICATIONS

Financial

Actual costs associated with the reconstruction of essential public infrastructure are eligible for reimbursement through DRFA which is administered via the QRA. Council has maintained regular contact with the QRA to ensure the proposed design is compliant and meets the required value for money criteria.

Infrastructure and Assets

The reinstated civil infrastructure will meet pre-existing condition and current engineering standards and therefore should not impact the long-term asset management of the network.

Legal and Compliance

Tenders were sought in-line with Council's Procurement Policy.

FINANCIAL AND RESOURCE IMPLICATIONS***Capital***

\$1,099,171.32 (ex GST) contract value; additional costs associated with contact management and contingencies will be applicable. All eligible costs are able to be sought for reimbursement through DRFA.

Is the expenditure noted above included in the current budget?

No, however the actual costs associated with the project are reimbursable via DRFA.

Operating

The replacement civil infrastructure will not increase the operational costs associated with maintaining the network.

LINK TO CORPORATE PLAN

Financial Sustainability: A council that continuously looks for savings and opportunities while managing council's assets and reserves to ensure a sustainable future in a cost-effective manner.

Community: An engaged community which supports and encourages effective partnerships to enhance the liveability of the shire and the wellbeing of residents in communities which are resilient and prepared for unforeseen events.

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Economy and Environment: A resilient economy that promotes and supports the shire's natural assets and local industry and encourages investment while preserving and future proofing for generations to come.

Governance: Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community.

IMPLEMENTATION/COMMUNICATION

Nil

9.4 TENDER AWARD - TMSC2019-24 BOWERS STREET PAVEMENT REHABILITATION

Date Prepared: 22 January 2020

Author: Manager Technical Services

Attachments: 1. TMSC2019-24 Bowers Street Tender Assessment Report - Confidential (under separate cover)

EXECUTIVE SUMMARY

The purpose of this report is to inform Council of the assessments of tender submissions for TMSC2019-24 Bowers Street Pavement Rehabilitation and provide recommendation on award of the tender.

Council has invited tenders from suitably qualified and experienced contractors for the reinstatement and repair of civil infrastructure, which closed on Tuesday, 15 January 2020.

Five (5) tenders were received.

RECOMMENDATION

That Council awards the contract for TMSC2019-24 Bowers Street Pavement Rehabilitation (option 1) to HEH Civil Pty Ltd for the amount of \$326,112.08 (ex GST) subject to Queensland Reconstruction Authority (QRA) approval.

BACKGROUND

Queensland Reconstruction Authority (QRA) declared the North & Far North Queensland Monsoon Trough, 25 January – 14 February 2019 a natural disaster event, triggering Disaster Recovery Funding Arrangements (DRFA) which provide local governments with assistance to reinstate essential infrastructure.

Council has engaged Trinity Engineering and Consulting (TEC) to undertake site investigations necessary for the development of a detailed reinstatement methodology, which was subsequently submitted to the QRA for assessment against 'compliance' and 'value for money' criteria.

QRA has considered and approved a scope of works associated with the project, including the allocation of a preliminary budget. With completion of the tender process, Council officers intend to seek reconfirmation of both the scope and value of works from QRA to ensure compliance with funding requirements.

Council invited tenders from 14 December 2019 and tenders closed on Tuesday, 15 January 2020.

The scope of works is for the restoration of Bowers Street, Mareeba which the QRA approved for reconstruction via the excavation and replacement of pavement materials. However, it was identified throughout the design process that an alternative method of stabilising and overlaying the existing pavement would likely result in lower costs, improved construction efficiency and better long-term resilience.

To demonstrate the advantages of the alternative proposal to QRA, two (2) options were tendered, being;

Option 1: Insitu stabilisation and pavement overlay

Option 2: Excavate and replace unbound pavement

Tenderers were required to price both options with the contract being awarded for one (1) option only, subject to QRA approval.

Five (5) tenderers provided submissions for the works which were assessed against relevant evaluation criteria.

Tenders Procurement Process:

Tenderers provided detailed submissions for the works, which have been assessed against relevant weighted criteria being;

- 40% - Price
- 15% - Relevant Skills and Experience
- 10% - Key Personnel
- 25% - Demonstrated Understanding
- 10% - Local Content

Each tender was evaluated and scored against the criteria, with the criteria scores then weighted to provide a total weighted score for the submissions. Additionally, each tender was assessed for conformance, compliance and discrepancies, against the requested response schedules.

Five (4) submissions received met the requirements of the tender and assessed as conforming. The outcomes of the assessed responses, and corrected submission values, are provided below.

Tenderer	Option 1 Price Ex GST	Option 2 Price Ex GST	Ranking
Durack Civil Pty Ltd	\$ 411,184.13*	\$ 642,525.00	3
FGF Developments Pty Ltd	\$ 529,729.98	\$ 912,211.28	5
HEH Civil Pty Ltd	\$ 326,112.08*	\$ 511,978.27	1
Robinson Civil Group Pty Ltd	\$ 343,963.42	\$ 528,190.72	2
Wattos Earthmoving and Machinery Hire Pty Ltd	\$ 414,326.50	\$ 676,222.00	4

*Tender values corrected for minor errors in rounding/calculation.

Based on both quantitative and qualitative criteria assessment, HEH Civil Pty Ltd is the recommended tenderer for Contract TMSC2019-24 Bowers Street Pavement Rehabilitation.

RISK IMPLICATIONS

Financial

Actual costs associated with the reconstruction of essential public infrastructure are eligible for reimbursement through DRFA which is administered via the QRA. Council has maintained regular contact with the QRA to ensure the proposed design is compliant and meets the required value for money criteria.

Infrastructure and Assets

The reinstated civil infrastructure will meet pre-existing condition and current engineering standards and therefore should not impact the long-term asset management of the network.

Legal and Compliance

Tenders were sought in-line with Council's Procurement Policy.

FINANCIAL AND RESOURCE IMPLICATIONS***Capital***

\$326,112.08 (ex GST) contract value; additional costs associated with contact management and contingencies will be applicable. All eligible costs are able to be sought for reimbursement through DRFA.

Is the expenditure noted above included in the current budget?

No, however the actual costs associated with the project are reimbursable via DRFA.

Operating

The replacement civil infrastructure will not increase the operational costs associated with maintaining the network.

LINK TO CORPORATE PLAN

Financial Sustainability: A council that continuously looks for savings and opportunities while managing council's assets and reserves to ensure a sustainable future in a cost-effective manner.

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Governance: Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community.

IMPLEMENTATION/COMMUNICATION

Nil

9.5 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES MONTHLY ACTIVITIES REPORT - DECEMBER 2019

Date Prepared: 8 January 2020
Author: Manager Technical Services
Attachments: Nil

EXECUTIVE SUMMARY

The purpose of this report is to summarise Council's Fleet, Design, Soils Lab, Survey, Quality, GIS, Project Management, Facilities and Investigation Services activities undertaken by Infrastructure Services during the month of December 2019.

RECOMMENDATION

That Council receives the Infrastructure Services, Technical Services Monthly Report for the month of December 2019.

BACKGROUND

Below is a summary of the activities undertaken by the Technical Services section for the month of December 2019:

BUDGET	
2019/20 Capital Works	<ul style="list-style-type: none"> • Grader 7 - commence preparation works for Transmission Refurbishment • Replacement of Multi-tyred roller - procurement underway
DESIGN	
Works for Queensland Rd 3	<ul style="list-style-type: none"> • Bailey Street, Mareeba - Provide technical assistance as required • Lerra Street, Mareeba - Detailed design commenced • Anzac Avenue, Mareeba, Pedestrian Crossing - Detailed design completed and with management for review • John Doyle Bridge Upgrade - Preparation of communication and stakeholder engagement plan • Pickford Road, Bibbohra - Detailed design commenced
2018/19 Capital Works	<ul style="list-style-type: none"> • Mareeba Industrial Estate (Stage 16B) - Keegan and Effley Streets Extension - Ongoing technical support being provided to construction • Asphalt/Reseal Program - Provide ongoing assistance with pavement marking setout
2019/20 Capital Works	<ul style="list-style-type: none"> • WWII Markers - All markers installed • Mareeba Cemetery Mausoleum - Technical assistance provided in design • KIAC Barron Falls Walking Track Phase 2, Kuranda - Administrative plan for QPWS • Railway Avenue, Mareeba - Concept plans prepared

	<ul style="list-style-type: none"> • Chettle Road, Arriga, Rehab 2.243 - 4.003 - Plans being prepared for construction • Chettle Road, Arriga, Rehab 5.5 - 7.21 - Plans being prepared for construction • Anzac Avenue, Mareeba / Ceola Drive Intersection - Provide technical assistance as required
Miscellaneous	<ul style="list-style-type: none"> • Investigations - Provide technical assistance as required • NHVR Turnpaths • GIS Rural Address installation • DBYD Plans • As Constructed information plans for internal and external customers

SURVEY	
2018/19 Capital Works	<ul style="list-style-type: none"> • Mareeba Aerodrome Upgrade - New lot boundary survey • Mareeba Industrial Estate (Stage 16B) Keegan and Effley Street Extension - Construction setout
2019/20 Capital Works	<ul style="list-style-type: none"> • Anzac Avenue, Mareeba / Ceola Drive Intersection - Provide technical assistance as required
Works for Queensland Rd 3	<ul style="list-style-type: none"> • Bailey Street, Mareeba - Construction setout • Lerra Street, Mareeba - Detailed survey • Pickford Road, Bibbohra - Detailed Design commenced
Miscellaneous	<ul style="list-style-type: none"> • Mareeba Landfill - Survey volume pick-up • Mareeba Cemetery - Mausoleum set out • Chillagoe Bore - Boundary set out at various locations

SUBDIVISIONS AND INVESTIGATIONS	
Subdivisions (Under Construction)	<ul style="list-style-type: none"> • 3 Hilltop Close, Kuranda <ul style="list-style-type: none"> ○ Ergon to relocate pillar box ○ Erosion protection controls in the easements being implemented • Clean Choices Carwash, Mareeba <ul style="list-style-type: none"> ○ Road edge widening constructed on northern side of Lerra Street (as constructed information to be presented)
On-Maintenance (Monitoring for 12 months as the Defects Liability Period prior to becoming a Council Asset)	<ul style="list-style-type: none"> • Bundanoon Stage 2 • Mareeba Roadhouse and Accommodation Park, Williams Close • The Edge Stage 2A (Antonio Drive, Mareeba) • 10 James Street, Mareeba - Road widening • Amaroo Stage 10 • Mt Emerald Wind Farm Portion B (Private entrance repairs)
Off-Maintenance	Nil
Operational Works	<ul style="list-style-type: none"> • 112 Barnwell property, ongoing monitoring of; <ul style="list-style-type: none"> ○ Dam construction completed and being monitored ○ Access completed and monitoring underway ○ Nature Base Tourism Works (MCU/17/0012) completed and being monitored

PROJECT MANAGEMENT	
Civil	<p><u>2019/20 Asphalt Program</u></p> <ul style="list-style-type: none"> • Contract awarded to NQ Asphalt • NQ Asphalt works programmed for mid-January 2020, weather permitting <p><u>2019/20 FNQROC Reseals Program</u></p> <ul style="list-style-type: none"> • MSC programmed for mid-February 2020, weather permitting <p><u>2018/19 Reseals Asphalt Program</u></p> <ul style="list-style-type: none"> • Contract awarded to NQ Asphalt • NQ Asphalt works commenced early July • Works completed <p><u>2019/20 Reseals Bitumen</u></p> <ul style="list-style-type: none"> • FNQROC contract extension awarded to FGF • Awarded works schedule received <p><u>Chettle Road, Arriga</u></p> <ul style="list-style-type: none"> • Final negotiations and awarded to preferred supplier underway expected mid-February <p><u>KIAC Therwine Street Redevelopment</u></p> <ul style="list-style-type: none"> • Balustrade installed by ice cream vendor site early December 2019 • Minor defects being addressed by contractor scheduled to commence 20 January 2020 <p><u>KIAC Kuranda Wayfinding Signage</u></p> <ul style="list-style-type: none"> • Design approved minor changes addressed • Request for quotation documentation complete awaiting final shop drawings from designer <p><u>KIAC Kuranda Barron Falls Walking Trail</u></p> <ul style="list-style-type: none"> • Construction contract awarded • Program amendment to commence after wet season to avoid environmental impacts submitted for QPWS and WTMA approval • Bridge design and pre delivery construction underway <p><u>Kanervo Road Bridge Design</u></p> <ul style="list-style-type: none"> • Issued to Tender <p><u>Hales Siding Road Bridge Design</u></p> <ul style="list-style-type: none"> • Issued to Tender
Building	<p><u>Barang Street Unit Renewals:</u></p> <ul style="list-style-type: none"> • Revised quotations presented to Council and approved for awarding • Contract issued • Residents notified of intention to commence works February 2020

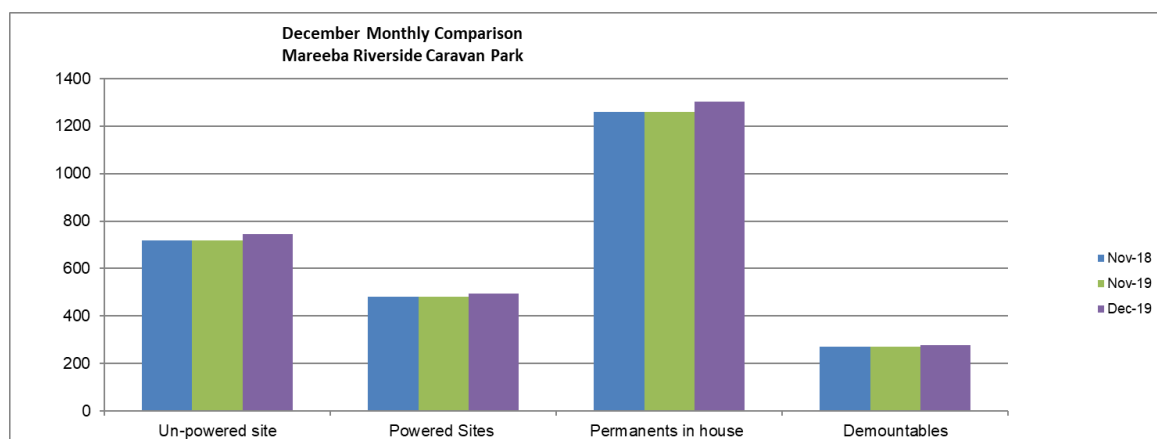
	<p><u>Mareeba Mausoleum Wall:</u></p> <ul style="list-style-type: none"> • Tenders received and awarded • Contracts sent out for signing • Tenders for construction close November 2019 <p><u>Kuranda Recreation Centre:</u></p> <ul style="list-style-type: none"> • Roofing works schedule to commence January • Building works scheduled to commenced January 2020 <p><u>Mareeba and Dimbulah Filtration Contract:</u></p> <ul style="list-style-type: none"> • Ergon requested to investigate power supply issues • Defects rectified and area around new shed restored • Department of Housing and Public Works sign off on funding completion received <p><u>Rifle Creek Rest Area, Mt Molloy:</u></p> <ul style="list-style-type: none"> • Investigation of possible improvements to septic system • Ongoing investigations <p><u>Depot - Various:</u></p> <ul style="list-style-type: none"> • Chillagoe <ul style="list-style-type: none"> ◦ Contractor engaged shed renewal ◦ Shed slab laid and cured ◦ Shed materials delivered • Mareeba <ul style="list-style-type: none"> ◦ Contractor engaged repaint external building ◦ Pre-start scheduled for early January • Mareeba <ul style="list-style-type: none"> ◦ Parks and Gardens Shed Renewal ◦ Quotations received and under review • Mareeba - Kowa Street and Rankin Street <ul style="list-style-type: none"> ◦ Rankin Street 2 options received, and under review ◦ Kowa Street report and outcomes submitted to PPT for funding of future work • Mt Molloy <ul style="list-style-type: none"> ◦ Roof Repair (Ridge capping etc) ◦ Works completed <p><u>Kuranda Aquatic Centre:</u></p> <ul style="list-style-type: none"> • Waterproof pump/filter shed complete • Fence replacement scheduled for January
<p>NDRRA/DRFA</p>	<p><u>2018 DRFA - 6-10 March 2018</u></p> <p>ROADS</p> <p><u>Western Roads</u></p> <ul style="list-style-type: none"> • Contracted works and Chillagoe aerodrome works complete <p><u>Mid-Western</u></p> <ul style="list-style-type: none"> • Contracted works complete

	<p><u>Dimbulah</u></p> <ul style="list-style-type: none"> • Contracted works complete <p><u>Mareeba Eastern</u></p> <ul style="list-style-type: none"> • Contracted works complete <p><u>GEOTECH</u></p> <p><u>Works Complete</u></p> <ul style="list-style-type: none"> • Minor Geotech Slips • Cemetery Road • Mount Lewis • Mt Haren <ul style="list-style-type: none"> ○ Works nearing completion. • Green Forest Geotech <ul style="list-style-type: none"> ○ Works commenced 02 December 2019 <p><u>2019 DRFA - 25 Jan - 14 Feb 2019</u></p> <p>Funding applications considered by QRA, with Tenders to be presented for consideration of award at January Meeting of Council.</p> <ul style="list-style-type: none"> • Western <ul style="list-style-type: none"> ○ Submitted to QRA for approval. ○ Tender release - 07 December 2019 • Mid-Western, Dimbulah <ul style="list-style-type: none"> ○ Submitted to QRA for approval. ○ Tender release - 07 December 2019 • Mareeba Eastern <ul style="list-style-type: none"> ○ Submitted to QRA for approval. ○ Out to tender 07 December 2019 • Bowers Street <ul style="list-style-type: none"> ○ Issued for Tender December 2019 <p><u>2019 BETTERMENT - Submission (Causeways)</u></p> <ul style="list-style-type: none"> ○ Submitted to QRA for consideration.
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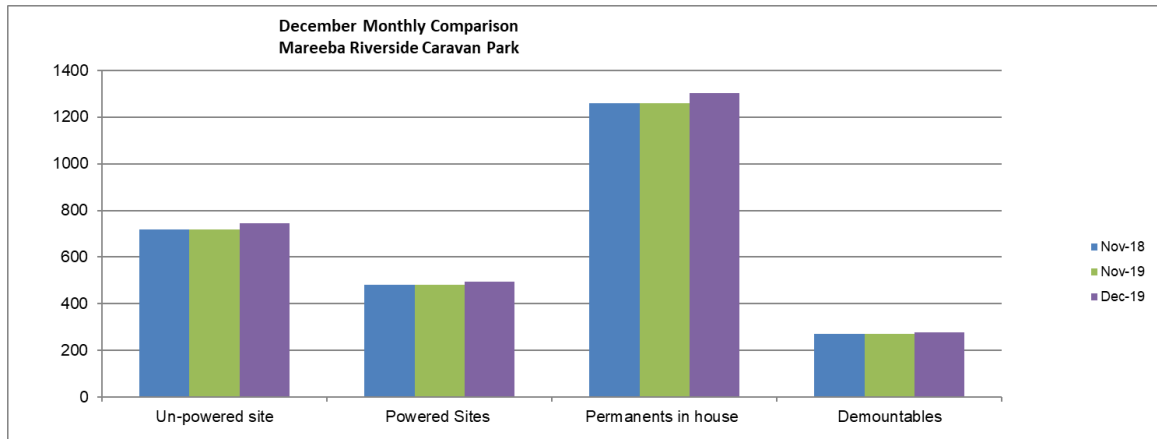
FACILITIES

Dimbulah Caravan Park

Total of bookings for December 2019 - 712

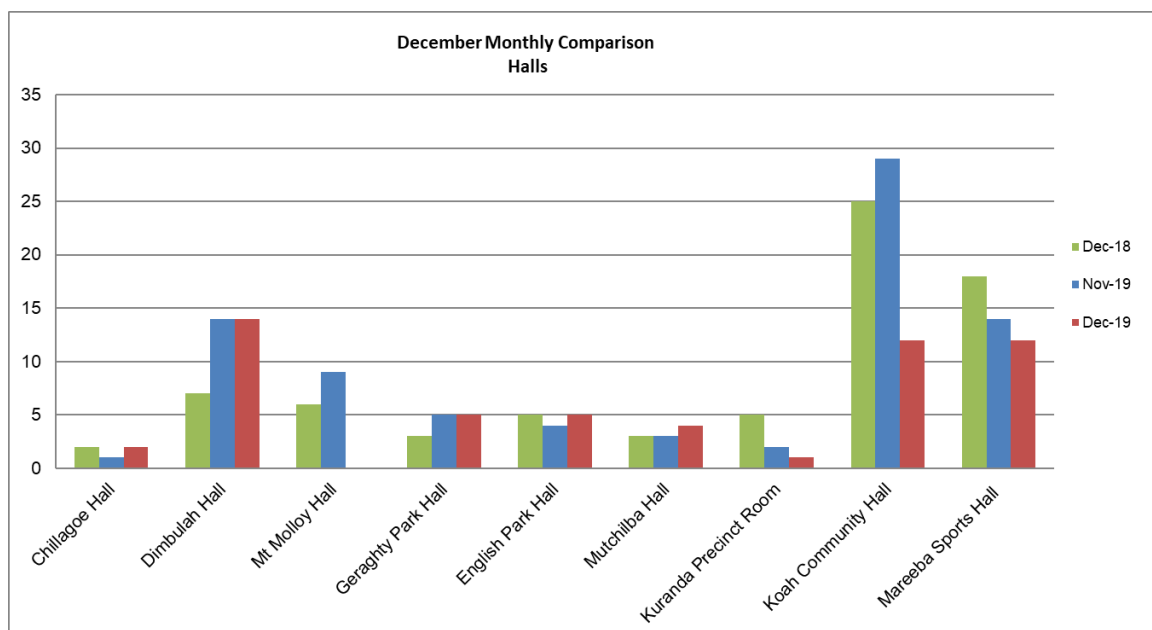


Mareeba Riverside Caravan Park Total of bookings for December 2019 - 2,821



Public Halls

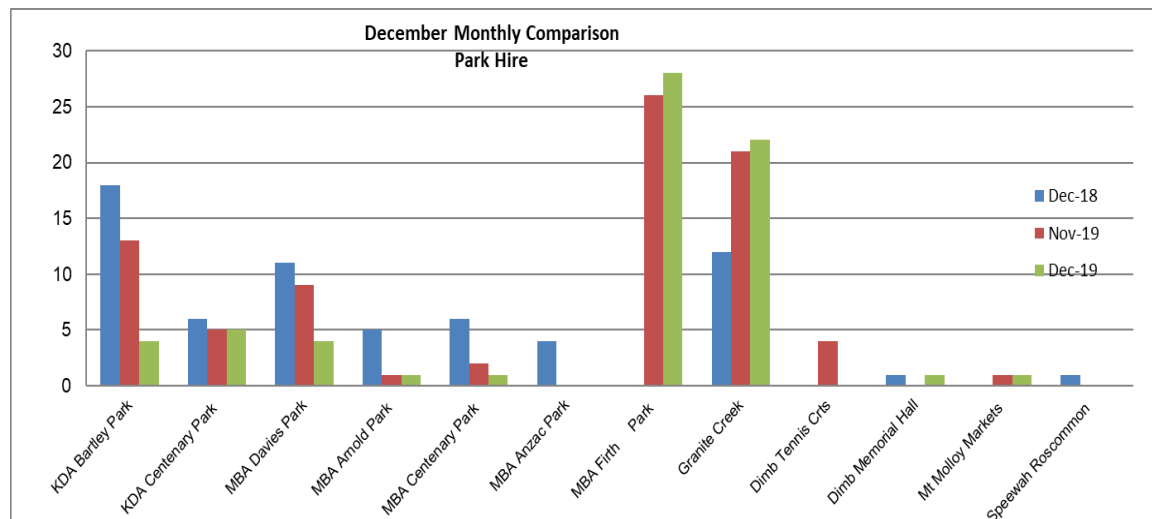
Total of hall bookings for December 2019 - 55



Park Hire

A total of park bookings for December 2019 - 67

Officers reviewing the process associated with Park Bookings and will seek to provide alternate reporting arrangement January 2020 onwards.



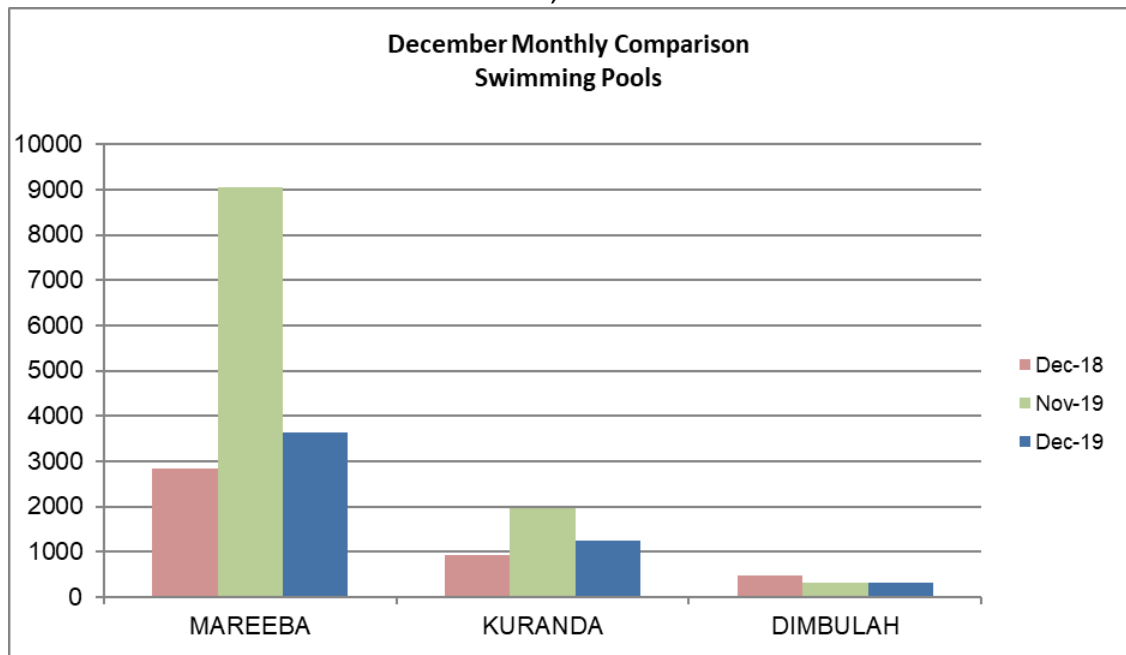
Swimming Pools

Total of patron entries for December 2019

Kuranda Aquatic Centre - 1,256

Dimbulah Pool - 314

Mareeba Pool - 3,639

**Swimming Pool - Maintenance**

Electrical supply issues are currently being investigated at the Mareeba and Dimbulah facilities, which is resulting in disruption to infrastructure.

VANDALISM & GRAFFITI		
Financial Year	Actuals	Comments
2015/16	\$ 2,134.00	During December one (1) report of vandalism was recorded • Mareeba CWA toilets
2016/17	\$ 16,546.00	
2017/18	\$ 23,948.00	
2018/19	\$ 14,851.00	
2019/20	\$ 11,910.70	
Currently there is no allocated budget for graffiti and vandalism; these costs are being funded within existing operational budgets.		

RISK IMPLICATIONS

Nil

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Nil

FINANCIAL AND RESOURCE IMPLICATIONS**Capital**

Nil

Operating

Additional costs associated with graffiti and vandalism

Is the expenditure noted above included in the current budget?

No, however will be covered under existing operational budgets

LINK TO CORPORATE PLAN

Financial Sustainability: A council that continuously looks for savings and opportunities while managing council's assets and reserves to ensure a sustainable future in a cost-effective manner.

Transport and Council Infrastructure: The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

IMPLEMENTATION/COMMUNICATION

Nil

9.6 INFRASTRUCTURE SERVICES, WASTE OPERATIONS REPORT - DECEMBER 2019

Date Prepared: 8 January 2020
Author: Manager Water and Waste
Attachments: Nil

EXECUTIVE SUMMARY

The purpose of this report is to summarise Council's Waste activities undertaken by the Infrastructure Services Department during the month of December 2019.

RECOMMENDATION

That Council receives the Infrastructure Services, Waste Operations Progress Report for December 2019.

BACKGROUND

The following is a 'snapshot' of the waste activities undertaken during the month of December 2019.

1. Waste Operations

- 4,451 vehicles entered Mareeba Waste Facility (to drop off or pick up waste)
- 372 vehicles deposited waste to Mareeba Landfill (total)
- 76 Suez vehicles deposited waste to Mareeba Landfill
- 41 Suez vehicles removed waste from Mareeba Waste Transfer Station (WTS) to ARRF facility in Cairns
- 42.5 m³ of mulch was purchased from Mareeba WTS (all sales)
- All transfer stations and Mareeba landfill are currently operational
- Landfill compaction level > 70% achieved.
- Suez conducted a drone survey of Mareeba Landfill.

2. Waste Levy

- Reporting associated with the waste levy indicates that Council has received less landfill waste to date than was forecast in the forward estimate provided under the Waste Levy.
- The amount of funds raised for commercial waste have been adequately covered by fees charged.
- The advance annual payment is projected to cover household costs over the entire year.

3. Mareeba Waste Transfer Station Upgrade project

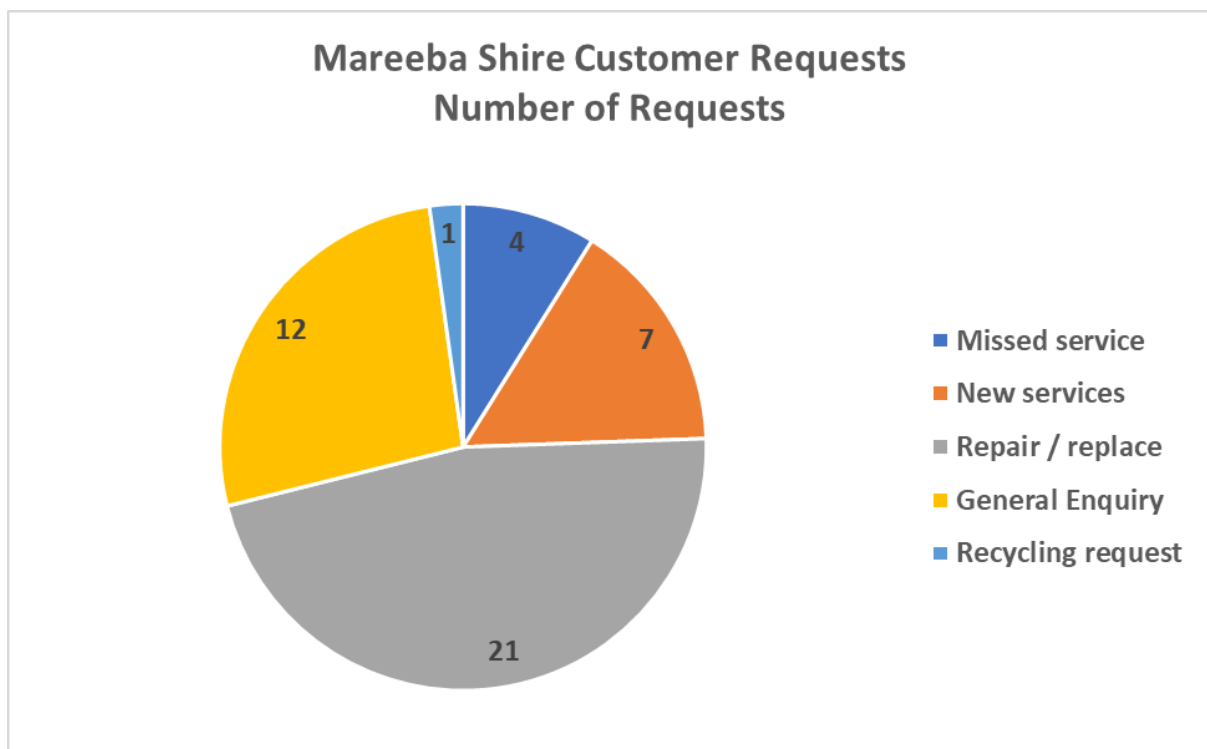
Work commenced on the reconfiguration of Mareeba Transfer Station in October and is expected to take approximately six (6) months to complete, figure 1.



• *Figure 1 Mareeba Waste Transfer Station Upgrade December 2019*

4. Customer Service Waste Statistics

Figure 2 displays customer requests logged in the Customer Request Management (CRM) system during the month of December 2019.

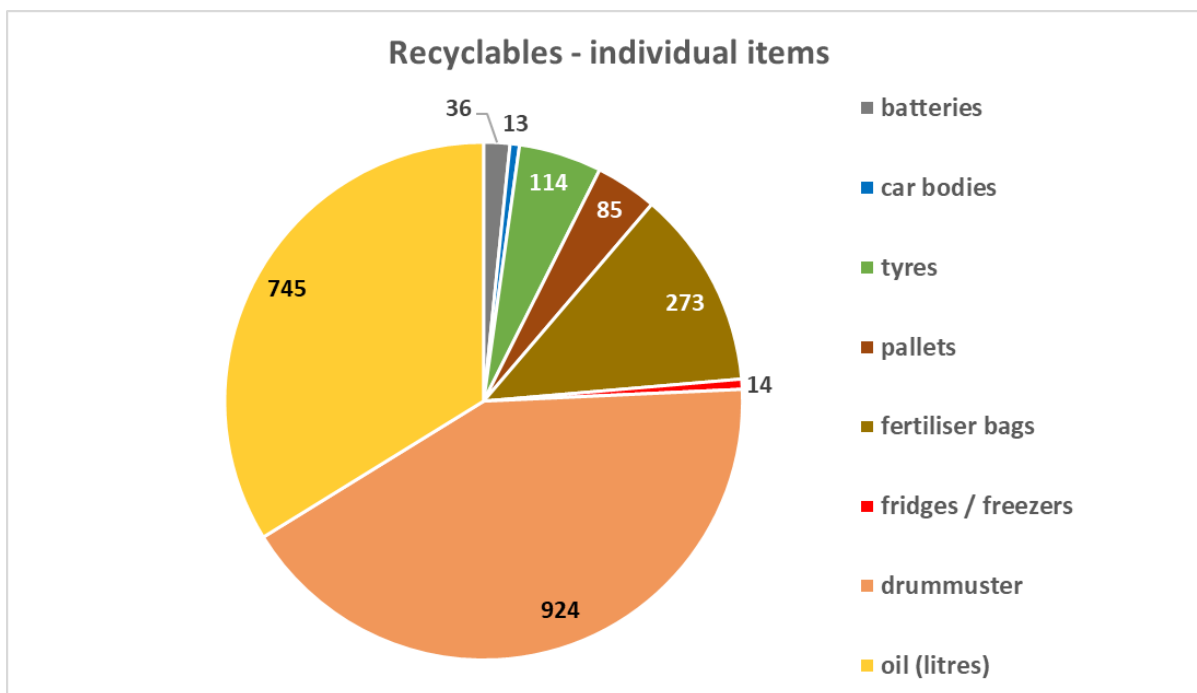


• *Figure 2 Customer Service Waste Statistics*

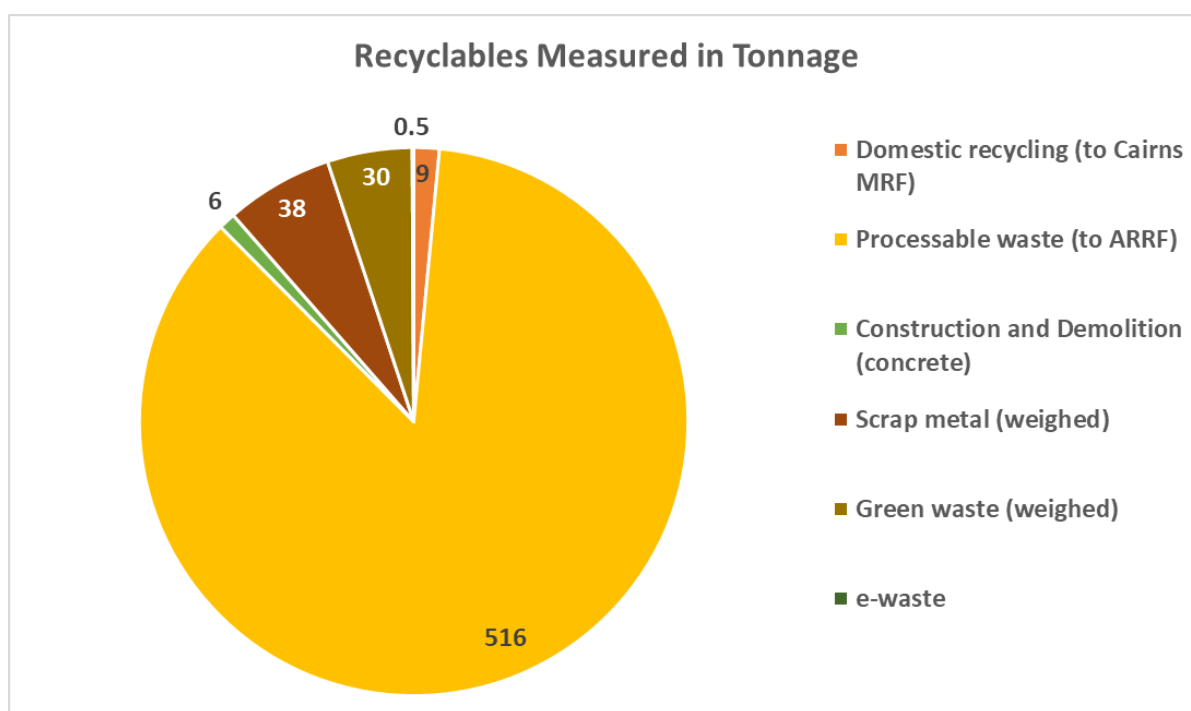
5. Waste to Mareeba Resource Recovery Area - Recycling

Waste material collected at each of the waste transfer stations is either deposited directly to the Mareeba landfill, recycled or transported to the SUEZ Advanced Resource Recovery Facility (ARRF) in Cairns for processing.

The following pie charts are separated into recyclables recovered as whole units and recyclables in tonnages.



• *Figure 3 Individually Counted Recyclable Waste Types*

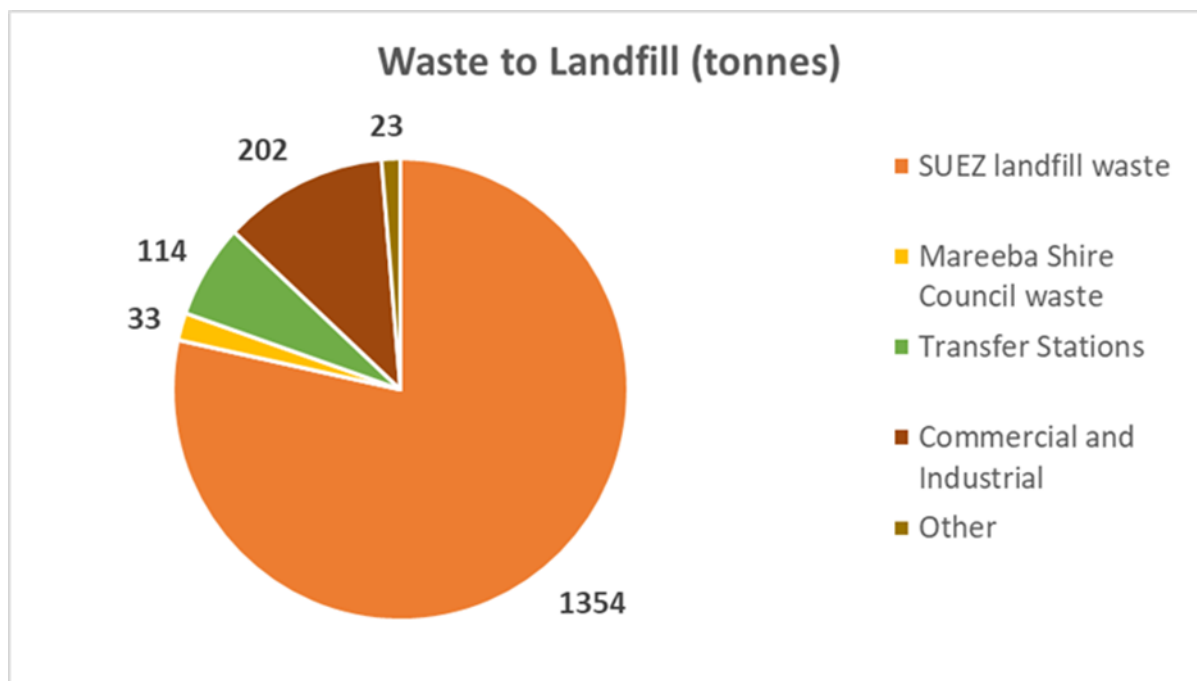


• *Figure 4 Recyclables measured by tonnage*

367 tonnes of scrap metal from Mareeba Transfer Station and 144 tonnes of scrap metal from Kuranda Waste Transfer Station was processed and removed under the FNQROC Regional Collection and Removal of Ferrous Scrap Metal and ULABs in the combined months of November and December.

6. Waste to Mareeba Landfill

The pie chart below is the tonnage of waste directed to Mareeba landfill from particular sources. It shows the bulky waste from the waste transfer stations (Mareeba included), commercial and industrial waste, by-product waste from the SUEZ Bedminster plant in Cairns, and the waste that Mareeba Shire Council produces as a result of its own activities.



• Figure 5 Waste to Landfill

7. Illegally Dumped Waste

26 illegally dumped tyres and 0.14 tonnes of illegally dumped general waste was received at Mareeba Resource Recovery Area and Landfill.

RISK IMPLICATIONS

Environmental

- Council holds an Environmental Authority issued under the *Environmental Protection Act 1994* to operate landfill facilities.
- A Waste Levy Compliance inspection by Department Environment and Science is scheduled for January 2020.
- The Environmental Authority amendment process is underway.

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

Nil - Capital works are underway and funded as per 2019/20 capital works program.

Operating

Nil

LINK TO CORPORATE PLAN

Community: An engaged community which supports and encourages effective partnerships to enhance the liveability of the shire and the wellbeing of residents in communities which are resilient and prepared for unforeseen events.

Economy and Environment: A resilient economy that promotes and supports the shire's natural assets and local industry and encourages investment while preserving and future proofing for generations to come.

IMPLEMENTATION/COMMUNICATION

Nil

9.7 INFRASTRUCTURE SERVICES, WATER AND WASTEWATER GROUP MONTHLY OPERATIONS REPORT - DECEMBER 2019

Date Prepared: 14 January 2020
Author: Manager Water and Waste
Attachments: Nil

EXECUTIVE SUMMARY

The purpose of this report is to summarise Council's Water and Wastewater activities undertaken by the Infrastructure Services Department during the month of December 2019.

RECOMMENDATION

That Council receives the Infrastructure Services, Water and Wastewater Progress Report for the month of December 2019.

BACKGROUND

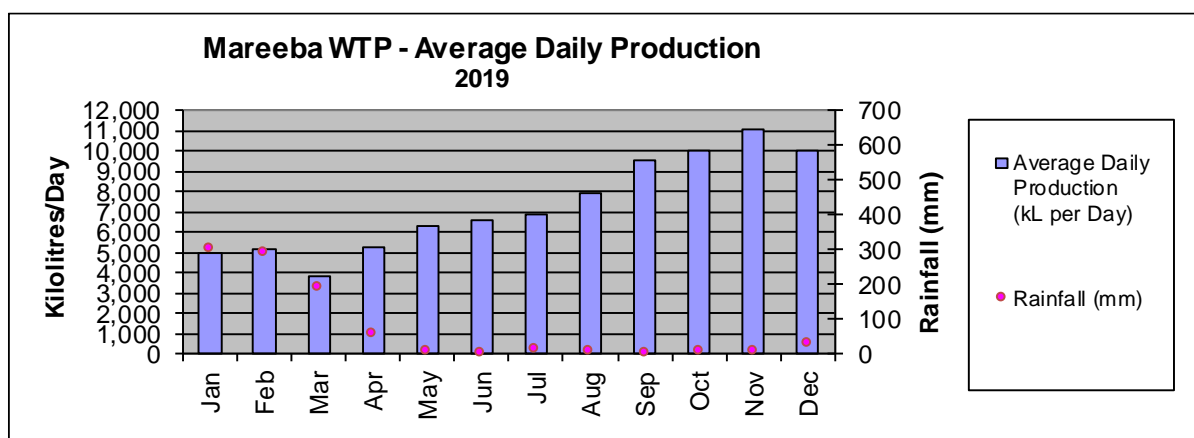
1. Capital Projects and Maintenance Works

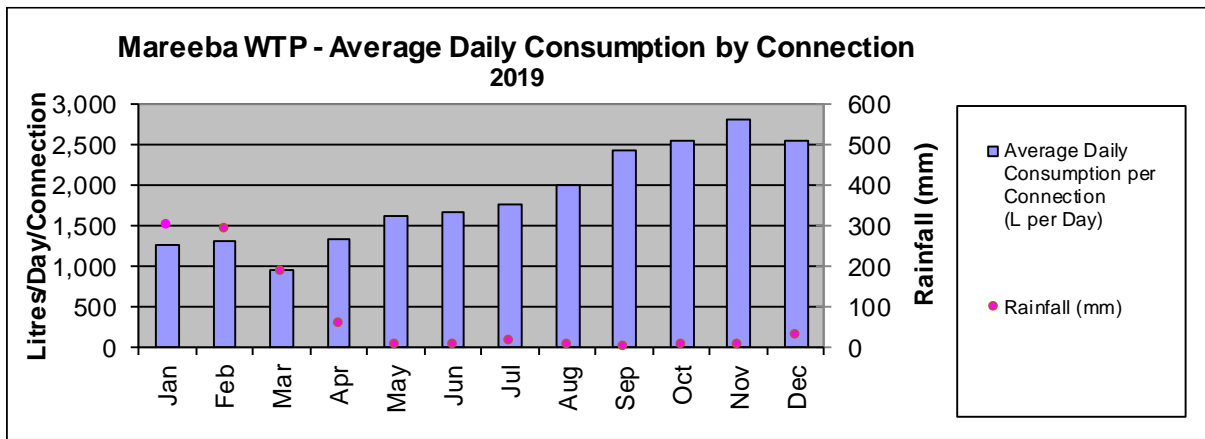
The standby generators for the sewerage pump stations have been put in place and security enclosures will be fabricated and fitted during January.

2. Chlorine Residual Readings

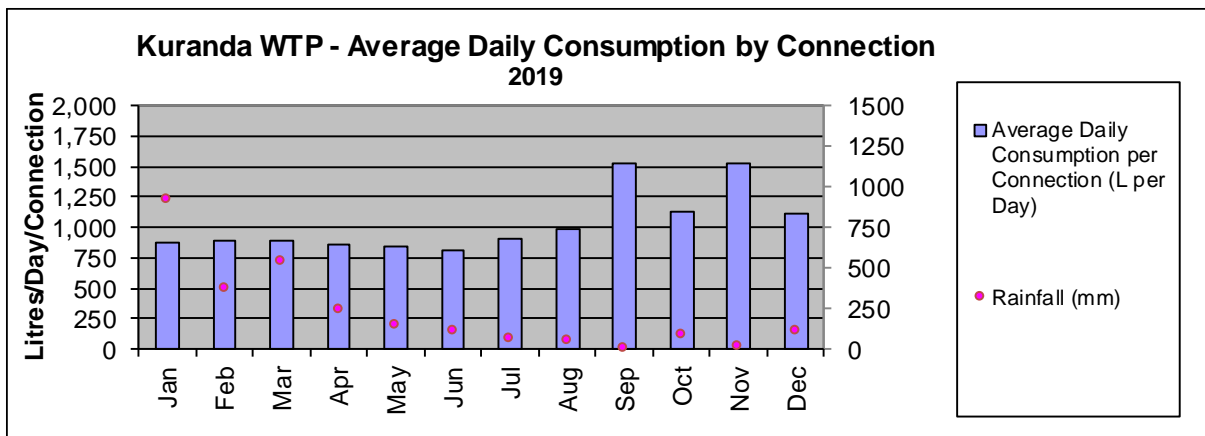
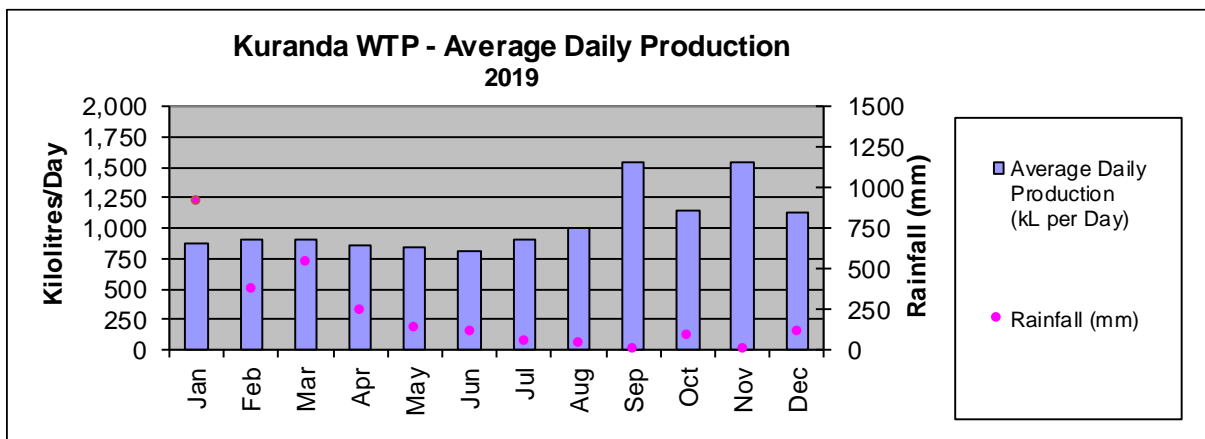
December 2019	Chlorine Residual Readings 2019													
	Australian Drinking Water Guidelines Maximum 5mg/L													
	Mon 2nd	Wed 4th	Fri 6th	Mon 9th	Wed 11th	Fri 13th	Mon 16th	Wed 18th	Fri 20th	Mon 23rd	Wed 25th	Fri 27th	Mon 30th	
	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	
Mary Andrews Park Mareeba	1.18	0.74	0.74	1.10	1.18	1.12	0.71	0.99	1.02	1.23	1.32	1.25	1.16	
Wylandra Drive Mareeba	0.72	0.60	0.64	0.92	0.64	0.79	0.34	0.68	0.76	0.69	0.61	0.60	0.78	
Gregory Terrace Kuranda	0.95	1.15	1.05	0.94	0.78	0.98	0.99	1.08	0.91	0.91	0.89	1.02	0.85	
Mason Rd PS Kuranda	0.98	1.24	1.13	0.98	0.82	0.88	1.23	1.10	1.10	0.81	1.03	0.92	1.04	
Chillagoe	1.21	1.15	1.19	1.34	1.17	1.10	0.97	1.31	1.15	1.23	1.21	1.25	1.14	
Dimbulah	1.09	1.14	0.99	1.28	1.03	1.26	1.15	1.15	1.13	1.02	1.04	1.10	1.04	

3. Mareeba Water Supply Scheme – Operations Data

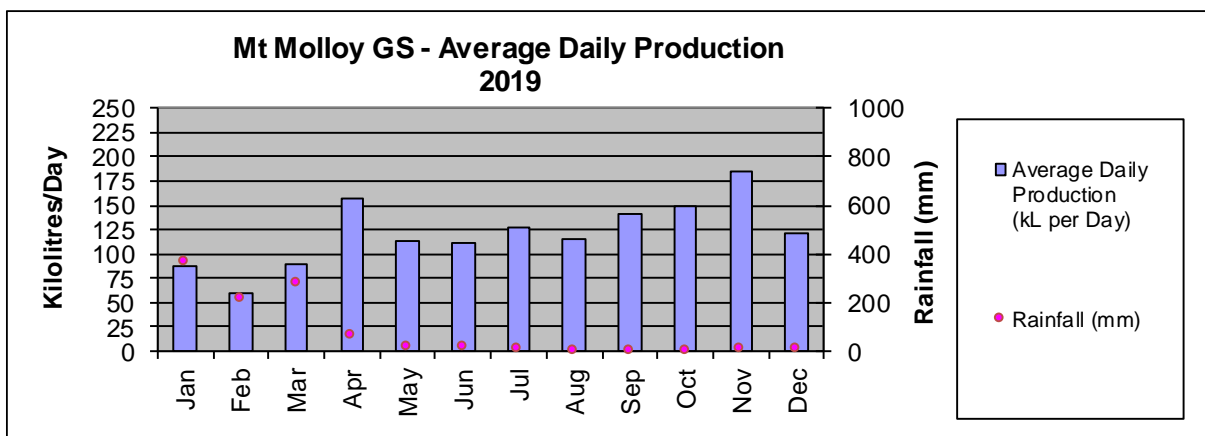


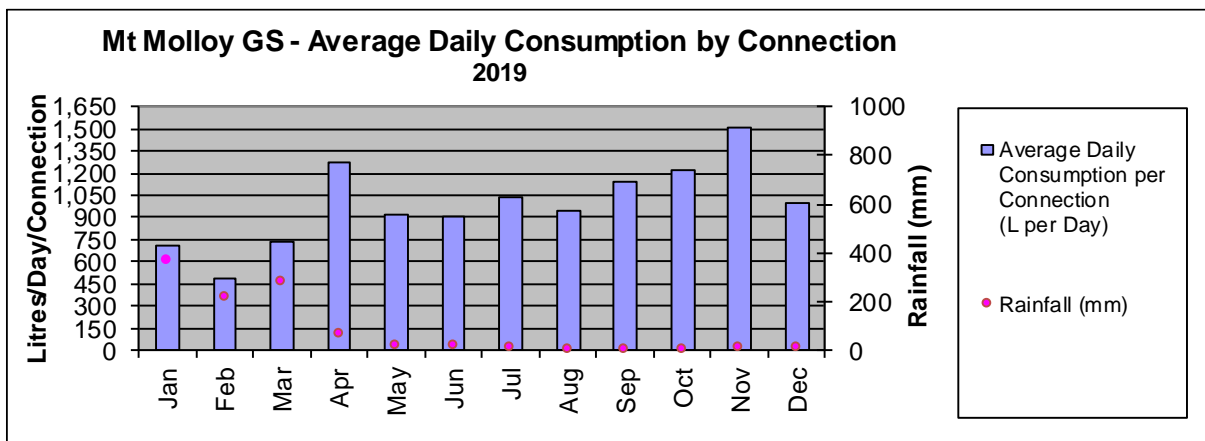


4. Kuranda Water Supply Scheme - Operations Data

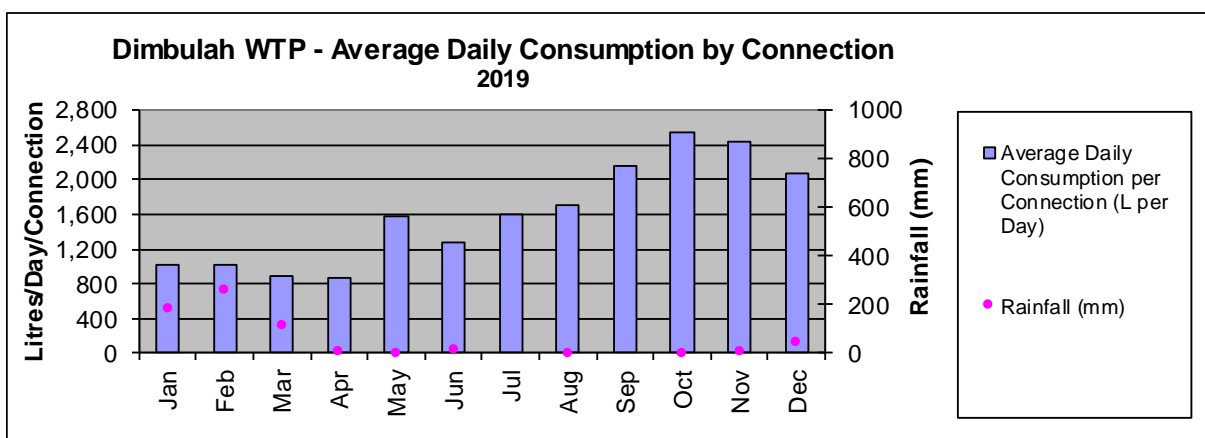
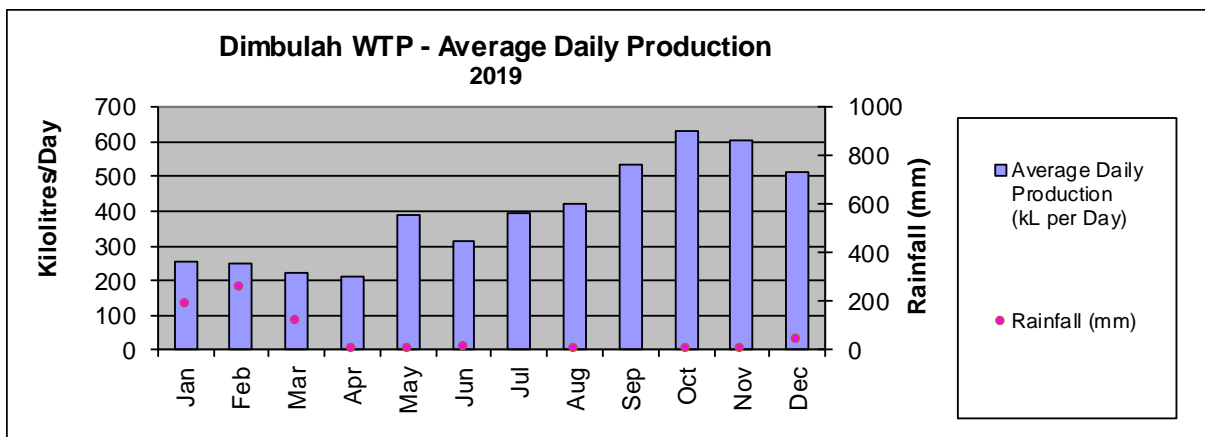


6. Mount Molloy Water Supply Scheme - Operations Data

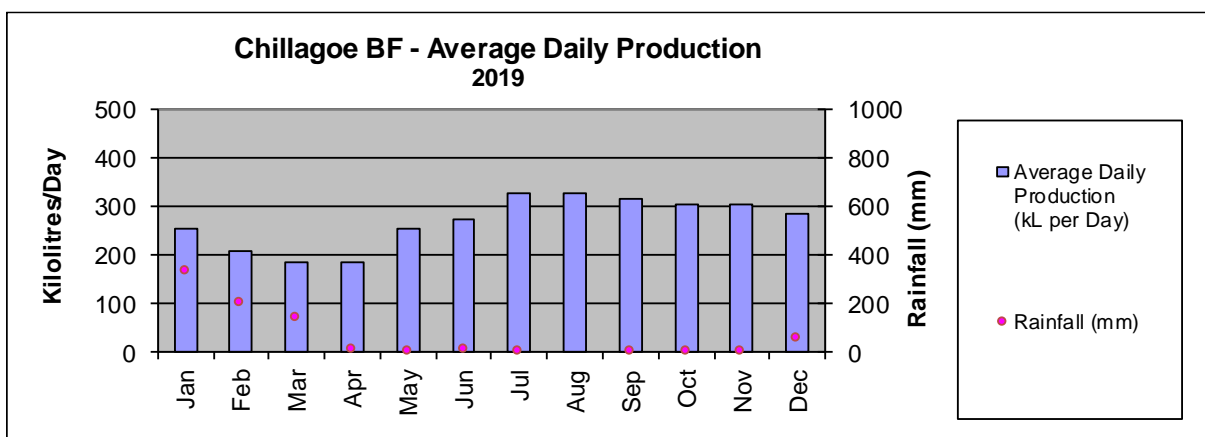


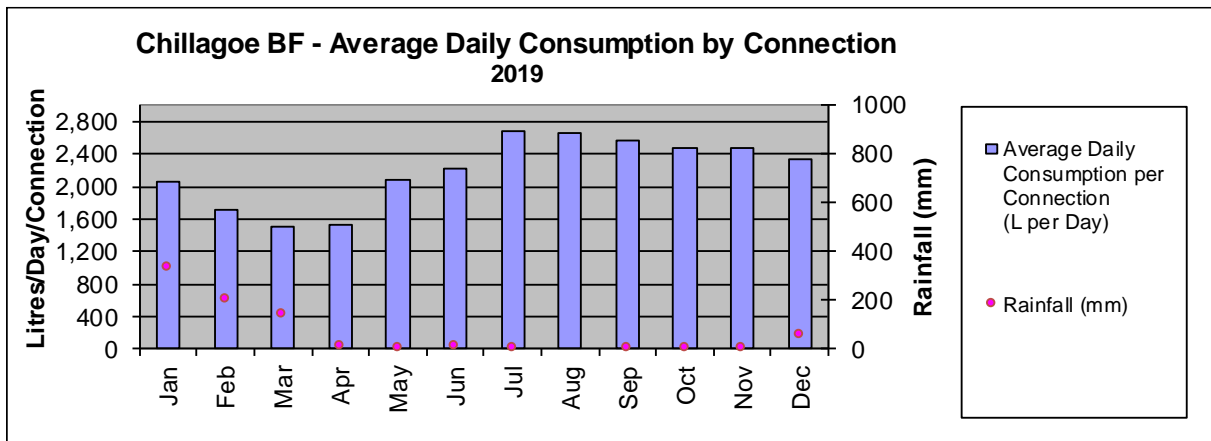


7. Dimbulah Water Supply Scheme - Operations Data

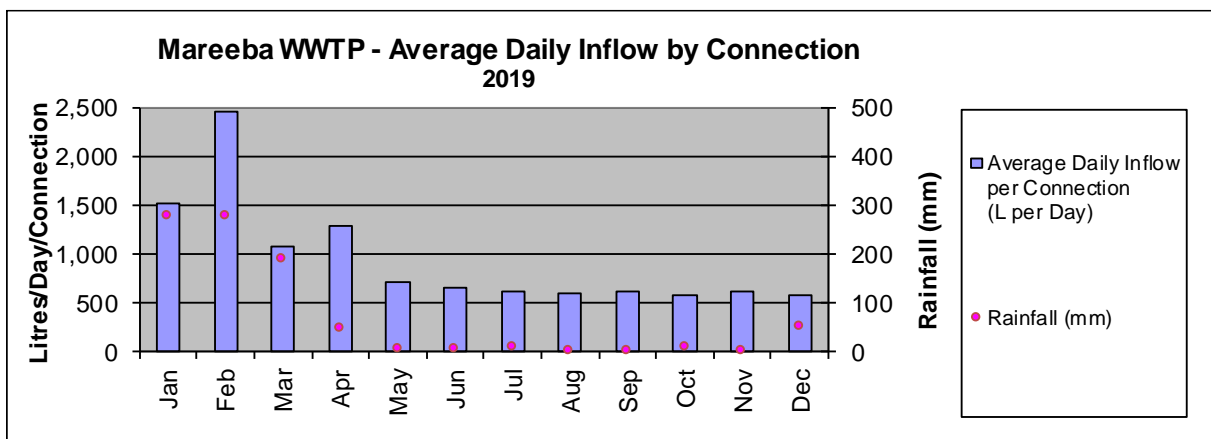
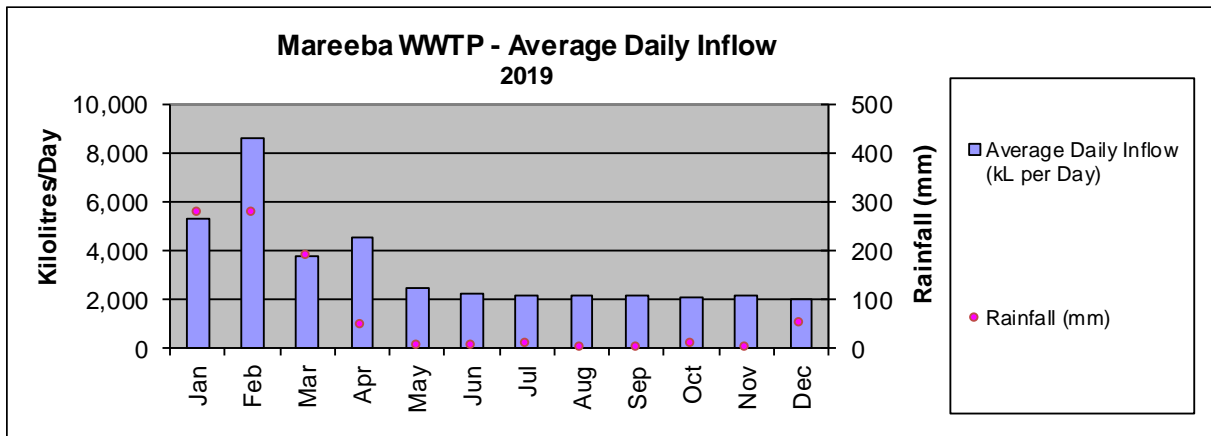


8. Chillagoe Water Supply Scheme - Operations Data

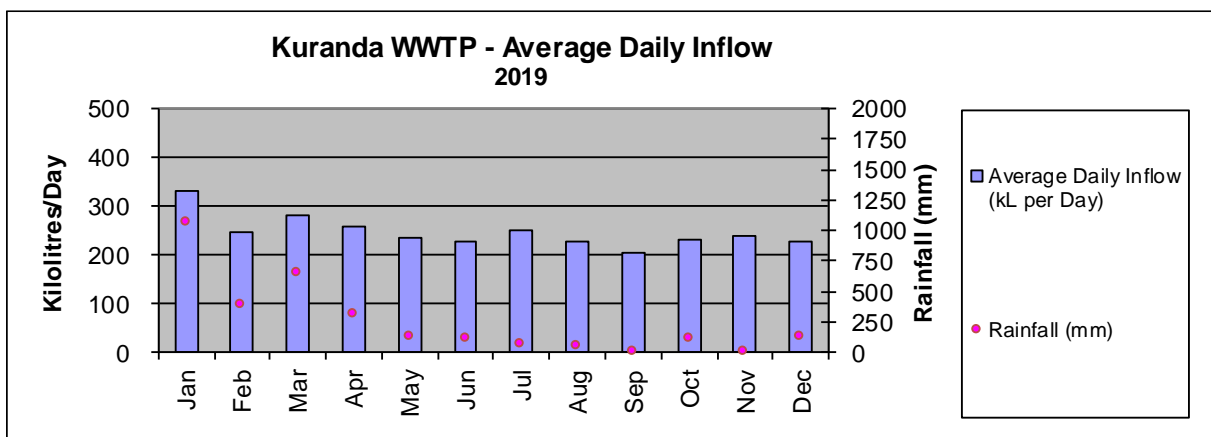


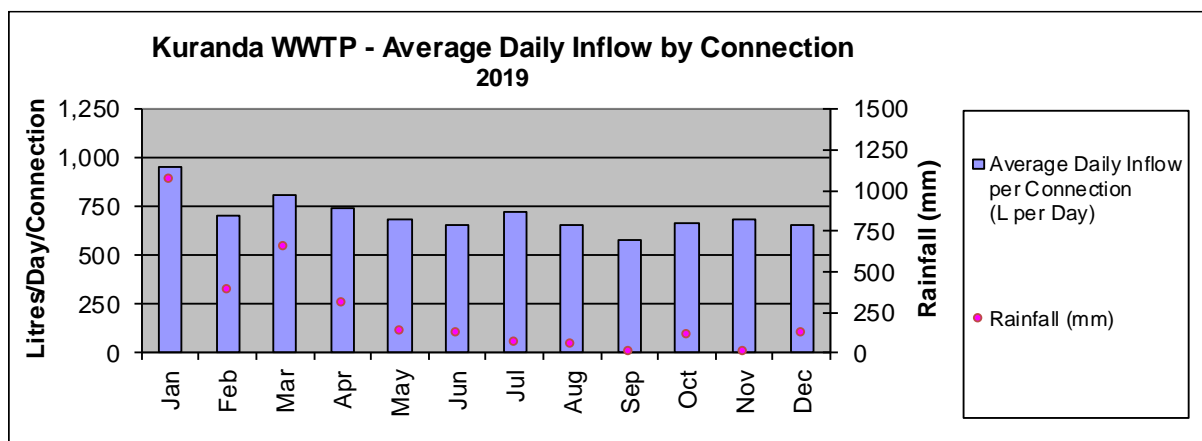


9. Mareeba Wastewater Treatment Plant - Operations Data



10. Kuranda Wastewater Treatment Plant - Operations Data





RISK IMPLICATIONS

Nil

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

As a drinking water service provider, Mareeba Shire Council is required under the *Water Supply (Safety and Reliability) Act 2008* to comply with various legislative and statutory requirements. Council holds an environmental authority issued under the *Environmental Protection Act 1994* to operate water and wastewater treatment facilities.

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

All capital works are listed in and funded by the 2019/20 Capital Works Program.

Operating

All operational works are funded by the Section specific 2019/20 maintenance budgets.

LINK TO CORPORATE PLAN

Financial Sustainability: A council that continuously looks for savings and opportunities while managing council's assets and reserves to ensure a sustainable future in a cost-effective manner.

Community: An engaged community which supports and encourages effective partnerships to enhance the liveability of the shire and the wellbeing of residents in communities which are resilient and prepared for unforeseen events.

Transport and Council Infrastructure: The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

Economy and Environment: A resilient economy that promotes and supports the shire's natural assets and local industry and encourages investment while preserving and future proofing for generations to come.

Governance: Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community.

IMPLEMENTATION/COMMUNICATION

Nil

9.8 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - DECEMBER 2019**Date Prepared:** 8 January 2020**Author:** Manager Works**Attachments:** Nil**EXECUTIVE SUMMARY**

The purpose of this report is to summarise Council's Transport Infrastructure, Parks and Gardens, Bridge and Pest Management activities undertaken by Infrastructure Services during the month of December 2019.

RECOMMENDATION

That Council receives the Infrastructure Services, Works Progress Report for the month of December 2019.

BACKGROUND**Maintenance Activities**

Maintenance activities accruing more than \$1,000 in expenditure were carried out in December at the following locations:

Description	Activity
Narcotic Creek Road, Chewko	Grading unsealed roads
Euluma Creek Road, Julatten	Bitumen patching, road furniture, slashing
Highland Drive, Julatten	Slashing
Mount Lewis Road, Julatten	Clean inlet/outlets culverts, grading unsealed roads, slashing
Mount Perseverance Road, Julatten	Grading unsealed roads
Nine Mile Road, Julatten	Grading unsealed roads
Pinnacle Road, Julatten	Grading unsealed roads, road inspections, slashing
Rasmussen Road, Julatten	Grading unsealed roads
Black Mountain Road, Julatten	Grading unsealed roads, slashing
Barang Street, Kuranda	Grading unsealed roads, road furniture
Barron Falls Road, Kuranda	Bitumen patching, prep work for reseals, tree clearing / vegetation management
Myola Road, Kuranda	Bitumen patching, slashing
Oak Forest Road, Kuranda	Bitumen patching, slashing
Rob Veivers Drive, Kuranda	Bitumen patching, general repairs and maintenance, mowing, road furniture, slashing
Wrights Lookout Road, Kuranda	Bitumen patching, grading unsealed roads
Roiko Road, Mareeba	Grading unsealed roads, road furniture
Smallwood Street, Mareeba	Grading unsealed roads
East Mary Road, Mt Carbine	Grading unsealed roads

Description	Activity
Mount Spurgeon Road, Mt Carbine	Grading unsealed roads
West Mary Road, Mt Carbine	Grading unsealed roads
Carbine Cemetery Access, Mt Carbine	Administration and supervision, grading unsealed roads
Main Street, Mt Molloy	Road furniture, slashing
Wessel Road, Mt Molloy	Grading unsealed roads
Speewah Road, Speewah	Bitumen patching, slashing

The table below shows the current budget position of Transport Infrastructure operations for Mareeba Shire Council at the end of December.

Annual Budget	Year to Date Budget	Year to Date Actual
\$3,541,417	\$1,628,428	\$1,824,675

The current budget overrun is due to the grading of the unsealed western roads. These works have been completed and the operational spend will decrease and gradually come back into line with budget forecasts in the last quarter of the 2019/20 financial year.

Capital Works

Mareeba Industrial Park Stage 16B

Construction works continued on Stage 16B at the Mareeba Industrial Park during December. Installation of Ergon, Telstra and NBN conduiting has been completed, the subbase layer is in place and kerb and channel on Effley Street and the northern side of Keegan Street is installed.

The work crew will return on 6 January 2020 to complete the remaining kerb and channel on the southern side of Keegan Street, form and pour the concrete inlet pits, lay the base gravel, asphalt seal the project and install the street lighting.

An asphalt seal date of 28-29 January 2020 has been tentatively booked, weather permitting.





2018/19 and 2019/20 Gravel Re-Sheet Programs

Work was completed on gravel re-sheeting the Dimbulah airstrip in early December. The re-sheet is 900m long by 10m wide with a gravel depth of 130mm.

The Type 4.3 road base material was purchased using the 2018/19 Capital Works Re-Sheet budget with the labour and plant required being charged against the 2019/20 Capital Works Re-Sheet budget.



2019/20 Reseal and Asphalt Program

Council's original scope of works for the asphalt overlay component of the 2019/20 reseal and asphalt program included the asphalt overlaying of approximately 3,000m² of Rob Veivers Drive, Kuranda.

Following discussions with the Water and Waste Group regarding condition of buried water and wastewater infrastructure, it was identified that the watermain that runs under Rob Veivers Drive is due for renewal. There is currently no funding allocated under the Water Capital Works program to replace this watermain, however this project will be put forward for consideration in the 2020/21 budget.

The asphalt quantity that was allocated to Rob Veivers Drive in this year's program has been reassigned to O'Donnell Street in Mareeba. The scope of work includes asphalt overlay from the intersection of Keeble and Abbott Streets to the intersection of O'Donnell and Jasper Streets, Mareeba.

These works are programmed to commence 20 January 2020, weather permitting.

Works for Queensland 3

Bailey Street, Mareeba - Road Widening and Upgrade

Construction work was completed in December of widening the existing seal at Bailey Street to a nominal width of 7m.

The scope of works included the replacement of damaged kerb and channel and the relocation of protective bollards and signage to establish a table drain on the northern side of the street.

The project was sealed on 10 December 2019 and will be line marked in conjunction with other works in 2020.



TMR Routine Maintenance Performance Contract (RMPC)

Routine maintenance activities were undertaken during December 2019 at the following locations:

Primary Location	Activity Name
89B-Burke Development Road	Edge repair (manual) min 1 tonne; includes traffic control
	Other roadside work
	Repair guide signs
	Repair signs (excluding guide signs)
	Roadside litter collection; rural
32A-Kennedy Highway	Rest area servicing
664-Mareeba/Dimbulah Road	Roadside litter collection; rural
	Surface correction isolated depression; includes traffic control
653-Mossman/Mt Molloy Road	Culvert, pipe and pit work
	Other roadside work
	Roadside litter collection; rural
	Tractor slashing, rural; includes (2)x traffic control
34A-Mulligan Highway	Roadside litter collection; rural
	Emergency call out / traffic accident
	Other surface drain work
34B-Mulligan Highway	Roadside litter collection; rural
	Rest area servicing
	Repair signs (excluding guide signs)
	Repair guide signs
	Other roadside work
	Other sign work
	Other surface drain work
6632-Herberton/Petford Road	Culvert, pipe and pit work
	Medium formation grading (western) with extras and 2 watercarts; excludes traffic control
	Other surface drain work
	Other vegetation control works

The claim to TMR for the month of December 2019 was still being finalised at the time of preparing this report but is estimated to be approximately \$152,000.

Parks and Gardens Section**Maintenance Activities**

Parks and Gardens maintenance activities accruing more than \$1,000 in expenditure were carried out in December at the following locations:

1. Location
2. Library, CBD and Streets, Kuranda
3. Street Mowing, Mareeba
4. Byrnes Street Medians, Mareeba
5. Furniture and Playground Equipment, Mareeba
6. Parks and Gardens, Chillagoe
7. Arnold Park, Mareeba
8. Wetherby Park, Mt Molloy
9. Margheritha English Park/Highland Drive, Julatten
10. Amaroo, Mareeba
11. Town Hall Park, Dimbulah
12. Sunset/Sunbird Park, Mareeba
13. Nursery, Mareeba

The table below shows the current budget position of Parks and Gardens operations for Mareeba Shire Council.

Annual Budget	Year to Date Budget	Year to Date Actual
\$1,945,559	\$970,761	\$863,149

Bridge Section

Maintenance Activities

Bridge inspection and maintenance activities were carried out in December 2019 at the following locations:

Structure	Road	Chainage	Area
Major Culvert	Narcotic Creek Road	1355	Chewko
Major Culvert	Kenneally Road	793	Mareeba
Major Culvert	Douglas Track	1000	Speewah
Major Culvert	Ganyan Drive	4244	Speewah
Major Culvert	Ganyan Drive	983	Speewah
Major Culvert	Ganyan Drive	3755	Speewah
Causeway	Koah Road	12388	Koah
Major Culvert	Veivers Drive	982	Speewah
Major Culvert	Mahogany Avenue	372	Speewah
Major Culvert	Kingfisher Drive	220	Kuranda
Bridge	Oak Forest Road	593	Kuranda
Causeway	Ganyan Drive	2370	Speewah
Causeway	Hoey Road	1254	Speewah
Bridge	Kanervo Road	3656	Koah
Bridge	Speewah Road	192	Speewah
Major Culvert	Wrights Lookout Road	836	Kuranda
Bridge	Myola Road	3220	Kuranda
Causeway	Oak Forest Road	5470	Kuranda
Major Culvert	Wrights Lookout Road	1005	Kuranda
Major Culvert	Mason Road	2237	Kuranda
Major Culvert	Black Mountain Road	8890	Kuranda
Bridge	Oak Forest Road	2890	Kuranda
Bridge	Jeffrey Road	217	Kuranda
Bridge	Cardina Boulevard	217	Speewah
Bridge	Stoney Creek Road	2030	Speewah
Bridge	Butchers Creek Road	572	Mt Carbine
Major Culvert	Bilwon Road	3320	Biboohra
Major Culvert	Williamson Drive	136	Kuranda
Bridge	Black Mountain Road	15131	Kuranda
Major Culvert	Saddle Mountain Road	238	Kuranda
Major Culvert	Speewah Road	690	Speewah
Major Culvert	Speewah Road	1183	Speewah
Major Culvert	Oak Forest Road	2404	Kuranda
Bridge	Koah Road	6345	Koah

The table below shows the current budget position of Bridge operations for Mareeba Shire Council.

Annual Budget	Year to Date Budget	Year to Date Actual
\$633,064	\$315,611	\$237,460

Land Protection Section

The table below shows the current budget position for Land Protection operations for Mareeba Shire Council.

Annual Budget	Year to Date Budget	Year to Date Actual
\$516,878	\$232,909	\$238,342

Thunbergia laurifolia: An outbreak of Thunbergia has been found growing on a feeder creek of Hunters Creek at Julatten. This invasive vine has the capability to over-run the private land parcel and to destroy remnant bushland along many kilometres of creek line if not contained. Land Protection Officers will be working in with the affected landowner to remove this threat over the next few months.

Rabbits: Rabbit hotspots on Mt Mulligan Road and Leadingham Creek Road have been treated with the K5 Callisivirus.

Feral Pigs: A number of fruit blocks have been treated with toxic baits. Other properties will rely on hunters to control them with the aim to construct exclusion fencing at the end of the picking season.

Limnobia (Amazon Frogbit): The Muluridji Tribal Aboriginal Corporation have received a grant to begin work on the weed issue. Mareeba Shire have volunteered to assist them in their efforts by showing them the scope of works involved, by carrying out the landowner liaison work, sharing our maps of the area and demonstrating the current best practice controls that staff have developed to treat the weed. Muluridji has indicated that these works will commence mid-January.

RISK IMPLICATIONS

Nil

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Nil

FINANCIAL AND RESOURCE IMPLICATIONS***Capital***

All capital works are listed in and funded by the 2018/19 and 2019/20 Capital Works Program.

Operating

All operational works are funded by the Section specific 2019/20 maintenance budgets.

LINK TO CORPORATE PLAN

Financial Sustainability: A council that continuously looks for savings and opportunities while managing council's assets and reserves to ensure a sustainable future in a cost-effective manner.

Transport and Council Infrastructure: The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

Economy and Environment: A resilient economy that promotes and supports the shire's natural assets and local industry and encourages investment while preserving and future proofing for generations to come.

IMPLEMENTATION/COMMUNICATION

Nil

10 OFFICE OF THE CEO

10.1 COUNCILLOR ATTENDANCE AT LGAQ WASTE FORUM

Date Prepared: 16 January 2020
Author: Chief Executive Officer
Attachments: Nil

EXECUTIVE SUMMARY

The purpose of this report is to obtain Council approval for the attendance of Councillors at the Local Government Association Queensland (LGAQ) Waste Forum to be held in Brisbane 5-6 February 2020.

RECOMMENDATION

That Council approves the attendance of Crs Brown, Davies and Wyatt at the LGAQ Waste Forum to be held in Brisbane 5-6 February 2020.

BACKGROUND

The LGAQ Waste Forum has been convened to discuss the rapidly changing waste and recycling environment and the challenges and opportunities that this presents for Queensland councils to create a 'zero waste to landfill' future.

RISK IMPLICATIONS

Nil

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

Nil

Operating

Yes

Is the expenditure noted above included in the current budget?

Yes

LINK TO CORPORATE PLAN

Community: An engaged community which supports and encourages effective partnerships to enhance the liveability of the shire and the wellbeing of residents in communities which are resilient and prepared for unforeseen events.

Governance: Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community.

IMPLEMENTATION/COMMUNICATION

N/A

11 CONFIDENTIAL REPORTS

Nil

12 BUSINESS WITHOUT NOTICE

13 NEXT MEETING OF COUNCIL

14 FOR INFORMATION

14.1 SUMMARY OF NEW PLANNING APPLICATIONS & DELEGATED DECISIONS FOR THE MONTH OF DECEMBER 2019

Date Prepared: 13 January 2020

Author: Senior Planner

Attachments: Nil

Please see below information.

Summary of new Planning Development Applications and Delegated Decisions for December 2019

New Development Applications					
Application #	Lodgement Date	Applicant/ Address	Property Description	Application Type	Status
MCU/19/0019	18/012/2019	Croft Developments Pty Ltd C/- Urban Sync 2-18 Haren Street, Mareeba	Lot 1 on SP298397	MCU - Residential care facility (120 Beds)	In Confirmation stage

Decision Notices issued under Delegated Authority					
Application #	Date of Decision Notice	Applicant	Address	Property Description	Application Type
NII					

Negotiated Decision Notices issued under Delegated Authority					
Application #	Date of Decision Notice	Applicant	Address	Property Description	Application Type
NII					

Change to Existing Development Approval issued					
Application #	Date of Decision	Applicant	Address	Property Description	Application Type
NII					

December 2019 (Regional Land Use Planning)

Referral Agency Response Decision Notices issued under Delegated Authority					
Application #	Date of Decision	Applicant	Address	Property Description	Application Type
CAR/19/0022	12/12/2019	D Dent C/- Emergent Building Approvals	26 Costlin Street, Mareeba	Lot 3 on M356204	Referral agency response for building work assessable against the Mareeba Shire Council Planning Scheme 2016 - non-compliant setback for shed

Extensions to Relevant Period issued					
Application #	Date of Decision	Applicant	Address	Property Description	Application Type
Nll					

Survey Plans endorsed					
Application #	Date	Applicant	Address	Property Description	No of Lots
Nll					

December 2019 (Regional Land Use Planning)