



# **AGENDA**

**Wednesday, 25 January 2023**

## **Ordinary Council Meeting**

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

**Date: Wednesday, 25 January 2023**

**Time: 9:00am**

**Location: Council Chambers**

**Peter Franks**  
**Chief Executive Officer**



## Order Of Business

<b>1</b>	<b>Members in Attendance .....</b>	<b>5</b>
<b>2</b>	<b>Apologies/Leave of Absence/Absence on Council Business .....</b>	<b>5</b>
<b>3</b>	<b>Bereavements/Condolences .....</b>	<b>5</b>
<b>4</b>	<b>Declaration of Conflicts of Interest .....</b>	<b>5</b>
<b>5</b>	<b>Confirmation of Minutes .....</b>	<b>5</b>
<b>6</b>	<b>Business Arising out of Minutes of Previous Meeting .....</b>	<b>5</b>
<b>7</b>	<b>Deputations and Delegations.....</b>	<b>5</b>
<b>8</b>	<b>Corporate and Community Services .....</b>	<b>7</b>
8.1	BTM & S Stankovich Pty Ltd - Reconfiguring a Lot - Subdivision (1 into 45 lots) in 3 stages - Lot 500 on SP336235 - Emerald End Road, Mareeba - RAL/22/0019.....	7
8.2	Change of Development Approval - Adermina Pty Ltd - Material Change of Use - Residential Care Facility and Retirement Facility (Expansion of Mount Kooyong Nursing Home) - Lots 1 & 2 on RP748307 - 62 Mount Kooyong Road, Julatten - MCU/22/0014 .....	29
8.3	Mareeba Shire Council - Material Change of Use - Cemetery and Reconfiguring a Lot - Subdivision (1 into 2 lots) - Lot 2 on RP730337 - 70 Kuranda Heights Road, Kuranda - MCU/22/0009.....	73
8.4	CD Nastasi AG Pty Ltd & SD Nastasi AG Pty Ltd - Material Change of Use - Undefined Use - "Rural Workers Accommodation" as defined by the Planning Regulation 2017 - Lot 51 on SP243993 - 57 Studt Road, Mareeba - MCU/22/0022 .....	97
8.5	Delegations Update December 2022 .....	117
8.6	Council Policy Review .....	161
8.7	Operational Plan 2022/23 Progress Report July to September 2022 .....	171
8.8	Mareeba Airport Future Options.....	183
8.9	Development and Governance Quarterly Report - October to December 2022.....	187
8.10	Agistment Permit - Lot 539 SP146295 - Bowers Street Mareeba .....	201
8.11	Financial Statements period ending 31 December 2022 .....	205
8.12	Sale of Land Due to Rates and Charges in Arrears .....	213
8.13	NQ Sports Foundation .....	215
<b>9</b>	<b>Infrastructure Services.....</b>	<b>217</b>
9.1	Infrastructure Services, Capital Works Monthly Report - December 2022 .....	217
9.2	Traffic Advisory Committee - Minutes of Meeting held 6 December 2022 .....	235
9.3	T-MSC2022-15 DRFA Fallon Road Geotechnical - Tender Evaluation.....	243
9.4	Expression of Interest Operation and Management of Aquatic Facilities and Dimbulah Caravan Park.....	247
9.5	Infrastructure Services, Technical Services Operations Report - December 2022 .....	249

---

9.6	Infrastructure Services, Water and Waste Operations Report - December 2022 .....	255
9.7	Infrastructure Services, Works Section Activity Report - December 2022 .....	261
<b>10</b>	<b>Confidential Reports.....</b>	<b>265</b>
	Nil	
<b>11</b>	<b>Business without Notice .....</b>	<b>265</b>
<b>12</b>	<b>Next Meeting of Council .....</b>	<b>265</b>
<b>13</b>	<b>For Information .....</b>	<b>267</b>
13.1	Summary of New Planning Applications & Delegated Decisions For The Month of December 2022 .....	267

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

Ordinary Council Meeting - 14 December 2022
- 6 BUSINESS ARISING OUT OF MINUTES OF PREVIOUS MEETING**
- 7 DEPUTATIONS AND DELEGATIONS**



## 8 CORPORATE AND COMMUNITY SERVICES

### 8.1 BTM & S STANKOVICH PTY LTD - RECONFIGURING A LOT - SUBDIVISION (1 INTO 45 LOTS) IN 3 STAGES - LOT 500 ON SP336235 - EMERALD END ROAD, MAREEBA - RAL/22/0019

**Date Prepared:** 12 January 2023  
**Author:** Planning Officer  
**Attachments:** 1. [Proposal Plans](#) ↓

#### APPLICATION DETAILS

APPLICATION		PREMISES	
<b>APPLICANT</b>	BTM & S Stankovich Pty Ltd	<b>ADDRESS</b>	Emerald End Road, Mareeba
<b>DATE LODGED</b>	27 October 2022	<b>RPD</b>	Lot 500 on SP336235
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Reconfiguring a Lot - Subdivision (1 into 45 lots) in 3 stages (Stages 13A, 13B and 14A)		
<b>FILE NO</b>	RAL/22/0019	<b>AREA</b>	20.7073 hectares
<b>LODGED BY</b>	Freshwater Planning Pty Ltd	<b>OWNER</b>	BTM & S Stankovich Pty Ltd
<b>PLANNING SCHEME</b>	Mareeba Shire Council Planning Scheme 2016		
<b>ZONE</b>	Low Density Residential zone		
<b>LEVEL OF ASSESSMENT</b>	Code Assessment		
<b>SUBMISSIONS</b>	N/A		

#### EXECUTIVE SUMMARY

Council is in receipt of a code assessable development application described in the above application details. Being code assessable, the application was not required to undergo public notification.

The application proposes the continued staged development of Amaroo Estate, creating a further 45 residential allotments over three stages (Stages 13A, 13B and 14A). Stage 13B will include the Estates only direct road link to Emerald End Road.

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

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

**OFFICER’S RECOMMENDATION**

1. That in relation to the following development application:

APPLICATION		PREMISES	
<b>APPLICANT</b>	BTM & S Stankovich Pty Ltd	<b>ADDRESS</b>	Emerald End Road, Mareeba
<b>DATE LODGED</b>	27 October 2022	<b>RPD</b>	Lot 500 on SP336235
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Reconfiguring a Lot - Subdivision (1 into 45 lots) in 3 stages (Stages 13A, 13B and 14A)		

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 Reconfiguring a Lot - Subdivision (1 into 45 lots) in 3 stages (Stages 13A, 13B and 14A)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
9013 Master Plan - Sheet 1 of 4	Development Plan Stage 13 - 16	Twine Surveys	01.12.2022
9013 Master Plan - Sheet 2 of 4	Stage 13A - Diagram A	Twine Surveys	01.12.2022
9013 Master Plan - Sheet 3 of 4	Stage 13B - Diagram B	Twine Surveys	01.12.2022
9013 Master Plan - Sheet 4 of 4	Stage 14A - Diagram C	Twine Surveys	01.12.2022

(C) ASSESSMENT MANAGER’S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. Development must be carried out generally in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, and subject to any alterations:
  - found necessary by the Council’s delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
  - to ensure compliance with the following conditions of approval.



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

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

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

The future use of each lot must comply with the requirements of the bushfire hazard management plan at all times.
  - 3.8 The following road names are approved:
    - Kutterul Close - new cul-de-sac off Moondani Avenue; and
    - Allambee Close - new cul-de-sac off Karobean Drive.
4. Infrastructure Services and Standards

#### 4.1 Access

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

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

#### 4.2 Stormwater Drainage

- (a) The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.
- (b) Prior to works commencing the applicant must submit a Stormwater Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual to the satisfaction of Council's delegated officer.
- (c) Prior to works commencing the applicant must submit a Stormwater Quality Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Urban Stormwater Quality Planning Guideline and the Queensland Water Quality Guideline to the satisfaction of Council's delegated officer.
- (d) The Stormwater Quality Management Plan must include an Erosion and Sediment Control Plan that meets or exceeds the Soil Erosion and Sedimentation Control Guidelines (Institute of Engineers Australia) to the satisfaction of Council's delegated officer.
- (e) The applicant/developer must construct the stormwater drainage infrastructure in accordance with the approved Stormwater Management Plan and/or Stormwater Quality Management Plan and Report.
- (f) Temporary drainage is to be provided and maintained during the construction phase of the development, discharged to a lawful point and not onto the construction site.
- (g) All stormwater channels through private property must be registered, with the easement for drainage purposes in favour of Council. All documentation leading to the registration of the easement must be completed at no cost to Council.
- (h) All stormwater drainage collected from the site must be discharged to an approved legal point of discharge.
- (i) The applicant (at their cost) must video all stormwater lines and submit the video for inspection by Council's delegated officer prior to the development being taken "off maintenance" to ensure that no defects have occurred during the 12 month maintenance period.

- (j) All drainage easements must be constructed to prevent erosion. Construction may be in the form of a concrete invert, with outlet protection.

#### 4.3 Earthworks

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

#### 4.4 Roadworks/footpaths - Internal

- (a) Moondani Avenue, Kutterul Close and Allambee Close are to be constructed to Access Street standard in accordance with the FNQROC Development Manual (as amended) to the satisfaction of Council's delegated officer.
- (b) Karobean Drive must be constructed to a Collector Road standard (of the same width as the existing section of Karobean Drive) in accordance with the FNQROC Development Manual (as amended) to the satisfaction of Council's delegated officer.
- (c) Temporary turnaround areas, with a bitumen and/or gravel surface, must be provided at the western end of Karobean Drive and the eastern end of Allambee Close to allow traffic manoeuvring until future stages 15 and 14B are developed.
- (b) 2 metre wide concrete pedestrian footpaths must be installed on at least 1 side of **all** proposed internal roads, including Moondani Avenue and Karobean Drive. The horizontal alignment of all footpaths (with the exception of Karobean Drive) must comply with the FNQROC development Manual (specifically Standard Drawing S1004A) and **must not be constructed abutting the kerbing.**

The Karobean Drive footpath (only) is permitted to be constructed abutting the kerbing.

#### 4.5 Roadworks - External (Karobean Drive/Emerald End Road Intersection)

The intersection of Karobean Drive and Emerald End Road must be constructed to FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

#### 4.6 Footpaths - External (Emerald End Road)

**This condition is optional and may be carried out at the applicant/developer's discretion.**

- (a) Council will permit the construction of a two (2) metre wide concrete pedestrian footpath within the Emerald End Road reserve to create a pedestrian link between the proposed Karobean Drive pedestrian footpath, the proposed Kutterul Close pedestrian footpath and the Dandaloo Close cul-de-sac head, and the new park/playground constructed adjacent Lot 2 on SP298298.
- (b) The footpath works must be sited as close as practically possible to the western side of the Emerald End Road reserve and must not include any

vegetation plantings. The footpath must only meander where needed to avoid existing trees and a culvert crossing/bridge is required to be installed across the stormwater drain situated between drainage reserve Lot 49 on SP220745 and Emerald End Road.

- (c) The footpath may be done in 3 separate Stages or combination of the 3 Stages as follows:
- Linking the Karobean Drive and Kutterul Close footpaths; and/or
  - Linking the Kutterul Close footpath and Dandaloo Close cul-de-sac head; and/or
  - Linking the Dandaloo Close cul-de-sac head and the park/playground adjacent Lot 2 on SP298298. For this section, the footpath is only required to be constructed to the south-east corner of Lot 10 on SP211136 with Council to complete the link between the end of this footpath and the park/playground.
- (d) The cost of the abovementioned pedestrian footpath works will be credited towards the parks and open space component (only) of the infrastructure charges payable for Stages 13A, 13B and 14A. The parks and open space component accounts for 20% of the total infrastructure charges payable for each Stage.

The cost of the pedestrian footpath works (to be credited) must be provided via an itemised quotation and must be agreed to by Council's delegated officer before works commence.

#### 4.7 Water Supply

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

#### 4.8 Sewerage Connection

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

#### 4.9 Electricity provision/supply

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

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

#### 4.10 Telecommunications

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

#### 4.11 Lighting

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

#### 4.12 Street Trees

One (1) street tree must be at the planted at centre of each lot's road frontage. Corner allotments must have a street tree planted on each frontage.

All street trees must be provided in accordance with the FNQROC Development Manual - Design Manual D9 Landscaping.

**Plans for the development works required under Conditions 4.1 - 4.12 must be submitted to Council for approval as part of a subsequent application for operational works.**

### (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) Easement Documents

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

## (d) Endorsement Fees

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

## (e) 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.

## (f) Notation on Rates Record

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

- conditions regarding bushfire management
- any registered easements over the subject land

## (g) Environmental Protection and Biodiversity Conservation Act 1999

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

## (h) Cultural Heritage

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

## (E) RELEVANT PERIOD

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

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

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

- Development Permit for Operational Works

## (G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Nil

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

<b>Development Type</b>	<b>Rate</b>	<b>Measure</b>	<b>Charge</b>	<b>Credit Detail</b>	<b>Balance</b>
	<i><b>\$ per Lot</b></i>	<i><b>Lots</b></i>		<i><b>Lots</b></i>	
Stage 13A - Residential	\$20,260.00	<b>15 Lots</b>	<b>\$303,900.00</b>	Nil	<b>\$303,900.00</b>
Stage 13B - Residential	\$20,260.00	<b>18 Lots</b>	<b>\$364,680.00</b>	Nil	<b>\$364,680.00</b>
Stage 14A - Residential	\$20,260.00	<b>12 Lots</b>	<b>\$243,120.00</b>	Nil	<b>\$243,120.00</b>
<b>TOTAL CURRENT AMOUNT OF CHARGE</b>					<b>\$911,700.00</b>

### THE SITE

The subject land is the balance area of the incomplete Amaroo Estate situated off Karobean Drive and Emerald End Road, Mareeba, being described as Lot 500 on SP336235.

The land has an area of 20.7073 hectares and is zoned Low Density Residential under the Mareeba Shire Council Planning Scheme 2016.

The site contains an extensive frontage to Emerald End Road which is formed to a rural road bitumen sealed standard. Frontages also exist to Pontos Place, Moondani Avenue and Karobean Drive. Access to the proposed development will be via Emerald End Road and the continuation of Moondani Avenue.

Being a balance lot for an incomplete estate, the site is unimproved with the land being largely cleared and grassed. Vegetation remains along Cobra Creek and an internal waterway.

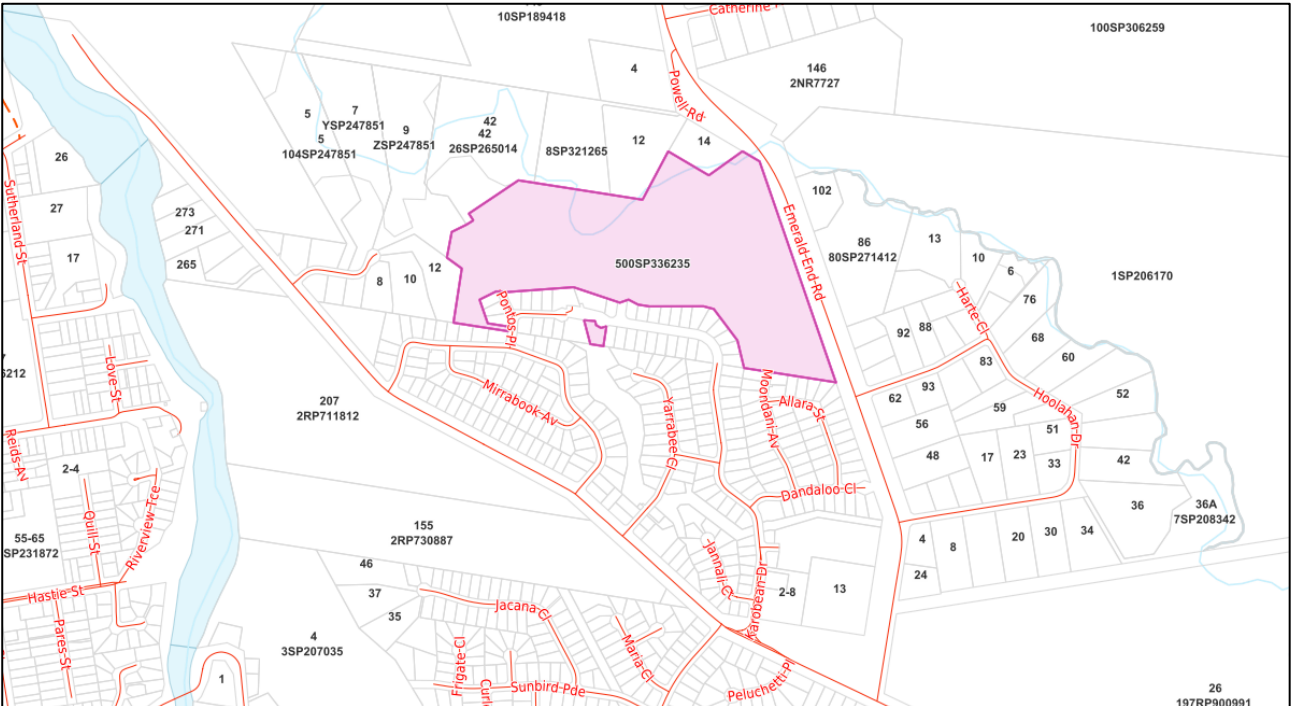
The site is able to be connected to town water, sewer, telecommunications and underground electricity supply.

Surrounding allotments are zoned Low Density Residential and have / and or will be developed for residential purposes.



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.



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.



**BACKGROUND AND CONTEXT**

Nil

**PREVIOUS APPLICATIONS & APPROVALS**

The application represents the continued development of Amaroo Estate, being Stages 13A, 13B and 14A, comprising 15, 18 and 12 new residential lots respectively.

The previous stages of Amaroo Estate have been developed lawfully under a number of individual approvals.

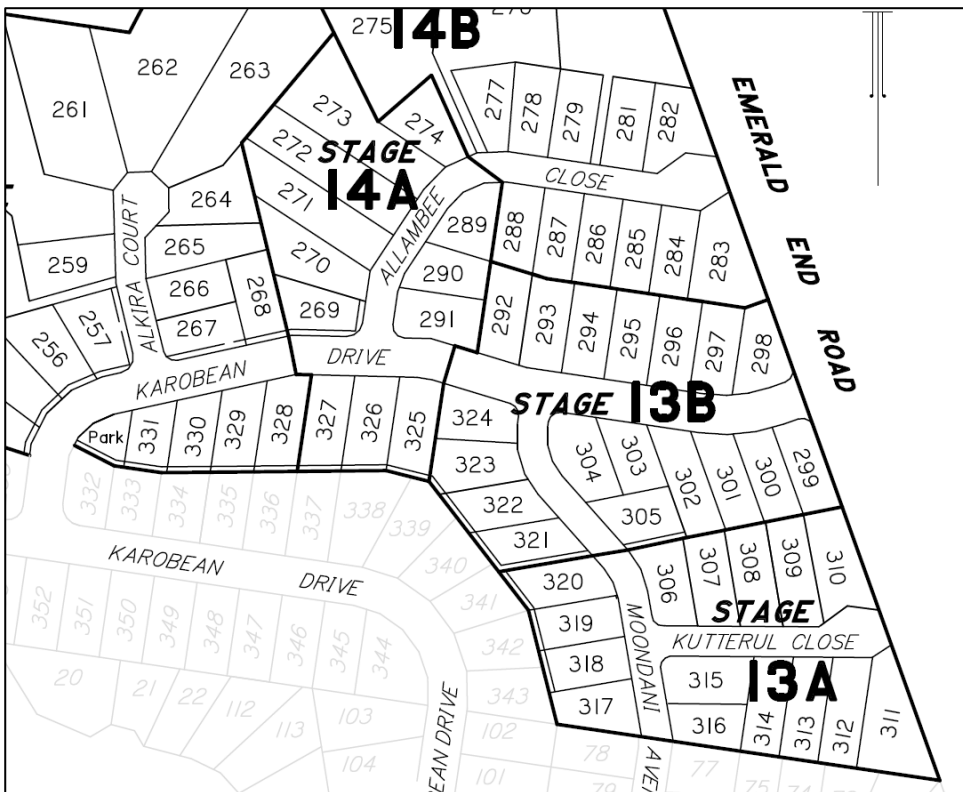
**DESCRIPTION OF PROPOSED DEVELOPMENT**

The development application seeks a Development Permit for Reconfiguring a Lot - Subdivision (1 into 45 lots) in 3 stages in accordance with the plans shown in **Attachment 1**.

The application represents the continued development of Amaroo Estate, being Stages 13A, 13B and 14A as follows:

- Stage 13A - 15 lots ranging in size from 807m<sup>2</sup> to 1,642m<sup>2</sup>;
- Stage 13B - 18 lots ranging in size from 875m<sup>2</sup> to 1,164m<sup>2</sup>; and
- Stage 14A - 12 lots ranging in size from 910m<sup>2</sup> to 2,517m<sup>2</sup>.

Stages 13B and 14A will include sections of Karobean Drive which will link up to Emerald End Road. A link through to the existing Estate will also be achieved via Moondani Avenue in Stages 13A and 13B . A plan of the 3 Stages is shown below:



Despite being shown on the above map, Stage 14B is not included in this application.

All lots will have the required road frontage, with no rear access lots proposed. All roads will be bitumen/asphalt sealed with layback/rollover kerbing on each side. Pedestrian footpaths will be provided on at least one side of each new section of road.

The new residential lots will be connected to all urban services, with the balance area allotment to be further developed during future stages of Amaroo Estate.

**REGIONAL PLAN DESIGNATION**

The subject site is included within the Urban Footprint land use category in the Far North Queensland Regional Plan 2009-2031. Mareeba is identified as a Major Regional Activity Centre in the Regional Plan. The Regional Plan Map 3- 'Areas of Ecological Significance' also identifies the site is:

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

**PLANNING SCHEME DESIGNATIONS**

Strategic Framework:	<b>Land Use Categories</b> • Residential Area
Zone:	Low Density Residential
Overlays:	Airport Environs Overlay 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) Planning Regulation 2017 - Schedule 12A**

**Schedule 12A** Assessment benchmarks for particular reconfiguring a lot (Walkable Neighbourhoods)

**4 Connectivity**

The reconfiguration provides connectivity for pedestrians by-

- (a) ensuring that any roads constructed or extended in association with the reconfiguration are connected in a grid-like pattern that is responsive to topography and other physical constraints; and
- (b) ensuring that, to the extent topography and other physical constraints reasonably permit, any roads constructed or extended in association with the reconfiguration, or footpaths provided in relation to the reconfiguration-
  - (i) connect to roads and footpaths in surrounding areas; or

- (ii) allow for connection to future roads and footpaths in surrounding areas.

Comment

The proposed lot layout remains consistent with the previously accepted Amaroo Estate master plan.

The new stages do not feature any significant topographical or physical constraints.

Footpaths will be conditioned along the new internal roads.

The Kutterul Close cul-de-sac head connects to the Emerald End Road reserve, providing for pedestrian connectivity.

**5 Maximum length of particular blocks**

- (1) The reconfiguration provides for convenient pedestrian movement by ensuring the length of each boundary of a block for the reconfiguration does not exceed the lesser of-
  - (a) a maximum length for a boundary of a block stated in a local assessment benchmark for the reconfiguration; or
  - (b) 250m.
- (2) Subsection (1) does not apply in relation to a block for the reconfiguration that the development application for the reconfiguration states will be subdivided as part of a future stage of development.

Comment

Complies. All proposed blocks are less than 250m in length.

**6 Street trees**

The reconfiguration provides shade for comfortable walking by -

- (a) if a local assessment benchmark for the reconfiguration requires the planting of more than 1 tree per 15m on each side of a new road—complying with the local assessment benchmark; or
- (b) otherwise—ensuring at least 1 tree is planted per 15m on each side of a new road.

Comment

The development will be conditioned to comply with the FNQROC Development Manual specification of one (1) tree at the centre of each lot. Planting a higher density of street trees will likely interfere/conflict with the future development of the proposed lots and would potentially see many of the trees left to die or deliberately damaged.

**7 Footpaths**

The reconfiguration provides for convenient and comfortable pedestrian movement by ensuring-

- (a) for a new road used mainly for providing direct access to a created lot - a footpath is constructed-

- (i) if a local assessment benchmark for the reconfiguration requires the construction of a footpath on both sides of the new road—on both sides of the road; or
  - (ii) otherwise - on at least 1 side of the new road; or
- (b) for another new road - a footpath is constructed on both sides of the road.

#### Applicant's Response

"The site is bounded by Karobean Drive and Emerald End Road. Emerald End Road is not provided with a pedestrian footpath with Karobean Drive provided with a pedestrian footpath for its full length. As abovementioned, BTM & S Stankovich Pty Ltd propose with this Development Application an External Pedestrian Network providing additional Connectivity. The existing Moondani Avenue is not provided with a pedestrian footpath with the proposal to extend the existing Avenue. It is noted that no internal roads within the existing Residential Estate, other than Karobean Drive, are provided with pedestrian footpaths. It is considered appropriate and acceptable that the provision of a pedestrian footpath is not required with this proposed development, other than Karobean Drive and will keep with the existing amenity of the Residential Estate whilst achieving appropriate and acceptable Connectivity.

Freshwater Planning Pty Ltd understands that the FNQROC Development Manual (Table D1.1 Street and Road Hierarchy) within Cairns, Douglas and the Cassowary Coast Councils contain the provision of an Access Place with a catchment size of 0 – 25 Dwellings not to require the provision of a Footpath. As the proposal is to provide less than 25 Dwelling Houses for Kutterul and Allambee Close, it is considered further appropriate that the provision of a pedestrian footpath is not required within this instance.

It is noted that the provision of a pedestrian footpath of the specified width and design for a Residential Allotment with a frontage of twenty (20) metres adds an additional \$4,000 to the development costs for that Allotment.

*The proposed footpath arrangement has previously been Negotiated and Approved by Council for Stages 6, 7, 8 and now Stage 12 (Karobean Drive & Wandara Court), with construction of these footpaths commencing around five (5) years ago. During this time, there has been no major issues in terms of maintenance, usability, and safety with the provided alignment against the kerb and channelling. This position has worked well for both parties (BTM & S Stankovich and Council) and BTM & S Stankovich see no reason as to why there must be a change from the reasonable and previously Council Approved solution.*

*The reasoning as to why the alignment of the pedestrian footpath was decided to be placed against the kerb and channelling was due to Council's preferred alignment for Water Mains at 2.00 metres and the concrete pedestrian footpath required to be placed in the location noted in the FNQROC Development Manual (i.e. 700mm from the kerbside edge and 1300mm from the property boundary), resulting in significant services such as the Water Main being located directly under this concrete footpath.*

*Clearly, this alignment would significantly compromise and hinder the Councils ability to conduct future maintenance works as the require sections of the concrete*

*path would need to be removed and reinstalled, resulting in higher maintenance costs as well as compromise the aesthetical look of the footpath and the Amaroo Residential Estate. Instead of Council opting to change the location of their Water Main alignment from 2.00 metres, the Council (at the time) and BTM & S Stankovich negotiated, agreed, and opted for a fair & reasonable engineering solution to allow for the Approved location of the footpath to be against the kerb and channelling, due to the aforementioned reasons regarding potential maintenance issues, location of Water Mains etc.*

*Further, as the alignment of the concrete pedestrian footpath been previously approved and installed against the kerb and channelling in multiple previous Stages of Amaroo Estate. It should be understood, BTM & S Stankovich obviously wish to maintain a consistent & pleasing visual appearance throughout its development and all future stages (Stage 13, 14 and further) as well as continually striving to provide a product which is both functional, appealing, and low maintenance for all stakeholders involved, particularly Mareeba Shire Council thus maintaining the alignment of concrete footpath against the Kerb and Channelling is preferred.*

It is considered appropriate and acceptable that the proposed location of the Pedestrian Footpath be continued to be located fronting the Kerb and Channelling ensuring the continual flow and amenity and aesthetics of the Amaroo Residential Estate."

#### Comment

Councils Technical Services Department was consulted with regards to the desired location of footpaths within the Estate. Table D1.1 of the FNQROC Manual does state that "access place" roads with a catchment size less than 25 dwellings do not require a footpath, however "access place" roads, with widths of just 5.5 metres are not permitted to be installed by developers within the Mareeba Shire. The smallest standard residential street permitted within the Mareeba Shire is an "access street", with a width of 6.5 metres inclusive of the requirement for a footpath on at least 1 side of the road. This is consistent with the intent of the Planning Regulation. As such, the development has been conditioned to include footpaths on all streets proposed.

Furthermore, it is desired that all pedestrian footpaths be located away from the road kerbing between the street trees and property boundaries, consistent with FNQROC Development Manual standard drawing S1004A. Council Officers have no concerns with the Estate water mains being located within proximity or even under the footpaths.

The exception to this is Karobean Drive, where an agreement is in place to allow the pedestrian footpath to be located abutting the kerbing which is consistent with the existing constructed sections of Karobean Drive.

The development has been appropriately conditioned to comply.

**8 Parks and other areas of open space**

- (1) The reconfiguration ensures access to areas for recreation, leisure or exercise by ensuring that, to the extent topography and other physical constraints reasonably permit, a part of each block for the reconfiguration is within 400m of a park or another area of open space that is accessible to the public.
- (2) In this section - *park* includes -
  - (a) an existing park; and
  - (b) a park, to be provided under a development approval, if development of the park has started; and
  - (c) land identified as a park in a local planning instrument; and
  - (d) land identified in an LGIP for public park infrastructure.

Comment

A small new park will be provided during future Stage 15. This park will satisfy this provision.

**(B) 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.

**(C) 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.

**(D) Mareeba Shire Council Planning Scheme 2016****Relevant Developments Codes**

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

- 6.2.6 Low density residential zone code
- 7.2.2 Mareeba local plan code
- 8.2.2 Airport environs overlay code
- 8.2.3 Bushfire hazard overlay code
- 8.2.4 Environmental significance overlay code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access code
- 9.4.4 Reconfiguring a lot code
- 9.4.5 Works, services and infrastructure code

The application included a planning report and assessment against the planning scheme. An officer assessment has found that the application satisfies the relevant acceptable outcomes (or performance outcome where no acceptable outcome applies) of the relevant codes set out below, provided reasonable and relevant conditions are attached to any approval.

Relevant Codes	Comments
Low density residential zone code	The application complies or can be conditioned to comply with the relevant acceptable outcomes or performance outcomes (where no acceptable outcome is provided) contained within the code.
Mareeba local plan code	The application complies or can be conditioned to comply with the relevant acceptable outcomes or performance outcomes (where no acceptable outcome is provided) contained within the code.
Airport environs overlay code	The application complies or can be conditioned to comply with the relevant acceptable outcomes or performance outcomes (where no acceptable outcome is provided) contained within the code.
Bushfire hazard overlay code	The application complies or can be conditioned to comply with the relevant acceptable outcomes or performance outcomes (where no acceptable outcome is provided) contained within the code.
Environmental significance overlay code	The application complies or can be conditioned to comply with the relevant acceptable outcomes or performance outcomes (where no acceptable outcome is provided) contained within the code.
Landscaping code	The application complies or can be conditioned to comply with the relevant acceptable outcomes or performance outcomes (where no acceptable outcome is provided) contained within the code.
Parking and access code	The application complies or can be conditioned to comply with the relevant acceptable outcomes or performance outcomes (where no acceptable outcome is provided) contained within the code.
Reconfiguring a lot code	The application complies or can be conditioned to comply with the relevant acceptable outcomes or performance outcomes (where no acceptable outcome is provided) contained within the code.
Works, services and infrastructure code	The application complies or can be conditioned to comply with the relevant acceptable outcomes or performance outcomes (where no acceptable outcome is provided) contained within the code.

**(E) Planning Scheme Policies/Infrastructure Charges Plan**

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

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

**(F) Adopted Infrastructure Charges Notice**

In accordance with Council's Adopted Infrastructure Charges Resolution (No. 1) 2022, a charge of \$20,260.00 will apply to each additional residential allotment created.

The application proposes the creation of 45 additional residential lots and one balance lot.

$\$20,260.00 \times 45 \text{ (lots)} = \underline{\underline{\$911,700.00}}$

**REFERRAL AGENCY**

This application did not trigger referral to a Referral Agency.

**Internal Consultation**

Technical Services

**PLANNING DISCUSSION**


Nil

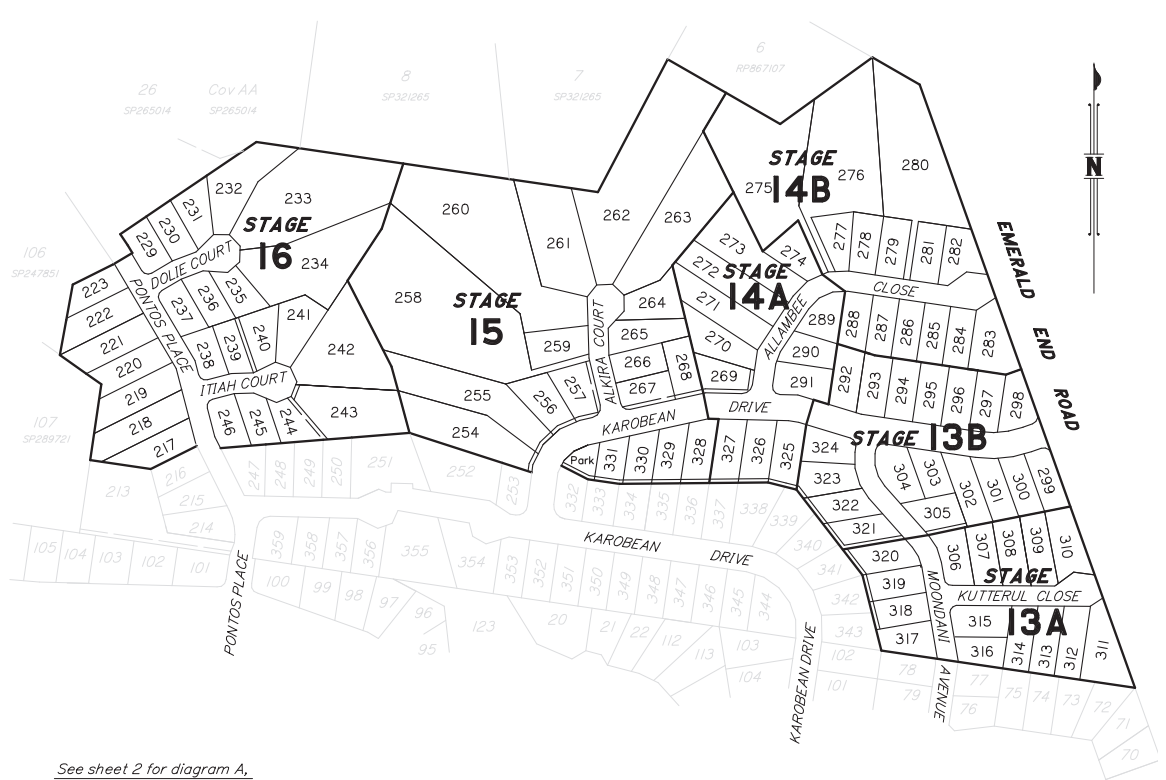


LOCAL GOVERNMENT: MSC  
 LOCALITY: Moree  
 Scale 1:2500 (A3)  
 Reference: 9013 Master Plan  
 Lot Layout - 1/12/2022

DEVELOPMENT PLAN  
 Stage 13 - 16

10m 129m 159m 379m

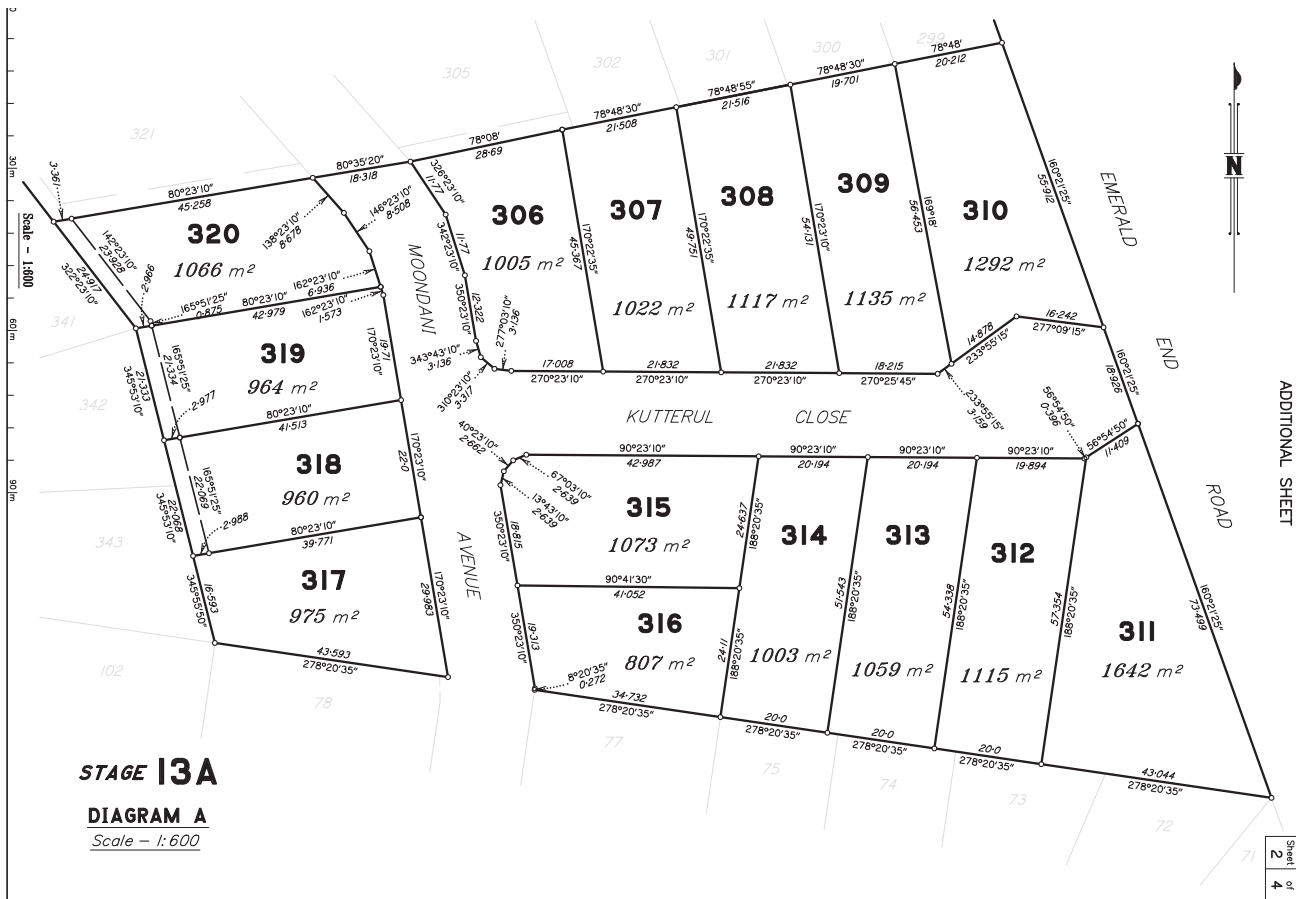

 TWINNE SURVEYS PTY LTD  
 36 Main Street, Atherton QLD 4883  
 P: 07 4091 1303  
 E: info@whinesurveys.com.au

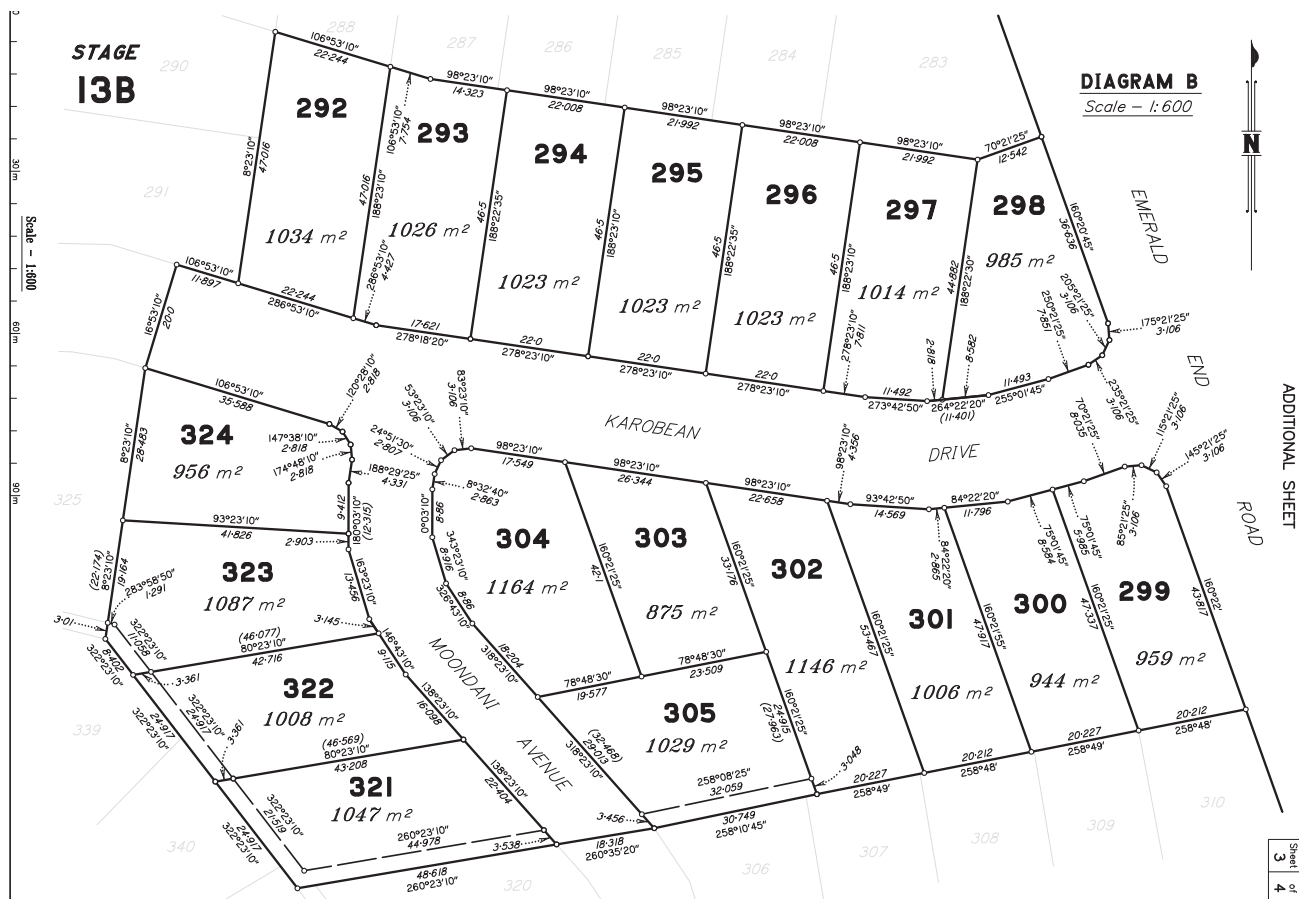


*See sheet 2 for diagram A,  
 and sheet 3 for diagram B,  
 and sheet 4 for diagram C.*

*Metes and bounds and areas  
 are subject to final survey.*

Sheet  
 1  
 of  
 4

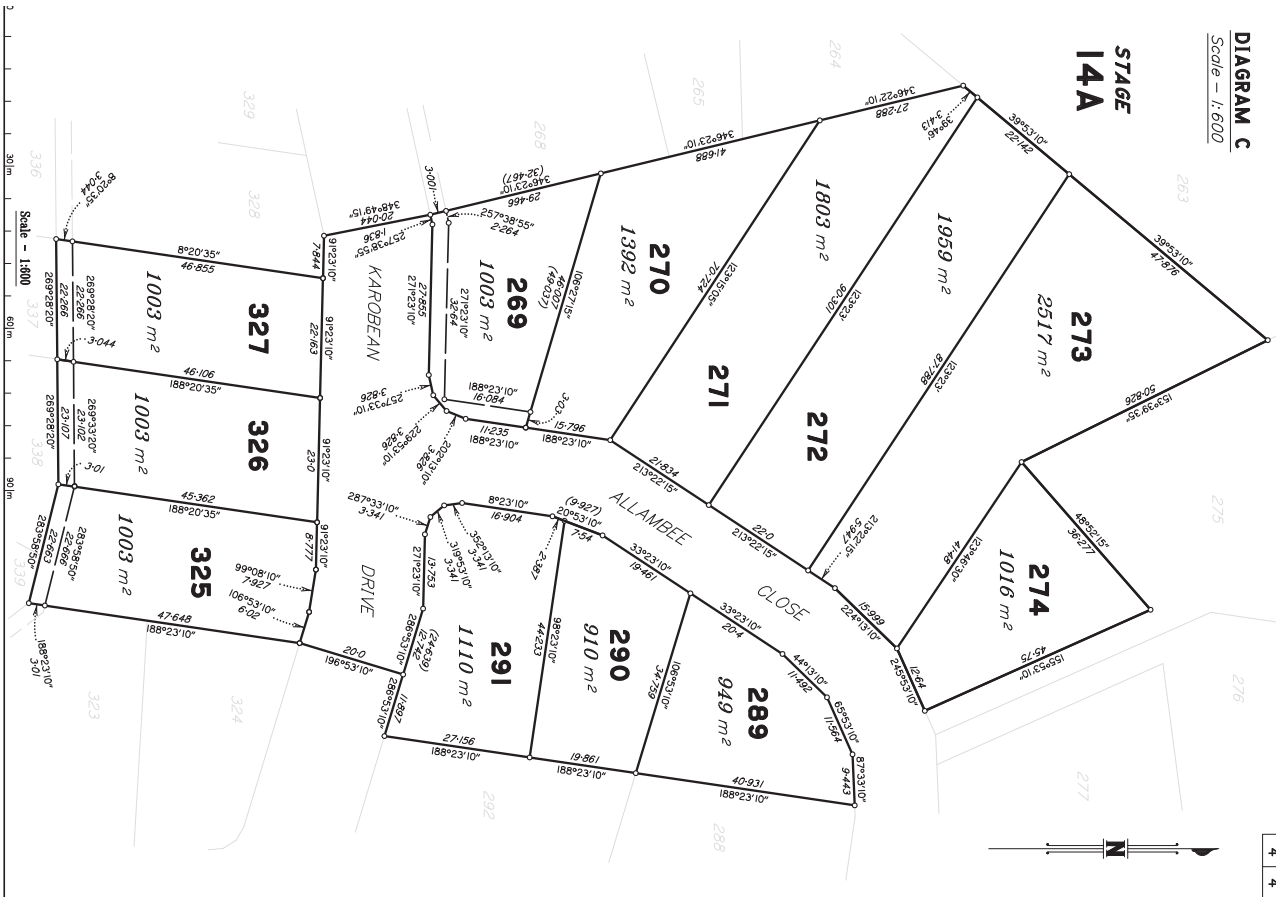




**DIAGRAM C**  
Scale - 1:600

ADDITIONAL SHEET

Sheet of  
4 4



**8.2 CHANGE OF DEVELOPMENT APPROVAL - ADERMINA PTY LTD - MATERIAL CHANGE OF USE - RESIDENTIAL CARE FACILITY AND RETIREMENT FACILITY (EXPANSION OF MOUNT KOOYONG NURSING HOME) - LOTS 1 & 2 ON RP748307 - 62 MOUNT KOOYONG ROAD, JULATTEN - MCU/22/0014**

**Date Prepared:** 3 January 2023

**Author:** Senior Planner

**Attachments:** 1. [Decision Notice dated 23 September 2022](#) ↓  
2. [Applicant's Change Application dated 7 December 2022](#) ↓

APPLICATION		PREMISES	
<b>APPLICANT</b>	Adermina Pty Ltd	<b>ADDRESS</b>	62 Mount Kooyong Road, Julatten
<b>DATE REQUEST FOR CHANGE TO DEVELOPMENT APPROVAL LODGED</b>	7 December 2022	<b>RPD</b>	Lots 1 & 2 on RP748307
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use - Residential Care Facility and Retirement Facility (Expansion of Mount Kooyong Nursing Home)		
<b>FILE NO</b>	MCU/22/0014	<b>AREA</b>	Lot 1 - 2804m2 Lot 2 - 5.159 hectares
<b>LODGED BY</b>	Gilvear Planning Pty Ltd	<b>OWNER</b>	M Ferguson
<b>PLANNING SCHEME</b>	Mareeba Shire Council Planning Scheme 2016		
<b>ZONE</b>	Rural zone		
<b>LEVEL OF ASSESSMENT</b>	Impact Assessment		
<b>SUBMISSIONS</b>	Nil		

### EXECUTIVE SUMMARY

Council approved a development application described in the above application details at its meeting held on 21 September 2022, subject to conditions.

The application was impact assessable and no properly made submissions were received in response to public notification of the application.

The applicant's planning consultant has made a change application seeking to amend the approved plans as they relate to the general location and orientation of proposed Building 1. The proposed change will allow Building 1 to avoid an area of problem soil identified during the detailed design soil testing.

Schedule 1: Substantially different development of the Development Assessment Rules (Planning Act 2016) provides assistance to the assessment manager (Council) in determining if a proposed change/s would result in substantially different development. It is considered that the proposed change/s will not result in substantially different development and therefore constitute a 'minor change'.

It is recommended that the change application be approved in full.

### OFFICER'S RECOMMENDATION

It is recommended that:

1. "In relation to the application to change the following development approval:

APPLICATION			PREMISES	
<b>APPLICANT</b>	Adermina Pty Ltd		<b>ADDRESS</b>	62 Mount Kooyong Road, Julatten
<b>DATE REQUEST FOR CHANGE TO DEVELOPMENT APPROVAL LODGED</b>	7 December 2022	<b>RPD</b>	Lots 1 & 2 on RP748307	
<b>TYPE OF APPROVAL</b>	Development Permit			
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use - Residential Care Facility and Retirement Facility (Expansion of Mount Kooyong Nursing Home)			

and in accordance with the Planning Act 2016, the following

- (a) The approved plan/s of Council's Decision Notice issued on 23 September 2022 be amended as follows:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
1575-CD-A-000	Cover Sheet	Clarke and Prince Architects	-
1575-CD-A-101	Locality Plan	Clarke and Prince Architects	-
1575-CD-A-102 B	Site Plan - Existing/Demo	Clarke and Prince Architects	13/01/23
1575-CD-A-103 C	Site Plan - Proposed	Clarke and Prince Architects	13/01/23
1575-CD-A-204 A	Proposed Floor Plan - Building 1	Clarke and Prince Architects	05/12/22
1575-CD-A-205 A	Proposed Floor Plan - Building 2	Clarke and Prince Architects	05/12/22
1575-CD-A-400 A	Elevations - Building 1	Clarke and Prince Architects	05/12/22
1575-CD-A-401 A	Elevations - Building 2	Clarke and Prince Architects	05/12/22
1575-CD-A-600 B	Stair & Ramp Details	Clarke and Prince Architects	13/01/23

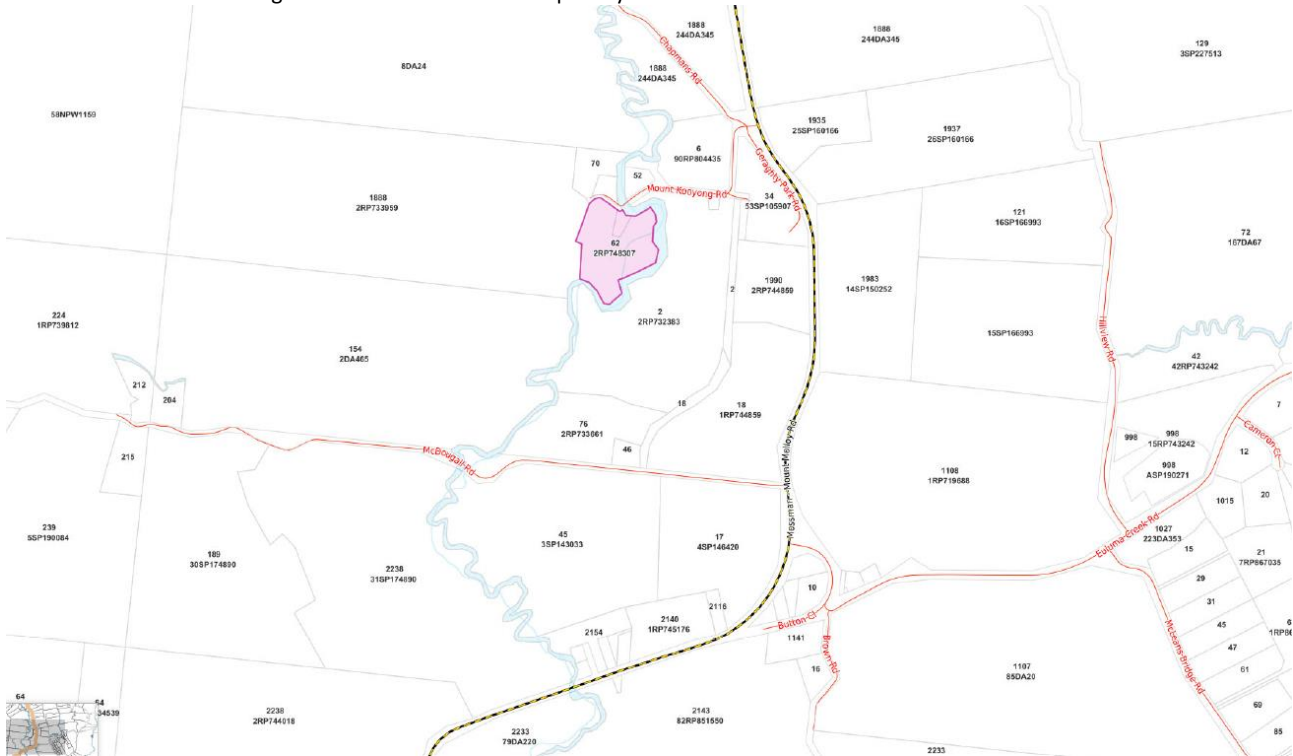
### THE SITE

The subject site is situated at 62 Mount Kooyong Road, Julatten and comprises Lots 1 and 2 on RP748307. The site is irregular in shape with a total area of 5.4394 hectares and is zoned Rural under the Mareeba Shire Council Planning Scheme 2016.



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.



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.

The site contains approximately 127 metres of frontage to Mount Kooyong Road, the majority of which is constructed to rural gravel standard. The bitumen sealed section of Mount Kooyong Road ends approximately 30 metres into the site's frontage and access to the site is gained off this section.

The site is improved by the Mount Kooyong Nursing Home which covers approximately 2 hectares in the north-eastern corner. The nursing homes consists of numerous buildings, access driveways and car parking areas.

Bushy Creek forms the eastern boundary of the subject site. A buffer of native vegetation ranging in width between 60 and 100 metres is present along the entire length of Bushy Creek.

The subject site is located approximately 1.3 kilometres north-west of the Julatten Township and is surrounded by a variety of land uses including agriculture, rural living and cattle-grazing. The closest sensitive receptor is a dwelling house located approximately 100 to the north. Geraghty Park is located approximately 400 metres to the east of the subject site.

## **BACKGROUND AND CONTEXT**

Council at its ordinary meeting held on 21 September 2022 approved an application made by Gilvear Planning Pty Ltd on behalf of Adermina Pty Ltd for the issue of a development permit for Mareeba Change of Use - Residential Care Facility and Retirement Facility (Expansion of Mount Kooyong Nursing Home) on land described as Lots 1 & 2 on RP748307, situated at 62 Mount Kooyong Road, Julatten.

The application was approved subject to conditions and the Decision Notice was issued on 23 September 2022 (**Attachment 1**).

Gilvear Planning Pty Ltd, on behalf of Adermina Pty Ltd have lodged an application to change the development approval (a change application) by amending the approved plans as they relate to the general location and orientation of proposed Building 1.

Schedule 1: Substantially different development of the Development Assessment Rules (Planning Act 2016) provides assistance to the assessment manager (Council) in determining if a proposed change/s would result in substantially different development. It is considered that the proposed change/s will not result in substantially different development and therefore constitute a 'minor change'.

## **ASSESSMENT AND DECISION REQUIREMENTS**

### **Minor change for a development approval - Planning Act 2016**

#### **Schedule 1: Substantially different development (Development Assessment Rules)**

- 1. An assessment manager or responsible entity may determine that the change is a minor change to a development application or development approval, where - amongst other criteria - a minor change is a change that would not result in 'substantially different' development.*

Schedule 2 - Dictionary of the Planning Act 2016 defines a minor change as follows:

**Minor change** means a change that-

- (a) for a development application (not applicable).*



- (b) for a development approval-*
  - (i) Would not result in substantially different development; and*
  - (ii) If a development application for the development, including the change, were made when the change application is made would not cause-*
    - (A) the inclusion of prohibited development in the application; or*
    - (B) referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or*
    - (C) referral to extra referral agencies, other than the chief executive; or*
    - (D) a referral agency to assess the application against, or have regard to, matter prescribed by regulation under section 55(2), other than matters the referral agency must have assessed the application against, or have regard to, when the application was made; or*
    - (E) public notification if public notification was not required for the development application.*
- 2.** *An assessment manager or responsible entity must determine if the proposed change would result in substantially different development for a change-*
  - (a) made to a proposed development application the subject of a response given under section 57(3) of the Act and a properly made application;*
  - (b) made to a development application in accordance with part 6;*
  - (c) made to a development application after the appeal period.*
- 3.** *In determining whether the proposed change would result in substantially differed development, the assessment manager or referral agency must consider the individual circumstances of the development, in the context of the change proposed.*
- 4.** *A change may be considered to result in a substantially different development if any of the following apply to the proposed change:*
  - (a) involves a new use; or*
  - (b) result in the application applying to a new parcel of land; or*
  - (c) dramatically changes the built form in terms of scale, bulk and appearance; or*
  - (d) change the ability of the proposed development to operate as intended; or*
  - (e) removes a component that is integral to the operation of the development; or*
  - (f) significantly impacts on traffic flow and the transport network, such as increasing traffic to the site; or*
  - (g) introduces new impacts or increase the severity of known impacts; or*
  - (h) removes and incentive or offset component that would have balanced a negative impact of the development; or*
  - (i) impacts on infrastructure provisions.*

Comment

The proposed change to the development approval constitutes a minor change to the approval.

**Assessing and deciding application for minor changes**

Section 81(2) of the Planning Act 2016 requires that Council must assess the proposed change having regard to:

- *The information the applicant included with the application*

Comment

The details of the request to change the approval were provided by the applicant in a letter to Council dated 7 December 2022 (**Attachment 2**). The proposed changes are addressed in the body of this report.

- *if submissions were made about the original application – the submissions*

Comment

The original development application was impact assessable and no submissions were received.

- *Any pre-request response notice or response notice given in relation to the change application.*

Comment

No pre-request response notice or response notice was given.

- *All matters the responsible entity (Council) would or may assess against or have regard to, if the change application were a development application.*

Comment

The requested change is addressed in the body of this report.

- *Another matter that the responsible entity (Council) considers relevant.*

Comment

No other matter is considered relevant.

**REQUEST TO CHANGE THE DEVELOPMENT APPROVAL**

**Approved Plan/s**

<b>Plan/Document Number</b>	<b>Plan/Document Title</b>	<b>Prepared by</b>	<b>Dated</b>
1575-PD-A-00 P1	Cover Sheet	Clarke and Prince Architects	19/05/22
1575-PD-A-01 P2	Locality Plan	Clarke and Prince Architects	19/05/22
1575-PD-A-02 P3	Site Plan - Existing/Demo	Clarke and Prince Architects	19/05/22
1575-PD-A-03 P4	Site Plan - Proposed	Clarke and Prince Architects	19/05/22
1575-PD-A-04 P3	Proposed Floor Plans	Clarke and Prince Architects	19/05/22
1575-PD-A-05 P2	Proposed Elevations - Building 1	Clarke and Prince Architects	19/05/22
1575-PD-A-06 P2	Proposed Elevations - Building 2	Clarke and Prince Architects	19/05/22

**Request by Applicant**

*Through the detailed design phase of the project, soil testing has identified an underlying issue with the location where building 1 was initially proposed. Consequently, as a result of the identified issue, the footings associated with this aspect of the development would require significant enhancement to achieve structural suitability.*

*However, a slight relocation of building 1, as proposed by the change, eliminates the identified issue, and allows standard footings to be utilised. Importantly, the proposed change does not alter the form or function of proposed building 1.*

*As a result of the proposed change, a revised set of Proposal Plans is provided for the purpose of updating the list of Approved Plans specified within the Development Permit.*

**Response**

The slight change to the location and orientation of proposed Building 1 is a logical response to the results of the soil testing.

All other aspects of the approved development will remain unchanged.

It is recommended that the approved plans be amended as follows:

<b>Plan/Document Number</b>	<b>Plan/Document Title</b>	<b>Prepared by</b>	<b>Dated</b>
1575-CD-A-000	Cover Sheet	Clarke and Prince Architects	-
1575-CD-A-101	Locality Plan	Clarke and Prince Architects	-
1575-CD-A-102 B	Site Plan - Existing/Demo	Clarke and Prince Architects	13/01/23
1575-CD-A-103 C	Site Plan - Proposed	Clarke and Prince Architects	13/01/23
1575-CD-A-204 A	Proposed Floor Plan - Building 1	Clarke and Prince Architects	05/12/22
1575-CD-A-205 A	Proposed Floor Plan - Building 2	Clarke and Prince Architects	05/12/22
1575-CD-A-400 A	Elevations - Building 1	Clarke and Prince Architects	05/12/22
1575-CD-A-401 A	Elevations - Building 2	Clarke and Prince Architects	05/12/22
1575-CD-A-600 B	Stair & Ramp Details	Clarke and Prince Architects	13/01/23

65 Rankin Street  
 PO Box 154 MAREEBA QLD 4880

P: 1300 308 461  
 F: 07 4092 3323

W: www.msc.qld.gov.au  
 E: info@msc.qld.gov.au

23 September 2022

Senior Planner: Brian Millard  
 Direct Phone: 4086 4657  
 Our Reference: MCU/22/0014  
 Your Reference: J001395: MKY: KLG

Adermina Pty Ltd  
 C/- Gilvear Planning Pty Ltd  
 PO Box 228  
 BABINDA QLD 4861

Dear Applicants,

## Decision Notice

### *Planning Act 2016*

I refer to your application and advise that on 21 September 2022, Council decided to approve the application in full subject to conditions.

Details of the decision are as follows:

#### APPLICATION DETAILS

Application No:	MCU/22/0014
Street Address:	62 Mount Kooyong Road, Julatten
Real Property Description:	Lots 1 and 2 on RP748307
Planning Scheme:	Mareeba Shire Council Planning Scheme 2016

#### DECISION DETAILS

Type of Decision:	Approval
Type of Approval:	Development Permit for Material Change of Use - Residential Care Facility and Retirement Facility (Expansion of Mount Kooyong Nursing Home)
Date of Decision:	21 September 2022

#### CURRENCY PERIOD OF APPROVAL

The currency period for this development approval is six (6) years starting the day that this development approval takes effect. (Refer to Section 85 "Lapsing of approval at end of currency period" of the *Planning Act 2016*.)

---

Public Office: 65 Rankin Street, Mareeba QLD 4880. Postal address: PO Box 154, Mareeba QLD 4880

Document Set ID: 4145478  
 Version: 2, Version Date: 23/09/2022

**INFRASTRUCTURE**

Where conditions relate to the provision of infrastructure, these are non-trunk infrastructure conditions unless specifically nominated as a “*necessary infrastructure condition*” for the provision of trunk infrastructure as defined under Chapter 4 of the *Planning Act 2016*.

**ASSESSMENT MANAGER CONDITIONS**

## (A) ASSESSMENT MANAGER’S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. Development must be carried out generally in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:
  - found necessary by Council’s delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
  - to ensure compliance with the following conditions of approval.
2. Timing of Effect
  - 2.1 The conditions of the development permit must be complied with to the satisfaction of Council’s delegated officer prior to the commencement of the use except where specified otherwise in these conditions of approval.
  - 2.2 Prior to the commencement of use, the applicant must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.
3. General
  - 3.1 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
  - 3.2 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to commencement of the use and at the rate applicable at the time of payment.
  - 3.3 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council’s delegated officer.
  - 3.4 Noise Nuisance

Refrigeration equipment, pumps, compressors and mechanical ventilation systems must be located, designed, installed and maintained to achieve a maximum noise level of 3dB(A) above background levels as measured from noise sensitive locations and a maximum noise level of 8dB(A) above background levels as measured from commercial locations.

---

### 3.5 Waste Management

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

### 3.6 Amalgamation

Prior to the issuance of the Final Certification and Commencement of Use, the lots must be amalgamated.

## 4. Infrastructure Services and Standards

### 4.1 Access

The access crossover servicing the development must be maintained (from the edge of Mount Kooyong Road to the property boundary) in accordance with FNQROC Development Manual standards, to the satisfaction of Council's delegated officer, for the life of the development.

### 4.2 Stormwater Drainage

- (a) The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.
- (b) All stormwater drainage concentrated by the development must be collected from site and discharged to an approved legal point of discharge.

### 4.3 Car Parking/Internal Driveways

- (a) The applicant/developer must ensure that all car parking for the approved use occurs on site and not on adjoining road reserves.
- (b) All car parking spaces and trafficable areas must be at minimum gravel surfaced and appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer.
- (c) All car parking spaces and internal driveways must be constructed in compliance with the following standards, to the satisfaction of Council's delegated officer:
  - Australian Standard AS2890:1 Off Street Parking – Car Parking Facilities;
  - Australian Standard AS1428:2001 – Design for Access and Mobility.
- (d) All parking spaces and trafficable areas must be maintained in good order and safe repair for the life of the development, to the satisfaction of Council's delegated officer.

### 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 2004 (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 (AS/NZS1547) to the satisfaction of the Council's delegated officer.

**REFERRAL AGENCIES**

Not Applicable.

**APPROVED PLANS**

The following plans are Approved plans for the development:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
1575-PD-A-00 P1	Cover Sheet	Clarke and Prince Architects	19/05/22
1575-PD-A-01 P2	Locality Plan	Clarke and Prince Architects	19/05/22
1575-PD-A-02 P3	Site Plan - Existing/Demo	Clarke and Prince Architects	19/05/22
1575-PD-A-03 P4	Site Plan - Proposed	Clarke and Prince Architects	19/05/22
1575-PD-A-04 P3	Proposed Floor Plans	Clarke and Prince Architects	19/05/22
1575-PD-A-05 P2	Proposed Elevations - Building 1	Clarke and Prince Architects	19/05/22
1575-PD-A-06 P2	Proposed Elevations - Building 2	Clarke and Prince Architects	19/05/22

**ADVISORY NOTES**

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

(A) ASSESSMENT MANAGER'S ADVICE

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



DECISION NOTICE

MCU/22/0014

Page 5

Scheme Codes to the extent they have not been varied by a condition of this approval.

(c) 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.

(d) Environmental Protection and Biodiversity Conservation Act 1999

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

(e) Cultural Heritage

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

#### PROPERTY NOTES

Not Applicable.

#### FURTHER DEVELOPMENT PERMITS REQUIRED

- Development Permit for Building Work
- Compliance Permit for Plumbing and Drainage Work

#### SUBMISSIONS

There were no properly made submissions about the application.

#### RIGHTS OF APPEAL

You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Planning Act 2016* is attached.

During the appeal period, you as the applicant may suspend your appeal period and make written representations to council about the conditions contained within the development approval.

Mareeba Shire Council

Document Set ID: 4145478  
Version: 2, Version Date: 23/09/2022

DECISION NOTICE

MCU/22/0014  
Page 6

If council agrees or agrees in part with the representations, a “negotiated decision notice” will be issued. Only one “negotiated decision notice” may be given. Taking this step will defer your appeal period, which will commence again from the start the day after you receive a “negotiated decision notice”.

**OTHER DETAILS**

If you wish to obtain more information about Council’s decision, electronic copies are available on line at [www.msc.qld.gov.au](http://www.msc.qld.gov.au), or at Council Offices.

Yours faithfully

**BRIAN MILLARD**  
**SENIOR PLANNER**

Enc: Approved Plans/Documents  
Appeal Rights

---

Mareeba Shire Council

Document Set ID: 4145478  
Version: 2, Version Date: 23/09/2022

DECISION NOTICE

MCU/22/0014  
Page 7

**Approved Plans/Documents**

**PROPOSED EXTENSIONS**  
**MT. KOOYONG NURSING HOME**  
 62 MT. KOOYONG ROAD, JULIATEN, QLD

**DRAWING LIST**

- S23-PD-A00 COVER SHEET
- S23-PD-A01 LOCALITY PLAN
- S23-PD-A02 SITE PLAN - EXISTING / DEMO
- S23-PD-A03 SITE PLAN - PROPOSED
- S23-PD-A04 PROPOSED FLOOR PLANS
- S23-PD-A05 PROPOSED ELEVATIONS - BUILDING 1
- S23-PD-A06 PROPOSED ELEVATIONS - BUILDING 2



**BUILDING 1**



**BUILDING 2**

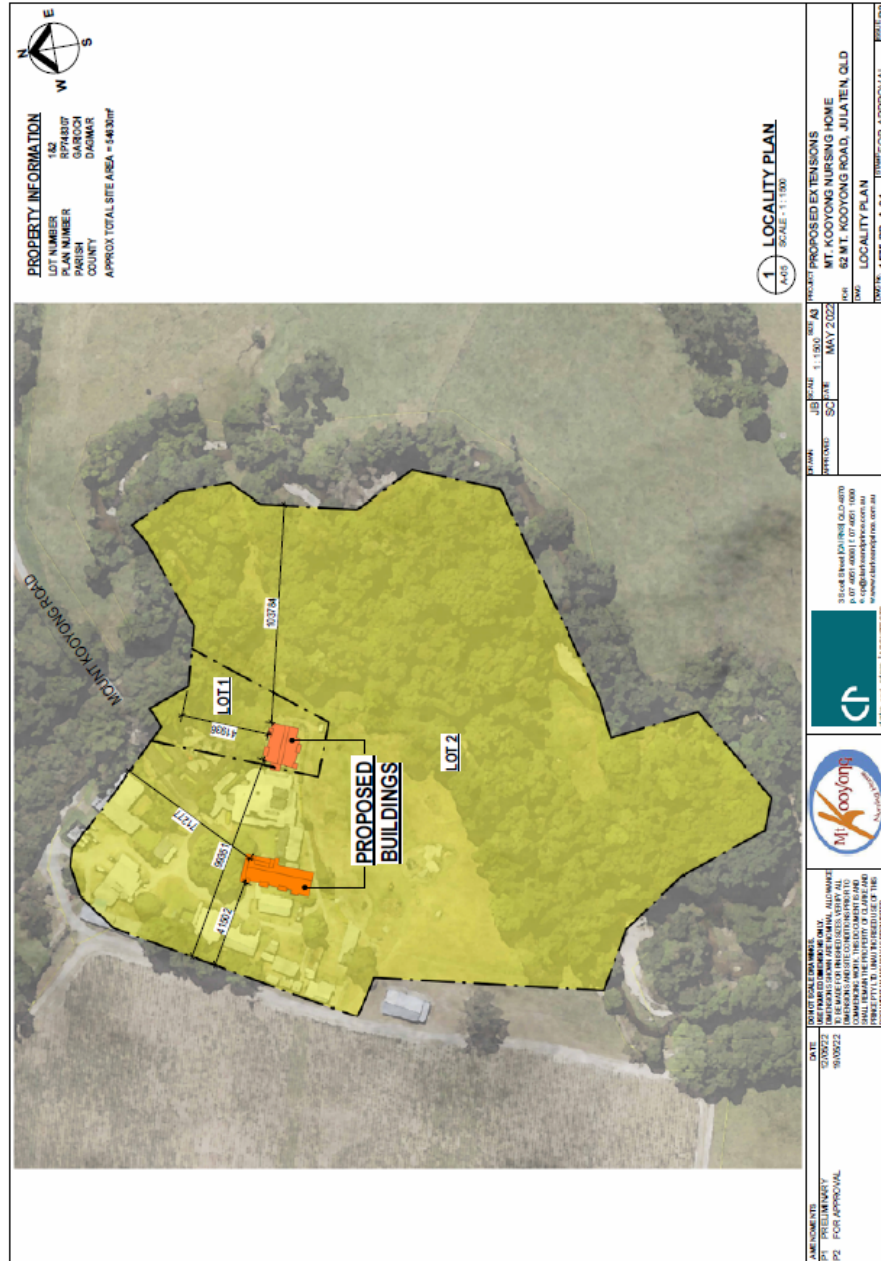
<b>DATE</b>	20/09/22	<b>DATE FOR APPROVAL</b>	20/09/22	<b>PROJECT NAME</b>	PROPOSED EXTENSIONS
<b>DATE FOR APPROVAL</b>		<b>DATE FOR APPROVAL</b>		<b>PROJECT NAME</b>	MT. KOOYONG NURSING HOME
<b>DATE FOR APPROVAL</b>		<b>DATE FOR APPROVAL</b>		<b>PROJECT NAME</b>	62 MT. KOOYONG ROAD, JULIATEN, QLD
<b>DATE FOR APPROVAL</b>		<b>DATE FOR APPROVAL</b>		<b>PROJECT NAME</b>	COVER SHEET
<b>DATE FOR APPROVAL</b>		<b>DATE FOR APPROVAL</b>		<b>PROJECT NAME</b>	1575-PD-A-00
<b>DATE FOR APPROVAL</b>		<b>DATE FOR APPROVAL</b>		<b>PROJECT NAME</b>	part 14

Mareeba Shire Council

Document Set ID: 4145478  
Version: 2, Version Date: 23/09/2022

DECISION NOTICE

MCU/22/0014  
Page 8

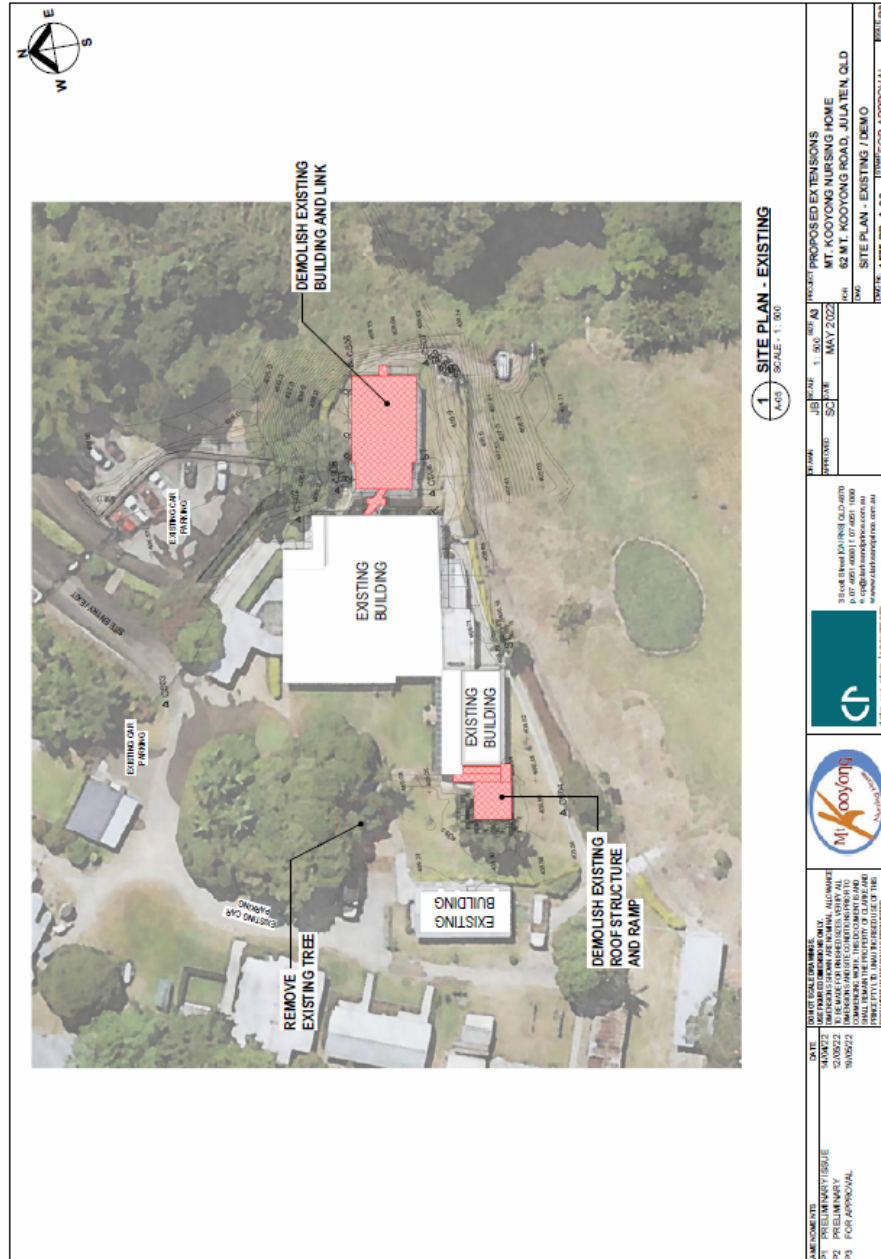


Mareeba Shire Council

Document Set ID: 4145478  
Version: 2, Version Date: 23/09/2022

DECISION NOTICE

MCU/22/0014  
Page 9

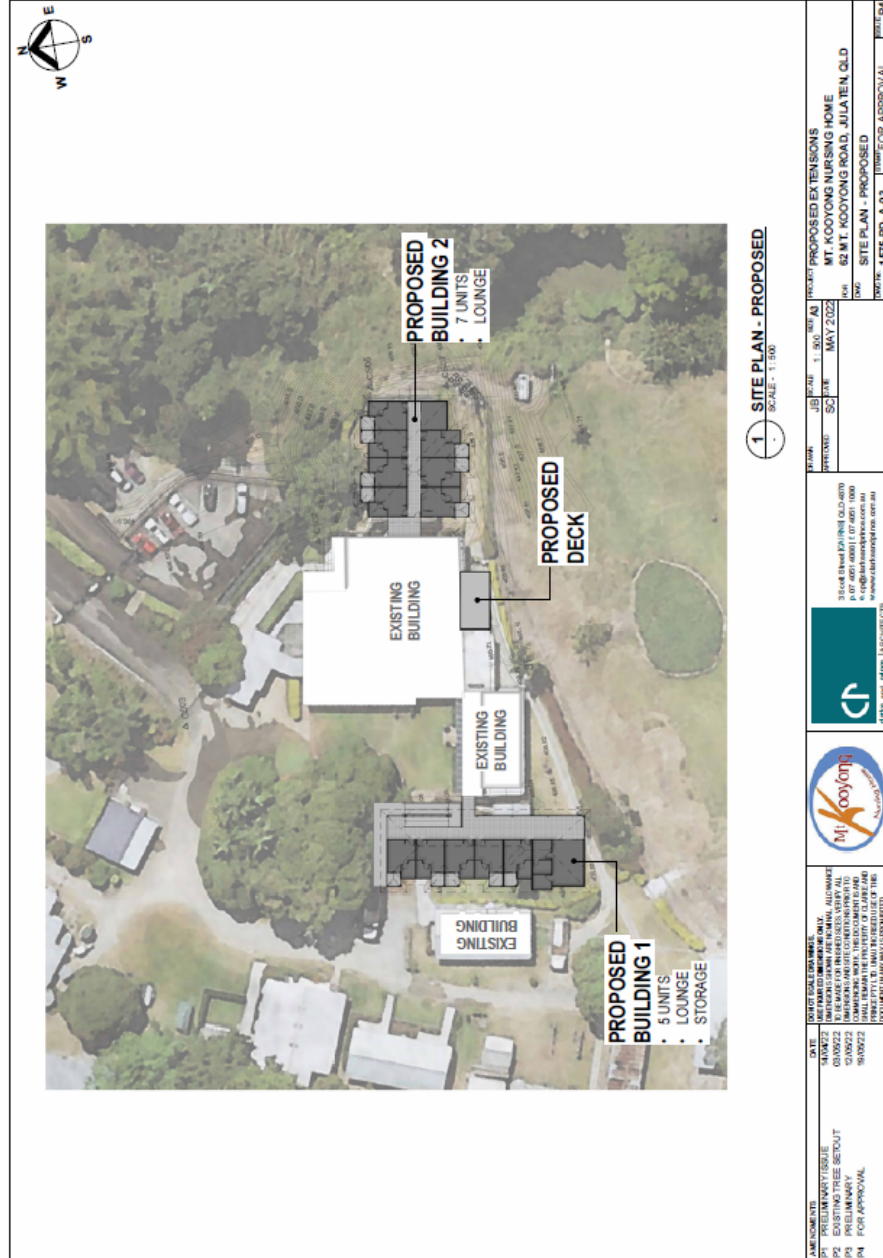


Mareeba Shire Council

Document Set ID: 4145478  
Version: 2, Version Date: 23/09/2022

DECISION NOTICE

MCU/22/0014  
Page 10



Mareeba Shire Council

Document Set ID: 4145478  
Version: 2, Version Date: 23/09/2022

DECISION NOTICE

MCU/22/0014  
Page 11



Mareeba Shire Council

Document Set ID: 4145478  
Version: 2, Version Date: 23/09/2022

DECISION NOTICE

MCU/22/0014  
Page 12

**1 BUILDING 1 - NORTH ELEVATION**  
SCALE: 1:200

**2 BUILDING 1 - SOUTH ELEVATION**  
SCALE: 1:200

**3 BUILDING 1 - EAST ELEVATION**  
SCALE: 1:200

**4 BUILDING 1 - WEST ELEVATION**  
SCALE: 1:200

<p>DATE: 05/05/22</p> <p>PROJECT: P2 FOR APPROVAL</p> <p>PROJECT NO: 103022</p> <p>PROJECT NAME: PROPOSED EXTENSIONS - BUILDING 1</p> <p>PROJECT ADDRESS: 52 MT. KOOTONG ROAD, JULIEN, QLD</p> <p>PROJECT TYPE: 1575-PO-A-05</p> <p>PROJECT STATUS: FOR APPROVAL</p>	<p>SCALE: 1:200</p> <p>DATE: MAY 2022</p> <p>PROJECT: SC</p>	<p>PROPOSED EXTENSIONS MT. KOOTONG NURSING HOME 52 MT. KOOTONG ROAD, JULIEN, QLD</p> <p>PROPOSED ELEVATIONS - BUILDING 1 1575-PO-A-05</p>	<p>3/16/2022 P: 07 4051 0001 E: info@mykootong.com.au www.mykootong.com.au</p>	<p>PROPOSED EXTENSIONS MT. KOOTONG NURSING HOME 52 MT. KOOTONG ROAD, JULIEN, QLD</p> <p>PROPOSED ELEVATIONS - BUILDING 1 1575-PO-A-05</p>
--	--	---	--	---

Mareeba Shire Council

Document Set ID: 4145478  
Version: 2, Version Date: 23/09/2022



DECISION NOTICE

MCU/22/0014  
Page 13

**1. BUILDING 2 - NORTH ELEVATION**  
SCALE = 1:200

**2. BUILDING 2 - EAST ELEVATION**  
SCALE = 1:200

**3. BUILDING 2 - SOUTH ELEVATION**  
SCALE = 1:200

**4. BUILDING 2 - WEST ELEVATION**  
SCALE = 1:200

<p>DATE: 09/09/22 DRAWN BY: 903922 PROJECT NO: 1875-PO-A-06</p> <p>FOR APPROVAL</p>	<p>FOR USE ONLY THIS DRAWING IS FOR THE USE OF THE CLIENT ONLY. IT IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.</p>	<p>3/16/23 Road &amp; Power (INCORPORATED) P.O. BOX 4001 (1 OF 401) 1800 a.c@roadandpower.com.au www.roadandpower.com.au</p>	<p>DATE: 1:2023 JOB NO: 1875-PO-A-06 PROJECT: SC DATE: MAY 2022</p>	<p>PROPOSED EXTENSIONS MT. KOOTONG NURSING HOME LOT: 62 MT. KOOTONG ROAD, JULIEN, QLD PROPOSED ELEVATIONS - BUILDING 2 SCALE: 1:200 FOR APPROVAL</p>
---	---	--	---	--

Mareeba Shire Council

Document Set ID: 4145478  
Version: 2, Version Date: 23/09/2022

## Appeal Rights

PLANNING ACT 2016 & THE PLANNING REGULATION 2017

### Chapter 6 Dispute resolution

#### Part 1 Appeal rights

##### 229 Appeals to tribunal or P&E Court

- (1) Schedule 1 of the *Planning Act 2016* states –
- (a) Matters that may be appealed to –
    - (i) either a tribunal or the P&E Court; or
    - (ii) only a tribunal; or
    - (iii) only the P&E Court; and
  - (b) The person-
    - (i) who may appeal a matter (**the appellant**); and
    - (ii) who is a respondent in an appeal of the matter; and
    - (iii) who is a co-respondent in an appeal of the matter; and
    - (iv) who may elect to be a co-respondent in an appeal of the matter.

(Refer to Schedule 1 of the Planning Act 2016)

- (2) An appellant may start an appeal within the appeal period.
- (3) The **appeal period** is –
  - (a) for an appeal by a building advisory agency – 10 business days after a decision notice for the decision is given to the agency; or
  - (b) for an appeal against a deemed refusal – at any time after the deemed refusal happens; or
  - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises – 20 business days after a notice is published under section 269(3)(a) or (4); or
  - (d) for an appeal against an infrastructure charges notice – 20 business days after the infrastructure charges notice is given to the person; or
  - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given – 30 business days after the applicant gives the deemed approval notice to the assessment manager; or
  - (f) for any other appeal – 20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

*Note –*

*See the P&E Court Act for the court's power to extend the appeal period.*

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.

- 
- (6) To remove any doubt. It is declared that an appeal against an infrastructure charges notice must not be about-
- (a) the adopted charge itself; or
  - (b) for a decision about an offset or refund-
    - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
    - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

### 230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that-
  - (a) is in the approved form; and
  - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to –
  - (a) the respondent for the appeal ; and
  - (b) each co-respondent for the appeal; and
  - (c) for an appeal about a development application under schedule 1, table 1, item 1 – each principal submitter for the development application; and
  - (d) for and appeal about a change application under schedule 1, table 1, item 2 – each principal submitter for the change application; and
  - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
  - (f) for an appeal to the P&E Court – the chief executive; and
  - (g) for an appeal to a tribunal under another Act – any other person who the registrar considers appropriate.
- (4) The *service period* is –
  - (a) if a submitter or advice agency started the appeal in the P&E Court – 2 business days after the appeal has started; or
  - (b) otherwise – 10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

### 231 Other appeals

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section –

DECISION NOTICE

MCU/22/0014  
Page 16

*decision* includes-

- (a) conduct engaged in for the purpose of making a decision; and
- (b) other conduct that relates to the making of a decision; and
- (c) the making of a decision or failure to make a decision; and
- (d) a purported decision ; and
- (e) a deemed refusal.

*non-appealable*, for a decision or matter, means the decision or matter-

- (a) is final and conclusive; and
- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the Judicial Review Act 1991 or otherwise, whether by the Supreme Court, another court, a tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

#### 232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with the rules of the P&E Court.

---

Mareeba Shire Council

Document Set ID: 4145478  
Version: 2, Version Date: 23/09/2022



**OUR REF:** J001395: MKY: KLG

**DATE:** 7 December 2022

Mr Brian Millard  
Senior Planner  
Mareeba Shire Council  
65 Rankin Street  
Mareeba, QLD 4880

Via Email: [planning@msc.qld.gov.au](mailto:planning@msc.qld.gov.au)

**RE: CHANGE APPLICATION – DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR RESIDENTIAL CARE FACILITY AND RETIREMENT FACILITY (EXPANSION OF MOUNT KOOYONG NURSING HOME)**

As you are aware, Gilvear Planning Pty Ltd (Gilvear Planning) is providing Town Planning and Approvals Management assistance to Adermina Pty Ltd (the Applicant) in relation to the above-described Approval, granted by Council on 23 September 2022 and benefitting land described as Lots 1 and 2 on RP748307 located at 62 Mount Kooyong Road, Julatten (the subject site)

On behalf of the Applicant, Gilvear Planning submits the following Change Application, pursuant to Section 78 of the *Planning Act 2016* (The Act) which seeks Approval to amend the existing Approved Plans for the purpose of the following amendment:

1. Amend the location of proposed building 1 in response to site condition requirements; and
2. Update the list of Approved Plans.

Attached to this letter, please find:

1. DA Form 5 – Change Application;
2. Development Permit MCU/22/0014 dated 23 September 2022; and
3. Revised Proposal Plans

Pursuant to Council's current schedule of Fees and Charges, it is noted that the current Application Fee for a Change Application is 50% of the current prescribed fee. In this instance, the Application Fee was \$8261.00 (refer Invoice MCU/22/0014) which requires the payment of a Fee of \$4310.50.

However, in this instance, a dispensation of the applicable Fee is sought owing to the Change Application pertaining to the location of proposed building 1 and an update to the Approved Plans. The change does not materially impact on the form or function of the overarching development and supports an expansion of the existing Mount Kooyong Nursing Home.

**FAR NORTH QUEENSLAND**  
0448 897 991  
PO Box 228 Babinda Q 4861

**SOUTH EAST QUEENSLAND**  
0418 843 949  
PO Box 438 Paddington Q 4064

Gilvear Planning Pty Ltd ABN 88 140 988 825  
[gilvearplanning.com.au](http://gilvearplanning.com.au)

### THE SITE

The subject site is represented by Lots 1 and 2 on RP748307 which have a combined area of 5.44Ha and a small frontage to Mt Kooyong Road. The subject site has an irregular geospatial form with large areas of remnant vegetation, particularly to the south and east with a varying topography.

The subject site is located north of the Julatten Township and is surrounded by a variety of land uses including agriculture, residential and cattle-grazing. The closest sensitive receptor is a Dwelling House located approximately 330m to the east.

The subject site is vastly improved by way of an existing Residential Care Facility (the Mt Kooyong Nursing Home) which encompasses an area to the north-west of the site. The existing development includes several buildings which include accommodation, communal areas, and support services.

### EXISTING DEVELOPMENT PERMIT

Mareeba Shire Council (Council) granted a Development Permit (the Approval) for a Material Change of Use for Residential Care Facility and Retirement Facility on 23 September 2022.

### PROPOSED CHANGES

Through the detailed design phase of the project, soil testing has identified an underlying issue with the location where building 1 was initially proposed. Consequently, as a result of the identified issue, the footings associated with this aspect of the development would require significant enhancement to achieve structural suitability.

However, a slight relocation of building 1, as proposed by the change, eliminates the identified issue, and allows standard footings to be utilised. Importantly, the proposed change does not alter the form or function of proposed building 1.

As a result of the proposed change, a revised set of Proposal Plans is provided for the purpose of updating the list of Approved Plans specified within the Development Permit.

### PLANNING ACT 2016

Pursuant to Sections 78(1) and 78(2) of the Act, a mechanism to change a Development Permit exists via a Change Application process which must be directed to the responsible entity. In this case, Council is the Assessment Manager and therefore the responsible entity.

Pursuant to Section 79 of the Act, a Change Application must be:

- Made in Approved Form; and
- Accompanied by the required fee.



Gilvear Planning Pty Ltd ABN 88 140 988 825  
[gilvearplanning.com.au](http://gilvearplanning.com.au)

**MINOR CHANGE DEFINITION**

Minor change is defined in Schedule 2 of the Act as:

**Minor Change** means a change that –

- (b) for a Development Approval –
  - (i) Would not result in substantially different development; and
  - (ii) If a development application for the development, including the change, were made when the change application is made would not cause –
    - (A) The inclusion of prohibited development in the application; or
    - (B) Referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or
    - (C) Referral to extra referral agencies, other than to the chief executive; or
    - (D) A referral agency to assess the application against, or have regard to, matters prescribed by regulation under section 55(2), other than matters the referral agency must have assessed the application against, or have had regard to, when the application was made; or
    - (E) Public notification if public notification was not required for the development application.”

It is also noted that the Development Assessment Rules, provides guidance on an assessment of Substantially Different Development in the context of considering a Minor Change (Schedule 1). Relevantly within this Schedule, it is noted that:

- An assessment manager or responsible entity may determine that the change is a minor change to a development application or development approval, where – amongst other criteria – a minor change is a change that would not result in ‘substantially different’ development.
- A change may be considered to result in a substantially different development if the proposed change:
  - (a) involves a new use; or
  - (b) results in the application applying to a new parcel of land; or
  - (c) dramatically changes the built form in terms of scale, bulk and appearance; or
  - (d) changes the ability of the proposed development to operate as intended; or



Gilvear Planning Pty Ltd ABN 88 140 988 825  
[gilvearplanning.com.au](http://gilvearplanning.com.au)

- (e) *removes a component that is integral to the operation of the development; or*
- (f) *significantly impacts on traffic flow and the transport network, such as increasing traffic to the site; or*
- (g) *introduces new impacts or increase the severity of known impacts; or*
- (h) *removes an incentive or offset component that would have balanced a negative impact of the development; or*
- (i) *impacts on infrastructure provisions.”*

*Will the change result in substantially different development?*

The proposed change will not result in a substantially different development. The proposed change is for the partial relocation of proposed building 1 in response to identified soil testing results.

Specifically, it is noted that the change:

- Does not involve a new Land Use;
- Does not include a new Parcel of Land;
- Does not dramatically change the form of the original development;
- Does not change the ability of the subject site to operate as intended;
- Does not remove an integral part of the subject site operation;
- Does not impact on traffic flows or the transport network;
- Does not introduce new impacts or increase the severity of existing impacts;
- Does not remove an offset to a negative impact from development;
- Does not impact on Infrastructure.

*Will the change result in prohibited development occurring?*

The proposed change will not result in prohibited development occurring.

*Will the change result in referral to an additional agency?*

The original Application did not required referral to the State via SARA. A Referral a State Agency is not required as a result of the change.

*Would the change, if it were to be applied for today, result in development that is an increased level of assessment?*

The development, as approved, was Impact Assessable. If the Application were re-made today, the level of Assessment would not be changed.



### ASSESSMENT OF THE MINOR CHANGE

In assessing this change application, Section 81(2) of the *Planning Act 2016* requires Council to consider:

- (a) Information included with the submission;
- (b) Properly made submissions about the development application for the approval;
- (c) All matters Council would or may assess the Application against or have regard to, if the change application were a development application; and
- (d) Any other matter Council considers relevant.

#### Information included within the Submission

The information included within the submission is this correspondence and associated attachments.

#### Properly made submissions

No Submissions were made through Public Notification.

#### Matters Council would or may assess against were the change a new Development application

Pursuant to section 81(3) of the *Planning Act 2016*, Council:

- (a) **must** assess against, or have regard to, the matters that applied when the development application was made; and
- (b) **may** assess against, or have regard to, the matters that apply when this change application is made.

Changes proposed as part of this submission do not alter assessment against matters as identified initially, or requiring assessment if the Application were to be remade today. In particular, the changes proposed:

1. Do not give rise to new conflicts with the relevant provisions in the Scheme; and
2. Do not change overall compliance with relevant provisions in the Scheme.

### CONCLUSION

As demonstrated in the preceding assessment:

- The proposed changes are minor in nature.

Page 6

- The changes will not result in substantially different development, nor do they exacerbate or detrimentally impact issues considered in the original application assessment.

It is submitted that the changes to the Development Permit as proposed are Minor and may be decided on this basis by Council in accordance with the *Planning Act 2016*.

We look forward to receiving notification of Council's decision on this application as soon as possible.

Should any additional information be required, please do not hesitate to contact the undersigned by email on [kristy@gilvearplanning.com.au](mailto:kristy@gilvearplanning.com.au) or via telephone on 0448 897 991.

Kind regards,



**Kristy Gilvear**  
**Managing Director**



Gilvear Planning Pty Ltd ABN 88 140 988 825  
[gilvearplanning.com.au](http://gilvearplanning.com.au)

## Change application form

**Planning Act Form 5 (version 1.2 effective 7 February 2020) made under Section 282 of the Planning Act 2016.**

This form is to be used for a change application made under section 78 of the *Planning Act 2016*. It is important when making a change application to be aware of whether the application is for a minor change that will be assessed under section 81 of the *Planning Act 2016* or for an other change that will be assessed under section 82 of the *Planning Act 2016*.

An applicant must complete all parts of this form, and provide any supporting information that the form identifies as being required to accompany the change application, unless stated otherwise. Additional pages may be attached if there is insufficient space on the form to complete any part.

**Note:** All terms used in this form have the meaning given under the *Planning Act 2016*, the *Planning Regulation 2017*, or the *Development Assessment Rules (DA Rules)*.

### PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) <i>(individual or company full name)</i>	Adermina Pty Ltd c/- Gilvear Planning Pty Ltd
Contact name <i>(only applicable for companies)</i>	Kristy Gilvear
Postal address <i>(P.O. Box or street address)</i>	PO Box 228
Suburb	BABINDA
State	QLD
Postcode	4861
Country	Australia
Email address <i>(non-mandatory)</i>	<a href="mailto:kristy@gilvearplanning.com.au">kristy@gilvearplanning.com.au</a>
Mobile number <i>(non-mandatory)</i>	0448 897 991
Applicant's reference number(s) <i>(if applicable)</i>	J001395: MKY: KLG

2) Owner's consent - Is written consent of the owner required for this change application?	
<b>Note:</b> Section 79(1A) of the <i>Planning Act 2016</i> states the requirements in relation to owner's consent.	
<input type="checkbox"/> Yes – the written consent of the owner(s) is attached to this change application <input checked="" type="checkbox"/> No	

### PART 2 – LOCATION DETAILS

3) Location of the premises <i>(complete 3.1) or 3.2), and 3.3) as applicable)</i>				
3.1) Street address and lot on plan				
<input checked="" type="checkbox"/> Street address <b>AND</b> lot on plan <i>(all lots must be listed), or</i> <input type="checkbox"/> Street address <b>AND</b> lot on plan for an adjoining or adjacent property of the premises <i>(appropriate for development in water but adjoining or adjacent to land e.g. jetty, pontoon. All lots must be listed).</i>				
a)	Unit No.	Street No.	Street Name and Type	Suburb
		62	Mount Kooyong Road	Julatten
	Postcode	Lot No.	Plan Type and Number <i>(e.g. RP, SP)</i>	Local Government Area(s)
	4871	1 2	RP748307	Mareeba Shire Council
b)	Unit No.	Street No.	Street Name and Type	Suburb



	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
<b>3.2) Coordinates of premises</b> (appropriate for development in remote areas, over part of a lot or in water not adjoining or adjacent to land e.g. channel dredging in Moreton Bay) <i>Note: Place each set of coordinates in a separate row.</i>				
<input type="checkbox"/> Coordinates of premises by longitude and latitude				
Longitude(s)		Latitude(s)		Datum
				<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:
<input type="checkbox"/> Coordinates of premises by easting and northing				
Easting(s)		Northing(s)		Local Government Area(s) (if applicable)
		Zone Ref. <input type="checkbox"/> 54 <input type="checkbox"/> 55 <input type="checkbox"/> 56		Datum <input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:
<b>3.3) Additional premises</b>				
<input type="checkbox"/> Additional premises are relevant to the original development approval and the details of these premises have been attached in a schedule to this application <input checked="" type="checkbox"/> Not required				

**PART 3 – RESPONSIBLE ENTITY DETAILS**

<b>4) Identify the responsible entity that will be assessing this change application</b> <i>Note: see section 78(3) of the Planning Act 2016</i>
Mareeba Shire Council

**PART 4 – CHANGE DETAILS**

<b>5) Provide details of the existing development approval subject to this change application</b>			
Approval type	Reference number	Date issued	Assessment manager/approval entity
<input checked="" type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval	MCU/22/0014	23 September 2022	Mareeba
<input type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval			

<b>6) Type of change proposed</b>
<b>6.1) Provide a brief description of the changes proposed to the development approval (e.g. changing a development approval for a five unit apartment building to provide for a six unit apartment building):</b> Minor Change to location of Building 1
<b>6.2) What type of change does this application propose?</b> <input checked="" type="checkbox"/> Minor change application – proceed to Part 5 <input type="checkbox"/> Other change application – proceed to Part 6

**PART 5 – MINOR CHANGE APPLICATION REQUIREMENTS**

7) Are there any affected entities for this change application		
<input checked="" type="checkbox"/> No – proceed to Part 7 <input type="checkbox"/> Yes – list all affected entities below and proceed to Part 7 <b>Note:</b> section 80(1) of the Planning Act 2016 states that the person making the change application must give notice of the proposal and the details of the change to each affected entity as identified in section 80(2) of the Planning Act 2016.		
Affected entity	Pre-request response provided? (where a pre-request response notice for the application has been given, a copy of the notice must accompany this change application)	Date notice given (where no pre-request response provided)
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	

**PART 6 – OTHER CHANGE APPLICATION REQUIREMENTS**

**Note:** To complete this part it will be necessary for you to complete parts of DA Form 1 – Development application details and in some instances parts of DA Form 2 – Building work details, as mentioned below. These forms are available at <https://planning.dsdmip.qld.gov.au>.

8) Location details - Are there any additional premises included in this change application that were not part of the original development approval?
<input type="checkbox"/> No <input type="checkbox"/> Yes

9) Development details
<b>9.1) Is there any change to the type of development, approval type, or level of assessment in this change application?</b> <input type="checkbox"/> No <input type="checkbox"/> Yes – the completed Sections 1 and 2 of Part 3 (Development details) of DA Form 1 – Development application details as these sections relate to the new or changed aspects of development are provided with this application.
<b>9.2) Does the change application involve building work?</b> <input type="checkbox"/> No <input type="checkbox"/> Yes – the completed Part 5 (Building work details) of DA Form 2 – Building work details as it relates to the change application is provided with this application.

10) Referral details – Does the change application require referral for any referral requirements?
<b>Note:</b> The application must be referred to each referral agency triggered by the change application as if the change application was the original development application including the proposed change. <input type="checkbox"/> No <input type="checkbox"/> Yes – the completed Part 5 (Referral details) of DA Form 1 – Development application details as it relates to the change application is provided with this application. Where referral is required for matters relating to building work the <a href="#">Referral checklist for building work</a> is also completed.

11) Information request under Part 3 of the DA Rules
<input type="checkbox"/> I agree to receive an information request if determined necessary for this change application <input type="checkbox"/> I do not agree to accept an information request for this change application <b>Note:</b> By not agreeing to accept an information request I, the applicant, acknowledge:

- that this change application will be assessed and decided based on the information provided when making this change application and the assessment manager and any referral agencies relevant to the change application are not obligated under the DA Rules to accept any additional information provided by the applicant for the change application unless agreed to by the relevant parties
  - Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.
- Further advice about information requests is contained in the [DA Forms Guide: Forms 1 and 2](#).

**12) Further details**

- Part 7 of DA Form 1 – Development application details is completed as if the change application was a development application and is provided with this application.

**PART 7 – CHECKLIST AND APPLICANT DECLARATION**

**13) Change application checklist**

I have identified the:

- responsible entity in 4); and
- for a minor change, any affected entities; and  Yes
- for an other change all relevant referral requirement(s) in 10)

**Note:** See the Planning Regulation 2017 for referral requirements

- For an other change application, the relevant sections of [DA Form 1 – Development application details](#) have been completed and is attached to this application  Yes  
 Not applicable

- For an other change application, where building work is associated with the change application, the relevant sections of [DA Form 2 – Building work details](#) have been completed and is attached to this application  Yes  
 Not applicable

- Supporting information addressing any applicable assessment benchmarks is attached to this application  Yes
- Note:** This includes any templates provided under 23.6 and 23.7 of DA Form 1 – Development application details that are relevant as a result of the change application, a planning report and any technical reports required by the relevant categorising instrument(s) (e.g. the local government planning scheme, State Planning Policy, State Development Assessment Provisions). For further information, see [DA Forms Guide: Planning report template](#).

- Relevant plans of the development are attached to this development application  Yes
- Note:** Relevant plans are required to be submitted for all relevant aspects of this change application. For further information, see [DA Forms Guide: Relevant plans](#).

**14) Applicant declaration**

- By making this change application, I declare that all information in this change application is true and correct.
- Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the responsible entity and any relevant affected entity or referral agency for the change application where written information is required or permitted pursuant to sections 11 and 12 of the *Electronic Transactions Act 2001*.

**Note:** It is unlawful to intentionally provide false or misleading information.

**Privacy** – Personal information collected in this form will be used by the responsible entity and/or chosen assessment manager, any relevant affected entity or referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the change application.

All information relating to this change application may be available for inspection and purchase, and/or published on the assessment manager’s and/or referral agency’s website.

Personal information will not be disclosed for a purpose unrelated to the *Planning Act 2016*, *Planning Regulation 2017* and the DA Rules except where:

- such disclosure is in accordance with the provisions about public access to documents contained in the *Planning Act 2016* and the *Planning Regulation 2017*, and the access rules made under the *Planning Act 2016* and *Planning Regulation 2017*; or
- required by other legislation (including the *Right to Information Act 2009*); or
- otherwise required by law.

This information may be stored in relevant databases. The information collected will be retained as required by the *Public Records Act 2002*.

**PART 8 – FOR COMPLETION OF THE ASSESSMENT MANAGER – FOR OFFICE USE ONLY**

Date received:  Reference number(s):

QLeave notification and payment			
<i>Note: For completion by assessment manager if applicable</i>			
Description of the work			
QLeave project number			
Amount paid (\$)		Date paid (dd/mm/yy)	
Date receipted form sighted by assessment manager			
Name of officer who sighted the form			

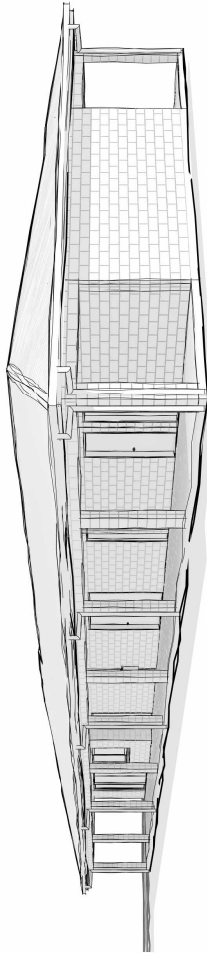
# PROPOSED EXTENSIONS

## MT. KOOYONG NURSING HOME

62 MT. KOOYONG ROAD, JULATTEN, QLD

### DRAWING LIST

- 1575-CD-A-000 COVER SHEET
- 1575-CD-A-001 SCOPE OF WORKS 1 OF 2
- 1575-CD-A-002 SCOPE OF WORKS 2 OF 2
- 1575-CD-A-101 LOCALITY PLAN
- 1575-CD-A-102 SITE PLAN - EXISTING / DEMO
- 1575-CD-A-103 SITE PLAN - PROPOSED
- 1575-CD-A-104 EXISTING BUILDING WORKS
- 1575-CD-A-200 SLAB SETOUT PLAN - BUILDING 1
- 1575-CD-A-201 SLAB SETOUT PLAN - BUILDING 2
- 1575-CD-A-202 WALL TYPE & DIMENSION PLAN - BUILDING 1
- 1575-CD-A-203 WALL TYPE & DIMENSION PLAN - BUILDING 2
- 1575-CD-A-204 PROPOSED FLOOR PLAN - BUILDING 1
- 1575-CD-A-205 PROPOSED FLOOR PLAN - BUILDING 2
- 1575-CD-A-206 ROOF PLAN - BUILDING 1
- 1575-CD-A-207 ROOF PLAN - BUILDING 2
- 1575-CD-A-300 REFLECTED CEILING PLAN - BUILDING 1
- 1575-CD-A-301 REFLECTED CEILING PLAN - BUILDING 2
- 1575-CD-A-400 ELEVATIONS - BUILDING 1
- 1575-CD-A-401 ELEVATIONS - BUILDING 2
- 1575-CD-A-500 SECTIONS - BUILDING 1
- 1575-CD-A-501 SECTIONS - BUILDING 2
- 1575-CD-A-600 STAIR & RAMP DETAILS
- 1575-CD-A-800 DOOR & WINDOW ELEVATIONS
- 1575-CD-A-801 DOOR HARDWARE SCHEDULE



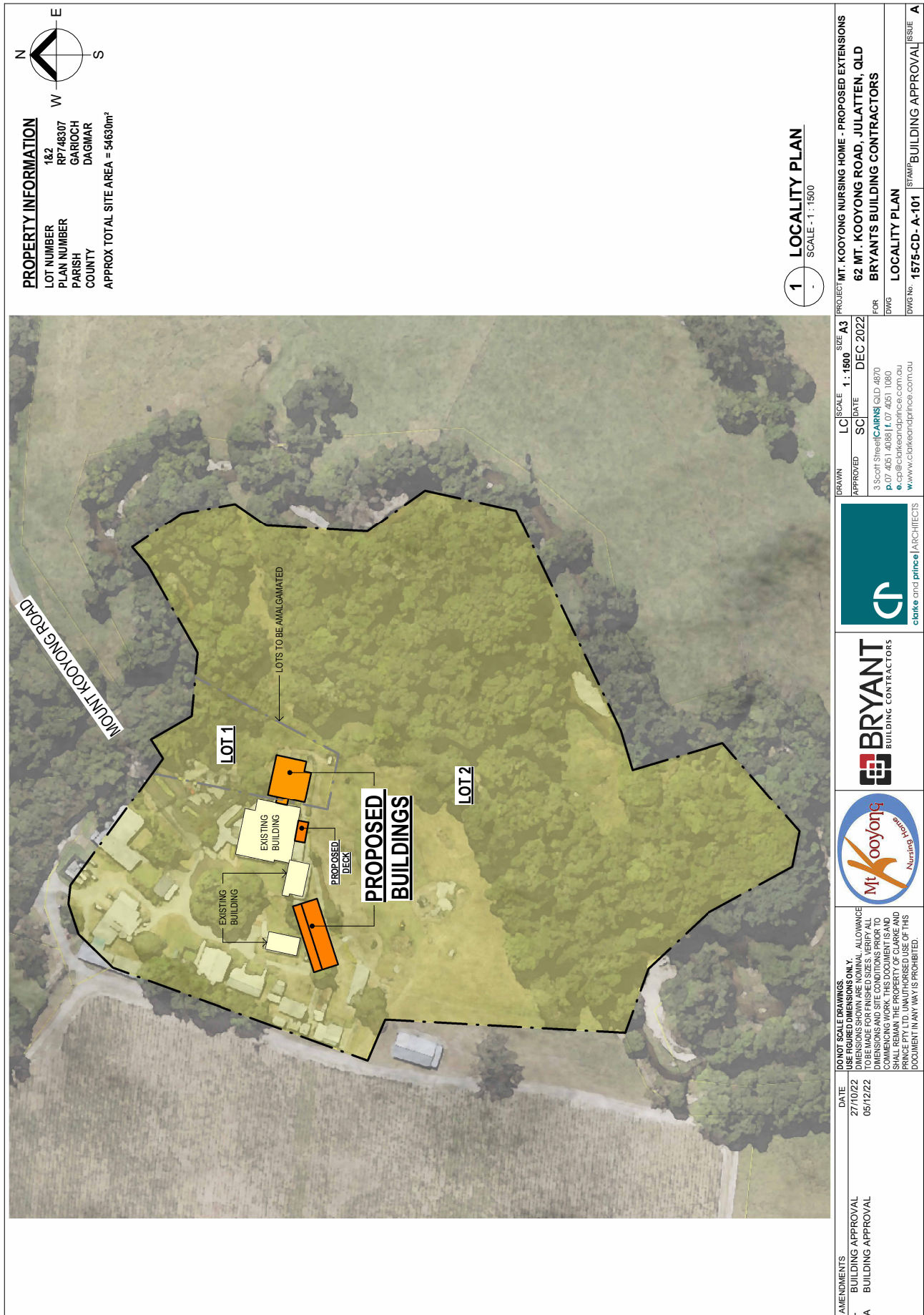
**BUILDING 1**



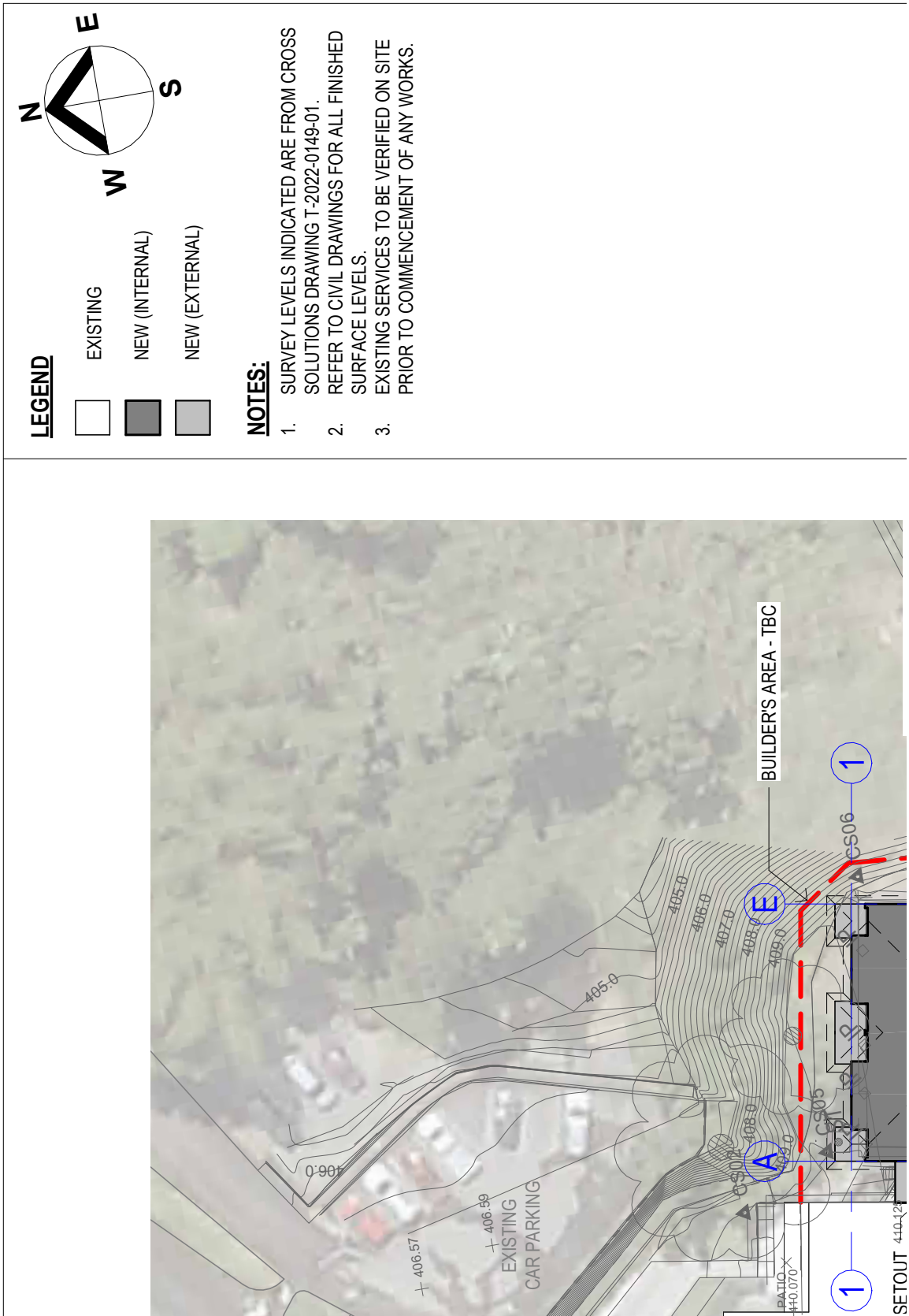
**BUILDING 2**

AMENDMENTS	DATE	27/10/22	PROJECT: MT. KOOYONG NURSING HOME - PROPOSED EXTENSIONS	SIZE: A3	DRAWN	LC	SCALE	SC	DATE	DEC 2022	FOR	62 MT. KOOYONG ROAD, JULATTEN, QLD	ISSUE	A
	BUILDING APPROVAL	05/12/22	(JUST SCALE DRAWINGS USE FINISHED DIMENSIONS ONLY) DIMENSIONS SHOWN ARE NOMINAL. ALLOWANCE TO BE MADE FOR FINISHED SIZES. VERIFY ALL DIMENSIONS AND SITE CONDITIONS PRIOR TO COMMENCING WORK. THIS DOCUMENT IS AND WILL REMAIN THE PROPERTY OF CLARKE AND PRICE ARCHITECTS. UNAUTHORISED USE OF THIS DOCUMENT IN ANY WAY IS PROHIBITED.	APPROVED 3 Scott Street CAIRNS QLD 4870 p:07 4051 74088 f:07 4051 1080 e:cp@clarkandprice.com.au www.clarkandprice.com.au	BRYANT BUILDING CONTRACTORS Mt Kooyong Nursing Home		COVER SHEET DWG No. 1575-CD-A-000	BRYANT BUILDING CONTRACTORS	STAMP/BUILDING APPROVAL					



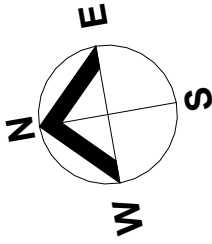






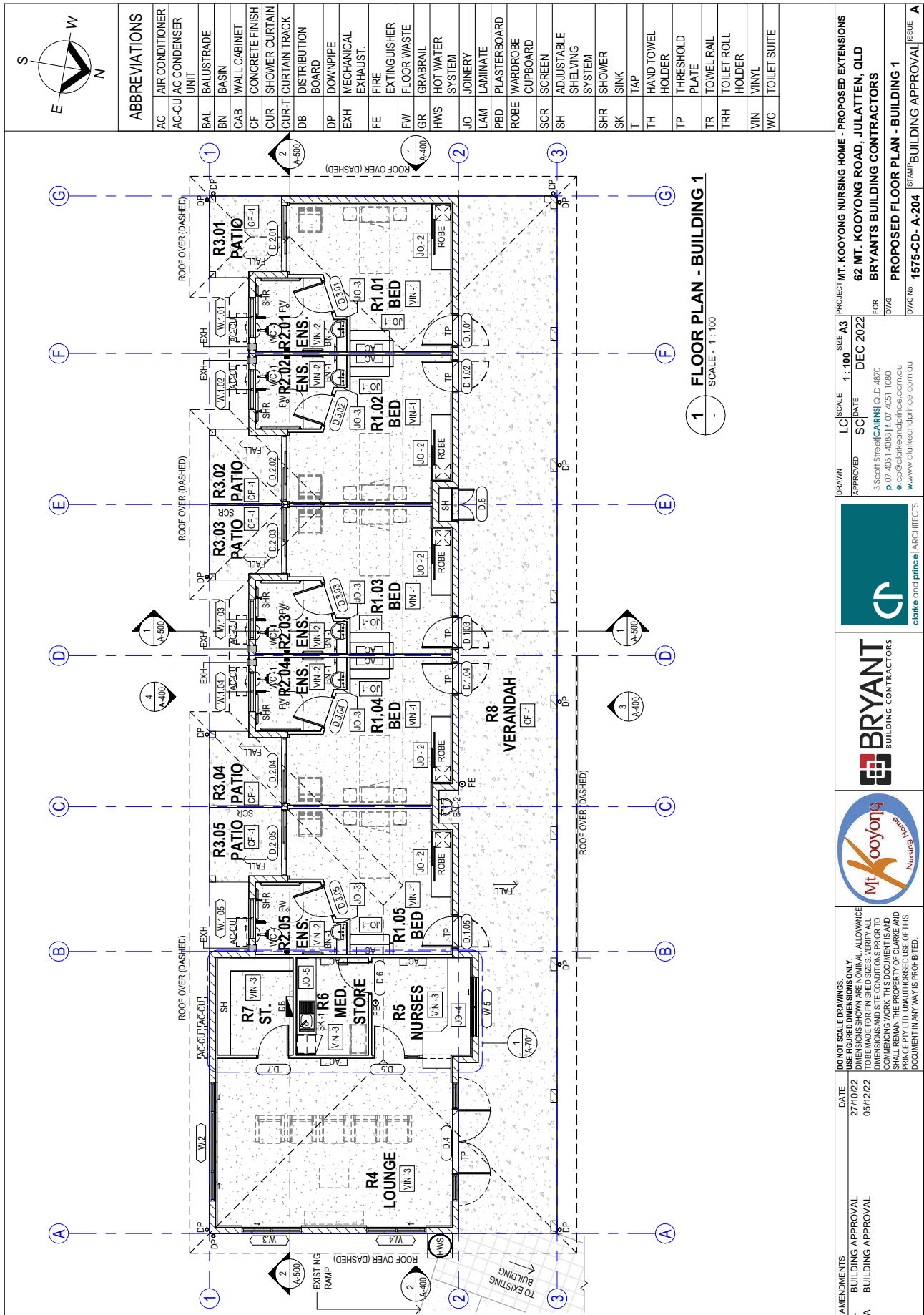
**LEGEND**

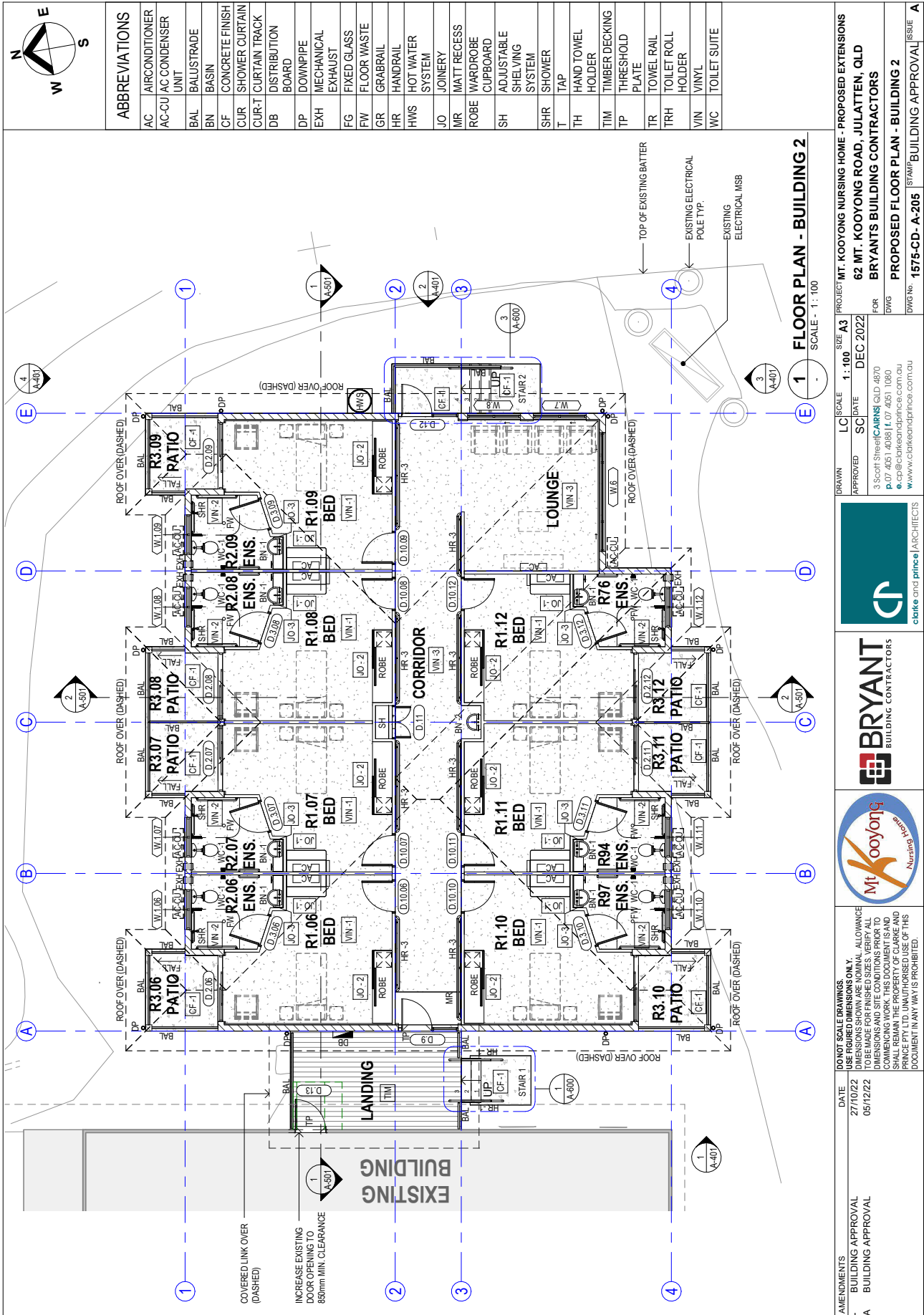
- EXISTING
- NEW (INTERNAL)
- NEW (EXTERNAL)



**NOTES:**

1. SURVEY LEVELS INDICATED ARE FROM CROSS SOLUTIONS DRAWING T-2022-0149-01.
2. REFER TO CIVIL DRAWINGS FOR ALL FINISHED SURFACE LEVELS.
3. EXISTING SERVICES TO BE VERIFIED ON SITE PRIOR TO COMMENCEMENT OF ANY WORKS.

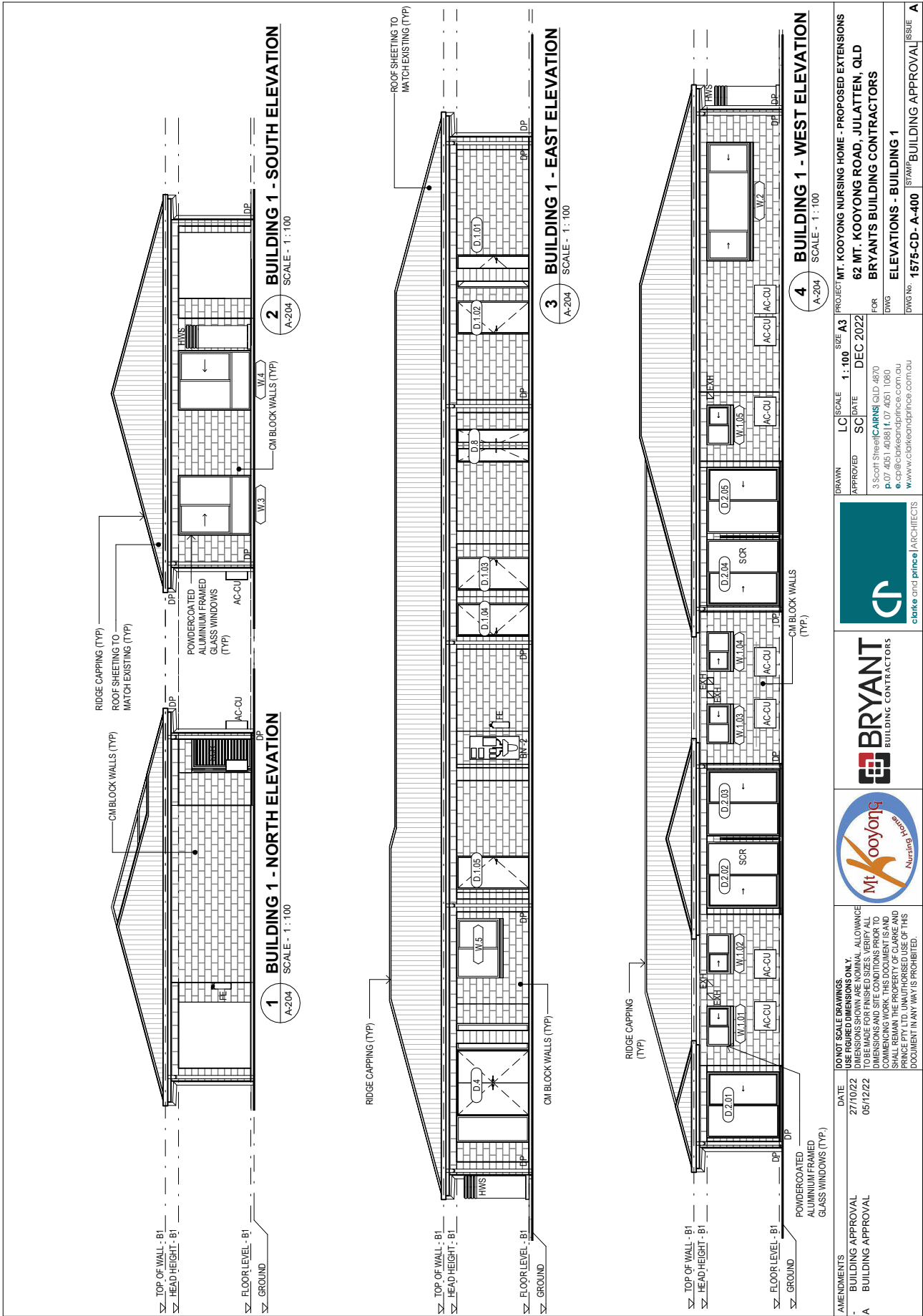




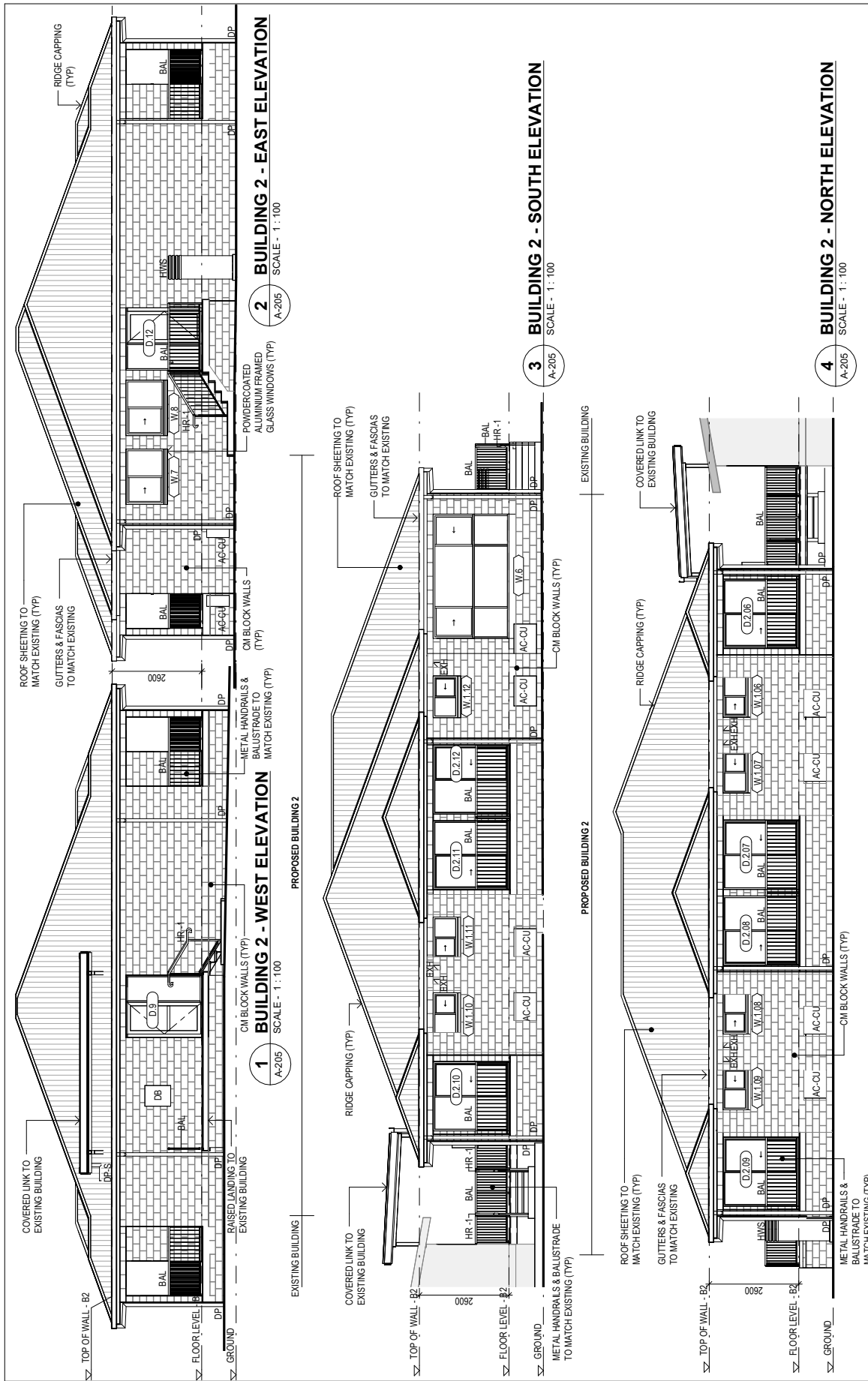
AMENDMENTS	DATE	ISSUE	SCALE	SIZE	PROJECT
A BUILDING APPROVAL	27/10/22	1	1:100	A3	MT. KOOYONG NURSING HOME - PROPOSED EXTENSIONS
B BUILDING APPROVAL	05/12/22	2	1:100	A3	62 MT. KOOYONG ROAD, JULATTEN, QLD
					BRYANT'S BUILDING CONTRACTORS
					FOR DWG
					3.Scott Street(CAIRNS) QLD 4870
					p.07 4051 7088 f.07 4051 1080
					e.cp@clarkandprince.com.au
					www.clarkandprince.com.au
					DWG No. 1575-CD - A-205
					ISSUE A
					STAMP BUILDING APPROVAL



DO NOT SCALE DRAWINGS  
USE DIMENSIONS ONLY  
DIMENSIONS SHOWN ARE NOMINAL. ALLOWANCE TO BE MADE FOR FINISHED SIZES. VERIFY ALL DIMENSIONS AND SITE CONDITIONS PRIOR TO COMMENCING WORK. THIS DOCUMENT IS AND WILL REMAIN THE PROPERTY OF CLARK AND PRINCE PTY LTD. UNAUTHORISED USE OF THIS DOCUMENT IN ANY WAY IS PROHIBITED.



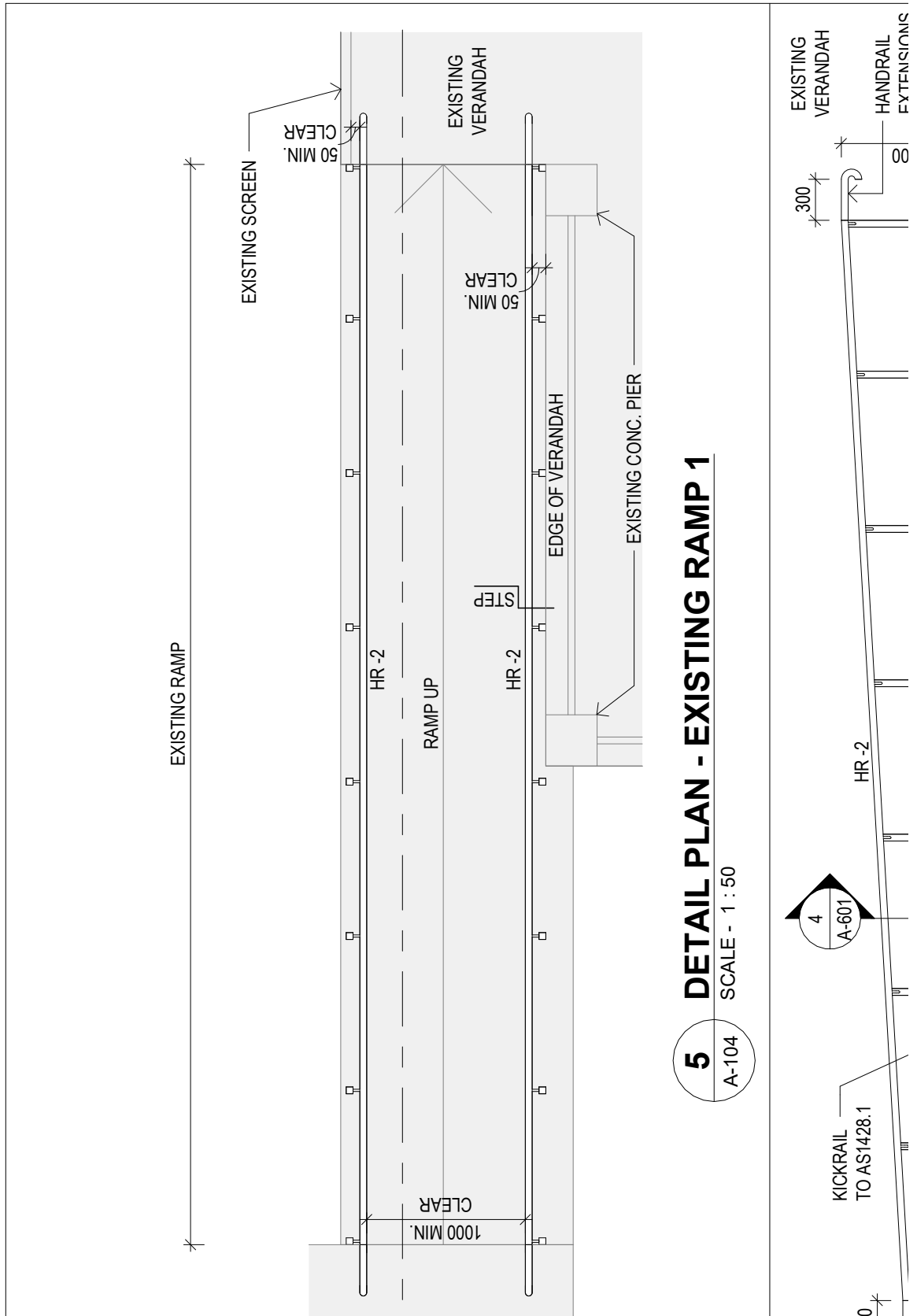
AMENDMENTS	DATE	APPROVAL	DATE	APPROVAL	SCALE	SIZE	PROJECT
A	27/10/22	BUILDING APPROVAL	05/12/22	DEC 2022	1 : 100	A3	MT. KOOYONG NURSING HOME - PROPOSED EXTENSIONS
<p>FOR BUILDING APPROVAL</p> <p>USE FINISHED DIMENSIONS ONLY</p> <p>DIMENSIONS SHOWN ARE NOMINAL. ALLOWANCE TO BE MADE FOR FINISHED SIZES. VERIFY ALL DIMENSIONS AND SITE CONDITIONS PRIOR TO COMMENCING WORK. THIS DOCUMENT IS AND WILL REMAIN THE PROPERTY OF CLARKE AND PRICE PTY LTD. UNAUTHORISED USE OF THIS DOCUMENT IN ANY WAY IS PROHIBITED.</p>							
						<p>FOR BRYANT BUILDING CONTRACTORS</p> <p>3 Scott Street (CAIRNS) QLD 4870 p.07 4051 4088   f.07 4051 1080 e.cp@clarkeandprice.com.au www.clarkeandprice.com.au</p>	
<p>PROJECT: MT. KOOYONG NURSING HOME - PROPOSED EXTENSIONS</p> <p>62 MT. KOOYONG ROAD, JULATTEN, QLD</p> <p>FOR BRYANT BUILDING CONTRACTORS</p> <p>ELEVATIONS - BUILDING 1</p> <p>DWG No. 1575-CD - A-400</p> <p>ISSUE</p>							<p>STAMP BUILDING APPROVAL</p>



AMENDMENTS	DATE	27/10/22	PROJECT	MT. KOOYONG NURSING HOME - PROPOSED EXTENSIONS
	BUILDING APPROVAL	05/12/22	APPROVED	SC
A	BUILDING APPROVAL		DATE	DEC 2022
			PROJECT	62 MT. KOOYONG ROAD, JULATTEN, QLD
			FOR	BRYANTS BUILDING CONTRACTORS
			DWG	ELEVATIONS - BUILDING 2
			DWG No.	1575-CD - A-401
			ISSUE	BUILDING APPROVAL
			STAMP	



**DO NOT SCALE DRAWINGS**  
USE DIMENSIONS ONLY  
DIMENSIONS SHOWN ARE NOMINAL. ALLOWANCE TO BE MADE FOR FINISHED SIZES. VERIFY ALL DIMENSIONS AND SITE CONDITIONS PRIOR TO COMMENCING WORK. THIS DOCUMENT IS AND WILL REMAIN THE PROPERTY OF CLARK AND PRICE PTY LTD. UNAUTHORISED USE OF THIS DOCUMENT IN ANY WAY IS PROHIBITED.





**8.3 MAREEBA SHIRE COUNCIL - MATERIAL CHANGE OF USE - CEMETERY AND RECONFIGURING A LOT - SUBDIVISION (1 INTO 2 LOTS) - LOT 2 ON RP730337 - 70 KURANDA HEIGHTS ROAD, KURANDA - MCU/22/0009**

**Date Prepared:** 4 January 2023  
**Author:** Senior Planner  
**Attachments:** 1. Proposal Plans [↓](#)

---

**APPLICATION DETAILS**

APPLICATION		PREMISES	
<b>APPLICANT</b>	Mareeba Shire Council	<b>ADDRESS</b>	70 Kuranda Heights Road, Kuranda
<b>DATE LODGED</b>	23 May 2022	<b>RPD</b>	Lot 2 on RP730337
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use - Cemetery and Reconfiguring a Lot - Subdivision (1 into 2 lots)		
<b>FILE NO</b>	MCU/22/0009	<b>AREA</b>	13.07 hectares
<b>LODGED BY</b>	Kelly Reaston	<b>OWNER</b>	Mareeba Shire Council
<b>PLANNING SCHEME</b>	Mareeba Shire Council Planning Scheme 2016		
<b>ZONE</b>	Rural Residential zone		
<b>LEVEL OF ASSESSMENT</b>	Impact Assessment		
<b>SUBMISSIONS</b>	Nil		

---

**EXECUTIVE SUMMARY**

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

The application is impact assessable and no properly made submissions were received in response to public notification of the application.

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

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

**OFFICER’S RECOMMENDATION**

1. That in relation to the following development application:

APPLICATION		PREMISES	
<b>APPLICANT</b>	Mareeba Shire Council	<b>ADDRESS</b>	70 Kuranda Heights Road, Kuranda
<b>DATE LODGED</b>	23 May 2022	<b>RPD</b>	Lot 2 on RP730337
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use - Cemetery and Reconfiguring a Lot - Subdivision (1 into 2 lots)		

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

Approved by Council in accordance with the approved plans/documents listed in (B), subject to assessment manager conditions in (C), assessment manager’s advice in (D), 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 - Cemetery and Reconfiguring a Lot - Subdivision (1 into 2 lots)

(B) **APPROVED PLANS:**

Plan/Document Number	Plan/Document Title	Prepared by	Dated
2106 SKA-05 A	Staging Plan - Stage 1 - Alternative	Mareeba Shire Council	10/02/2022
ARO0071-SK01	Kuranda Cemetery Residential Land Development Lot 2 on RP730337 Proposed Lot Layout	ARO Industries Pty Ltd	25 October 2022

(C) **ASSESSMENT MANAGER’S CONDITIONS (COUNCIL)**

(a) Development assessable against the Planning Scheme

**Reconfiguring a Lot aspect**

1. Development must be carried out generally in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, and subject to any alterations:
  - found necessary by the Council’s delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and

- to ensure compliance with the following conditions of approval.

## 2. Timing of Effect

- 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the endorsement of the plan of survey for the development, except where specified otherwise in these conditions of approval.

## 3. General

- 3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure or the payment of infrastructure charges/contributions within the conditions of approval.

- 3.2 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.

- 3.3 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to the endorsement of the plan of survey and at the rate applicable at the time of payment.

- 3.4 The developer must relocate (in accordance with FNQROC standards) any services such as water, sewer, drainage, telecommunications and electricity that are not wholly located within the lots that are being created/serviced where required by the relevant authority, unless approved by Council's delegated officer.

- 3.5 Where utilities (such as sewers on non-standard alignments) traverse lots to service another lot, easements must be created in favour of Council for access and maintenance purposes. The developer is to pay all costs (including Council's legal expenses) to prepare and register the easement documents.

- 3.6 Where approved existing buildings and structures are to be retained, setbacks to any new property boundaries are to be in accordance with Planning Scheme requirements for the relevant structure and/or Queensland Development Code.

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

### 3.8 Charges

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

### 3.9 Building Envelope - Proposed Lot 1 only

- (a) Prior to the endorsement of the survey plan the approved building envelope area for proposed Lot 1 must be defined by markers set at each corner, to the satisfaction of Council's delegated officer.
- (b) All future buildings including associated on-site effluent disposal systems must be located within the approved building envelope.
- (c) No native vegetation shall be cleared outside the approved building envelope.

## 4. Infrastructure Services and Standards

### 4.1 Access

- 4.1.1 An access crossover must be constructed (from the edge of the road pavement of Kuranda Heights Road to the property boundary of each allotment) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

### 4.2 Stormwater Drainage

- (a) The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.
- (b) All stormwater drainage collected from the site must be discharged to an approved legal point of discharge.

### 4.3 Water Supply

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

### 4.4 Wastewater Disposal

At the time of construction of a future dwelling or outbuilding on proposed Lot 1, any associated on-site effluent disposal system must be constructed in compliance with the latest version On-Site Domestic Wastewater

Management Standard (AS/NZS 1547) to the satisfaction of the Council's delegated officer.

#### 4.5 Electricity provision/supply

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

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

#### 4.6 Telecommunications

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

### **Material Change of Use aspect**

1. Development must be carried out generally in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:
  - found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
  - to ensure compliance with the following conditions of approval.
2. Timing of Effect
  - 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the commencement of the use except where specified otherwise in these conditions of approval.
  - 2.2 Prior to the commencement of use, the applicant must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.
3. General
  - 3.1 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.

- 3.2 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to commencement of the use and at the rate applicable at the time of payment.
  - 3.3 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.
  - 3.4 Waste Management  
On site refuse storage area must be provided and be screened from view from adjoining properties and road reserve by 1 metre wide landscaped screening buffer, 1.8m high solid fence or building.
4. Infrastructure Services and Standards
    - 4.1 Access  
  
A commercial access crossover must be constructed (from the edge of Kuranda Heights Road to the property boundary of the subject lot) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.
    - 4.2 Stormwater Drainage
      - (a) The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.
      - (b) As part of a subsequent application for operational works, the applicant must submit a Stormwater Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual, to the satisfaction of Council's delegated officer.
      - (c) Prior to works commencing the applicant must submit a Stormwater Quality Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Urban Stormwater Quality Planning Guideline and the Queensland Water Quality Guideline to the satisfaction of Council's delegated officer.
      - (d) The Stormwater Quality Management Plan must include an Erosion and Sediment Control Plan that meets or exceeds the Soil Erosion and Sedimentation Control Guidelines (Institute of Engineers Australia) to the satisfaction of Council's delegated officer.

- (e) The applicant/developer must construct the stormwater drainage infrastructure in accordance with the approved Stormwater Management Plan and/or Stormwater Quality Management Plan and Report.
- (f) Temporary drainage is to be provided and maintained during the construction phase of the development, discharged to a lawful point and not onto the construction site.
- (g) All stormwater drainage collected from the site must be discharged to an approved legal point of discharge.
- (h) For any underground stormwater infrastructure installed, the applicant (at their cost) must video these stormwater lines and submit the video for inspection by Council's delegated officer prior to the development being taken "off maintenance" to ensure that no defects have occurred during the 12 month maintenance period.

#### 4.4 Car Parking/Internal Driveways

The applicant/developer must ensure the development is provided with on-site car parking spaces, which are available solely for the parking of vehicles associated with the use of the premises. All car parking spaces and internal driveways must be concrete, bitumen or asphalt sealed and appropriately drained prior to the commencement of the use and to the satisfaction of Council's delegated officer.

All car parking spaces and internal driveways must be constructed in compliance with the following standards, to the satisfaction of Council's delegated officer:

- Australian Standard AS2890:1 Off Street Parking – Car Parking Facilities;
- Australian Standard AS1428:2001 – Design for Access and Mobility.

#### 4.5 Landscaping

Prior to the commencement of the use of the site, a landscape plan must be prepared and submitted to Council's delegated officer for consideration and approval.

The landscape plan must use plant species selected from the Plant Schedule in Planning Scheme Policy 6 - Landscaping and preferred plant species.

The landscaping of the site must be carried out in accordance with the endorsed landscape plan prior to the commencement of the use, and mulched, irrigated and maintained to the satisfaction of Council's delegated officer.

#### 4.6 Water Supply

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

#### 4.7 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.

#### 4.8 Lighting

Where outdoor lighting is required the developer shall locate, design and install lighting to operate from dusk to dawn within all areas where the public will be given access, which prevents the potential for light spillage to cause nuisance to neighbours and must be provided in accordance with Australian Standard 1158.1 – Lighting for Roads and Public Spaces.

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

#### (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) Easement Documents

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

## (d) Endorsement Fees

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

## (e) 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.

## (f) Environmental Protection and Biodiversity Conservation Act 1999

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

## (g) Cultural Heritage

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

## (E) RELEVANT PERIOD

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

- Material Change of Use aspect – six (6) years (starting the day the approval takes effect).
- Reconfiguring a Lot aspect – four (4) years (starting the day the approval takes effect).

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

- Development Permit for Building Work
- Development Permit for Operational Works

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Compliance Permit for Plumbing and Drainage Work

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

Development Type	Rate	Measure	Charge	Credit Detail	Balance
	<b>\$ per Lot</b> <small>(20% reduction of standard charge for no town sewer)</small>	<b>Lots</b>		<b>Lots</b>	
<b>Residential</b>	\$16,208.00	2 Lots	\$32,416.00	1 lot	\$16,208.00
<b>TOTAL CURRENT AMOUNT OF CHARGE</b>					<b>\$16,208.00</b>

**THE SITE**

The subject site is situated at 70 Kuranda Heights Road, Kuranda, and is more particularly described as Lot 2 on RP730337. The site is irregular in shape with an area of 13.07 hectares and is zoned Rural Residential under the Mareeba Shire Council Planning Scheme 2016.

The site has approximately 415 metres of frontage to Kuranda Heights Road which is constructed to a bitumen sealed rural road standard, without kerb and channel. Multiple unsealed crossovers provide access to the site off Kuranda Heights Road.

The site is improved by a single dwelling house and multiple outbuildings.

The site is undulating, quite steep in places and slopes generally to the east downwards from Kuranda Heights Road. The site consists of one central ridge and two (2) deep gullies on either side. The gradient of the land in the central ridge area is between 1:8 and 1:20, while the gradient elsewhere is steeper than 1V:8H or 12.5%.

Approximately 30 percent of the site has been cleared of vegetation from past uses. Approximately 40 percent of the site has mapped Category B vegetation that is a least concern regional ecosystem. Two (2) minor waterways are located within the vegetated area.

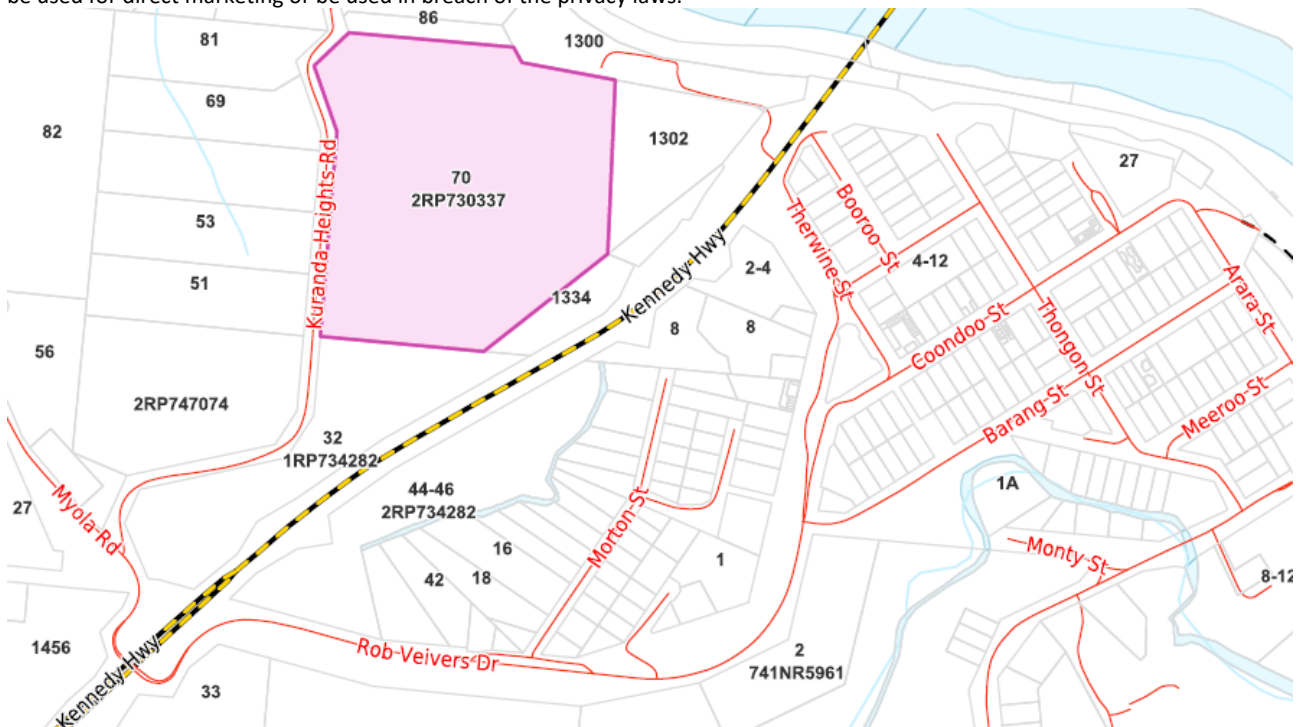
The existing dwelling house is connected to town water, the electricity grid and telecommunication services.

Neighbouring lots are generally zoned either rural or rural residential. The existing Kuranda cemetery adjoins the north-eastern corner.



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.



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.

**BACKGROUND AND CONTEXT**

Nil

**PREVIOUS APPLICATIONS & APPROVALS**

Nil

**DESCRIPTION OF PROPOSED DEVELOPMENT**

The development application seeks a Development Permit for Material Change of Use - Cemetery and Reconfiguring a Lot - Subdivision (1 into 2 lots) in accordance with the plans shown in **Attachment 1**.

The application comprises of the following two aspects:

**1. Material Change of Use - Cemetery**

There is a demonstrated need for a new Kuranda Cemetery as the existing Kuranda Cemetery reaches capacity.

This site has been specifically selected based on feedback as to what the community value about the existing cemetery (its natural setting and peaceful place for reflection) and also due to its proximity to the existing Kuranda Cemetery to accommodate pedestrian access between the two sites in time.

The proposed new cemetery will provide an essential service for the Kuranda community for approximately 50-100 years into the future (based on current growth and burial trends).

The cemetery is to be developed over time in three stages as funding permits and demand requires.

A geotechnical assessment of the site has been undertaken which indicates the site is suitable for burials.

An amenities building will be constructed on the site for use by visitors.

Parking for attendance at graves will be provided on the constructed road verges. Traffic impact associated with the use is expected to be inconsequential with the exception of days when large community services are held. Based on current burial trends, this is expected to average <11 days of the year.

The site will be landscaped according to the plans of development. The mapped regulated vegetation will be avoided and retained by the development.

The vehicle access is proposed to be provided from Kuranda Heights Road immediately to the south of the existing dwelling on the property.

The site is able to be connected to a reticulated water supply, telecommunications and electricity services. There is no reticulated sewerage service at the site.

All stormwater will be directed to a lawful point of discharge.

**2. Reconfiguring a Lot - Subdivision (1 into 2 lots)**

The applicant proposes the subdivision of the subject site into the following allotments:

- Proposed Lot 1 - area of approximately 1.13 hectares, frontage of approximately 150.6 metres to Kuranda Heights Road;

- Proposed Lot 2 - area of approximately 11.92 hectares, frontage of approximately 260 metres to Kuranda Heights Road.

Proposed Lot 1 will be vacant and contain a building envelope adequate to accommodate a future dwelling house and domestic outbuildings. Access will be via a new crossover to Kuranda Heights Road.

Proposed Lot 2 will contain the existing dwelling house and the proposed new cemetery. A new internal sealed road will provide access off Kuranda Heights Road.

Both lots will be connected to a reticulated water supply, telecommunications and electricity services. On site effluent disposal is required for both lots.

**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:	<b>Land Use Categories</b> <ul style="list-style-type: none"> <li>Rural Residential Area</li> </ul> <b>Natural Environmental Elements</b> <ul style="list-style-type: none"> <li>Biodiversity Areas</li> </ul>
Zone:	Rural Residential zone
Overlays:	Environmental Significance Overlay Flood Hazard Overlay Hill and Slope Overlay Residential Dwelling House and Outbuilding Overlay Scenic Amenity Overlay Transport Infrastructure Overlay

**Planning Scheme Definitions**

The proposed use is defined as:

<i>Column 1 Use</i>	<i>Column 2 Definition</i>	<i>Column 3 Examples include</i>	<i>Column 4 Does not include the following examples</i>
Cemetery	Premises used for interment of bodies or ashes after death.	Burial ground, crypt, columbarium, lawn cemetery, pet cemetery, mausoleum	Crematorium, funeral parlour

**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****3.3.10 Element—Rural residential areas****3.3.10.1 Specific outcomes**

- (1) *Rural residential development is consolidated within rural residential areas where it will not result in the fragmentation or loss of agricultural areas or biodiversity areas.*
- (2) *Infill development within rural residential areas occurs only where appropriate levels of infrastructure are available and provided, the existing rural living character can be maintained and an activity centre is proximate.*
- (3) *No further subdivision of greater than anticipated density occurs within rural residential areas that are not proximate to an activity centre and its attending physical and social infrastructure.*
- (4) *Rural residential areas across Mareeba Shire are characterised by a range of lot sizes, consistent with the form of historical subdivision in the vicinity of proposed development.*

**Comment**

The subject site is in a rural residential area and does not result in the fragmentation or loss of agricultural land. The biodiversity areas (wildlife habitat) within proposed Lot 2 is avoided.

The non-remnant vegetation on proposed Lot 1 is avoided by the designation of a building envelope to accommodate the future dwelling house.

The proposed development is infill and does not require additional infrastructure. The development is consistent in character with the existing rural and rural residential lots along Kuranda Heights Road. The locality has convenient access to Kuranda township, school and other community facilities.

The proposed lot sizes are consistent with existing lots along Kuranda Heights Road.

The proposed development does not conflict with these specific outcomes.

**3.4.4 Element—Biodiversity areas****3.4.4.1 Specific outcomes**

- (1) *Development avoids adverse impacts on the ecological values of biodiversity areas and where avoidance is not possible the adverse impacts are minimised and, for an area of high ecological significance, no net loss in biodiversity values is achieved.*

Comment

Complies. The proposed cemetery avoids the mapped wildlife habitat area and the wildlife habitat area is remaining in Council's ownership.

- (2) *Development on lots containing biodiversity areas ensures their ongoing protection and retention through application of conservation covenants or dedication for public use.*

Comment

Complies. The proposed cemetery avoids the mapped wildlife habitat area and the wildlife habitat area is remaining in Council's ownership.

- (3) *Biodiversity areas that are considered to be of regional, state or higher levels of significance are awarded levels of protection commensurate with these values.*

Comment

Complies. The proposed cemetery avoids the mapped wildlife habitat area and the wildlife habitat area is remaining in Council's ownership.

**3.5.4 Element—Scenic amenity****3.5.4.1 Specific outcomes**

- (1) *Areas of high scenic amenity (such as scenic routes) are protected from development which is visually inappropriate, obtrusive, unattractive or insensitive. Scenic routes include:*
- (a) *Great Tropical Drive;*
  - (b) *Savannah Way;*
  - (c) *Wheelbarrow Way;*
  - (d) *Black Mountain Road;*
  - (e) *Barron Falls Road;*
  - (f) *The Great Inland Way;*
  - (g) *Kuranda Range; and*
  - (h) *Rex Range*

Comment

The subject land is not visible from the Kennedy Highway.

**3.5.6 Element—Community facilities**

**3.5.6.1 Specific outcomes**

- (1) *The development and reuse of cultural facilities and precincts is:*
  - (a) *compatible with the surrounding area;*
  - (b) *provided with a high level of amenity and safety for users of the site;*
  - (c) *located to be easily accessible to the majority of residents.*

Comment

The proposed site for the new Kuranda cemetery complies.

**Relevant Developments Codes**

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

- 6.2.10 Rural residential zone code
- 8.2.2 Airport environs overlay code
- 8.2.4 Environmental significance overlay code
- 8.2.6 Flood hazard overlay code
- 8.2.8 Hill and slope overlay code
- 8.2.11 Scenic amenity overlay code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access code
- 9.4.4 Reconfiguring a lot code
- 9.4.5 Works, services and infrastructure code

The application included a planning report and assessment against the planning scheme. An officer assessment has found that the application satisfies the relevant acceptable outcomes (or performance outcome where no acceptable outcome applies) of the relevant codes set out below, provided reasonable and relevant conditions are attached to any approval.

Relevant Codes	Comments
Rural residential zone code	<p>The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.</p> <p>The proposed development is not consistent with Overall Outcomes (g) and (h) contained within the code which seek to discourage the creation of additional lots in Rural residential zoned areas that lie outside a precinct. Despite this non-compliance, the application is considered to comply with the higher order Strategic Framework provisions contained within the Planning Scheme. Further commentary is provided in the Planning Discussion section of the report.</p>
Airport environs overlay code	<p>The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.</p>



Environmental significance overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Flood hazard overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Hill and slope overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Scenic amenity overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Landscaping code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Parking and access code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Reconfiguring a lot code	<p>The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code apart from the following:</p> <ul style="list-style-type: none"> <li>• Acceptable Outcome AO1.1</li> <li>• Performance Outcome PO13 (no acceptable outcome)</li> </ul> <p>In the case of AO1.1, it is considered the development can comply with the higher order Performance Outcome PO1. In the case of PO13 and AO13 compliance with the higher order Overall Outcomes of the Reconfiguring a Lot code can be achieved.</p> <p>Further commentary is provided in the planning discussion section of report.</p>
Works, services and infrastructure code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.

**(D) Planning Scheme Policies/Infrastructure Charges Plan**

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 in accordance with FNQROC Development Manual Standards.

**(E) Adopted Infrastructure Charges Notice**

In accordance with Council's Adopted Infrastructure Charges Resolution (No. 1) 2022, a standard charge of \$20,260.00 applies to each additional residential allotment created, where serviced by the following five (5) trunk infrastructure networks:

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

Part 4.1(d) of Council's Adopted Infrastructure Charges Resolution (No. 1) 2022, a 20% discount will be applied to development charges where no connection to Council's reticulated sewer network exists.

$\$20,260.00 - 20\% = \underline{\$16,208.00}$  per additional allotment.

The application proposes the creation of 1 additional residential lot; therefore, the applicable charge is **\$16,208.00**.

In accordance with Council's Adopted Infrastructure Charges Resolution (No. 1) 2022, no charge is applied for a cemetery.

**REFERRAL AGENCY**

This application did not trigger referral to a Referral Agency.

**Internal Consultation**

Technical Services

**PUBLIC NOTIFICATION**

The development proposal was placed on public notification from 11 November 2022 to 5 December 2022. The applicant submitted the notice of compliance on 6 December 2022 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

No submissions were received.

**PLANNING DISCUSSION**

Compliance with the Performance Outcomes and Purpose of the Rural Residential Zone Code and the Reconfiguring a Lot Code is summarised as follows:

**Rural Residential Zone Code**

The proposed reconfiguring a lot aspect generally complies with the Overall Outcomes contained within the Rural Residential zone code apart from the following:

- (g) *Reconfiguring a lot will maintain the predominant lot size of the precinct or intended for the precinct; and*

- (h) *Reconfiguring a lot involving the creation of new lots is not undertaken external to a precinct in the Rural residential zone in consideration of the inherent environmental, and/or physical infrastructure and/or social infrastructure constraints of Rural residential zoned land outside of identified precincts.*

#### Comment

Despite not complying with overall outcomes (g) and (h), the application is impact assessable and can therefore be assessed against the Planning Scheme's Strategic Framework which is the highest order assessment provisions contained within the Planning Scheme. It is considered that the proposed development achieves compliance with the Strategic Framework provisions relating to settlement pattern and built environment, specifically for rural residential areas. See the Strategic Framework section of this report for further commentary.

#### Reconfiguring a Lot Code

##### **PO1 Area and frontage of lots**

*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

Table 9.4.4.3B does not nominate a minimum area and frontage for rural residential allotments that are located outside a precinct.

Assessment is therefore necessary against PO1 and the criteria it nominates:

- (a) The proposed lots are consistent with the design/size of adjoining lots on Kuranda Heights Roads.
- (b) The proposed lots allow the desired amenity of the zone to be achieved.
- (c) Each of the proposed lots is of sufficient size and shape to be able to accommodate all buildings, structures and works associated with the intended future land use;

- (d) Kuranda Heights Road is constructed to a bitumen sealed rural road standard sufficient to provide each proposed lot with good access. Individual access will be conditioned in accordance with FNQROC Development Manual standards.
- (e) The lots are located approximately 2km (walking distance) by road from the Kuranda Town Centre. The future walking path to the Old Kuranda Cemetery will reduce this distance substantially.
- (f) The lots and building envelope are designed to avoid clearing of native vegetation.
- (g) Both proposed lots reasonably accommodate all constraints.

The development complies with PO1.

### ***PO13 Rural residential zone***

*New lots are only created in the Rural residential zone where land is located within the 4,000m<sup>2</sup> precinct, the 1 hectare precinct or the 2 hectare precinct.*

### **AO13**

*No acceptable outcome is provided.*

### Comment

The proposed reconfiguring a lot aspect conflicts with PO13 as the subject land is not located within a rural residential zone precinct.

An assessment of the development's consistency with the higher order purpose and overall outcomes contained within the Reconfiguring a Lot Code is therefore required and is discussed below:

*The purpose of the Reconfiguring a Lot code will be achieved through the following overall outcomes:*

- (a) *Subdivision of land achieves the efficient use of land and the efficient provision of infrastructure and transport services;*

The subject site has convenient access to established infrastructure. No significant increase in external infrastructure is required to service the proposed lots.

- (b) *Lots are of a suitable size and shape for the intended or potential use having regard to the purpose and overall outcomes of the relevant zone or precinct;*

The size and shape of the proposed lots is consistent with the established lots on Kuranda Heights Road.

- (c) *Subdivision of land creates lots with sufficient area and dimensions to accommodate the ultimate use, meet user requirements, protect environmental features and account for site constraints;*

The proposed lots comply. Proposed Lot 2 will contain and protect all mapped wildlife habitat, in addition to containing sufficient cleared area adequate for the staged development of the new Kuranda cemetery.

Proposed Lot 1 has a designated building envelope which is already cleared of vegetation and an overall area in excess of 1 hectare.

- (d) *A range and mix of lot sizes is provided to facilitate a variety of industry and housing types;*

The proposed development would add to the range of lot sizes available in the local area.

- (e) *Subdivision design incorporates a road network that provides connectivity and circulation for vehicles and provide safe and efficient access for pedestrians, cyclists and public transport;*

Both proposed lots will have frontage to Kuranda Heights Road.

- (f) *Subdivision design provides opportunities for walking and cycling for recreation and as alternative methods of travel;*

These opportunities are already available along Myola Road and Kuranda Heights Road.

- (g) *Subdivision of land provides and integrates a range of functional parkland, including local and district parks and open space links for the use and enjoyment of the residents of the locality and the shire;*

Future residents of the subject land will have access to existing local/district parks and facilities found throughout the Kuranda area.

Further, the future stages of the proposed cemetery will include walking paths/tracks and potentially a pedestrian link to the current Kuranda Cemetery.

- (h) *Subdivision of land contributes to an open space network that achieves connectivity along riparian corridors and between areas with conservation values;*

The site contains two minor waterways which are within vegetated areas. These areas are not disturbed by the development.

- (i) *Subdivision within the Rural zone maintains rural landholdings in viable parcels;*

The subject land is not within the Rural Zone.

- (j) *Land in historical townships is not reconfigured to be used for urban purposes;*

Not applicable.




- (k) *Residential subdivision and greenfield development is designed to consider and respect:*
- i. topography;*
  - ii. climate responsive design and solar orientation;*
  - iii. efficient and sustainable infrastructure provision;*
  - iv. environmental values;*
  - v. water sensitive urban design;*
  - vi. good quality agricultural land; and*
  - vii. the character and scale of surrounding development.*

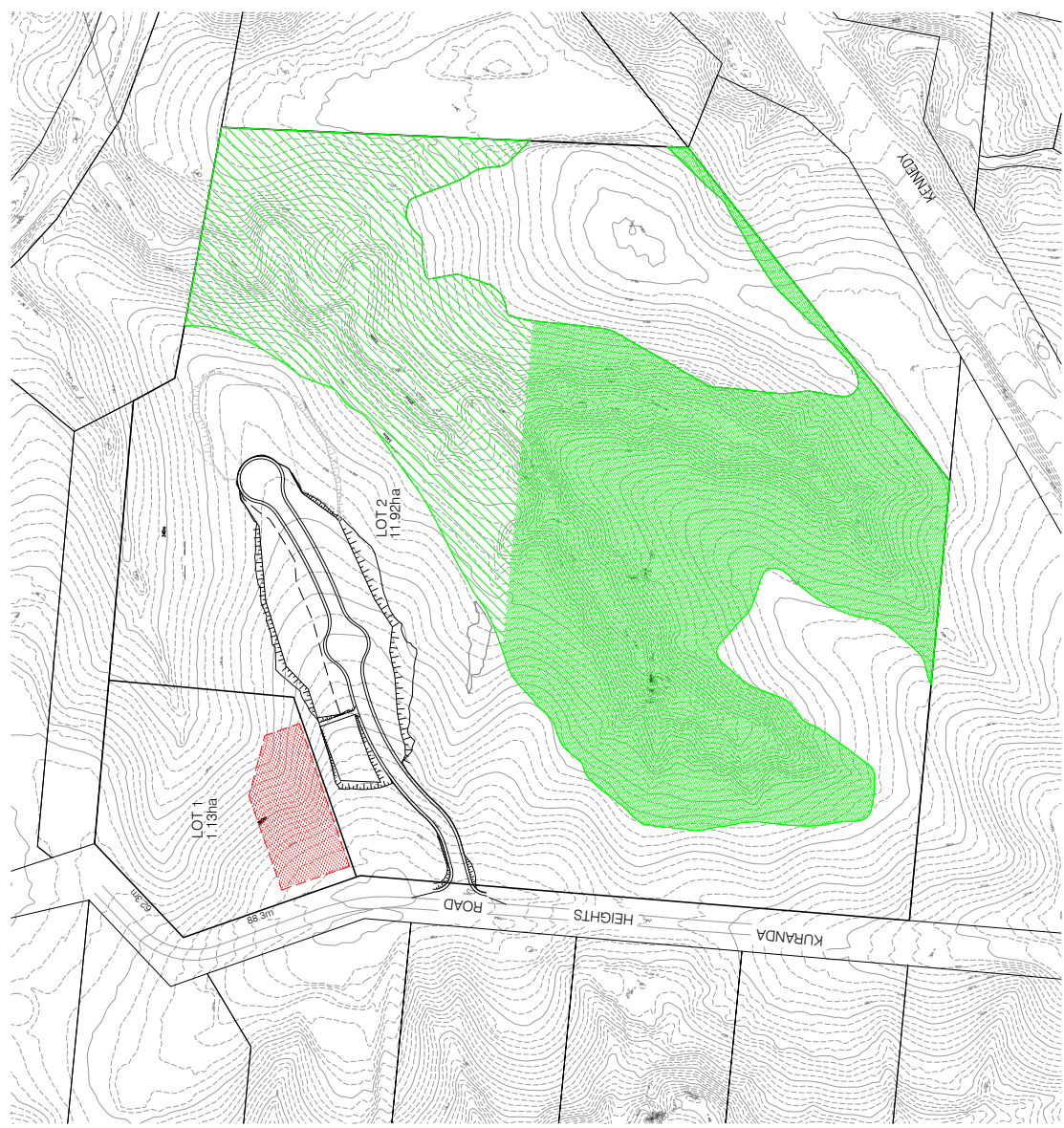
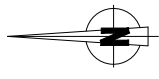
The proposed lot layout has been appropriately designed taking account of the above factors.



© 2022 ARO CONSULTANTS PTY LTD  
 This document is the property of ARO CONSULTANTS PTY LTD and  
 must be used only for the purpose for which it was prepared.  
 All rights reserved.

**LEGEND**

-  BUILDING ENVELOPE
-  VEGETATION COVERAGE
-  FUTURE VEGETATION COVERAGE



44 MacLeod Street  
 Brisbane QLD 4000  
 T 07 3251 8697  
 F 07 3251 8697  
 ARO 49 04 146 206

**KURANDA CEMETERY  
 RESIDENTIAL LAND DEVELOPMENT  
 LOT 2 ON RP730337**

**PROPOSED LOT LAYOUT**  
 1:1000  
**ARO0071-SK01** A1 Full Size  
 Acad No. ARO0071-SK01(0) 25th October 2022



**8.4 CD NASTASI AG PTY LTD & SD NASTASI AG PTY LTD - MATERIAL CHANGE OF USE - UNDEFINED USE - "RURAL WORKERS ACCOMMODATION" AS DEFINED BY THE PLANNING REGULATION 2017 - LOT 51 ON SP243993 - 57 STUDDT ROAD, MAREEBA - MCU/22/0022**

**Date Prepared:** 3 January 2023  
**Author:** Senior Planner  
**Attachments:** 1. Proposal Plans [↓](#)

**APPLICATION DETAILS**

APPLICATION		PREMISES	
<b>APPLICANT</b>	CD Nastasi AG Pty Ltd & SD Nastasi AG Pty Ltd	<b>ADDRESS</b>	57 Studdt Road, Mareeba
<b>DATE LODGED</b>	26 October 2022	<b>RPD</b>	Lot 51 on SP243993
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use - Undefined Use - "Rural Workers Accommodation" as defined by the <i>Planning Regulation 2017</i>		
<b>FILE NO</b>	MCU/22/0022	<b>AREA</b>	15.1674 hectares
<b>LODGED BY</b>	CD Nastasi AG Pty Ltd & SD Nastasi AG Pty Ltd	<b>OWNER</b>	CD Nastasi AG Pty Ltd & SD Nastasi AG Pty Ltd
<b>PLANNING SCHEME</b>	Mareeba Shire Council Planning Scheme 2016		
<b>ZONE</b>	Rural zone		
<b>LEVEL OF ASSESSMENT</b>	Impact Assessment		
<b>SUBMISSIONS</b>	Nil		

**EXECUTIVE SUMMARY**

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

The application is impact assessable and no properly made submissions were received in response to public notification of the application.

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

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

**OFFICER’S RECOMMENDATION**

1. That in relation to the following development application:

APPLICATION		PREMISES	
<b>APPLICANT</b>	CD Nastasi AG Pty Ltd & SD Nastasi AG Pty Ltd	<b>ADDRESS</b>	57 Studt Road, Mareeba
<b>DATE LODGED</b>	26 October 2022	<b>RPD</b>	Lot 51 on SP243993
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use - Undefined Use - "Rural Workers Accommodation" as defined by the <i>Planning Regulation 2017</i>		

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 - Undefined Use - "Rural Workers Accommodation" as defined by the *Planning Regulation 2017*

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
0713 DA-01A B	Site Plan	Gregory G Terzi	June 22
0713 DA 02 A	Detail Site Plan	Gregory G Terzi	June 22
0713 DA 03 B	Floor Plan	Gregory G Terzi	June 22
0713 DA 04 A	Elevations	Gregory G Terzi	June 22

(C) ASSESSMENT MANAGER’S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

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

- found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
  - to ensure compliance with the following conditions of approval.
2. Timing of Effect
- 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the commencement of the use except where specified otherwise in these conditions of approval.
- 2.2 Prior to the commencement of use, the applicant must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.
3. General
- 3.1 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
- 3.2 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to commencement of the use and at the rate applicable at the time of payment.
- 3.3 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.
- 3.4 Noise Nuisance
- 3.4.1 Refrigeration equipment, pumps, compressors and mechanical ventilation systems must be located, designed, installed and maintained to achieve a maximum noise level of 3dB(A) above background levels as measured from noise sensitive locations and a maximum noise level of 8dB(A) above background levels as measured from commercial locations.
- 3.4.2 The applicant/developer must ensure the approved accommodation use is operated and managed (including noise generated by guests) to not exceed a maximum noise level of 3dB(A) above background levels as measured from noise sensitive locations.
- No amplified music is permitted on-site at any time.
- 3.5 Waste Management
- 3.5.1 On site refuse storage area/s 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.
- 3.5.2 Where bulk bins are used and are to be serviced on site, prior to the issue of a development permit for building works, Council's delegated officer must be satisfied that internal access is of adequate design and construction to allow waste collection/delivery vehicles to enter and exit the site in a forward gear only.

### 3.6 Signage

Any advertising devices relating to the development must be wholly sited on the subject site and be limited to a cumulative sign face area of 6m<sup>2</sup> and must:

- (i) Not resemble a traffic control device or give instructions to traffic;
- (ii) Not incorporate highly reflective materials or finishes;
- (iii) Not be illuminated, move, revolve, strobe or flash; and
- (iv) Be kept clean, in good order and safe repair for the life of the development.

The erection of any signage must comply with the Building Act and all other relevant Acts, Regulations and these approval conditions. The sign must be removed at the decommissioning and rehabilitation stage of the development.

### 3.7 Accommodation Capacity

No more than 12 individual workers shall be accommodated on-site at any given time.

Occupancy records must be kept and presented to Council upon request should any complaint of overcrowding be received.

### 3.8 Notification of Potential Rural Zone Impacts

The applicant is to erect signage in plain sight and in large legible writing at the kitchen/dining area, recreational area, and on each accommodation building advising guests that the subject land is zoned Rural under the Mareeba Shire Council Planning Scheme 2016 and is in a rural locality. The signage should generally state the following:

*"Guests should take note:*

- *The locality may be used for intensive rural uses;*
- *Guests may experience off site effects from rural activities, including noise, sprays and dust that may cause a loss of residential amenity. Existing and/or self-assessable agricultural and rural uses in the locality have a 'right to farm' or a right to legally continue the use."*

### 3.9 Bushfire Management

3.9.1 A Bushfire Management Plan for the site, incorporating evacuation procedures for guests, must be prepared to the satisfaction of Council's delegated officer. The approved use must comply with the requirements of the Management Plan at all times.

3.9.2 An on-site water supply for firefighting purposes must be provided with a minimum capacity of 5,000 litres that must comprise either:

- (a) a stand-alone tank; or
- (b) a reserve section in the bottom part of the main water supply tank;  
or
- (c) a dam; or
- (d) a swimming pool.

Where tank water supply is provided, the outlet must be fitted with a 50mm ball valve with a camlock fitting for connection to firefighting appliances.

#### 4. Infrastructure Services and Standards

##### 4.1 Stormwater Drainage

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

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

##### 4.2 Car Parking/Internal Driveways

(a) The applicant/developer must ensure that all car parking for the rural workers accommodation occurs on site and not on adjoining road reserves.

(b) All car parking spaces and trafficable areas must be at minimum gravel surfaced and appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer.

(c) All car parking spaces and internal driveways must be constructed in compliance with the following standards, to the satisfaction of Council's delegated officer:

- Australian Standard AS2890:1 Off Street Parking – Car Parking Facilities;
- Australian Standard AS1428:2001 – Design for Access and Mobility.

(d) All parking spaces and trafficable areas must be maintained in good order and safe repair for the life of the development, to the satisfaction of Council's delegated officer.

A sign must be erected in proximity to the access driveway indicating the availability of on-site parking.

##### 4.3 Non-Reticulated Water Supply

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 2004 (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.

##### 4.4 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.

#### 4.5 Lighting

Where outdoor lighting is required, the developer shall locate, design and install lighting to operate from dusk to dawn within all areas where the public will be given access, which prevents the potential for light spillage to cause nuisance to neighbours and must be provided in accordance with Australian Standard 1158.1 – Lighting for Roads and Public Spaces.

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

#### (D) ASSESSMENT MANAGER'S ADVICE

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

- (b) 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.

- (c) 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.

- (d) Environmental Protection and Biodiversity Conservation Act 1999

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

- (e) Cultural Heritage

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

**(E) RELEVANT PERIOD**

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

- Material Change of Use aspect – 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

**THE SITE**

The subject site is situated at 57 Studt Road, Mareeba and is described as Lot 51 on SP243993. The site is regular in shape with an area of 15.1674 hectares and is zoned Rural under the Mareeba Shire Council Planning Scheme 2016.

The site has frontages of approximately 120 metres to Studt Road and 330 metres to Keegan Road, both of which are constructed to a rural gravel standard. Access is gained off the northern end of Keegan Road which seamlessly transitions into the farm driveway.

The site is improved by a dwelling house and several farm sheds all located in the north-eastern corner. The Barron River forms the eastern property boundary.

The site, together with adjoining Lot 50 on N157399, is primarily developed as an orchard.

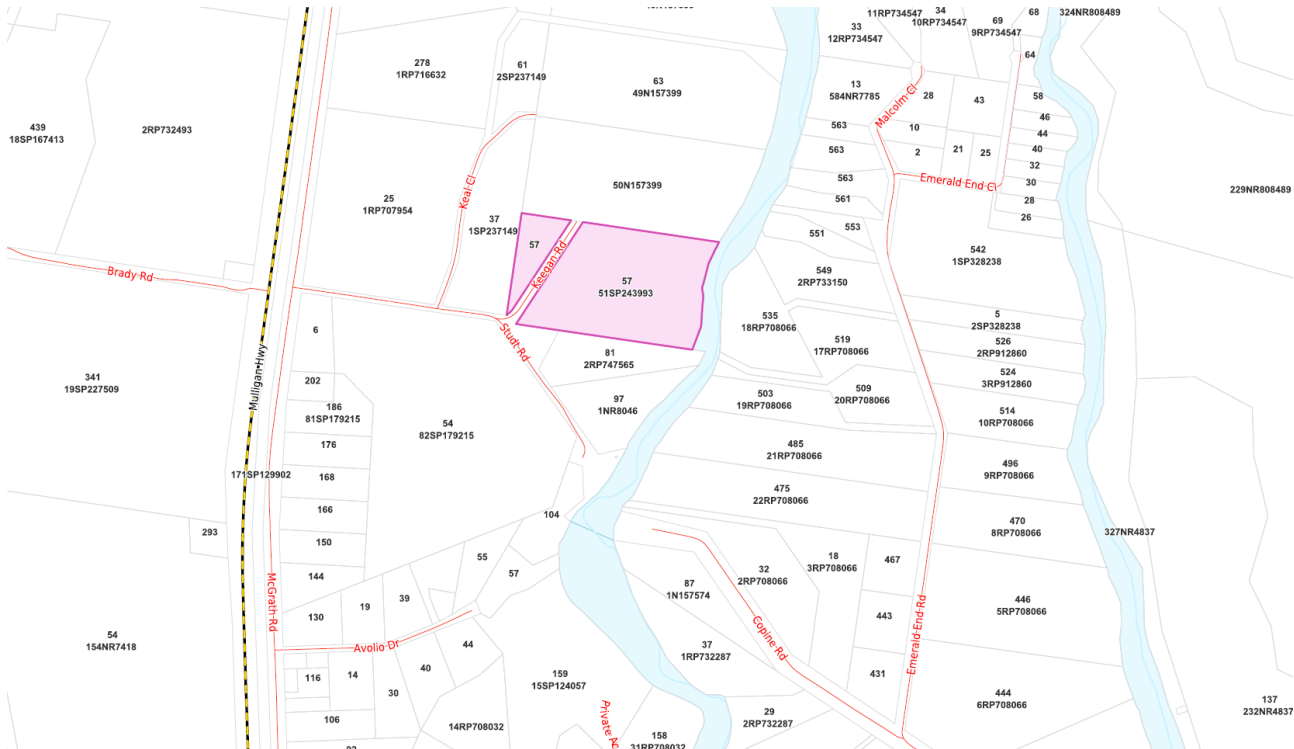
The subject site is connected to the following infrastructure services:

- Ergon Energy electricity supply;
- SunWater irrigation via the Barron River;
- Telecommunications infrastructure; and
- Local road network.



**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.



**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.



**BACKGROUND AND CONTEXT**

Nil

**PREVIOUS APPLICATIONS & APPROVALS**

Nil

**DESCRIPTION OF PROPOSED DEVELOPMENT**

The development application seeks a Development Permit for Material Change of Use - Undefined Use - "Rural Workers Accommodation" as defined by the *Planning Regulation 2017* in accordance with the plans shown in **Attachment 1**.

The applicants describe the proposed development as follows:

*The proposed Rural worker's accommodation facility will accommodate a maximum of 12 farm workers to help with the day to day operation of the orchard, as well as the picking and packing of seasonal produce.*

*The 12 workers will be accommodated in a purpose built complex comprising 2 prefabricated accommodation buildings providing a total of 6 ensuite rooms (2 workers per room) as well as common area for cooking, clothes washing, and leisure. A roof will be constructed over the entire complex and car parking will be provided adjacent.*

*In keeping with the land use definition, the workers may be utilised for work on other farms under the same ownership (for example adjacent Lot 50 on N157399). The proposed development is considered to be an agricultural support use as it will ensure convenient and reliable access to a farm workforce."*

**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:

- *Local Conservation Corridors*
- *Wetland Area of General Ecological Significance*
- *Terrestrial Area of High Ecological Significance*
- *Terrestrial Area of General Ecological Significance*

**PLANNING SCHEME DESIGNATIONS**

Strategic Framework:	<p><b>Land Use Categories</b></p> <ul style="list-style-type: none"> <li>• Rural Area             <ul style="list-style-type: none"> <li>• Rural Agricultural Area</li> <li>• Rural other</li> </ul> </li> </ul> <p><b>Natural Environmental Elements</b></p> <ul style="list-style-type: none"> <li>• Habitat Linkage</li> </ul> <p><b>Other Elements</b></p> <ul style="list-style-type: none"> <li>• Major Watercourse</li> </ul>
Zone:	Rural zone

Overlays:	Agricultural Land Overlay Airport Environs Overlay Bushfire Hazard Overlay Environmental Significance Overlay Flood Hazard Overlay Hill and Slope Overlay Transport Infrastructure Overlay
-----------	--

**Planning Regulation 2017 Land Use Definition**

The proposed use is considered an 'undefined use' in the Mareeba Shire Council Planning Scheme 2016 due to a recent administrative change to the *Planning Regulation 2017*. Where there is an inconsistency between the land use definitions in the Planning Scheme and the Regulation, the Regulation definition prevails. The Regulation defines 'Workforce Accommodation' as follows:

***Workforce accommodation-***

- (a) *means the use of premises for-*
  - (i) *accommodation that is provided for persons who perform work as part of-*
    - (A) *a resource extraction project; or*
    - (B) *a project identified in a planning scheme as a major industry or infrastructure project; or*
    - (C) *a rural use; or*
  - (ii) *recreation and entertainment facilities for persons residing at the premises and their visitors, if the use is ancillary to the use in subparagraph (i); but*
- (b) *does not include rural workers' accommodation.*

**RELEVANT PLANNING INSTRUMENTS**

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

**(A) Far North Queensland Regional Plan 2009-2031**

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

**(B) State Planning Policy**

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

**(C) Mareeba Shire Council Planning Scheme 2016**

## Strategic Framework

### 3.3 Settlement pattern and built environment

#### 3.3.11 Element - Rural areas

##### 3.3.11.1 Specific Outcomes

- (1) *Rural areas include rural activities and land uses of varying scale, consistent with surrounding land use, character and site conditions.*

##### Comment

The proposed development is for the construction of a new purpose built accommodation facility to accommodate up to 12 rural workers.

The rural workers accommodated by this facility will service the applicant's orchard which is established over the subject site and adjoining Lot 50 on N157399.

On site rural workers accommodation is considered to be a regular element of a modern, labour intensive, farming enterprise. The development is not considered to be of a scale or design that would adversely affect the rural amenity of the area and is considered allied with and ancillary to the primary rural land use.

The proposed development satisfies Specific Outcome 1.

### 3.7 Economic Development

#### 3.7.2 Element - Rural and Agricultural land

##### 3.7.2.1 Specific outcomes

- (4) *Built infrastructure and non-agricultural uses within farms will be co-located and clustered with existing farm dwellings and infrastructure to prevent encroachment on productive land.*

##### Comment

The proposed development will be sited beside the existing orchard and will not encroach onto productive land.

The proposed development satisfies Specific Outcome 4.

- (5) *Development ensures rural activities in all rural areas are not compromised by incompatible development and fragmentation.*

##### Comment

The proposed development is compatible with the agricultural use of the subject land and general locality.

The proposed development satisfies Specific Outcomes 5.

**Relevant Developments Codes**

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

- 6.2.9 Rural zone code
- 8.2.1 Agricultural land overlay code
- 8.2.2 Airport environs overlay code
- 8.2.3 Bushfire hazard overlay code
- 8.2.4 Environmental significance overlay code
- 8.2.6 Flood hazard overlay code
- 9.3.1 Accommodation activities code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access code
- 9.4.5 Works, services and infrastructure code

The application included a planning report and assessment against the planning scheme. An officer assessment has found that the application satisfies the relevant acceptable outcomes (or performance outcome where no acceptable outcome applies) of the relevant codes set out below, provided reasonable and relevant conditions are attached to any approval.

Relevant Codes	Comments
Rural zone code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code apart from the following: <ul style="list-style-type: none"> <li>▪ Acceptable Outcome AO3.1</li> <li>▪ Acceptable Outcome AO3.2</li> </ul> Refer to planning discussion section of report.
Agricultural land overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Airport environs overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Bushfire hazard overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Environmental significance overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Flood hazard overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Accommodation activities code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code apart from the following:

	<ul style="list-style-type: none"> <li>▪ Acceptable Outcome AO13.1</li> <li>▪ Acceptable Outcome AO13.2</li> </ul> <p>Refer to planning discussion section of report.</p>
Landscaping code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Parking and access code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Works, services and infrastructure code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.

**(D) Planning Scheme Policies/Infrastructure Charges Plan**

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 in accordance with FNQROC Development Manual Standards.

**(E) Adopted Infrastructure Charges Notice**

The proposed development is for a 12 bed rural workers accommodation to support the orchard established on the subject site and adjoining Lot 50.

Currently, rural workers are sourced off-site when required, travelling to and from the site daily. Accommodating rural workers on site will result in an overall decrease in vehicle traffic associated with the farming operation.

As such, an additional trunk infrastructure condition is not considered necessary in this instance.

**REFERRAL AGENCY**

This application did not trigger referral to a Referral Agency.

**Internal Consultation**

Not applicable.

**PUBLIC NOTIFICATION**

The development proposal was placed on public notification from 16 November 2022 to 7 December 2022. The applicant submitted the notice of compliance on 7 December 2022 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

No submissions were received.

**PLANNING DISCUSSION**

Compliance with the relevant acceptable outcomes/performance outcomes of the following development codes is discussed below. Where the development cannot comply with an acceptable outcome, it is considered compliance with the higher order performance outcome can be achieved.

**Rural zone code****PO3**

*The density of Accommodation activities:*

- (a) respects the nature and density of surrounding land use;*
- (b) is complementary and subordinate to the rural and natural landscape values of the area; and*
- (c) is commensurate to the scale and frontage of the site.*

**AO3.1**

*Residential density does not exceed one dwelling house per lot.*

**AO3.2**

*Residential density does not exceed two dwellings per lot and development is for:*

- (a) a secondary dwelling; or*
- (b) Caretaker's accommodation and includes building work or minor building work with a maximum gross floor area of 100m<sup>2</sup>; or*
- (c) Rural worker's accommodation.*

**Comment**

The proposed development is for the construction of a new purpose-built accommodation facility to accommodate up to 12 rural workers.

The rural workers accommodated by this facility will service the applicant's orchard which is established over the subject site and adjoining Lot 50 on N157399.

On site rural workers accommodation is considered to be a regular element of a modern, labour intensive, farming enterprise. The development is not considered to be of a scale or design that would adversely affect the rural amenity of the area and is considered allied with and ancillary to the primary rural land use.

The proposed development is considered to comply with PO3.

**Accommodation activities code****PO13**

*The Rural workers' accommodation is directly associated with an agricultural based rural activity on the same premises and is commensurate with the scale of agricultural operations.*

**AO13.1**

*A Rural workers' accommodation building is limited to the accommodation of:*

- (a) one rural worker for every 50 hectares; and*
- (b) a maximum of ten rural workers in total.*

**AO13.2**

*The agricultural based rural activity is a minimum of 50 hectares in area.*

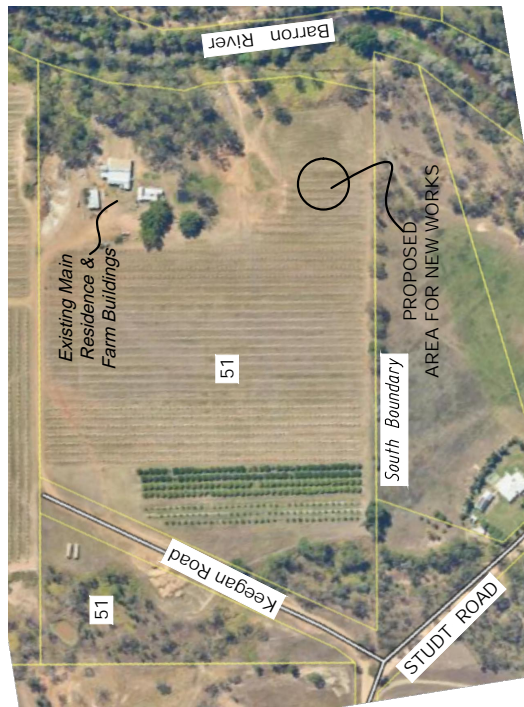
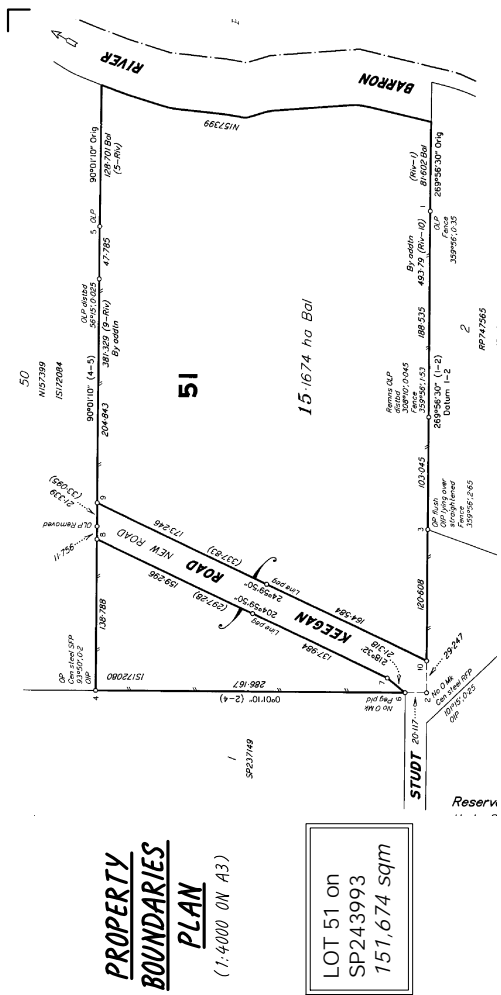
Comment

The proposed development is for the construction of a new purpose-built accommodation facility to accommodate up to 12 rural workers.

The rural workers accommodated by this facility will service the applicant's orchard which is established over the subject site and adjoining Lot 50 on N157399.

On site rural workers accommodation is considered to be a regular element of a modern, labour intensive, farming enterprise. The development is not considered to be of a scale or design that would adversely affect the rural amenity of the area and is considered allied with and ancillary to the primary rural land use.

The proposed development is considered to comply with PO13.

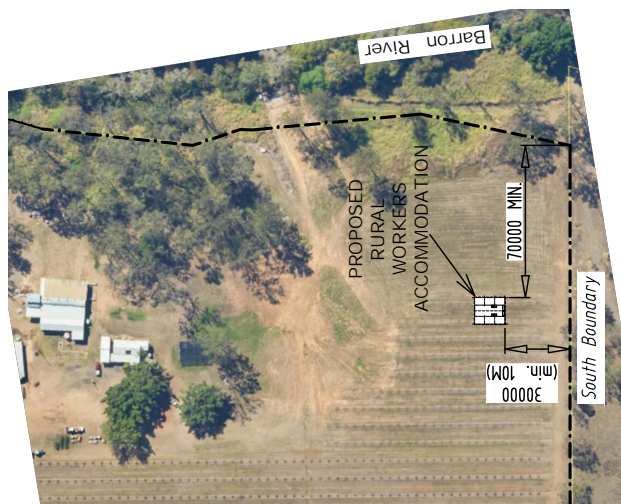


**SITE AERIAL VIEW EXTRACT FROM current "OLD GLOBE"**  
(approx. 1:4000 ON A3)

Gregory & Terzi Building Design & Drafting  
 phone: 0428 294 235 EDMONTON 4869, QUEENSLAND  
 -Building Designer- Medium Rise- QBCC LICENCE: 117048-

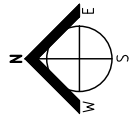
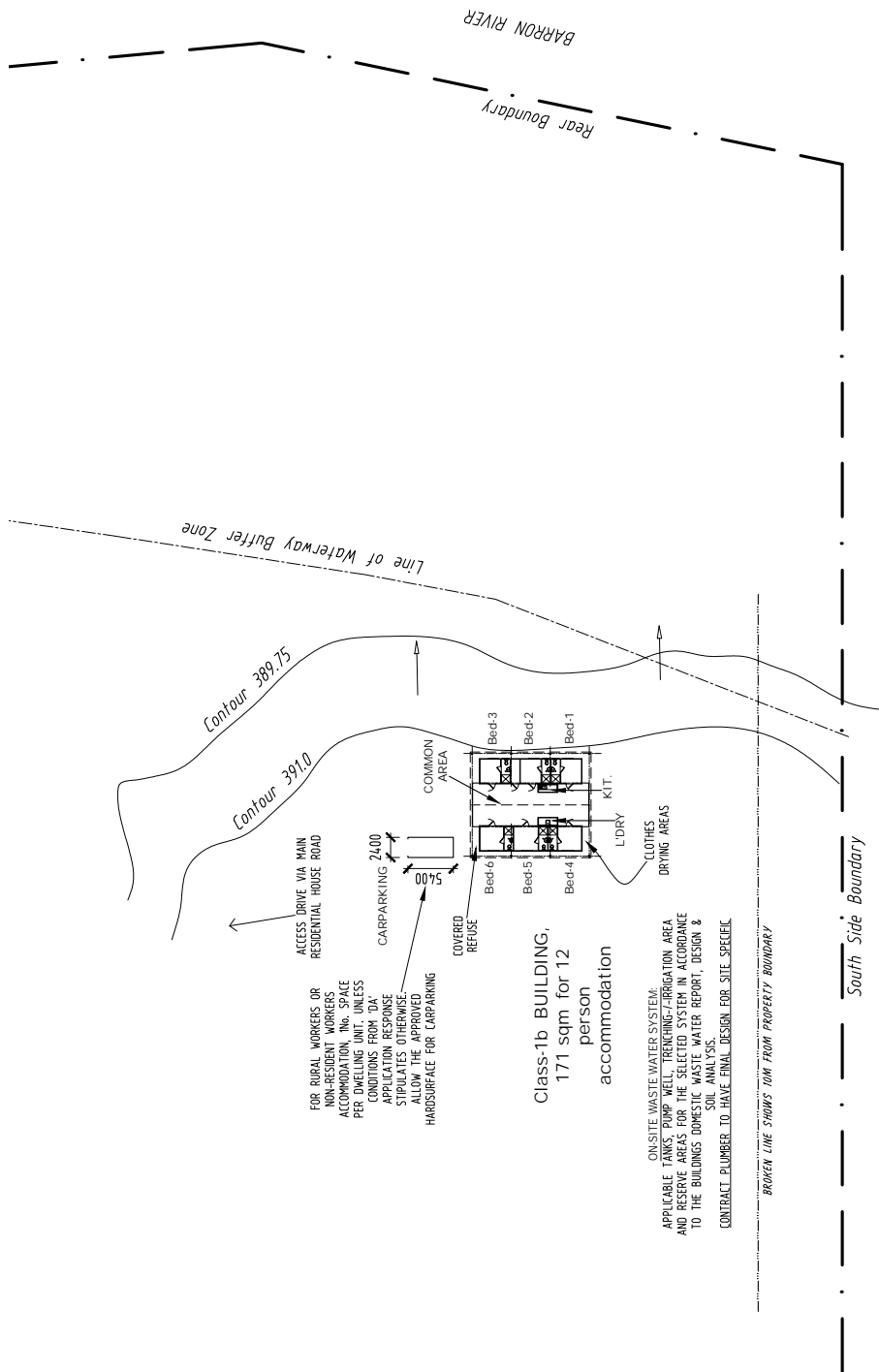
issue date: 08/09/2022

DATE: JUNE 2022	SHEET NO.:	ISSUE
SCALE: AS SHOWN ON 'A3' SHEET	0713	DA-01A
DRAWING TITLE:	SITE PLAN	
PROJECT:	57 STUDD RD MAREEBA 4880 (51 SP243993)	
	-RURAL- PROPOSED RURAL WORKERS ACCOMMODATION	



**PROPOSED part SITE PLAN**  
siting & boundary clearance  
(1:2000 ON A3)

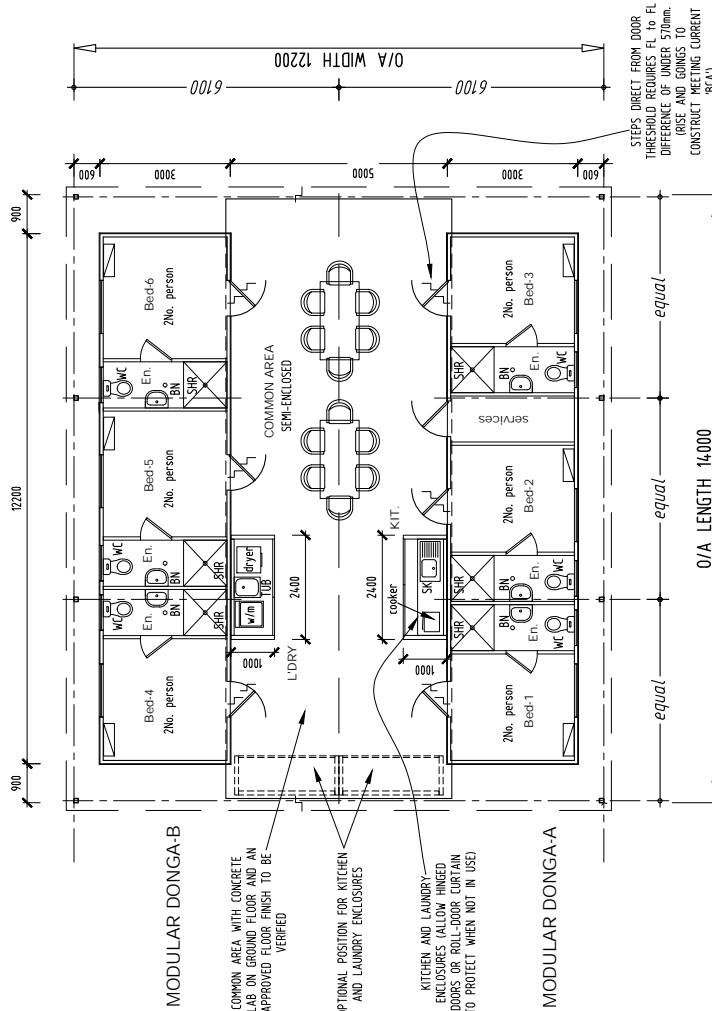




**DETAIL SITE PLAN**  
(1:500 ON A3)

issue date: 08/09/2022

phone: 0428 294 235	EDMONTON 4869,	QUEENSLAND
<b>GREGORY G TERZI</b>	Registered Surveyor	<b>Building Design &amp; Drafting</b>
-Building Designer- -Medium Rise- -QBCC LICENCE: 1117048-		
PROJECT:	DATE: JUNE 2022	SHEET NO. ISSUE
57 STUDD RD	SCALE: AS SHOWN ON 'A3' SHEET	0713 DA 02 A
MAREEBA 4880	DRAWING TITLE:	
(51 SP243993)	DETAIL SITE PLAN	
-RURAL- PROPOSED RURAL WORKERS ACCOMMODATION	JOB NO.	



**BUILDING INFORMATION:**

**NCC BUILDING CLASSIFICATION**

- 1b (Workers accommodation)
- DUE TO THE PERSONAL BEING HOUSED FOR FARM WORK, THE OWNER AND CERTIFIER ARE ADVISED TO SEEK CONCESSION FROM PARTS OF SECTION-D3 IN THE National Construction Code Volume-1, AND BE EXEMPT FOR A BUILDINGS ACCESS AND USE FOR PEOPLE WITH DISABILITY INTO AND WITH-IN AREAS REQUIRED (ie. 1-bedroom/ensuite and common area). IF EXEMPTION DISALLOWED FURTHER DESIGN WILL NEED TO BE PUT FORWARD FOR COMPLIANCE.

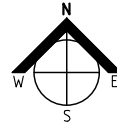
**STRUCTURAL FOOTPRINT SIZE**

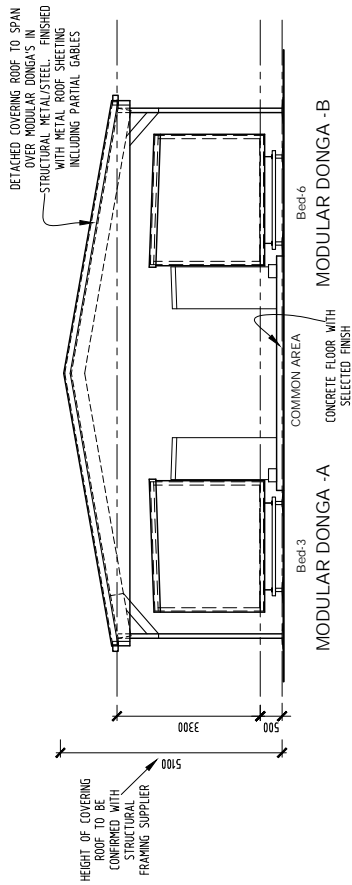
- total: 171 sqm
- INCLUDES AREA-A, AREA-B & COMMON
- Measure taken from corners of external posts
- Measure excludes roof eaves.

issue date: 08/09/2022

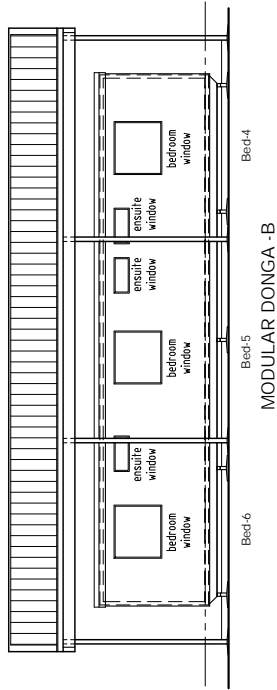
phone: 0428 294 235	EDMONTON 4869, QUEENSLAND
<b>GREGORY G TERZI</b>	<b>Building Design &amp; Drafting</b>
-Building Designer-	-QBCC LICENCE: 117048-
PROJECT:	DATE: JUNE 2022
<b>57 STUOT RD</b>	SCALE: AS SHOWN ON 'A3' SHEET
<b>MAREEBA 4880</b>	DRAWING TITLE:
<b>(51 SP243993)</b>	<b>FLOOR PLAN</b>
-RURAL-	JOB NO. SHEET NO. ISSUE
PROPOSED RURAL WORKERS ACCOMMODATION	0713 DA 03 B

*Rural Workers Accommodation*  
**FLOOR PLAN**  
(1:100 ON A3)

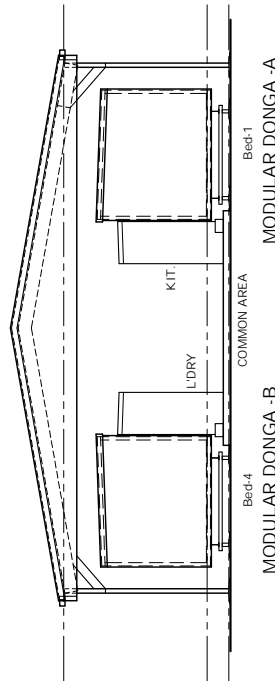




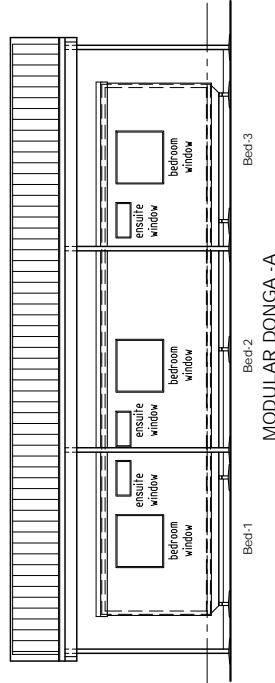
**NORTH VIEW** (1:100 ON A3)



**WEST VIEW** (1:100 ON A3)



**SOUTH VIEW** (1:100 ON A3)



**EAST VIEW** (1:100 ON A3)

issue date: 08/09/2022

PROJECT: 57 STUDD RD MAREEBA 4880 (51 SP243993)		DATE: JUNE 2022 SCALE: AS SHOWN ON 'A3' SHEET DRAWING TITLE: ELEVATIONS	
phone: 0428 294 235 EDMONTON 4869. QUEENSLAND <b>GREGORY G TERZI</b> -Building Designer- -Medium Rise- -DBCC LICENCE: 1117048-		JOB NO. 0773 SHEET No. DA 04 ISSUE A	
-RURAL- PROPOSED RURAL WORKERS ACCOMMODATION			



**8.5 DELEGATIONS UPDATE DECEMBER 2022**

**Date Prepared:** 14 December 2022

**Author:** Manager Development and Governance

**Attachments:**

1. Instrument of Delegation - Industrial Relations Act [↓](#)
2. Table of Delegable Powers - Industrial Relations Act [↓](#)
3. Instrument of Delegation - Plumbing and Drainage Regulation [↓](#)
4. Table of Delegable Powers - Plumbing and Drainage Regulation [↓](#)

---

**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.

**RECOMMENDATION**

That:

1. Council delegates the exercise of the powers contained in the attached Instrument of Delegations, with such powers to be exercised subject to any limitations and conditions; and
2. 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.

The attached Instrument of Delegation displays the list of powers that have been identified as requiring delegation to the CEO.

**Industrial Relations Act 2016 (Qld) (INRA)**

The INRA was amended by the Industrial Relations and Other Legislation Amendment Bill 2022 (Qld) which was assented to on 3 November 2022. Most of the provisions have commenced on proclamation with further changes to commence on a date to be fixed. The amendment seeks to strengthen a number of policy matters including, amongst other things, workplace sexual harassment, Queensland employment standards to personal and parental leave provisions, and entitlements for independent courier drivers.

**Plumbing and Drainage Regulation 2019 (Qld) (PDLR)**

The PLDR was amended by the *Plumbing and Drainage and Other Legislation Amendment Regulation 2022* (Qld) which commenced on 2 December 2022. The amendments provide local governments with the ability to regulate the temporary installation of holding tanks and prescribe

new requirements for the use and regulation of greywater. The changes required to the Table of Delegation are administrative in nature only.

#### **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.

Risk of challenge – validity of decisions and actions undertaken by persons acting in the capacity of CEO under delegated authority may be called into question if the appropriate delegation was not adopted by Council.

#### **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**

## **INSTRUMENT OF DELEGATION**

### **Mareeba Shire Council** ***Industrial Relations Act 2016 ("INRA")***

Under section 257 of the *Local Government Act 2009*, Mareeba Shire Council resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Schedule 1

**Industrial Relations Act 2016 ("INRA")**

**CHAPTER 1 – MODERN EMPLOYMENT CONDITIONS**

**Part 3 – Queensland employment standards**

**Division 4 – Flexible working arrangements**

Entity power given to	Section of INRA	Description
Employer	28(1)	Power to decide to: (a) grant the request; (b) grant the request in part or subject to conditions; or (c) refuse the request.
Employer	28(2)	Power to grant request, in part or subject to conditions, or refuse the request only on reasonable grounds.
Employer	28(3)	Power to give the employee written notice about its decision within 21 days after receiving the request.

**Division 5 – Annual leave**

**Subdivision 2 – Taking annual leave**

Entity power given to	Section of INRA	Description
Employer	33(1)	Power to agree with employee when the employee is to take annual leave
Employer	33(3)(a)	Power where the employee and employer cannot agree, to decide when the employee is to take leave.
Employer	33(3)(b)	Power where the employee and employer cannot agree, to give the employee at least 8 weeks written notice of the starting date of the leave.
Employer	33(4)	Power to agree with employee that the employee take all or part of the employee's annual leave before becoming entitled to it.

**Division 7 – Domestic and family violence leave**

Entity power given to	Section of INRA	Description
Employer	54(1)	Power to ask an employee to provide evidence that the employee has experienced domestic violence and need to take leave as a result.

**Division 8 – Parental leave**

**Subdivision 3 – Notices and information**

Entity power given to	Section of INRA	Description
Employer	63(4)	Power to ask the employee for a health practitioner's certificate.



Employer	64(4)	Power to ask the employee for a health practitioner's certificate.
Employer	72(4)	Power to give the employee a reasonable opportunity to discuss any significant effect the change will have on the employee's position.

***Subdivision 4 – Application to extend parental leave or return part-time***

Entity power given to	Section of INRA	Description
Employer	76(1)	In the specified circumstances, the power in deciding whether to agree to an application for extension or part-time work, to consider the specified matters.
Employer	76(4)	In the specified circumstances, the power to advise the employee in writing of the employer's decision.
Employer	76(5)	In the specified circumstances, the power to provide the employee with written reasons for refusing the application.

***Subdivision 6 – Other entitlements***

Entity power given to	Section of INRA	Description
Employer	92(1)	In the specified circumstances, the power to give the replacement employee a written notice informing them of specified matters.

***Subdivision 9 – Miscellaneous provisions***

Entity power given to	Section of INRA	Description
Employer	110(2)(b)	Power to agree with an employee by a signed agreement that a payment may be made

**Division 13 – Notice of termination and redundancy**

***Subdivision 1 – Notice of termination***

Entity power given to	Section of INRA	Description
Employer	121(1)	In the specified circumstances, the power to dismiss an employee.

***Subdivision 2 – Redundancy pay***

Entity power given to	Section of INRA	Description
Employer	127(2)	Power to apply to the commission to make an order reducing the amount of the redundancy pay to a stated amount the commission considers appropriate.

**CHAPTER 4 – COLLECTIVE BARGAINING**

**Part 1 – Preliminary**

**Division 2 – Some basis concepts about collective bargaining**

Entity power given to	Section of INRA	Description
Employer	165	Power to enter into certified agreement.
Employer	167(a)	Power to consent to the making of a bargaining award.

**Part 2 – Collective bargaining process**

Entity power given to	Section of INRA	Description
Proposer	169(1)	Power to negotiate with a view to a bargaining instrument being made.
Proposer	169(2)	Power to give the specified persons a notice of intention of the proposer's intention to start negotiating.
Employer	172(2)	Power to negotiate with the single bargaining unit.
Negotiating Party	173(2)(a)	Power to attend and participate in bargaining meetings.
Negotiating Party	173(2)(b)	Power to disclose relevant information, other than confidential or commercially sensitive information, in a timely way.
Negotiating Party	173(2)(c)(i)	Power to genuinely consider proposals made by the other parties and respond in a timely way.
Negotiating Party	173(2)(c)(ii)	Power to genuinely consider proposals made by the other parties and give reasons for its response.
Negotiating Party	173(5)	Power to make an agreement about procedures or principles for the conduct of the bargaining process.

**Part 3 – Conciliation and arbitration by commission**

**Division 1 – Conciliation**

Entity power given to	Section of INRA	Description
Negotiating Party	175(1)(b)	Power to ask the commission to help the parties reach agreement.
Negotiating Party	175(2)	Power to notify the commission that the parties intend to resume negotiating without the commission's help.
Negotiating Party	178(1)	Power to apply to the commission for arbitration of the matter.

**Part 4 – Scope orders**

Entity power given to	Section of INRA	Description
Negotiating Party	184(1)	In the specified circumstances, the power to apply to the commission for a scope order in relation to a proposed bargaining instrument.

**Part 5 – Certifying agreements and making bargaining awards**

**Division 1 – Making and hearing applications**

Entity power given to	Section of INRA	Description
Party to the agreement	189(1)	Power to make an application to the commission to certify an agreement.
Party to the bargaining award	190(2)	In the specified circumstances under subsection 190(3), the power to make an application to the commission to make a bargaining award and terminate the relevant modern award.

**Division 2 – Deciding applications**

**Subdivision 3 – No disadvantage test**

Entity power given to	Section of INRA	Description
Employer	213(1)(a)	Power to propose to make a certified agreement.
Employer	213(2)	Power to apply to the commission for a decision under subsection (3).

**Part 7 – Extending, amending and terminating bargaining instruments etc**

**Division 1 – Extension of bargaining instruments**

Entity power given to	Section of INRA	Description
Employer	223(1)	Power to apply to the commission to extend the bargaining instrument's nominal expiry date.

**Division 2 – Amendments of bargaining instruments**

Entity power given to	Section of INRA	Description
Employer	225(1)	Power to apply to the commission to amend a bargaining instrument.
Party to bargaining award	226(2)	Power to apply to the commission to amend the bargaining award so the award applies to the proposed new party.

**Division 3 – Termination of certified agreements and arbitration determinations**

Entity power given to	Section of INRA	Description
Employer	227(1)	In the specified circumstances, the power to apply to the commission to terminate the certified agreement or arbitration determination.
Employer	228(1)(a)	In the specified circumstances, the power to apply to the commission to terminate the certified agreement or arbitration determination.
Person	228(2)	Power to give a notice of intention to all other persons to whom the agreement or determination applies.

**Part 8 – Protected industrial action**

**Division 1 – Preliminary**

Entity power given to	Section of INRA	Description
Negotiating Party	232	Power to take protected industrial action for the proposed bargaining instrument, subject to specified conditions in this part.

**Division 2 – Process for taking protected industrial action**

Entity power given to	Section of INRA	Description
Employer	236(1)	In the specified circumstances, the power in specified circumstances to give written notice of the intention to take industrial action to all of the negotiating parties of the proposed bargaining instrument.
Employer	236(2)	Power to instead of giving written notice, take any other reasonable steps to notify employees of the intended action.

**Division 4 – Suspension or termination by commission of protected industrial action**

Entity power given to	Section of INRA	Description
Negotiating Party	240(1)	In the specified circumstances, the power in specified circumstances, to apply to the commission for an order to suspend or terminate protected industrial action for a proposed bargaining instrument being engaged in.
Negotiating Party	241(1)	In the specified circumstances, the power in specified circumstances, to apply to the commission to suspend or terminate protected industrial action for a proposed bargaining instrument being engaged in or threatened to be engaged in.

**Part 9 – General**

Entity power given to	Section of INRA	Description
Employer	242(2)	In the specified circumstances, the power to apply to the registrar for a certificate stating that the employer need not negotiate with an employee organisation.

**CHAPTER 6 – INDUSTRIAL DISPUTES**

**Part 2 – Notice of industrial dispute**

Entity power given to	Section of INRA	Description
Party to a dispute	261(2)	Power to give the registrar written notice of the dispute.

**Part 3 – Actions for preventing or settling disputes**

Entity power given to	Section of INRA	Description
Party involved in cause	263(a)	Power to request the commission to act as mediator in an industrial cause, whether or not it is within the jurisdiction of the commission.

**Part 4 – Industrial action**

Entity power given to	Section of INRA	Description
Employer	269(1)	Power to apply to the commission to make an order for a contravention of section 268.

**CHAPTER 8 – RIGHTS AND RESPONSIBILITIES OF EMPLOYEES, EMPLOYERS, ORGANISATIONS ETC.**

**Part 2 – Dismissals**

**Division 3 – Requirements of dismissal**

***Subdivision 2 – Order giving effect of article 13 of Termination of Employment Convention***

Entity power given to	Section of INRA	Description
Employer	329(1)	In the specified circumstances, the power to dismiss the employees if the employer as soon as practicable after making the decision notifies the specified persons.
Employer	330(1)	In the specified circumstances, the power to consult with each employee organisation of which any of the employee's is a member in relation to specified matters.

**Division 4 – Stand-down of employees**

Entity power given to	Section of INRA	Description
Employer	333(1)	Power to stand down an employee on a day, or for part of a day, when the employee can not be usefully employed because of something that happened: <ul style="list-style-type: none"> <li>(a) for which the employer is not responsible; or</li> <li>(b) over which the employer has no control.</li> </ul>

**CHAPTER 9 – RECORDS AND WAGES**

**Part 1 – Employers records**

**Division 3 – Employers to keep certain records**

Entity power given to	Section of INRA	Description
Employer	341(1)	Power to keep an employee register that contains the specified information for each employee.

**Division 4 – Power to inspect certain records**

Entity power given to	Section of INRA	Description
Employer	347(2)	In the specified circumstances, the power to agree to employee request to inspect the time and wages record.

**Part 2 – Wages and occupations superannuation**

**Division 3 – Protection for wages**

Entity power given to	Section of INRA	Description
Employer	371(5)	Power before making a deduction from wages, to give the employee written acknowledgment of the employee's non-written consent authorising the deduction.

**CHAPTER 11 – INDUSTRIAL TRIBUNALS AND REGISTRY**

**Part 2 – Industrial relations commission**

**Division 4 – Particular powers of commission**

**Subdivision 5 – Interpretation of industrial instruments**

Entity power given to	Section of INRA	Description
Entity mentioned in section 468	467(1)	Power to apply to the commission for and interpretation of an industrial instrument other than a certified agreement or bargaining award.

**Subdivision 6 – Assistance by commission**

Entity power given to	Section of INRA	Description
Party to industrial cause	469(1)	In the specified circumstances, the power to ask the commission to assist the parties in negotiating or resolving a matter relevant to the industrial cause.
Party to industrial cause	469(2)	Power to agree with other party to an industrial cause to make a facilitation request and may be in the form agreed by the parties and include the specified items. (a)
Party to industrial cause	469(4)	Power to decide and agree with the other party, in writing, whether a decision made by the commission is binding on the parties to the industrial cause.
Party to industrial dispute	470(1)(b)	In the specified circumstances, the power to agree with other parties to the dispute that the dispute is to be resolved by the commission.
Party to industrial dispute	470(2)	Power to apply to the commission for the commission to perform the dispute resolution functions to resolve the dispute under the referral agreement.

**Subdivision 7 – Amending or voiding contracts**

Entity power given to	Section of INRA	Description
Entity	471(1)	In the specified circumstances, the power to apply to the commission to amend or declare void (wholly or partly) a contract.

**Subdivision 8 – Injunctions**

Entity power given to	Section of INRA	Description
Party industrial action or an industrial dispute	473(1)	In the specified circumstances, the power to apply to the commission seeking an injunction.

**Subdivision 10 – Orders about right to represent a group of employees**

Entity power given to	Section of INRA	Description
Entity under section 480	479	Power to apply for a specified order of the full bench about a demarcation dispute.
Person affected by order	483(3)	Power to apply to the full bench for an order to make a further order it considers appropriate to ensure the order, an ancillary order and the Act are complied with.

**Subdivision 11 – Reopening proceedings**

Entity power given to	Section of INRA	Description
Party to proceedings	484(1)	Power to apply to the full bench or the commission (as appropriate) for proceedings to be reopened.

**Subdivision 12 – Referring matters to full bench or Court**

Entity power given to	Section of INRA	Description
Party to proceedings	486(4)	Power before the hearing of a matter by the commission starts, to apply to the president for the matter to be referred to the full bench.

**Part 5 –**

**Proceedings**

**Division 2 – Starting proceedings and service or process**

Entity power given to	Section of INRA	Description
Employer/ Person who has an interest in the matter	527(1)	Power to apply to start a proceeding in the court or commission, or before the registrar.

**Division 3 – Conduct of proceedings**

<b>Entity power given to</b>	<b>Section of INRA</b>	<b>Description</b>
Party to proceedings/ Persons ordered or permitted to appear or be represented	529(1)	Power to be represented in proceedings by an agent appointed in writing or an officer or member of the organisation.
Party to proceedings/ Persons ordered or permitted to appear or be represented	530(1)(a)	Power to consent to parties being represented by a lawyer for proceedings in the Court.
Party to proceedings/ Persons ordered or permitted to appear or be represented	530(1)(b)	Power to seek leave to be represented by a lawyer to the full bench.
Party to proceedings/ Persons ordered or permitted to appear or be represented	530(1)(c)	Power to seek leave to be represented by a lawyer before the commission.
Party to proceedings/ Persons ordered or permitted to appear or be represented	530(1)(e)	Power to consent to parties being represented by a lawyer for other proceedings before the commission.
Party to proceedings/ Persons ordered or permitted to appear or be represented	530(1)(f)	Power to consent to parties being represented by a lawyer for proceedings before an Industrial Magistrates Court.
Party to proceedings	530(1)(g)	Power to consent for parties to be represented by a lawyer in proceedings before the registrar.

**Part 6 – Appeals**

**Division 1 – Appeals to Court of Appeal**

<b>Entity power given to</b>	<b>Section of INRA</b>	<b>Description</b>
Person Aggrieved	554(1)	In the specified circumstances, the power to appeal a decision of the Court or the full bench to the Court of Appeal.
Person Aggrieved	554(2)	In the specified circumstances, the power to appeal against a decision of the full bench to the Court of Appeal, and seek the Court of Appeal's leave.

**Division 2 – Appeals to Court**

<b>Entity power given to</b>	<b>Section of INRA</b>	<b>Description</b>
Person Aggrieved	556	Power to appeal against the decision of a magistrate to the Court.



Person Aggrieved	557(1)	In the specified circumstances, the power to appeal against the decision of the commission to the Court.
Person Aggrieved	557(2)	In the specified circumstances, the power to appeal against a decision of the commission, and seek the Court's leave.

**Division 3 – Appeals to full bench**

Entity power given to	Section of INRA	Description
Person Aggrieved	560(1)	In the specified circumstances, the power to appeal against a decision of the registrar to the full bench.
Person Aggrieved	560(2)	In the specified circumstances, the power to appeal against a decision of the register to the full bench, and seek the full bench's leave.

**Division 5 – General**

Entity power given to	Section of INRA	Description
Person Aggrieved	564(2)	Power to apply during or after the appeal period to the industrial tribunal to allow an appeal to be started within a longer period.

**Part 7 – Offence proceedings**

Entity power given to	Section of INRA	Description
Parties to proceedings	569(3)	Power to agree with other parties to proceeding to request that proceedings be started or continued before another magistrate at an agreed place in the State other than the place where the proceedings are to be heard and decided under the <i>Justices Act 1886</i> .

**CHAPTER 12 – INDUSTRIAL ORGANISATIONS AND ASSOCIATED ENTITES**

**Part 2 – Registration**

**Division 2 – Hearing of registration applications**

Entity power given to	Section of INRA	Description
Person	606(1)	In the specified circumstances, the power to object to a registration application.

**Part 5 – Validity and compliance with rules**

Entity power given to	Section of INRA	Description
Member of Organisation	646	In the specified circumstances, the power to make a rules application to the Commission.

**Part 8 – Registration**  
**Division 2 – Applications and referrals to commission**

Entity power given to	Section of INRA	Description
Financial Member of Organisation	688	Power to make an application for an election inquiry.

**Part 9 – Officers**  
**Divisions 2 – Disqualifications from candidature or holding office**  
**Subdivision 2 - Miscellaneous**

Entity power given to	Section of INRA	Description
Member of Organisation	711	In the specified circumstances, the power to apply to the Court for a declaration that a person is not, or was not eligible to be a candidate or to be elected to an office for the organisation or has ceased to hold an office for the organisation.

**Part 10 – Membership**  
**Division 4 - Registration**

Entity power given to	Section of INRA	Description
Member of Organisation	726(1)	In the specified circumstances, the power to resign from membership of the organisation.

**Part 11 – Records and accounts**  
**Division 3 – Financial policies, training and registers**

Entity power given to	Section of INRA	Description
Member of Organisation	744(1)	Power to inspect a policy kept under section 740 or a register kept under sections 742 or 743.
Member of Organisation	744(2)	Power to ask the organisation in writing to make the policy or register available for inspection, free of charge, during the organisation's business hours.

**Part 13 – Validations**  
**Division 3 – Orders about invalidity or its effects**

Entity power given to	Section of INRA	Description
Member of Organisation	835	Power to apply to the commission to decide whether an invalidity has occurred in the specified matters.

**Part 15 – Complaints, investigations and appointment of administrator**  
**Division 1 – Complaints**

Entity power given to	Section of INRA	Description
Person	859(1)	In the specified circumstances, the power to make a complaint to the registrar about an organisation.
Person	859(2)	Power to make a complaint to the registrar about an officer of an organisation if the person believes the officer has engaged in misconduct in relation to the organisation.

**Part 16 – Deregistration**  
**Division 2 – General deregistration provisions**  
**Subdivision 1 – Bringing deregistration proceedings**

Entity power given to	Section of INRA	Description
Member of Organisation	878(f)	Power to agree to deregistration of an organisation.
Specified Person	879(1)	Power to apply to the full bench for a deregistration order on a ground mentioned in section 878.
Person	879(1)(d)	Power to seek leave from the full bench to apply for a deregistration order.

**Part 17 – Miscellaneous**

Entity power given to	Section of INRA	Description
A person who applied for decision under Chapter 12	894(1)(a)	Power to be heard by Industrial Tribunal.
A person in relation to whom the decision is sought or may be made	894(1)(b)	Power to be heard by Industrial Tribunal.
A person who may object to the making of a decision	894(1)(c)	Power to be heard by Industrial Tribunal.

**CHAPTER 14 – GENERAL OFFENCES**

Entity power given to	Section of INRA	Description
Employer	935(2)	Power to give the person the certificate of employment upon receiving the request.

**CHAPTER 17 – GENERAL PROVISIONS**

**Part 2 – Other provisions**

Entity power given to	Section of INRA	Description
Person	981(2)	Power to file an objection notice with the commission within the stated time and in the stated way.

**CHAPTER 18 – REPEAL AND TRANSITIONAL PROVISIONS**

**Part 2 – Transitional provisions for repeal of Industrial Relations Act 1999**

**Division 2 – Existing industrial instruments**

**Subdivision 3 – Other instruments and orders**

Entity power given to	Section of INRA	Description
Party to the Agreement	1003(2)	Power to apply to the commission to apply section 250 in relation to the application to certify the agreement.

**SCHEDULE 2 – COSTS PROVISIONS FOR PROCEEDINGS UNDER ANTI-DISCRIMINATION ACT 1991**

Entity power given to	Section of INRA	Description
Applicant party	11(2)	Power to apply to the commission for an order: (a) requiring another party to give security for the applicant party's costs within the period stated in the order; and (b) staying the proceeding, or the part of the proceeding against the applicant party, until the security is given.

## Schedule 2

**LIMITATIONS TO THE EXERCISE OF POWER**

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2022 11 03 - INRA - Delegation Instrument]

## Delegable Powers under the Industrial Relations Act 2016 ("INRA")

**CHAPTER 1 – MODERN EMPLOYMENT CONDITIONS**

**Part 3 – Queensland employment standards**

**Division 8 – Parental leave**

**Subdivision 3 – Notices and information**

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Limitations and Conditions
Employer	63(4)	Power to ask the employee for a health practitioner's certificate.		
Employer	64(4)	Power to ask the employee for a health practitioner's certificate.		

**CHAPTER 4 – COLLECTIVE BARGAINING**

**Part 2 – Collective bargaining process**

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Limitations and Conditions
Negotiating Party	173(5)	Power to make an agreement about procedures or principles for the conduct of the bargaining process.		This power is subject to subsections 173(1) and (2).

**CHAPTER 11 – INDUSTRIAL TRIBUNALS AND REGISTRY**

**Part 5 – Proceedings**

**Division 3 – Conduct of proceedings**

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Limitations and Conditions
Party to proceedings/ Persons ordered or permitted to appear or be represented	530(1)(e)	Power to consent to parties being represented by a lawyer for other proceedings before the commission.		
Party to proceedings/ Persons ordered or permitted to appear or be represented	530(1)(f)	Power to consent to parties being represented by a lawyer for proceedings before an Industrial Magistrates Court.		
Party to proceedings	530(1)(g)	Power to consent for parties to be represented by a lawyer in proceedings before the registrar.		

## **INSTRUMENT OF DELEGATION**

### **Mareeba Shire Council** ***Plumbing and Drainage Regulation 2019 ("PLDR")***

Under section 257 of the *Local Government Act 2009*, Mareeba Shire Council resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.



Schedule 1

**Plumbing and Drainage Regulation 2019 ("PLDR")**

**Part 4 – Treatment plant approvals and related matters**

**Division 1 – Applications**

Entity power given to	Section of PLDR	Description
Person	16(1)(a)	Power to apply to the Chief Executive for a treatment plant approval for a greywater treatment plant of a particular type, other than a greywater (cooling tower) treatment plant.
Person	16(1)(b)	Power to apply to the Chief Executive for a treatment plan approval for a secondary on site sewage treatment plant of a particular type.
Holder of a treatment plant approval	16(2)	Power to apply to the Chief Executive to amend an approval.

**Division 2 – Duration and transfer of approvals**

Entity power given to	Section of PLDR	Description
Holder of a treatment plan approval.	23(b)(i)(B)	In the specified circumstances, the power to agree to a longer period with the Chief Executive.
New Holder	24(2)	In the specified circumstances, the power to give the Chief Executive notice of the transfer in the approved form.

**Division 3 – Inspecting approved treatment plans**

Entity power given to	Section of PLDR	Description
Local Government	26(1)	In the specified circumstances, the power to give the Chief Executive the specified information.
Person	27(c)	In the specified circumstances, the power to consent to the person arranged by the Chief Executive to enter the premises to carry out an inspection.

**Division 4 – Cancellation of approvals**

Entity power given to	Section of PLDR	Description
Holder of a treatment plant approval	29(1)	Power to make written representations about a show cause notice to the Chief Executive in the show cause notice period.

**Division 5 – Special provisions**

Entity power given to	Section of PLDR	Description
Holder of an existing treatment plant approval	34(1)	In the specified circumstances, the power to apply to the Chief Executive to renew an approval under this section.

**Part 5 – Permits**

**Division 2 – Permits issued by a local government**

**Subdivision 2 – Local government declarations about permit work**

Entity power given to	Section of PLDR	Description
Local Government	41(a)	In the specified circumstances, the power to publish a fast-track work declaration or a fast-track opt-out declaration on the local government's website.
Local Government	41(b)	Power to give a copy of a fast-track work declaration or fast-track opt-out declaration for a local government area to the Chief Executive and, if the local government is a participating local government for a distributor-retailer, the distributor retailer.
Local Government	41(c)	Power to make a fast-track work declaration or fast-track opt-out declaration for a local government area available to be inspected, free of charge, at the local government's public office.

**Subdivision 4 – Processing applications**

Entity power given to	Section of PLDR	Description
Local Government	44(1)(b)(iv)	In the specified circumstances, the power to set the local government application fee.
Local Government	45(1)(a)	Power to consider that an application is not a properly made application.
Local Government	45(1)(b)	Power to consider that the local government does not have the expertise to assess work the subject of an application.
Local Government	45(1)(c)	Power to consider that the local government requires further information to decide an application.
Local Government	45(2)	In the specified circumstances, the power to give a notice, to the applicant in the initial consideration period, ask the applicant to do a specified thing.
Local Government	45(4)	In the specified circumstances, the power to treat an application as having lapsed and to retain the local government application fee.
Local Government	46	In the specified circumstances, the power to consider each properly made application and decide to: <ol style="list-style-type: none"> <li>1. Refuse the application; or</li> <li>2. approve the application with:</li> </ol>

		(a) in the specified circumstances to approve the application with the conditions of approval; and (b) any other conditions that the Local Government considers reasonable and relevant for carrying out the work.
Local Government	47(1)	In the specified circumstances, the power to assess whether each plan for work accompanying an application complies with the code requirements for the work.
Local Government	47(2)	In the specified circumstances, the power to approve an application if the local government is satisfied with the specified things.
Local Government	47(5)	In the specified circumstances, the power to be satisfied that the specialist work referred to in this section would, if carried out in compliance with the permit applied for comply with the code requirements for the work and the power to approve the application to the extent it relates to the specialist work if so satisfied.
Local Government	48(a)	In the specified circumstances, the power to issue a permit, or an amended permit, in the approved form to the applicant.
Local Government	48(b)	In the specified circumstances, the power to give a copy of a permit or amended permit to the persons and entities listed in this section.
Local Government	49(3)(a)(ii)	In the specified circumstances, the power to agree to a longer required period with an applicant of a fast-track application.
Local Government	49(3)(b)(ii)	In the specified circumstances, the power to agree to a longer required period with an applicant of any other application.
Local Government	50(2)	Power to give an applicant an information notice about a decision.

**Division 3 – Permits issued by public sector entities**

Entity power given to	Section of PLDR	Description
Local Government	53(2)(f)(i)	In the specified circumstances, the power to provide written consent for an application relating to SEQ water work.
Local Government	53(2)(g)(i)	In the specified circumstances, the power to provide written consent for work relating to SEQ sewerage work.

**Division 4 – Effects and duration of permits**

Entity power given to	Section of PLDR	Description
Local Government	59(3)	In the specified circumstances, the power to give notice of the day a permit is to end to the permit holder and if the permit holder is not the owner of the premises to which the permit relates, the owner of the premises.

**Part 6 – Inspecting, enforcing and certifying permit work and notifiable work**

**Division 2 – Inspecting work under permits**

***Subdivision 1 – Inspecting work under permit issued by local government***

Entity power given to	Section of PLDR	Description
Local Government	64(2)(a)	Power to agree to a time for inspection with the responsible person.
Local Government	67(2)	In the specified circumstances, instead of inspecting work under section 64, the power to allow the responsible person to give the local government a covered work declaration for the work.

***Subdivision 3 – Inspecting work under permit issued by public sector entity***

Entity power given to	Section of PLDR	Description
Local Government	68(3)	In the specified circumstances, the power to inspect the work if the public sector entity has asked the local government to inspect the work under subsection 68(2).

**Division 3 – Alternatives to local government inspections**

***Subdivision 1 – Declarations for onsite sewage work***

Entity power given to	Section of PLDR	Description
Local Government	69(2)	In the specified circumstances, the power to allow an appropriate person to give the local government a declaration in the approved form stating that the person has inspected the onsite sewage work and is satisfied the work is compliant.
Local Government	69(3)	In the specified circumstances, the power to consider a person has appropriate knowledge about the design and function of an onsite sewage facility to which the work relates and is otherwise competent to make a declaration

***Subdivision 2 – Notices for particular work in remote areas***

Entity power given to	Section of PLDR	Description
Local Government	71(2)	In the specified circumstances, the power to publish each declaration on the local government's website, to give the Chief Executive a copy of each declaration, to ensure that the declaration may be inspected free of charge at the local government's public office and to ensure each remote area declaration includes a map identifying the remote area.
Local Government	73(2)	In the specified circumstances, the power to be satisfied the person is a suitability qualified person for giving the notice and

		to decide to accept a remote area compliance notice, or otherwise refuse to accept the notice.
Local Government	73(3)	In the specified circumstances, the power to, within 5 business days after receiving a remote area compliance notice, give the responsible person a notice stating whether the local government has accepted or refused to accept the notice.

**Division 4 – Assessment and compliance procedures**

***Subdivision 2 – Minor plan amendments***

Entity power given to	Section of PLDR	Description
Local Government	75(1)(a)	Power to consider the work carried out under a permit is not correctly represented in an approved plan for the work because of a minor inconsistency between the plan and the work.
Local Government	75(1)(b)	Power to, other than for the work the subject of a decision under subsection 75(1)(a), consider the work carried out under the work permit is compliant.
Local Government	75(2)	In the specified circumstances, the power to amend an approved plan so that the plan correctly reflects the work carried out under a permit.

***Subdivision 3 – Testing or commissioning plumbing or drainage***

Entity power given to	Section of PLDR	Description
Local Government	76(3)(b)	In the specified circumstances, the power to consider a person is competent to carry out the testing or commissioning.
Local Government	77(4)(b)	In the specified circumstances, the power to decide a report may be given within a longer period.

**Division 5 – Inspection and final inspection certificates**

***Subdivision 2 – Certificates given by a local government***

Entity power given to	Section of PLDR	Description
Local Government	83(1)	In the specified circumstances, the power to give an inspection certificate for work to the responsible person for the work.
Local Government	84(1)	In the specified circumstances, the power to give a final inspection certificate for the work to the responsible person for the work.
Local Government	84(1)(c)	In the specified circumstances, the power to be satisfied the plumbing or drainage resulting from, or affected by, the work is operational and fit for use.
Local Government	86(1)	In the specified circumstances, the power to after giving a final inspection certificate for work under section 84, give a copy of the certificate to the permit holder, and if the permit holder is not the owner of the premises the owner of the premises, and if the

		work involves installing a water meter and the local government is not the water service provider for the premises the water service provider.
Local Government	86(3)	In the specified circumstances, the power to give a distributor retailer the specified information in subsection 86(2)(b).
Local Government	87(3)	In the specified circumstances, the power to give an information notice about the decision to refuse to give an inspection certificate or final inspection certificate.

**Division 6 – Inspecting notifiable work not under permit**

Entity power given to	Section of PLDR	Description
Local Government	94(2)(a)	In the specified circumstances, the power to agree to a time to inspect work with the responsible person.
Local Government	95(1)(b)	In the specified circumstances, the power to contact the occupier of the premises to arrange to inspect the work.

**Division 7 – Requirements for action notices**

Entity power given to	Section of PLDR	Description
Local Government	97(3)	In the specified circumstances, the power to include an information notice about the decision by the local government to give an action notice.
Local Government	98(2)(b)	In the specified circumstances, the power to decide a longer period before the end of a stated period.
Local Government	98(3)	In the specified circumstances, the power to consider the person has not complied with an action notice and to give a copy of the action notice to the owner of a premises within 5 business days after the end of the required period for compliance under subsection 98(2).

**Part 7 – Installation, maintenance and related matters**

Entity power given to	Section of PLDR	Description
Local Government	101	Power to establish a program for registering each testable backflow prevention device installed at premises in the local government area and for monitoring the maintenance and testing of each device.
Local Government	107(2)	In the specified circumstances, the power to: <ol style="list-style-type: none"> <li>1. Remove the obstruction or fix the damage; and</li> <li>2. Fairly apportion the reasonable cost of removing the obstruction or fixing the damage between the owners; and</li> <li>3. To recover as a debt from each owner, the owner's share of the cost.</li> </ol>
Local Government	108(2)	In the specified circumstances, the power to issue a notice to the owner of an old building and the owner of a new building

		requiring the owners to take specified action in section 108(2)(a) and section 108(2)(b).
--	--	---

**Part 8 – Registers**

**Division 2 – Registers kept by local governments**

Entity power given to	Section of PLDR	Description
Local Government	112(1)	Power to keep a register containing the specified information.
Local Government	113(1)	Power to keep a register containing each notice given to the local government under section 102(2) or 103(3).
Local Government	114(1)	Power to keep a register containing a copy of each service report for a greywater use facility or onsite sewage facility given to a local government under section 106.
Local Government	115(1)	Power to keep a register containing a copy of each show cause notice and enforcement notice given by the local government.
Local Government	115(2)	Power to remove a notice mentioned in subsection 115(1) from the registered if the premises to which the notice relates is demolished or removed.
Local Government	116(2)	In the specified circumstances, the power to decide the reasonable cost of producing a copy of an entry into a register, and to allow a person to inspect the register, free of charge, at the local governments public office or buy a copy of an entry in the register for not more than the reasonable cost of producing a copy.

**Part 9 – Miscellaneous provisions**

**Division 2 – Other matters**

Entity power given to	Section of PLDR	Description
Local Government	124(2)(b)	In the specified circumstances, the power to determine what qualifications and experience is necessary to enable a person to assess plans for, or inspect, plumbing work competently.
Local Government	124(3)(b)	In the specified circumstances, the power to determine what qualifications and experience necessary to enable the person to assess plans for, or inspect, drainage work competently.
Local Government	124(4)(c)	In the specified circumstances, the power to determine what qualifications and experience necessary to enable a person to assess for, or inspect, onsite sewage facility competently.

**SCHEDULE 6 – DOCUMENTS TO ACCOMPANY PERMIT APPLICATIONS**

**Part 3 – Additional documents required for particular applications**

**Division 2 – Other documents**

Entity power given to	Section of PLDR	Description
Local Government	6(3)(c)	In the specified circumstances, the power to decide whether a person is competent to develop the performance solution.
Local Government	7(3)(c)	In the specified circumstances, the power to consider whether a person is competent to develop the alternative solution.

**Part 4 – Requirements for plans**

Entity power given to	Section of PLDR	Description
Local Government	8(2)(b)	In the specified circumstances, the power to determine if a plan provided for an application other than a fast track application or a fast track amendment application shows enough detail to allow the local government to assess the work to which the plan relates.
Local Government	8(3)(c)	In the specified circumstances, the power to determine if the relevant details provided for work relating to a greywater use facility of an onsite sewage facility provides enough information about the person's qualifications and experience to allow the local government to decide whether the person is a qualified person to design the facility.

**SCHEDULE 10 – DICTIONARY**

Entity power given to	Section of PLDR	Description
Local Government	Schedule 10 definition of "Suitably qualified trade person" (a)	In the specified circumstances, the power to determine whether a person has the experience and skills appropriate for preparing and giving a notice, statement or other document.
Local Government	Schedule 10 definition of "Suitably qualified trade person" (d)	Power to consider whether a person is competent to prepare and give the document.



## Schedule 2

**LIMITATIONS TO THE EXERCISE OF POWER**

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2022 12 02 - PLDR - Delegation Instrument]

**Delegable Powers under the  
Plumbing and Drainage Regulation 2019 ("PLDR")**

**Part 4 – Treatment plant approvals and related matters**

**Division 1 – Applications**

Entity power given to	Section of PLDR	Description	Delegation to the CEO / Date of Resolution	Limitations and Conditions
Person	16(1)(a)	Power to apply to the Chief Executive for a treatment plant approval for a greywater treatment plant of a particular type, other than a greywater (cooling tower) treatment plant.		
Person	16(1)(b)	Power to apply to the Chief Executive for a treatment plan approval for a secondary on site sewage treatment plant of a particular type.		
Holder of a treatment plant approval	16(2)	Power to apply to the Chief Executive to amend an approval.		

**Division 2 – Duration and transfer of approvals**

Entity power given to	Section of PLDR	Description	Delegation to the CEO / Date of Resolution	Limitations and Conditions
Holder of a treatment plan approval.	23(b)(i)(B)	In the specified circumstances, the power to agree to a longer period with the Chief Executive.		
New Holder	24(2)	In the specified circumstances, the power to give the Chief Executive notice of the transfer in the approved form.		

**Division 3 – Inspecting approved treatment plans**

Entity power given to	Section of PLDR	Description	Delegation to the CEO / Date of Resolution	Limitations and Conditions
Local Government	26(1)	In the specified circumstances, the power to give the Chief Executive the specified information.		
Person	27(c)	In the specified circumstances, the power to consent to the person arranged by the Chief Executive to enter the premises to carry out an inspection.		

**Division 4 – Cancellation of approvals**

Entity power given to	Section of PLDR	Description	Delegation to the CEO / Date of Resolution	Limitations and Conditions
Holder of a treatment plant approval	29(1)	Power to make written representations about a show cause notice to the Chief Executive in the show cause notice period.		

**Division 5 – Special provisions**

Entity power given to	Section of PLDR	Description	Delegation to the CEO / Date of Resolution	Limitations and Conditions
Holder of an existing treatment plant approval	34(1)	In the specified circumstances, the power to apply to the Chief Executive to renew an approval under this section.		

**Part 5 – Permits**

**Division 2 – Permits issued by a local government**

**Subdivision 2 – Local government declarations about permit work**

Entity power given to	Section of PLDR	Description	Delegation to the CEO / Date of Resolution	Limitations and Conditions
Local Government	41(a)	In the specified circumstances, the power to publish a fast-track work declaration or a fast-track opt-out declaration on the local government's website.		
Local Government	41(b)	Power to give a copy of a fast-track work declaration or fast-track opt-out declaration for a local government area to the Chief Executive and, if the local government is a participating local government for a distributor-retailer, the distributor retailer.		
Local Government	41(c)	Power to make a fast-track work declaration or fast-track opt-out declaration for a local government area available to be inspected, free of charge, at the local government's public office.		

**Subdivision 4 – Processing applications**

Entity power given to	Section of PLDR	Description	Delegation to the CEO / Date of Resolution	Limitations and Conditions
Local Government	44(1)(b)(iv)	In the specified circumstances, the power to set the local government application fee.		
Local Government	45(1)(a)	Power to consider that an application is not a properly made application.		
Local Government	45(1)(b)	Power to consider that the local government does not have the expertise to assess work the subject of an application.		

## Ordinary Council Meeting Agenda

Local Government	45(1)(c)	Power to consider that the local government requires further information to decide an application.		
Local Government	45(2)	In the specified circumstances, the power to give a notice, to the applicant in the initial consideration period, ask the applicant to do a specified thing.		
Local Government	45(4)	In the specified circumstances, the power to treat an application as having lapsed and to retain the local government application fee.		
Local Government	46	In the specified circumstances, the power to consider each properly made application and decide to: <ol style="list-style-type: none"> <li>1. Refuse the application; or</li> <li>2. approve the application with: <ol style="list-style-type: none"> <li>(a) in the specified circumstances to approve the application with the conditions of approval; and</li> <li>(b) any other conditions that the Local Government considers reasonable and relevant for carrying out the work.</li> </ol> </li> </ol>		
Local Government	47(1)	In the specified circumstances, the power to assess whether each plan for work accompanying an application complies with the code requirements for the work.		
Local Government	47(2)	In the specified circumstances, the power to approve an application if the local government is satisfied with the specified things.		
Local Government	47(5)	In the specified circumstances, the power to be satisfied that the specialist work referred to in this section would, if carried out in compliance with the permit applied for comply with the code requirements for the work and the power to approve the application to the extent it relates to the specialist work if so satisfied.		

Local Government	48(a)	In the specified circumstances, the power to issue a permit, or an amended permit, in the approved form to the applicant.		
Local Government	48(b)	In the specified circumstances, the power to give a copy of a permit or amended permit to the persons and entities listed in this section.		
Local Government	49(3)(a)(ii)	In the specified circumstances, the power to agree to a longer required period with an applicant of a fast-track application.		
Local Government	49(3)(b)(ii)	In the specified circumstances, the power to agree to a longer required period with an applicant of any other application.		
Local Government	50(2)	Power to give an applicant an information notice about a decision.		

**Division 3 – Permits issued by public sector entities**

Entity power given to	Section of PLDR	Description	Delegation to the CEO / Date of Resolution	Limitations and Conditions
Local Government	53(2)(f)(i)	In the specified circumstances, the power to provide written consent for an application relating to SEQ water work.		
Local Government	53(2)(g)(i)	In the specified circumstances, the power to provide written consent for work relating to SEQ sewerage work.		

**Division 4 – Effects and duration of permits**

Entity power given to	Section of PLDR	Description	Delegation to the CEO / Date of Resolution	Limitations and Conditions
Local Government	59(3)	In the specified circumstances, the power to give notice of the day a permit is to end to the permit holder and if the		

		permit holder is not the owner of the premises to which the permit relates, the owner of the premises.		
--	--	--	--	--

**Part 6 – Inspecting, enforcing and certifying permit work and notifiable work**

**Division 2 – Inspecting work under permits**

**Subdivision 1 – Inspecting work under permit issued by local government**

Entity power given to	Section of PLDR	Description	Delegation to the CEO / Date of Resolution	Limitations and Conditions
Local Government	64(2)(a)	Power to agree to a time for inspection with the responsible person.		
Local Government	67(2)	In the specified circumstances, instead of inspecting work under section 64, the power to allow the responsible person to give the local government a covered work declaration for the work.		

**Subdivision 3 – Inspecting work under permit issued by public sector entity**

Entity power given to	Section of PLDR	Description	Delegation to the CEO / Date of Resolution	Limitations and Conditions
Local Government	68(3)	In the specified circumstances, the power to inspect the work if the public sector entity has asked the local government to inspect the work under subsection 68(2).		

**Division 3 – Alternatives to local government inspections**

**Subdivision 1 – Declarations for onsite sewage work**

Entity power given to	Section of PLDR	Description	Delegation to the CEO / Date of Resolution	Limitations and Conditions
Local Government	69(2)	In the specified circumstances, the power to allow an appropriate person to give the local government a declaration in the approved form stating that the person has inspected the onsite sewage work and is satisfied the work is compliant.		
Local Government	69(3)	In the specified circumstances, the power to consider a person has appropriate knowledge about the design and function of an onsite sewage facility to which the work relates and is otherwise competent to make a declaration		

**Subdivision 2 – Notices for particular work in remote areas**

Entity power given to	Section of PLDR	Description	Delegation to the CEO / Date of Resolution	Limitations and Conditions
Local Government	71(2)	In the specified circumstances, the power to publish each declaration on the local government's website, to give the Chief Executive a copy of each declaration, to ensure that the declaration may be inspected free of charge at the local government's public office and to ensure each remote area declaration includes a map identifying the remote area.		
Local Government	73(2)	In the specified circumstances, the power to be satisfied the person is a suitability qualified person for giving the notice and to decide to accept a remote area compliance notice, or otherwise refuse to accept the notice.		
Local Government	73(3)	In the specified circumstances, the power to, within 5 business days after receiving a remote area compliance notice, give the responsible person a notice stating whether		



		the local government has accepted or refused to accept the notice.		
--	--	--	--	--

**Division 4 – Assessment and compliance procedures**

**Subdivision 2 – Minor plan amendments**

Entity power given to	Section of PLDR	Description	Delegation to the CEO / Date of Resolution	Limitations and Conditions
Local Government	75(1)(a)	Power to consider the work carried out under a permit is not correctly represented in an approved plan for the work because of a minor inconsistency between the plan and the work.		
Local Government	75(1)(b)	Power to, other than for the work the subject of a decision under subsection 75(1)(a), consider the work carried out under the work permit is compliant.		
Local Government	75(2)	In the specified circumstances, the power to amend an approved plan so that the plan correctly reflects the work carried out under a permit.		

**Subdivision 3 – Testing or commissioning plumbing or drainage**

Entity power given to	Section of PLDR	Description	Delegation to the CEO / Date of Resolution	Limitations and Conditions
Local Government	76(3)(b)	In the specified circumstances, the power to consider a person is competent to carry out the testing or commissioning.		
Local Government	77(4)(b)	In the specified circumstances, the power to decide a report may be given within a longer period.		

**Division 5 – Inspection and final inspection certificates**

**Subdivision 2 – Certificates given by a local government**

Entity power given to	Section of PLDR	Description	Delegation to the CEO / Date of Resolution	Limitations and Conditions
Local Government	83(1)	In the specified circumstances, the power to give an inspection certificate for work to the responsible person for the work.		
Local Government	84(1)	In the specified circumstances, the power to give a final inspection certificate for the work to the responsible person for the work.		
Local Government	84(1)(c)	In the specified circumstances, the power to be satisfied the plumbing or drainage resulting from, or affected by, the work is operational and fit for use.		
Local Government	86(1)	In the specified circumstances, the power to after giving a final inspection certificate for work under section 84, give a copy of the certificate to the permit holder, and if the permit holder is not the owner of the premises the owner of the premises, and if the work involves installing a water meter and the local government is not the water service provider for the premises the water service provider.		
Local Government	86(3)	In the specified circumstances, the power to give a distributor retailer the specified information in subsection 86(2)(b).		
Local Government	87(3)	In the specified circumstances, the power to give an information notice about the decision to refuse to give an inspection certificate or final inspection certificate.		

**Division 6 – Inspecting notifiable work not under permit**

Entity power given to	Section of PLDR	Description	Delegation to the CEO / Date of Resolution	Limitations and Conditions
Local Government	94(2)(a)	In the specified circumstances, the power to agree to a time to inspect work with the responsible person.		
Local Government	95(1)(b)	In the specified circumstances, the power to contact the occupier of the premises to arrange to inspect the work.		

**Division 7 – Requirements for action notices**

Entity power given to	Section of PLDR	Description	Delegation to the CEO / Date of Resolution	Limitations and Conditions
Local Government	97(3)	In the specified circumstances, the power to include an information notice about the decision by the local government to give an action notice.		Note: there is currently no provision in the Regulation that allows the Local Government to give an action notice at this time. Action Notices are given currently by inspectors only.
Local Government	98(2)(b)	In the specified circumstances, the power to decide a longer period before the end of a stated period.		
Local Government	98(3)	In the specified circumstances, the power to consider the person has not complied with an action notice and to give a copy of the action notice to the owner of a premises within 5 business days after the end of the required period for compliance under subsection 98(2).		

**Part 7 – Installation, maintenance and related matters**

Entity power given to	Section of PLDR	Description	Delegation to the CEO / Date of Resolution	Limitations and Conditions
Local Government	101	Power to establish a program for registering each testable backflow prevention device installed at premises in the local government area and for monitoring the maintenance and testing of each device.		
Local Government	107(2)	In the specified circumstances, the power to: 1. Remove the obstruction or fix the damage; and 2. Fairly apportion the reasonable cost of removing the obstruction or fixing the damage between the owners; and 3. To recover as a debt from each owner, the owner's share of the cost.		Note: the further requirements in the <i>Local Government Act</i> regarding the commencement of any proceedings to recover any debt.
Local Government	108(2)	In the specified circumstances, the power to issue a notice to the owner of an old building and the owner of a new building requiring the owners to take specified action in section 108(2)(a) and section 108(2)(b).		

**Part 8 – Registers**

**Division 2 – Registers kept by local governments**

Entity power given to	Section of PLDR	Description	Delegation to the CEO / Date of Resolution	Limitations and Conditions
Local Government	112(1)	Power to keep a register containing the specified information.		
Local Government	113(1)	Power to keep a register containing each notice given to the local government under section 102(2) or 103(3).		

Local Government	114(1)	Power to keep a register containing a copy of each service report for a greywater use facility or onsite sewage facility given to a local government under section 106.		
Local Government	115(1)	Power to keep a register containing a copy of each show cause notice and enforcement notice given by the local government.		
Local Government	115(2)	Power to remove a notice mentioned in subsection 115(1) from the register if the premises to which the notice relates is demolished or removed.		
Local Government	116(2)	In the specified circumstances, the power to decide the reasonable cost of producing a copy of an entry into a register, and to allow a person to inspect the register, free of charge, at the local governments public office or buy a copy of an entry in the register for not more than the reasonable cost of producing a copy.		

**Part 9 – Miscellaneous provisions**

**Division 2 – Other matters**

Entity power given to	Section of PLDR	Description	Delegation to the CEO / Date of Resolution	Limitations and Conditions
Local Government	124(2)(b)	In the specified circumstances, the power to determine what qualifications and experience is necessary to enable a person to assess plans for, or inspect, plumbing work competently.		
Local Government	124(3)(b)	In the specified circumstances, the power to determine what qualifications and experience necessary to enable the person to assess plans for, or inspect, drainage work competently.		

Local Government	124(4)(c)	In the specified circumstances, the power to determine what qualifications and experience necessary to enable a person to assess for, or inspect, onsite sewage facility competently.		
------------------	-----------	---	--	--

**SCHEDULE 6 – DOCUMENTS TO ACCOMPANY PERMIT APPLICATIONS**

**Part 3 – Additional documents required for particular applications**

**Division 2 – Other documents**

Entity power given to	Section of PLDR	Description	Delegation to the CEO / Date of Resolution	Limitations and Conditions
Local Government	6(3)(c)	In the specified circumstances, the power to decide whether a person is competent to develop the performance solution.		
Local Government	7(3)(c)	In the specified circumstances, the power to consider whether a person is competent to develop the alternative solution.		

**Part 4 – Requirements for plans**

Entity power given to	Section of PLDR	Description	Delegation to the CEO / Date of Resolution	Limitations and Conditions
Local Government	8(2)(b)	In the specified circumstances, the power to determine if a plan provided for an application other than a fast track application or a fast track amendment application shows enough detail to allow the local government to assess the work to which the plan relates.		
Local Government	8(3)(c)	In the specified circumstances, the power to determine if the relevant details provided for work relating to a greywater use facility of an onsite sewage facility provides enough information about the person's qualifications and experience		

		to allow the local government to decide whether the person is a qualified person to design the facility.		
--	--	--	--	--

**SCHEDULE 10 – DICTIONARY**

Entity power given to	Section of PLDR	Description	Delegation to the CEO / Date of Resolution	Limitations and Conditions
Local Government	Schedule 10 definition of "Suitably qualified trade person" (a)	In the specified circumstances, the power to determine whether a person has the experience and skills appropriate for preparing and giving a notice, statement or other document.		
Local Government	Schedule 10 definition of "Suitably qualified trade person" (d)	Power to consider whether a person is competent to prepare and give the document.		

[2022 12 02 - PLDR - Delegation Table]





**8.6 COUNCIL POLICY REVIEW**

**Date Prepared:** 9 December 2022  
**Author:** Manager Development and Governance  
**Attachments:** 1. [Compliance and Enforcement Policy](#) ↓

---

**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. Repeals the
  - (a) Compliance and Enforcement Policy – adopted 21 November 2018
2. Adopts the
  - (a) Compliance and Enforcement Policy

**BACKGROUND*****Compliance and Enforcement Policy*****Purpose**

The primary objective of the policy is to maximise voluntary compliance with laws administered by Council via a framework for consistent decision making which includes:

- (a) education, to promote public awareness of the laws it administers and enforces;
- (b) compliance, which is achieved by audits and inspections to ensure activities undertaken comply with the law or are rectified to ensure compliance;
- (c) enforcement, which is achieved by undertaking enforcement action where appropriate to the nature of an offence to:
  - i. remedy a contravention of a law;
  - ii. impose a penalty or punishment for the contravention of a law.

**Summary of amendments**

1. Mandatory amendment of header control matrix
2. Minor amendments applied to s 3.12 to accommodate reference to Council's two sub manual instruments – the Building and Plumbing Sub Manual and the Environmental Health and Local Laws Sub Manual
3. Minor formatting amendments applied to s 3.13 risk/action table

4. Minor amendments applied to ss 5 and 6 to accommodate legislative naming conventions and further instrument inclusions into the reference list

The remainder of the instrument content remains entirely relevant.

#### **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 while delivering affordable levels of identified services within the Shire.

#### **IMPLEMENTATION/COMMUNICATION**

Policy library and website updated to publish.



## Compliance and Enforcement Policy

Policy Type	Governance Policy	Version:	2.0
Responsible Officer	Manager Development and Governance	Date Approved:	25/01/2023
Review Officer:	Manager Development and Governance	Review Due:	25/12/2027
Author:	Senior Compliance Officer	Commencement:	25/01/2023

### 1. PURPOSE

This document sets out Council's policy in respect of investigating and enforcing offences in relation to laws administered by Council to ensure that its education, compliance and enforcement activities are consistent with the local government principles in section 4 of the *Local Government Act 2009* which are:

- (a) transparent and effective processes, and decision-making in the public interest;
- (b) sustainable development and management of assets and manufacture, and delivery of effective services;
- (c) democratic representation, social inclusion and meaningful community engagement;
- (d) good governance of, and by, local government; and
- (e) ethical and legal behaviour of Councillors and local government employees.

The primary objective of the policy is to maximise voluntary compliance with laws administered by Council via a framework for consistent decision making which includes:

- (a) education, to promote public awareness of the laws it administers and enforces;
- (b) compliance, which is achieved by audits and inspections to ensure activities undertaken comply with the law or are rectified to ensure compliance;
- (c) enforcement, which is achieved by undertaking enforcement action where appropriate to the nature of an offence to:
  - (i) remedy a contravention of a law;
  - (ii) impose a penalty or punishment for the contravention of a law.

When undertaking education, compliance or enforcement actions, Council will ensure that its actions are:

- (a) proportionate, in that action undertaken is proportionate to the level of risk and seriousness of the breach;
- (b) transparent, in that:

Compliance and Enforcement Policy
-----------------------------------

- (i) action taken is fair and impartial;
- (ii) the reasons why decisions are made are recorded;
- (c) consistent, in that:
  - (i) action is taken consistently to build public trust and encourage reports about possible unlawful activity;
  - (ii) decisions made comply with the principles in this policy unless there are demonstrated sufficient grounds to support a departure from those principles.

Where education, compliance or enforcement actions are required, Council will seek to ensure that its actions result in the quickest, lowest cost and fair resolution of a matter in the public interest.

Detailed guidelines for undertaking education, compliance and enforcement actions are contained in Council's relevant Education, Compliance and Enforcement Manual.

Where Council determines to depart from this policy, the reasons for that departure are to be recorded in the Council decision.

This policy may be amended by a further resolution of Council.

## **2. SCOPE**

---

This policy applies to all Councillors and employees of Council.

## **3. POLICY STATEMENT**

---

### **Sources of knowledge of alleged unlawful activity**

- 3.1 Council receives information about alleged unlawful activity from many sources including members of the public, other government agencies, inspections by Council employees and Councillor referrals.
- 3.2 All reports of alleged unlawful activity are to be logged in Council's electronic customer request system and actioned in a timely manner by the relevant branch of Council.
- 3.3 Council will send an acknowledgement to a member of the public who brings an alleged unlawful activity to the Council's knowledge unless that person has advised that they wish to remain anonymous.
- 3.4 Council will not usually advise the member of the public of the outcome of any investigation carried out by the Council unless that person advises that they wish to be advised of the outcome. In this case, the Council will advise the member of the public of the outcome of the investigation subject to any information privacy principles which prevent this from occurring.

### **Investigating alleged unlawful activity**

Compliance and Enforcement Policy
-----------------------------------

- 3.5 The purpose of an investigation into an alleged unlawful activity is to:
- (a) Determine the cause of the activity;
  - (b) determine if the activity involves a contravention of a law;
  - (c) gather evidence to the required standard to support any enforcement action which might be undertaken
- 3.6 Not all reports of alleged unlawful activity will require investigation. Prior to carrying out an investigation, Council officers will undertake a desktop assessment to determine whether an investigation is warranted.
- 3.7 Factors relevant to the Council not carrying out an investigation are:
- (a) there is insufficient information about the alleged unlawful activity and there is no ability to obtain further information, for example because the initial complaint was anonymous;
  - (b) the alleged unlawful activity is lawful, for example a development approval for the activity has been given by Council;
  - (c) Council does not have jurisdiction in relation to the alleged unlawful activity, in which case the Council will refer the matter to the relevant authority which holds jurisdiction;
  - (d) the alleged unlawful activity has previously been investigated by the Council and there is no new material evidence which would be likely to lead to a different determination by the Council in respect of the matter;
  - (e) the matter the subject of a complaint involves a civil dispute between parties which does not involve the Council;
  - (f) the complaint is frivolous or vexatious;
  - (g) any other relevant matter.
- 3.8 If Council decides to not investigate an alleged unlawful activity it will record this decision on the case file together with the reasons for making the decision.

**Decision to take education, compliance or enforcement action**

- 3.9 If an investigation has been carried out and Council holds the view that an unlawful activity has occurred or is occurring, Council will determine whether education, compliance or enforcement action should be taken.
- 3.10 In determining whether to take education, compliance or enforcement action, the Council will consider and balance the following matters in the public interest:
- (a) whether the activity occurred without the alleged offender's knowledge or consent;
  - (b) whether the activity was committed with intent or was a genuine mistake;
  - (c) whether education or a formal warning would be likely to result in compliance;

Compliance and Enforcement Policy
-----------------------------------

- (d) whether prior warnings or instructions have been given to the alleged offender;
- (e) whether the alleged offender is a repeat offender;
- (f) whether the alleged offender has demonstrated contrition and is assisting with the resolution of the matter;
- (g) the extent or severity of the activity and whether it is continuing;
- (h) the harm or potential harm caused by the activity;
- (i) the seriousness of the breach;
- (j) the time that has elapsed since the occurrence of the activity;
- (k) whether the alleged offender could not, by reasonable diligence have prevented the activity;
- (l) the costs and benefits of education, compliance or enforcement action;
- (m) the prospects of successfully prosecuting the breach based on the available evidence;
- (n) any other relevant matter.

3.11 If there is actual or potential harm to the environment or the life, health or safety of the community, Council will determine whether to take education, compliance or enforcement action commensurate with the applicable risk.

**Method of education, compliance and enforcement action**

3.12 If Council determines that education, compliance or enforcement action is appropriate, the Council has a range of actions that it can take which are detailed in the relevant Education, Compliance and Enforcement Manual. The available actions include:

- (a) providing information or advice;
- (b) compliance letter;
- (c) penalty infringement notice;
- (d) show cause notice;
- (e) enforcement notice;
- (f) complaint and summons in the Magistrates Court;
- (g) declaration in the Planning and Environment Court;
- (h) enforcement order in the Planning and Environment Court.

3.13 In accordance with Council's *Enterprise Risk Management Policy*, Council will conduct a risk assessment in respect of an unlawful activity to determine the appropriate education, compliance or

Compliance and Enforcement Policy

enforcement action to take. Whilst the appropriate response may vary, Council will usually respond to the assessed level of risk by undertaking education, compliance or enforcement action as follows:

Level of risk	Education, compliance or enforcement action
Very Low	<ul style="list-style-type: none"> <li>▪ Provide information or advice to the alleged offender to educate them about the offence to ensure it does not reoccur.</li> </ul>
Low	<ul style="list-style-type: none"> <li>▪ Issue a compliance / advice letter.</li> <li>▪ If the unlawful activity is not rectified, issue a show cause notice and if necessary, an enforcement notice.</li> </ul>
Moderate	<ul style="list-style-type: none"> <li>▪ Issue a penalty infringement notice if an applicable offence under the <i>State Penalties Enforcement Regulation 2014</i> (Qld).</li> <li>▪ Issue a show cause notice and if necessary, an enforcement notice if not an applicable offence under the <i>State Penalties Enforcement Regulation 2014</i> (Qld).</li> </ul>
High	<ul style="list-style-type: none"> <li>▪ Issue a complaint and summons in the Magistrates Court for matters not involving a development offence under the <i>Planning Act 2016</i> (Qld).</li> <li>▪ Issue a complaint and summons in the Magistrates Court or seek a declaration and enforcement order in the Planning and Environment Court for matters involving a development offence under the <i>Planning Act 2016</i> (Qld).</li> </ul>
Very high	<ul style="list-style-type: none"> <li>▪ Issue a complaint and summons in the Magistrates Court for matters not involving a development offence under the <i>Planning Act 2016</i> (Qld).</li> <li>▪ Issue a complaint and summons in the Magistrates Court or seek a declaration and enforcement order in the Planning and Environment Court for matters involving a development offence under the <i>Planning Act 2016</i> (Qld).</li> <li>▪ If necessary, seek an injunction to prevent future or continuing unlawful activity.</li> </ul>

3.14 Council will determine the level of risk associated with an unlawful activity by assessing it against the following criteria:

Level of risk	Applicable criteria
Very Low	<ul style="list-style-type: none"> <li>▪ No or insignificant breach has occurred.</li> <li>▪ No risk to the environment or life, health or safety.</li> <li>▪ May be easily rectified.</li> </ul>

Compliance and Enforcement Policy

Level of risk	Applicable criteria
Low	<ul style="list-style-type: none"> <li>▪ Minor breach has occurred.</li> <li>▪ No or insignificant risk to the environment or life, health or safety.</li> <li>▪ May be easily rectified.</li> </ul>
Moderate	<ul style="list-style-type: none"> <li>▪ Material breach has occurred.</li> <li>▪ Material risk to the environment or life, health or safety.</li> <li>▪ Likely to be rectified without Court order.</li> </ul>
High	<ul style="list-style-type: none"> <li>▪ Material breach has occurred.</li> <li>▪ Serious risk to the environment or life, health or safety.</li> <li>▪ Requires court orders to rectify breach or impose a sanction.</li> </ul>
Very high	<ul style="list-style-type: none"> <li>▪ Material breach has occurred.</li> <li>▪ Serious risk to the environment or life, health or safety.</li> <li>▪ Requires court orders to rectify breach or impose a sanction.</li> <li>▪ Requires urgent interlocutory injunction to restrain activity.</li> </ul>

3.15 Education, compliance and enforcement action will be undertaken in accordance with Council's delegations. If no relevant delegation exists, a decision whether to undertake education, compliance or enforcement action will be made by the Council by resolution at a Council meeting.

3.16 Any alleged unlawful activity involving a high or very high risk will be referred to the Manager Development and Governance or the relevant Department’s Director for advice prior to education, compliance or enforcement action being undertaken. In the event that the Manager Development and Governance and the relevant Director are not available, the matter is to be referred to the Chief Executive Officer.

**Commencing legal proceedings**

3.17 The Council will be guided by legal advice in deciding whether to commence legal proceedings and will consider the following:

- (a) *Whether there is sufficient evidence to establish a case to the required standard of proof* - The Council considers the decision to take legal proceedings as a serious matter, and as such will only initiate and continue proceedings once it has been established that there is admissible, substantial and reliable evidence to the required standard of proof which is:
  - (i) beyond a reasonable doubt, for a complaint and summons in the Magistrates Court; and
  - (ii) the balance of probabilities, for a declaration and enforcement order in the Planning and Environment Court.
- (b) Whether there is a reasonable prospect of success before the relevant court - Given



## Compliance and Enforcement Policy

the expense of legal proceedings, the Council will not take legal proceedings unless there is a reasonable prospect of success before a court. In making this assessment, the Council will consider the availability, competence and credibility of witnesses, the admissibility of the evidence, all possible defences and any other factors which could affect the likelihood of a successful outcome.

- (c) Whether the public interest warrants legal action being pursued - The principal consideration in deciding whether to commence legal proceedings is whether to do so is in the public interest. The Council should therefore consider the following factors when deciding to commence legal proceedings:
- (i) the availability of any alternatives to legal proceedings;
  - (ii) whether an urgent resolution is required;
  - (iii) the possible length and expense of the legal proceedings;
  - (iv) any possible counter-productive outcomes of the legal proceedings;
  - (v) what orders may be made by the Court in the event of a successful outcome;
  - (vi) whether the legal proceedings would be unduly harsh or oppressive.

#### **Role of Councillors in enforcement**

- 3.18 Councillors should encourage members of the public to report alleged unlawful activity to the Council.
- 3.19 Where an alleged unlawful activity is brought to a Councillor's knowledge, the Councillor should report the matter to the Council's customer service team so that it is logged in the Council's electronic case management system.
- 3.20 Councillors should ensure that any communications with Council employees in relation to an alleged unlawful activity complies with Council's Acceptable Request Guidelines.

#### **4. REPORTING**

---

No additional reporting is required

#### **5. DEFINITIONS**

---

**Chief Executive Officer** means a person who holds an appointment as Chief Executive Officer of the Council under section 194 of the *Local Government Act 2009* (Qld). This includes a person acting in this position.

**Council** means the Mareeba Shire Council.

**Councillors** means all Councillors, including the Mayor, of the Council.

**Manager Development and Governance** means the Manager Development and Governance of the Council.

Compliance and Enforcement Policy
-----------------------------------

**6. RELATED DOCUMENTS AND REFERENCES**

---

*Compliance and Enforcement Manual (MSC) – to include any associated sub manuals*  
*Enterprise Risk Management Policy (MSC)*  
*Local Government Act 2009 (Qld)*  
*Planning Act 2016 (Qld)*  
*State Penalties Enforcement Regulation 2014 (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.

**8.7 OPERATIONAL PLAN 2022/23 PROGRESS REPORT JULY TO SEPTEMBER 2022**

**Date Prepared:** 19 December 2022

**Author:** Manager Development and Governance

**Attachments:** 1. [Operational Plan 2022/23 Oct to Dec Progress Report](#) ↓

---

**EXECUTIVE SUMMARY**

The attached report provides information regarding the progress of the 2022/23 Operational Plan projects.

**RECOMMENDATION**

That Council receives and notes the progress report on implementation of the 2022/23 Operational Plan for the period October to December 2022.

**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.

Council adopted the Operational Plan for 2022/23 on 18 May 2022.

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.

**RISK IMPLICATIONS****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 while delivering affordable levels of identified services within the Shire.

Financial Sustainability						
"A council that continuously operates in a cost-effective manner while managing council's assets and reserves to ensure a sustainable future."						
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Actions Taken Oct to Dec 2022	Progress: <ul style="list-style-type: none"> <li>• Not commenced</li> <li>• In Progress</li> <li>• Completed</li> </ul>
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"> <li>• Ensure Long Term Asset Management Plan and Financial Plan aligns with revised Sub-Asset Management Plans and Local Government Infrastructure Plan</li> </ul>		Completed
Comprehensive Asset Revaluations: <ul style="list-style-type: none"> <li>• Drainage</li> <li>• K&amp;C</li> </ul>	FIN 1	Long-Term Financial Plan that supports effective and sustainable financial management	Finance	<ul style="list-style-type: none"> <li>• Drainage comprehensive revaluation</li> <li>• K &amp; C comprehensive revaluation</li> </ul>	<ul style="list-style-type: none"> <li>• No change - Data collection in progress for drainage and Kerb and Channelling (K&amp;C)</li> </ul>	In Progress
Internal Access to Financial Information	FIN 3 FIN 4	Effective Business Management  A Skilled and Sustainable Workforce	Finance	<ul style="list-style-type: none"> <li>• More users able to operate financial systems and locate relevant documentation</li> <li>• Provide additional in-house training and support</li> </ul>	<ul style="list-style-type: none"> <li>• New monthly reports developed and prepared for Managers to track actual v budget</li> <li>• In-house training continues as needed and extensive training planned to assist</li> </ul>	In Progress

Financial Sustainability						
"A council that continuously operates in a cost-effective manner while managing council's assets and reserves to ensure a sustainable future."						
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Actions Taken Oct to Dec 2022	Progress: <ul style="list-style-type: none"> <li>• Not commenced</li> <li>• In Progress</li> <li>• Completed</li> </ul>
Technology One enhancements	FIN 3	Effective and sustainable financial management	Information Systems  Organisational Development	<ul style="list-style-type: none"> <li>• Provide further enhancements</li> <li>• Transition to CIAnywhere</li> </ul>	<ul style="list-style-type: none"> <li>• CIA functionality implemented for Supply Chain Management and Accounts Payable modules.</li> <li>• Planning commenced on adoption of Project Lifecycle Management (PLM).</li> </ul>	Completed     In Progress
Mareeba Industrial Estate Development	FIN 3	Effective business management	Development & Governance	<ul style="list-style-type: none"> <li>• Implement Promotional Strategy &amp; outsource Real Estate Services</li> </ul>	<ul style="list-style-type: none"> <li>• Marketing and promotion commenced</li> <li>• Three blocks were sold this quarter</li> <li>• A Master Plan has commenced for the future development</li> </ul>	In Progress
Tom Gilmore Mareeba Aviation Industrial Precinct	FIN 3	Effective business management	Development & Governance	<ul style="list-style-type: none"> <li>• Implement Promotional Strategy</li> </ul>	<ul style="list-style-type: none"> <li>• Leasing enquiries continue to be responded to.</li> <li>• No new leases executed this quarter.</li> </ul>	In Progress

Financial Sustainability						
"A council that continuously operates in a cost-effective manner while managing council's assets and reserves to ensure a sustainable future."						
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Actions Taken Oct to Dec 2022	Progress: <ul style="list-style-type: none"> <li>• Not commenced</li> <li>• In Progress</li> <li>• Completed</li> </ul>
Customer Service Standards and Process	FIN 3	Effective business management	Customer & Community	<ul style="list-style-type: none"> <li>• Customer request systems and processes reviewed to determine appropriate responses including resolution timeframes</li> </ul>	<ul style="list-style-type: none"> <li>• Planning commenced for review and update of existing CRM system incl new processes to occur in 2023.</li> </ul>	In Progress
ICT Strategy implementation: <ul style="list-style-type: none"> <li>• PABX replacement</li> <li>• SharePoint Online</li> </ul>	FIN2 FIN 3	Effective and sustainable financial management Effective business management	Information Systems	<ul style="list-style-type: none"> <li>• PABX replacement</li> <li>• Cloud Data Protection</li> </ul>	<ul style="list-style-type: none"> <li>• Partial transfer of Direct Inward Dialling (DID) range to Microsoft Teams Calling.</li> <li>• Continued testing of both Teams calling and Landis Contact Centre software.</li> </ul>	In Progress
Sustainable Workforce	FIN 4	A skilled and sustainable workforce	Organisational Development	<ul style="list-style-type: none"> <li>• Training and development of workforce where required to improve efficiencies and ensure workplace safety</li> </ul>	<ul style="list-style-type: none"> <li>• WH&amp;S Audit completed in November 2022 and Council advised of satisfactory assessment outcome</li> <li>• Ongoing training and development continuing</li> </ul>	In Progress

Financial Sustainability						
"A council that continuously operates in a cost-effective manner while managing council's assets and reserves to ensure a sustainable future."						
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Actions Taken Oct to Dec 2022	Progress: <ul style="list-style-type: none"> <li>• Not commenced</li> <li>• In Progress</li> <li>• Completed</li> </ul>
Workforce Efficiencies	<b>FIN 1</b>  <b>FIN 2</b>  <b>FIN 3</b>	Long-Term Financial Plan that supports effective and sustainable financial management  Effective and sustainable financial management  Effective business management	All	<ul style="list-style-type: none"> <li>• Implement efficiencies &amp; cost saving measures identified in 2022 review</li> </ul>	<ul style="list-style-type: none"> <li>• Continuing to review and implement suggestions as appropriate</li> </ul>	In Progress

Community						
"An informed and engaged community which supports and encourages effective partnerships to enhance the liveability of the shire."						
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Actions Taken Oct to Dec 2022	Progress: <ul style="list-style-type: none"> <li>• Not commenced</li> <li>• In Progress</li> <li>• Completed</li> </ul>
Council Website enhancements	COM 1	An engaged community	Information Systems	<ul style="list-style-type: none"> <li>• Improved capacity and information sharing</li> <li>• Increased web-based forms</li> </ul>	<ul style="list-style-type: none"> <li>• Continued migration from pdf fillable to on-line forms.</li> <li>• Application forms converted to web-based forms - Hall Hire, Access to Park Facilities and Temporary Entertainment Event</li> </ul>	In Progress
Sustainable Community Housing for Seniors	COM 1  FIN 3	An engaged community  Effective business management	Customer & Community Finance	<ul style="list-style-type: none"> <li>• Community Housing Service is Transitioned to Community Management</li> </ul>	<ul style="list-style-type: none"> <li>• Subcontracting arrangements continue to operate smoothly</li> <li>• Work commenced investigating future options for improved sustainability and long term strategies for alleviating rental crisis</li> </ul>	In Progress



<b>Transport and Council Infrastructure</b> "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	Actions Taken Oct to Dec 2022	Progress: Not commenced In Progress Completed
Review Asset Management Plans across asset classes	<b>TCI 1</b>	Sustainable Infrastructure for the future.	Technical Services	<ul style="list-style-type: none"> <li>Undertake data verification</li> </ul>	<ul style="list-style-type: none"> <li>New Facilities Asset Officer role commenced and condition assessments are underway</li> </ul>	In Progress
	<b>TCI 4</b>	Public spaces and facilities	Finance	<ul style="list-style-type: none"> <li>Undertake condition assessment and defect identification across individual asset classes.</li> </ul>	<ul style="list-style-type: none"> <li>Transport Asset Officer position filled for condition assessments and defect identification.</li> </ul>	In Progress
	<b>COM2</b>	An active, safe and healthy community		<ul style="list-style-type: none"> <li>Document and review prioritisation and response times for maintenance and operational activities</li> <li>Improvement of asset management processes to be reflected in Long Term Asset Management Plan and Long-term Financial Plan</li> </ul>	<ul style="list-style-type: none"> <li>Long Term Asset Management Plan updated July 2022</li> <li>Stormwater, Kerb &amp; Channel Assets in-field verification continues</li> <li>Water and Wastewater Trunk Infrastructure reviewed and updated and 10 Year financial Forecast updated</li> </ul>	Completed  Completed  Completed

<b>Transport and Council Infrastructure</b> "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	Actions Taken Oct to Dec 2022	Progress: Not commenced In Progress Completed
Local Government Infrastructure Plans Review (LGIP)	TCI 1 FIN 2	Sustainable Infrastructure for the future  Effective and sustainable financial management	Development & Governance  Finance  Technical Services  Water and Waste	<ul style="list-style-type: none"> <li>Review LGIP</li> <li>Review condition and remaining capacity of existing trunk infrastructure to identify renewals and upgrades that will be needed to cater for development</li> <li>Review methodology and calculation of Infrastructure Charges</li> </ul>	<ul style="list-style-type: none"> <li>Council considered the interim LGIP amendment to update the schedule of works and plans for trunk infrastructure. It is now being finalised with input from the State for final consideration and adoption by Council</li> </ul>	In Progress
Parks and Open Spaces Strategy	TCI4	Public spaces and facilities	Technical Services  Project Management Works	<ul style="list-style-type: none"> <li>Complete planned construction for financial year</li> </ul>	<ul style="list-style-type: none"> <li>Projects underway and reported quarterly to Council.</li> <li>Mareeba East Park Playground and Kuranda Centenary Park Playground completed</li> </ul>	In Progress  Completed

<b>Transport and Council Infrastructure</b> "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	Actions Taken Oct to Dec 2022	Progress: Not commenced In Progress Completed
New Kuranda Cemetery	TCI 1	Sustainable Infrastructure for the future	Technical Services	<ul style="list-style-type: none"> <li>• Adopt Propose Site</li> <li>• Complete required operational works</li> </ul>	<ul style="list-style-type: none"> <li>• Detailed design of new facility underway.</li> </ul>	In Progress

<b>Economy and Environment</b> "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	Actions Taken Oct to Dec 2022	Progress: <ul style="list-style-type: none"> <li>• Not commenced</li> <li>• In Progress</li> <li>• Completed</li> </ul>
Waste Management Services Strategy	EAE 1  TCI 1	Environmentally responsible and efficient waste and wastewater management  Sustainable Infrastructure for the future	Water & Waste  Finance	<ul style="list-style-type: none"> <li>• Participate in the development of Regional Waste Management Strategy</li> </ul>	<ul style="list-style-type: none"> <li>• Regional plan is currently in development</li> </ul>	In Progress
Planning Scheme Review	EAE 2	A Sustainable Planning Scheme	Development & Governance	<ul style="list-style-type: none"> <li>• Draft review of MSC Planning Scheme and supporting documents</li> </ul>	<ul style="list-style-type: none"> <li>• No change - awaiting completion of new FNQ Regional Plan before commencing review. Council is providing input to the development of the new regional plan.</li> </ul>	Not commenced
Temporary Local Planning Instrument (TLPI)	EAE 2	A Sustainable Planning Scheme	Development & Governance	<ul style="list-style-type: none"> <li>• Review the Planning Scheme and negotiate with State to meet condition of TLPI</li> </ul>	<ul style="list-style-type: none"> <li>• No change - awaiting completion of new FNQ Regional Plan before commencing review.</li> </ul>	Not commenced

<p style="text-align: center;"><b>Governance</b></p> <p style="text-align: center;">“Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community”</p>						
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Actions Taken Oct to Dec 2022	Progress: Not commenced In Progress Completed
Compliance Review	<b>GOV 2</b>	Strong focus on compliance and enterprise risk	Development & Governance  All	<ul style="list-style-type: none"> <li>Implement all changes identified in review</li> <li>WHS LGW Compliance Priority</li> </ul>	<ul style="list-style-type: none"> <li>The Water and Waste Services compliance review commenced using the Lexus Nexus framework</li> <li>WH&amp;S Audit completed by independent auditor with satisfactory assessment outcome received.</li> </ul>	<p>In Progress</p> <p>In Progress</p>
Cybersecurity Enhancements	<b>GOV2</b>	Strong focus on compliance and enterprise risk	Information Systems	<ul style="list-style-type: none"> <li>Implement security measures as defined by the ACSC Essential 8</li> <li>Monitor and report on Phishing vulnerability and awareness</li> </ul>	<p>Continued implementation of ACSC Essential 8 mitigation strategies.</p> <p>Staff training and monitoring continuing for phishing</p>	<p>In Progress</p>
Governance of Infrastructure Approvals Process Review	<b>GOV 1</b> <b>GOV 2</b> <b>EAE2</b>	<p>Ethical, accountable, transparent and affordable decision making</p> <p>Strong focus on compliance and enterprise risk A Sustainable Planning Scheme</p>	<p>Technical Services</p> <p>Development &amp; Governance</p>	<ul style="list-style-type: none"> <li>Review of Planning Scheme post Asset Management Plan and LGIP to ensure standards are enforced on developers</li> <li>Streamline road corridor approval process</li> <li>Implement process for reviewing and provide</li> </ul>	<ul style="list-style-type: none"> <li>Operational Works applications reviewed for compliance with Council requirements.</li> </ul>	<p>In Progress</p> <p>Not commenced</p>

<b>Governance</b> "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	Actions Taken Oct to Dec 2022	Progress: Not commenced In Progress Completed
				feedback on the impacts of developments and operational works on council infrastructure		

**8.8 MAREEBA AIRPORT FUTURE OPTIONS**

**Date Prepared:** 5 January 2023  
**Author:** Development Officer  
**Attachments:** Nil

**EXECUTIVE SUMMARY**

Following the completion of major airport infrastructure upgrades in 2019, it is now an opportune time to explore opportunities to maximise the economic potential of the Mareeba Airport to assist in the economic development in the Shire. Utilising and growing aviation businesses at the Mareeba Airport will enhance Mareeba's existing position as a regional supply and service hub for the mining, cattle, agricultural and tourism industries, as well as strengthen its role as a sub-regional industrial hub in Northern Australia.

This report is to consider the commencement of an Expression of Interest (EOI) process to identify potential operators to help drive the economic opportunity and future development of the airport.

**RECOMMENDATION**

That Council:

1. Determines that it is in the public interest to invite expressions of interest before inviting written tenders.
2. Call for Expressions of Interest (EOI) from suitably qualified and experienced proponents to operate and further develop the Mareeba Airport.
3. Engage an independent expert to provide advice and support for the EOI process.

**BACKGROUND**

In 2019, a major \$25 million infrastructure upgrade was completed at Mareeba Airport, which directly enhanced the airport infrastructure asset life (runway, taxiways, aprons and other facilities) to catalyse the economic diversification of the Mareeba township and the broader region. The primary intent for the significant resourcing and funding delivered to date for the Mareeba Airport development has always been to support the growth and development of the local and regional economy and provide an alternative location in Northern Australia for light aircraft movements, pilot training and aviation maintenance.

Mareeba Shire Council is proud of what has been achieved during the history of the airport. Council has facilitated and delivered the significant development of the airport asset to its current valuable stage, however, is not best placed to be in the business of developing the airport for the future.

Council is significantly constrained by budget and the community is unable to further fund economic development initiatives through additional rate increases. Therefore, Council needs to look to private sector management with business development skills and financing capacity, to catalyse the opportunity that the Mareeba Airport offers for economic diversification of the Mareeba township

and the broader region. The Mareeba Airport will remain a community owned asset but could be offered for private management and operation under a long-term lease agreement.

Through an expressions of interest (EOI) process, Mareeba Shire Council aims to identify a successful proponent to enter a commercial arrangement to develop, market, operate and maintain Mareeba Airport as an airport under a long-term ground lease arrangement. Council does not have a predetermined commercial model and aims for a sustainable and commercially viable use of the aerodrome. Council is therefore seeking a proponent with experience, financial capacity or access to required financial resources, creativity, and initiative to maximise the potential of the aerodrome and to provide a high-quality experience for aerodrome users.

Many other local government organisations are moving away from managing and operating airports as they are of high costs to ratepayers and are not considered core business. In addition, there is the potential for a once in a generation opportunity to secure a lease with a value that could benefit the community far into the future. For example;

- Brisbane Airport Corporation (BAC) purchased Brisbane Airport from the Federal Government under a 50 year lease with an option to renew a further 49 years (1997)
- Townsville, Mount Isa, and the Gold Coast Airports are privately owned by Queensland Airports Limited (approx. 2002)
- Cairns and Mackay Airports are owned and operated by North Queensland Airports following privatisation by the Queensland Government (2008)
- Longreach Airport Pty Ltd (LAPL) acquired a 99-year lease over the airport from Longreach Regional Council (LRC). (2012)
- Sunshine Coast Council leased their airport to Palisade Investment Partners for 99 years (2022)

The EOI process will be an open market call to gauge the level of interest and to obtain market feedback on the type of commercial arrangements that might be possible utilising a ground lease arrangement at the Mareeba Airport.

All proposals will be carefully scrutinised by Council and those that are found to meet Council's objectives and offer community benefit, would then be invited to move to Stage 2 and submit formal tenders for Council's consideration.

#### **STRATEGIC OBJECTIVES:**

Council will, under no circumstances, sell this important community asset. The aerodrome premises and improvements will be offered in their current condition and will be expected to be maintained to a minimum of this standard. The terms and conditions of the existing leases at the Mareeba Airport are fixed and will remain in effect for their full term.

The operator will be expected to operate and maintain the aerodrome to Civil Aviation Safety Authority (CASA) Registered Airport Standards, while developing any combination of business activities that might be consistent with the Council objectives identified below, and the continued use of the site as an airport.

The objectives of this process are:

- To ensure that optimum economic and community benefit is derived from the continued use of the site as an aerodrome facility including but not limited to;



- I. an alternative to the nearby Cairns Airport
- II. build export income by providing access to growing international demand for flight training and fresh produce
- III. increase employment by developing regional capabilities in avionics and aircraft maintenance
- IV. an effective facility for use in the case of regional disaster management
- V. meet growing regional aviation demand flowing from major projects and developments foreseen in the Australian Government Northern Australia White Paper

- To achieve value for money for public funds invested in the aerodrome

### **RISK IMPLICATIONS**

The Expression of Interest (EOI) process calling for proposals to help drive the economic opportunity and future development of the airport is planned to take many months and will be conducted over several stages. This is to give Council the opportunity to ensure any proposal delivers the expected benefits and outcomes desired.

### **FINANCIAL AND RESOURCE IMPLICATIONS**

#### ***Capital***

The Mareeba Airport assets are managed under the Council Capital Works Budget.

#### ***Is the expenditure noted above included in the current budget?***

The EOI Process requires nil capital expenditure.

#### ***Operating***

The Mareeba Airport management and operations is fully funded through the Aerodrome Operational budget.

#### ***Is the expenditure noted above included in the current budget?***

Expenses relating to the EOI project will be covered under the Aerodrome Operational budget.

### **LINK TO CORPORATE PLAN**

**Financial Sustainability:** A council that continuously operates in a cost-effective manner while managing council's assets and reserves to ensure a sustainable future.

**Community:** An informed and engaged community which supports and encourages effective partnerships to enhance the liveability of the Shire.

**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 while delivering affordable levels of identified services within the Shire.

**IMPLEMENTATION/COMMUNICATION**

1. Following the completion of major airport infrastructure upgrades in 2019, it is now an opportune time to maximise the economic potential of the Mareeba Airport.
2. Council is investigating the opportunity via an Expression of Interest (EOI) process to identify potential operators to help drive the economic prospects and future development of the Mareeba Airport.
3. Council does not have a predetermined commercial model and aims for a sustainable and commercially viable use of the aerodrome. Council is therefore seeking a proponent with experience, financial capacity or access to required financial resources, creativity, and initiative to maximise the potential of the aerodrome and to provide a high-quality experience for aerodrome users.
4. This represents an opportunity to achieve economic development outcomes that are beyond Council's capacity.
5. Council will, under no circumstances, sell this important community asset.

**8.9 DEVELOPMENT AND GOVERNANCE QUARTERLY REPORT - OCTOBER TO DECEMBER 2022**

**Date Prepared:** 6 January 2023  
**Author:** Senior Compliance Officer  
**Attachments:** Nil

---

**EXECUTIVE SUMMARY**

This report presents the key activities of the Development and Governance Group for the October to December 2022 quarter.

**RECOMMENDATION**

That Council receives the quarterly report of the Development and Governance Group for the October to December 2022 quarter.

The Development and Governance Group is comprised of the following Council service areas:

- Governance, Compliance, and Records
- Building, Plumbing, and Trade Waste
- Regional Land Use Planning
- Local Laws and Environmental Health
- Tourism and Economic Development
- Community Housing

In addition to routine matters of operation, the following activities have occurred during the October to December 2022 quarter and are presented below by service area.

**GOVERNANCE, COMPLIANCE and RECORDS****Native Title**

There are currently eight (8) Native Title claims within Mareeba Shire consisting of Djungan #5 (QUD811/2018), Wakaman #3 (QUD746/2016), #4 (QUD728/2017), #5 (QUD178/2018), Cairns Regional Claim Group (QUD692/2016), Muluridji #3 (QUD824/2018), Kunggandji Gurrabuna (QUD21/2019) and Ann-marie Keating on behalf of Wallara people, Clan of Koko-Muluridji (QUD224/2021).

There are no reportable Native Title updates or outcomes to provide for the October to December 2022 quarter.

**Indigenous Land Use Agreements (ILUA)**

Council has five (5) Indigenous Land Use Agreements (ILUAs) that establish the context in which Council operates with specific groups on matters of Native Title and Cultural Heritage. Council Officers engaged with representatives of each of the respective Regional Native Title Body Corporates to provide information on the approved capital works program and community

consultative matters. Council has finalised all matters relevant to each of the mandatory ILUA meetings held during 2022.

### **Land Tenure Instruments**

Council recorded one (1) new land tenure instrument during the period:

1. Licence Agreement to Dimbulah Horse and Pony Club over part of Lot 478 CPHG557 Burke Developmental Road Dimbulah.

Council recorded one Assignment of Lease interest and a subsequent Amendment to Lease to include a further 5-year option, for the Lease interest over part of Lot 412 SP103859 Thooree Street Kuranda.

### **Mareeba Industrial Park**

Council recorded three (3) new land sale settlements during the period relevant to the disposal of Lot 223 SP297023 at 19 Effley Street Mareeba, and Lot 222 SP312807 at 21 Effley Street Mareeba, and Lot 60 SP198060 at 28 Martin Tenni Drive Mareeba.

Currently, there remain 15 lots available for sale.

Mareeba Property Office (MPO) was appointed as the successful tenderer to provide real estate services for the promotion and sale of land and digital marketing has commenced.

### **Other Land Sales**

Council disposed of two (2) freehold land interest via private treaty after it was passed in during the February 2022 Auction, during the quarter:

- Lot 40 SP328210 – Speewah Road Kuranda;
- Lot 104 CPD8158 – 8 Kennedy Street Mareeba.

### **Notifiable Breaches - internal**

Council recorded nil (0) notifiable policy related breaches during the period.

### **Right to Information and Information Privacy**

Council recorded nil (0) new Right to Information and Information Privacy Access Application under the *Right to Information Act 2009* (Qld) with nil (0) recorded under the *Information Privacy Act 2009* (Qld).

### **Unreasonable Complainant Conduct**

Council recorded nil (0) new cautionary notice actions undertaken during the period under Council's *Unreasonable Complainant Conduct Policy*.

**Administrative Action Complaints**

Details of complaints received/processed during the period ending 31 December 2022 are displayed in the following table as aligned with the same period in 2021:

	Oct – Dec 2021	Oct – Dec 2022
Complaints carried over from previous period	0	2
Complaints carried over from previous period finalised during this reporting period	0	2
Complaints lodged during reporting period	13	8
Complaints finalised during reporting period	11	6
Complaints still in process (not finalised) during reporting period	2	2

**BUILDING, PLUMBING and TRADEWASTE**

**Building Applications**

In 2018, Council resolved to no longer provide building certification in the major population areas of Mareeba Shire. In 2020, Council resolved not to provide building certification across the entire jurisdiction. However, Council is still responsible for the applications it had received up until this point. Generally, approved building applications are granted two (2) years to complete the approved building works. Council's Policy is to provide one (1) extension for all applications upon valid request where works have begun. Therefore, some applications may continue for a maximum of two (2) further years.

The below table provides information on issued building approvals that remain the responsibility of the Council:

Current applications as at 1 October 2022	8
Completed	0
Cancelled	0
Current applications as of 31 December 2022	8

**Plumbing Applications**

The below table provides information on plumbing approvals that are the responsibility of the Council:

Current applications as at 1 October 2022	296
New Applications	43
Completed	39
Cancelled	0
Current applications as of 31 December 2022	311

**Trade Waste**

The 2022 / 2023 Trade Waste inspection program for Mareeba will commence in January 2023. The Kuranda trade waste yearly inspection program was completed in December 2022. There were some minor issues and these are being repaired.

**Regulatory**

Building, Plumbing, and Trade Waste Services had 86 customer requests this quarter of which 77 were resolved. In comparison to the same quarter in 2021, Council received 126 customer requests.

**Compliance**

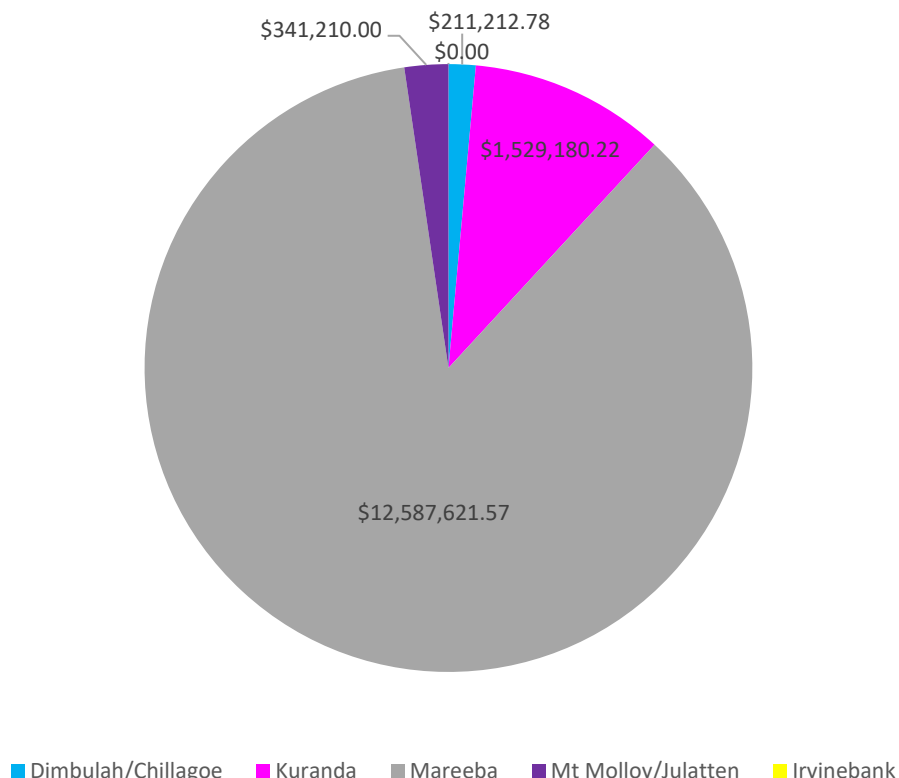
Council continues to progress 45 escalated building and plumbing compliance enforcement actions for unapproved structures relevant to 25 properties across the jurisdiction representing an approximate fifty-percent enforcement action increase over the previous quarter. These are being reviewed and recommended actions were presented to the CEO in November 2022.

**Building**

Council's dwelling and commercial approvals have increased compared to last year's average. The trend for building development in the Shire over the past 12 months is closer to the typical average development over the past five (5) years.

Quarter	Oct - Dec 2022		Oct - Dec 2021	
	\$	A	\$	A
<b>Total</b>	\$14,669,224	99	\$8,675,160	74

**Value of Building Applications 2022/23**



**REGIONAL LAND USE PLANNING**

**New Development Applications**

11 development applications were lodged in the December quarter 2022 compared to 19 lodged in the December quarter 2021.

Development applications received/approved during the December quarter 2022 as compared to the YTD comparisons are as follows:

	<b>Oct - Dec 2022</b>	<b>2022/23 YTD</b>	<b>2021/22 YTD</b>
New Development Applications lodged	11	22	30
Decision Notices issued under delegated authority	9	17	15
Negotiated Decision Notices issued under delegated authority	0	0	0
Decision Notices issued (from Council Minutes)	2	5	11
Negotiated Decision Notices issued (from Council Minutes)	0	0	0
Extensions to relevant period issued	1	1	1
Extensions to relevant period issued (from Council Minutes)	0	0	0
Change to existing Development Approval issued	0	0	2
Referral Agency Response approvals issued under delegated authority	11	19	15
Survey Plans endorsed	3	10	15
Notices issued under Planning Act	0	0	0
Planning Appeals and other Court proceedings	0	0	1

**LOCAL LAWS AND ENVIRONMENTAL HEALTH**

**Local Laws**

Local Laws Officers dealt with the below complaints and enquiries during the quarter relating to the following matters:

**Animals**

	Oct - Dec 2022	Oct - Dec 2021	Oct - Dec 2020
Barking Complaints	41	58	34
Council traps	38	29	31
Cruelty	1	2	2
Dangerous Aggressive Dogs	20	35	24
Enquiries, Unregistered, Hygiene, unleashed *	99	193	87
Missing/Lost/Found	16	29	17
Restrained for Collection	40	30	20
Straying Animals	92	110	96
Too many animals	11	7	6
<b>Total</b>	<b>358</b>	<b>493</b>	<b>317</b>

*\*There has been a decrease in general enquiries for unregistered dogs, hygiene related matters with animals and dogs off leash in public. This could be the result of Councils general increase in patrols and general community engagement to ensure owners are being responsible pet owners.*

**Dog Registration**

As at the 30 September 2022, Council has a registered population of 4058 dogs in the shire with 124 dog renewals outstanding. A total of 120 Infringements were issued in September 2022 for animal owners failing to renew their dog registrations for the upcoming financial year, which includes failure to advise Council of their change in circumstances (dog deceased or left the area). This number was a significant reduction compared to 2021 (approximately 280 infringements issued).

	Oct - Dec 2022	Oct - Dec 2021	Oct - Dec 2020
Deceased	33	20	12
Left the area	30	17	16
New registrations	176	146	132

There was a small increase in deceased dogs which could be the result of animal owners notifying Council of their animal's circumstances.



**Other Areas**

	<b>Oct - Dec 2022</b>	<b>Oct - Dec 2021</b>	<b>Oct - Dec 2020</b>
Abandoned Vehicles	24	37	29
Commercial Use of Roads	19	18	20
Illegal Camping	13	4	6
Illegal Signs	5	6	4
Obstruction of Footpath	1	8	2
Overgrown	9	34	13
Parking, illegal parking	19	24	20
Other	2	9	6
<b>Total</b>	<b>92</b>	<b>140</b>	<b>100</b>

**Environmental Health**

The Environmental Health section responded to a total of 107 enquiries, complaints and service requests for the quarter relating to the following matters:

	<b>Oct - Dec 2022</b>	<b>Oct - Dec 2021</b>	<b>Oct - Dec 2020</b>
Flying Foxes	-	1	31
Food Complaints	4	1	2
Food Enquiry	19	30	37
Food General	4	3	-
General Service Enquiry	25	25	26
Health Enquiry	10	15	18
Illegal Dumping	11	17	12
Other	9	6	3
Pollution	18	21	33
Public Health Complaint/enquiry	7	3	1
<b>Total</b>	<b>107</b>	<b>119</b>	<b>161</b>

**Notices Issued, Inspections Carried Out, Applications Processed**

	Oct - Dec 2022	Oct - Dec 2021	Oct - Dec 2020
Animal Management infringements issued	16	29	85
Animals Impounded	107	123	120
Compliance Notices Issued	10	18	45
Food Inspections Undertaken	9	19	45
Local Laws infringements issued	21	28	24
Regulated Parking infringements issued	81	64	78
Warning letters issued	59	63	78

*\*The decrease in food inspections undertaken this quarter is the result of no Environmental Health Officer contractor being available to carry out the inspection. However, a contractor has commenced in January 2023.*

*There is also a general increase in regulated parking infringements issued compared to 2021 and 2020 quarters. However, parking patrols in both Mareeba and Kuranda have been reinstated and officers are finding general compliance when conducting regulated parking.*

In the last quarter (1 October 2022 to 31 December 2022) the following impounds were recorded for dogs:

- Animal returned to owner 1st occasion for free (dog was wandering but was registered): 5 dogs.
- Animal caught wandering (not registered or registered and previously returned to owner): 102 dogs were impounded.

Planning is well underway for a new electronic machine and process for issuing regulated parking tickets to be used by Local Laws Officers from February 2023. The new process will make the issuing of parking tickets much quicker and more efficient.

## **TOURISM and ECONOMIC DEVELOPMENT**

### **1. Mareeba Community Taskforce Forum**

Mareeba Shire Council and the Mareeba Chamber of Commerce hosted the 2022 meeting of the Mareeba Community Taskforce on Tuesday, 15 November 2022.

Attendees heard from guest speakers on the five priority outcomes that were identified at the inaugural forum in 2021. Many organisations and individuals who attended the inaugural event in 2021, attended the forum to provide an update on progress; and to reaffirm their commitment to the objectives of the Mareeba Community Taskforce.

A Progress Report will be released in the first quarter of 2023 to detail the actions taken by the many organisations working on these priorities, both collaboratively and individually. The Mareeba Taskforce, Chamber and Council will continue to advocate on the five priority outcomes of;

1. Improving health services
2. Improving transport connectivity
3. Attracting and retaining a skilled workforce
4. More affordable housing
5. Community safety and youth support



### **2. Mareeba Shire Council Submission to the Parliamentary Inquiry into Northern Australia Workforce Development**

The work of the Mareeba Community Taskforce helped inform Council's commentary in relation to the impediments facing workforce development in Northern Australia with reference to the unique workforce challenges and opportunities for the Mareeba Shire.

### **3. Mareeba Shire Tourism**

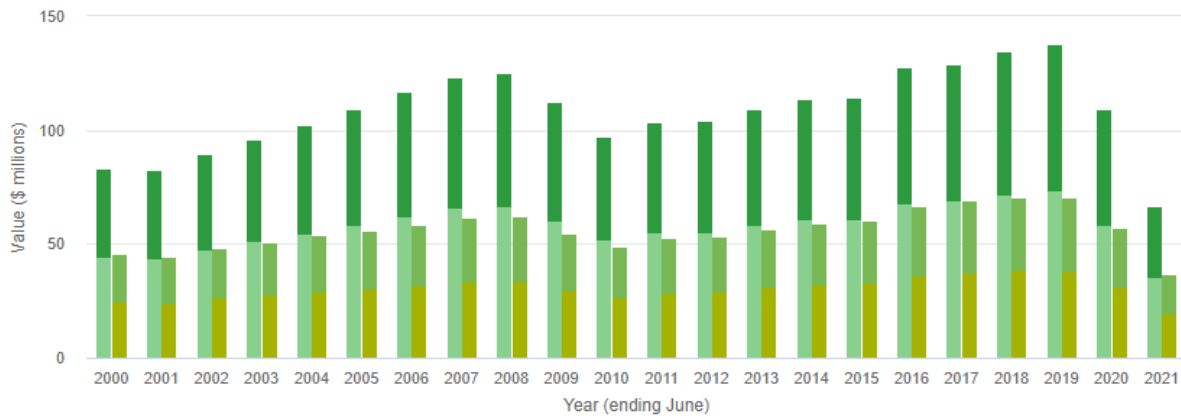
Prior to the pandemic, the value of tourism in the Mareeba Shire had been on a steady growth trajectory, in contrast to some other FNQ Local Government Areas that were experiencing declines in the value of tourism.

Value of tourism

export 

Mareeba Shire

■ Output/Sales - Direct  
 ■ Value added - Direct  
 ■ Output/Sales - Indirect  
 ■ Value added - Indirect

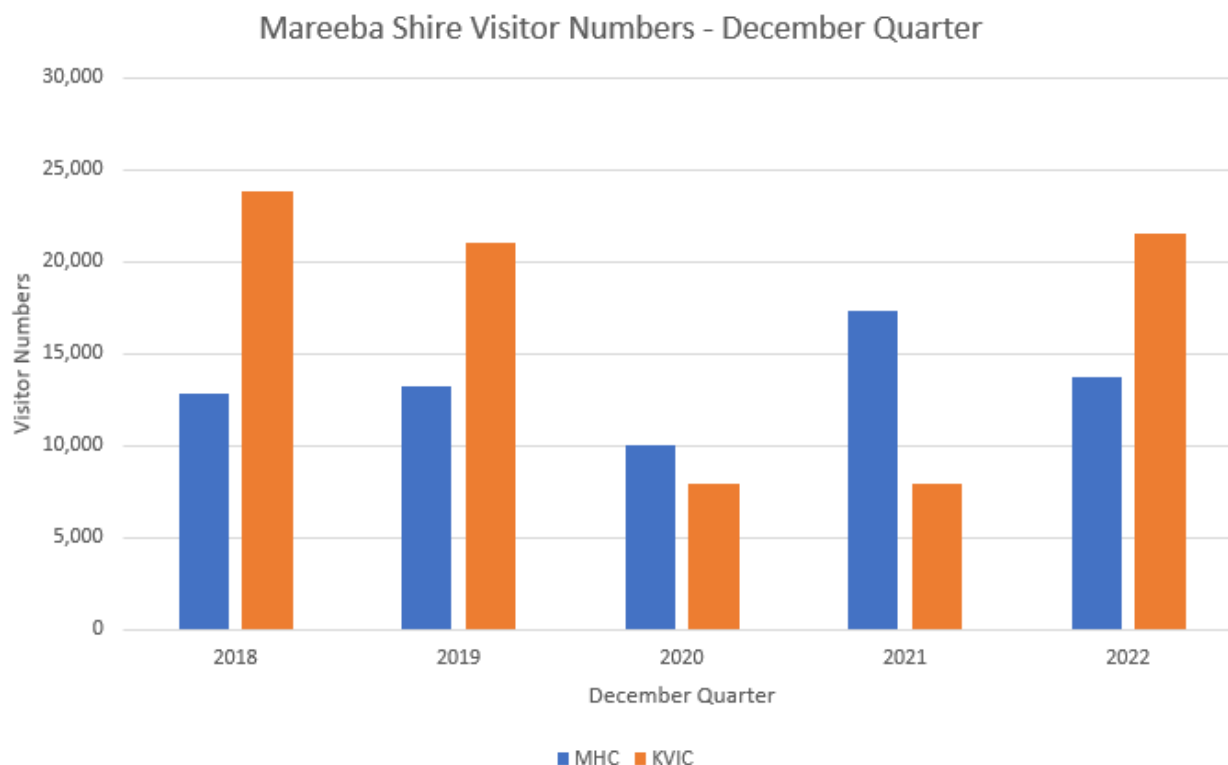


Source: National Institute of Economic and Industry Research (NIEIR) ©2021. Compiled and presented in economy.id by .id (informed decisions).



Mareeba Shire Council and the Mareeba Chamber of Commerce have established a Local Tourism Organisation (LTO) to promote tourism experiences in the Mareeba Shire. The LTO Committee met for the first time in November 2022 and is currently planning to engage with the wider Shire tourism industry via a launch event in February and strategic planning day in March to produce a destination marketing plan for the Shire. It is expected that the LTO structure will evolve over time as industry involvement increases. The LTO will enable a broader range of operators in the Shire to benefit from programs and other opportunities offered by Tourism Tropical North Queensland, the Regional Tourism Organisation.

### 3. Visitor Information Centre (VIC) Update



The data is collected by the Kuranda Visitor Information Centre and the Visitor Information Centre at the Mareeba Heritage Centre. Visitor data is all visitors to the Mareeba Centre which includes the Visitor Information Centre as well as patrons of the Centre's café, museum, and retail shop.

### 4. Shire Destination Marketing - Digital

With the absence of lockdowns and travel restrictions, the December 2022 quarter significantly over performed December 2021.

This was reflected in the Google Ads campaign with the increase in year-on-year search volumes leading to a 51% increase in ad impressions, and the increased ability to travel resulted in an over 50% increase in click through rate, and 161% more clicks.

#### Search Engine Marketing (SEM) Campaign Performance: (Mid June 2021 – December 2022)

Total Impressions: 312,440 plus Social Media Marketing (SMM)  
 Total Clicks: 28,409  
 Click Thru Rate: 12.03%  
 Average Cost Per Click: \$0.46

### 5. Shire Destination Marketing - Print

Print promotional material was produced for the following publications:

- Double panel advert in the 2023 Drive QLD Map - one side of the map will include the highway maps. The other will show a more detailed map of Queensland. These maps will be handed out by the Drive QLD team at the QLD, NSW and VIC Caravan & Camping Super Shows and 4X4 Super Shows.

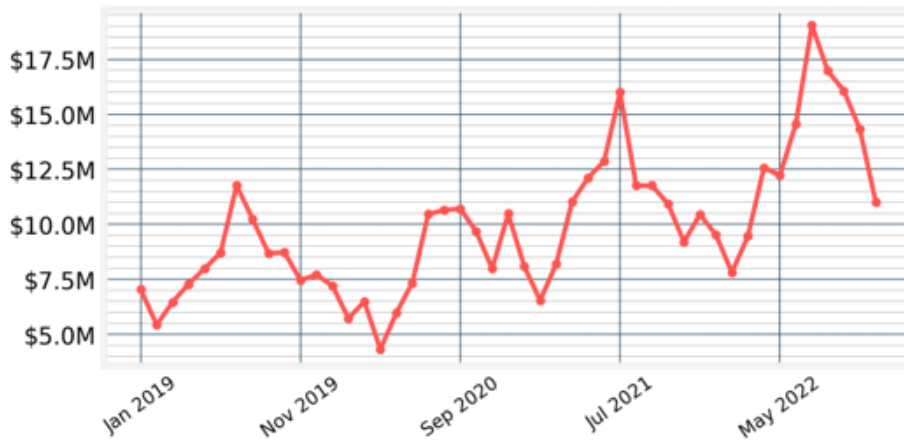


**Visitor and Online Spending Trends**



**Visitor Local Spend**

The amount spent by non-residents and non-local businesses with merchants inside the Mareeba Shire Council LGA.

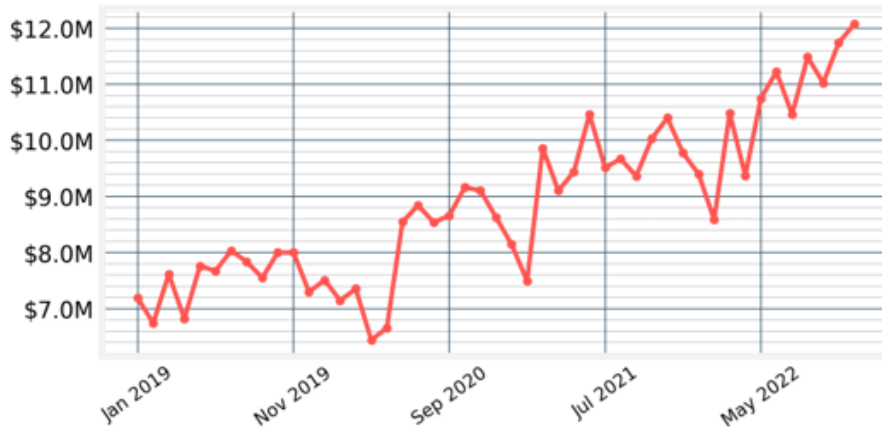


Over the last 47 months, the spending trend (as shown by the trendline in the Spendmapp app) for Visitor Local Spend has been upwards.



## Resident Online Spend

The amount spent by Mareeba Shire Council LGA residents and local businesses with online merchants.



Over the last 47 months, the spending trend (as shown by the trendline in the Spendmapp app) for Resident Online Spend has been upwards.

### COMMUNITY HOUSING

Subcontracting the Mareeba Shire's Community Housing Service to the Mareeba Community Housing Company commenced 1 July 2022 and the new arrangements continue to progress well. Work commenced to investigate future options for improved sustainability of the service and long term strategies for alleviating the local rental crisis.

### LINK TO CORPORATE PLAN

**Community:** An informed and engaged community which supports and encourages effective partnerships to enhance the liveability of the shire.

**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 while delivering affordable levels of identified services within the Shire.

### IMPLEMENTATION/COMMUNICATION

Nil

### KEY COMMUNICATION MESSAGES – INTERNAL USE ONLY





**8.10 AGISTMENT PERMIT - LOT 539 SP146295 - BOWERS STREET MAREEBA**

**Date Prepared:** 13 January 2023  
**Author:** Senior Compliance Officer  
**Attachments:** 1. Agistment permit area [↓](#)

**EXECUTIVE SUMMARY**

This report seeks Council consent to renewal for a further term of a current Agistment Land Occupancy Permit over part of the land described as Lot 539 SP146295 Bowers Street Mareeba.

**RECOMMENDATION**

That Council

1. Decide that section 236(1)(c)(iii) of the *Local Government Regulation 2012* (Qld) applies to the disposal of a valuable non-current asset – that being part of Lot 539 SP146295 Bowers Street Mareeba – other than by tender or auction.
2. Approve a renewal term of three years for the Agistment Land Occupancy Permit over part of Lot 539 SP146295 Bowers Street Mareeba as issued to the current Permittee, Trustee for the HMBT Trust.

**BACKGROUND**

The Trustee for the HMBT Trust as Permittee currently hold an Agistment Land Occupancy Permit ("the Permit") over the eastern most portion of the land described as Lot 539 SP146295 Bowers Street Mareeba (image attached). The Permit is due for expiry on date of 31 January 2023.

Council is in receipt of correspondence from the Permittee seeking a renewal period of three years to commence on 1 February 2023, expiring 30 January 2026. The current Permittee is agreeable to inclusion of an incremental CPI increase to the applicable permit fee on each subsequent year of tenure under a renewed permit.

**LEGAL/COMPLIANCE/POLICY IMPLICATIONS****Renewal period**

The existing Permit provides for twelve-month tenure periods in accordance with Council's *Use of Council Land for Agistment Purposes Policy*. Therefore, any renewal of the permit for a period exceeding twelve months requires resolution of Council.

**Local Government Regulation 2012**

Sections 224 and 227 of the *Local Government Regulation 2012* (Qld) (LGR) provides that where Council seeks to enter into a contract for the disposal of a valuable non-current asset, Council must first seek tenders or proceed to auction. Section 224(6) provides that the disposal of a valuable non-current asset by a local government includes the disposal of all or any part of an interest in the asset, for example, the grant of a lease over land or a building.

Section 236 of the LGR provides for exceptions to the above requirements. Relevantly, Section 236(1)(c)(iii) provides that a local government may dispose of a valuable non-current asset other than by tender or auction if the disposal is for the purpose of renewing the lease of land to the

existing tenant of the land. Section 236(2) further provides that the above exception applies to a local government disposing of a valuable non-current asset only if, before the disposal, the local government has decided, by resolution, that the exception may apply to the local government on the disposal of a valuable non-current asset other than by tender or auction.

#### **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 while delivering affordable levels of identified services within the Shire.

#### **IMPLEMENTATION/COMMUNICATION**

Permittee to be informed in accordance with resolution of Council.



**Agistment permit area**



**8.11 FINANCIAL STATEMENTS PERIOD ENDING 31 DECEMBER 2022**

**Date Prepared:** 3 January 2023

**Author:** Manager Finance

**Attachments:** 1. [Budgeted Income Statement by Fund 2022/23 Budget](#) [↓](#)

**EXECUTIVE SUMMARY**

The purpose of this report is to provide Council with an overview of financial matters for the period 1 July 2022 to 31 December 2022.

**RECOMMENDATION**

That Council receives the Financial Report for the period ending 31 December 2022.

**BACKGROUND**

Each month, year to date financial statements are prepared in order to monitor actual performance against budgets.

For the month ending 31 December 2022, the actual results are in line with the year-to-date budget.

The budgeted figures reflect the 2022/23 Budget as adopted by Council at the 20 July 2022 meeting.

There are no issues to highlight, any variances at this stage are due to either budget allocation timing issues.

<i>November 2022 - Snapshot</i>	Actuals YTD	Budget YTD
Total Operating Income	\$ 33,865,562	22,697,658
Total Operating Expenditure	\$ 29,256,480	22,957,928
Operating Surplus/(Deficit)	\$ 4,609,082	(260,270)
Total Capital Income (grants, developer contributions)	\$ 2,836,649	90,000
<b>Net Result - Surplus/(Deficit)</b>	<b>\$ 7,448,731</b>	<b>(170,270)</b>

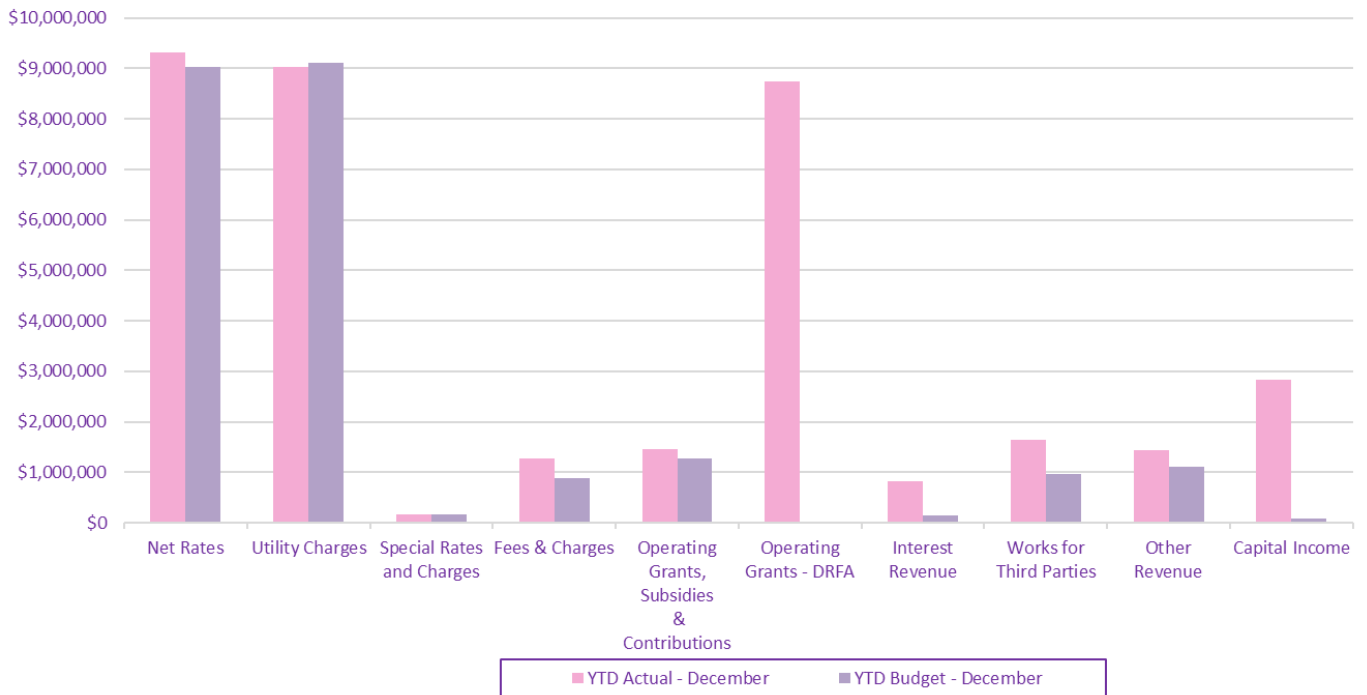
Please note that the operating surplus above is due to the receipt of Disaster Recovery Funding for restoration works. This has not been budgeted but will result in an offset with expenditure this financial year.

Income Analysis

Total income (inclusive of capital income of \$2,839,649) for the period ending 31 December 2022 is \$36,705,212 compared to the YTD budget of \$22,787,658.

The graph below shows actual income against budget for the period ending 31 December 2022.

**Actual Income V Budget Income**



	Actual YTD	Budget YTD	Note
Net Rates	9,306,609	9,028,433	<b>1</b>
Utility Charges	9,032,536	9,109,176	<b>2</b>
Special Rates and Charges	171,885	162,030	
Fees & Charges	1,273,042	890,296	
Operating Grants, Subsidies & Contributions	1,452,430	1,272,951	
Operating Grants, Subsidies - DRFA	8,737,553	-	<b>3</b>
Interest Received	827,366	149,000	<b>4</b>
Works for Third Parties	1,633,230	973,113	<b>5</b>
Other Revenue	1,430,912	1,112,659	<b>6</b>
Capital Income	2,839,649	90,000	<b>7</b>

Notes:

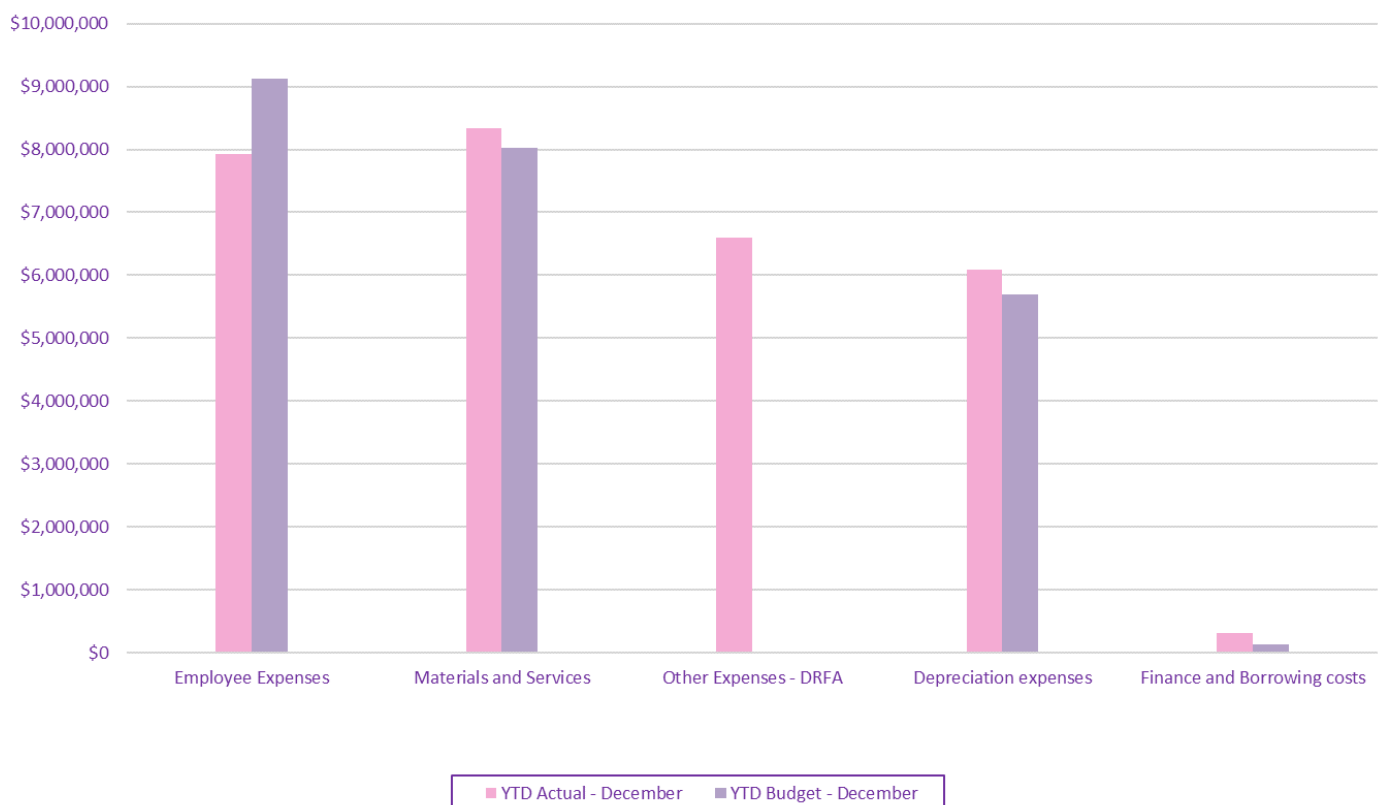
1. Rates for the half year ending 31 December 2022 were levied in August.
2. Water consumption is lower than budget YTD however this is due to the water consumption budget being split equally over each half year however actuals does not follow this same trend.
3. Favourable variance is due to grant monies received for Disaster Recovery Funding Arrangements (DRFA) restoration works. This is not budgeted but will result in a complete offset with expenditure.
4. Positive outcome due to the rising interest rates, which has proven favourable.
5. Favourable result due third party works not budgeted for. The associated costs form part of the operational expenses which were also not budgeted for.
6. A significant portion of the favourable result is due to the sales of seven (7) lots of land parcels sold at the Mareeba Industrial Park, year to date gross sales are \$894k.
7. Funding received for the DTMR Bridge Renewal Program John Doyle Bridge, LRCIP2, and from the QRA, funding for the Chillgoe Bore and Water Main construction.

Expenditure Analysis

Total expenses for the period ending 31 December 2022 is \$29,256,480 compared to the YTD budget of \$22,957,928.

The graph below shows actual expenditure against budget for the period ending 31 December 2022.

**Actual Expenditure V Budget Expenditure**



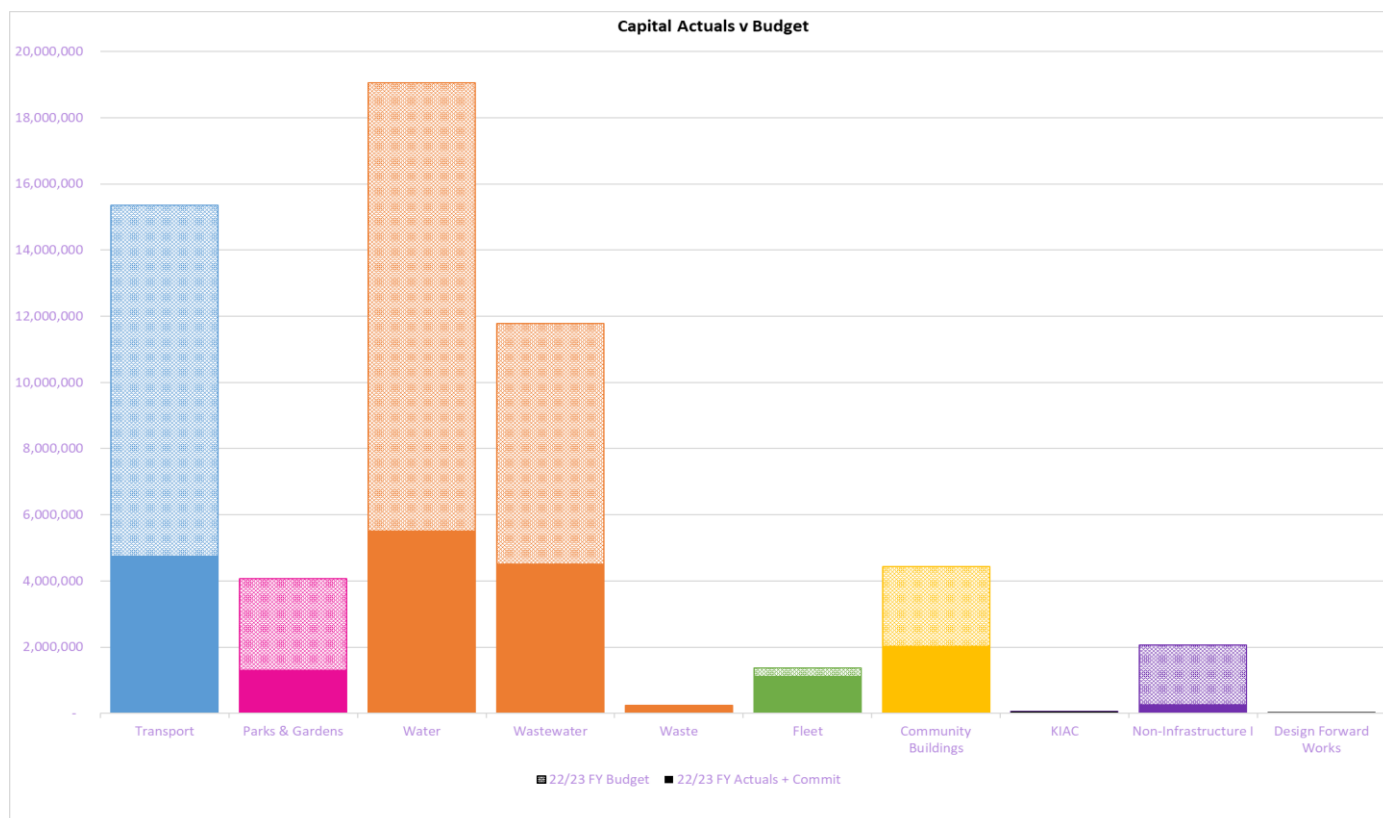
	Actual YTD	Budget YTD	Note
Employee expenses	7,920,491	9,119,385	<b>1</b>
Materials & Services	8,336,579	8,019,944	
Other Expenses - DFRA	6,601,800	-	<b>2</b>
Depreciation expenses	6,084,550	5,689,898	
Finance & Borrowing costs	313,060	128,701	<b>3</b>

**Notes:**

1. There are no significant issues to report. The reason for the variance is a timing issue for the annual increment, staff absences, vacancies and staff working on capital projects.
2. The variance relates to the expenditure incurred for the Disaster Recovery Funding Arrangements (DRFA) restoration works. This expenditure is offset against the income received.
3. The large variance in Finance and Borrowing costs in comparison to budget is due to the valueless land properties that have been acquired (as per the November 2021 council report). A total of seven (7) properties have been acquired and recognised as Council assets and the associated rates and charges have been written off.

**Capital Expenditure**

Total capital expenditure of \$19,928,568 (including commitments) has been spent for the period ending 31 December 2022 against the 2022/23 adjusted annual capital budget of \$58,427,688.





Loan Borrowings

Council's loan balance is \$7,056,194.

**Rates and Sundry Debtors Analysis**

Rates and Charges

The total rates and charges payable as at 31 December 2022 are \$1,853,166 which is broken down as follows:

Status	31 December 2022		31 December 2021	
	No. of properties	Amount	No. of properties	Amount
Valueless land	4	65,214	10	383,885
Payment Arrangement	102	60,996	77	74,945
Collection House	320	1,619,801	296	1,164,227
Exhausted – awaiting sale of land	8	63,491	11	212,893
Sale of Land	-	-	-	-
Other (includes supplementary rate notices) *	269	43,664	307	60,000
<b>TOTAL</b>	<b>703</b>	<b>1,853,166</b>	<b>701</b>	<b>1,895,950</b>

\*Of this amount, 190 properties have a balance less than \$20

The Rate Notices for the period ending 31 December 2022 were issued on 8 August 2022 with discount due date 9 September 2022. The total gross rates and charges levied for the six (6) month period amounted to \$20,511,554.

Collection House collected \$65,683 for the month of December 2022.

Sundry Debtors

The total outstanding for Sundry Debtors as at 31 December 2022 is \$447,784 which is made up of the following:

Current	30 days	60 days	90 + days
\$380,705	\$50,626	\$5,767	\$10,686
85%	12%	1%	2%

**Procurement**

There was one emergency purchase order for the month.

<b>Order Number</b>	<b>PWK10034</b>	<b>Quotation Process</b>	<b>EMERGENC</b>	<b>Order Date</b>	<b>15/12/22</b>
<b>Supplier Name</b>	Marlin Coast Swimming and Fitness				
<b>Order Amount</b>	\$360,000.00				
<b>Reason</b>	Operation of the council pools and Dimbulah caravan park contract was not extended beyond 22/12/2022. No suitable replacement was found when going through the tender process. Council gave a resolution to delegate the CEO to enter into an agreement without going to tender for a suitable contractor to manage these facilities in the interim until 30/6/2023 with a view that it will not be extended and go to public tender for any contract after that date.				

**Financial Sustainability Ratios**

In accordance with s169(5) of the *Local Government Regulation 2012* requires Councils to report against the Department of Local Government, Racing and Multicultural Affairs (DLGRMA) sustainability financial ratios. These ratios are designed to provide an indication of the performance of Council against key financial sustainability criteria which must be met to ensure the prudent management of financial risks.

Ratio	Description	Actual Result	Target	Target met	FY Budget
<b>Operating surplus ratio</b>	This is an indicator of the extent to which revenue raised covers operational expenses only or are available for capital funding purposes.  The higher the ratio the better.	13.60%	0 - 10%	<input checked="" type="checkbox"/>	10.72%
<b><i>*This ratio is high due to the rates for the 6-month period July to December all recognised in August. The ratio will effectively decline to the budget figure as the months progress.</i></b>					
<b>Net financial liabilities ratio</b>	This is an indicator of the extent to which the net financial liabilities of a Council can be serviced by its operating revenues.  A ratio less than zero (negative) indicates that the current assets exceed total liabilities and therefore  The lower the percentage the better.	N/A	<=60%	<input checked="" type="checkbox"/>	(80.35)%
<b><i>As the information required for the net financial liabilities ratio is based on full year results no monthly figure can be provided. This ratio will be provided in the budget and annual financial statements as regulated.</i></b>					

<p><b>Asset sustainability ratio</b></p>	<p>This is an approximation of the extent to which the assets managed by Council are being replaced as these reach the end of their useful lives.</p> <p>This ratio indicates whether Council is renewing or replacing existing non-financial assets at the same rate that its overall portfolio of assets is wearing out.</p>	<p>N/A</p>	<p>&gt;90%</p>	<p><input checked="" type="checkbox"/></p>	<p>160.23%</p>
<p><b><i>As the information required for the asset sustainability ratio is based on full year results no monthly figure can be provided. This ratio will be provided in the budget and annual financial statements as regulated.</i></b></p>					

**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 while delivering affordable levels of identified services within the Shire.

**IMPLEMENTATION/COMMUNICATION**

Nil

<b>Budgeted Income Statement by Fund 2022/23 Budget</b>			
<b><u>Consolidated</u></b>			
	<b>Actual YTD</b>	<b>Budget YTD</b>	<b>2022/23</b>
<b>Revenue</b>			
Rates and utility charges	19,591,988	19,332,139	38,664,277
Less Discounts and Pensioner Remissions	(1,080,959)	(1,032,500)	(2,065,000)
<b>Net Rates and Utility Charges</b>	<b>18,511,029</b>	<b>18,299,639</b>	<b>36,599,277</b>
Fees and Charges	1,273,042	890,296	1,542,903
Operating Grants and Subsidies	1,401,379	1,221,900	7,940,750
Operating Grants and Subsidies - DRFA	8,737,553	-	-
Operating Contributions	51,051	51,051	51,051
Interest Revenue	827,366	149,000	298,000
Works for Third Parties	1,633,230	973,113	1,945,825
Other Revenue	1,430,912	1,112,659	2,206,605
<b>Total Operating Revenue</b>	<b>33,865,562</b>	<b>22,697,658</b>	<b>50,584,412</b>
<b>Expenditure</b>			
Employee Expenses	7,920,491	9,119,385	18,386,475
Materials and Services	8,336,580	8,019,945	15,123,472
Other Expenses - DRFA	6,601,800	-	-
Depreciation expense	6,084,550	5,689,897	11,379,827
Finance and Borrowing costs	313,059	128,701	257,402
<b>Total Operating Expenses</b>	<b>29,256,480</b>	<b>22,957,928</b>	<b>45,147,177</b>
<b>Operating Surplus/(Deficit)</b>	<b>4,609,082</b>	<b>(260,270)</b>	<b>5,437,235</b>
<b>Capital Income</b>			
Capital Contributions	116,780	-	-
Capital Grants and Subsidies	2,416,943	-	13,094,510
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	305,926	90,000	180,000
<b>Total Capital Income</b>	<b>2,839,649</b>	<b>90,000</b>	<b>13,274,510</b>
<b>Net Result</b>	<b>7,448,731</b>	<b>(170,270)</b>	<b>18,711,745</b>

**8.12 SALE OF LAND DUE TO RATES AND CHARGES IN ARREARS**

**Date Prepared:** 5 January 2023  
**Author:** Manager Finance  
**Attachments:** 1. Schedule of Properties - Confidential (under separate cover)

**EXECUTIVE SUMMARY**

The purpose of this report is to inform Council of the properties which are available to sell under the Local Government Regulation 2012, Chapter 4 Part 12 Division 3 (Selling or acquiring land for overdue rates or charges) and request a resolution to be able to sell these properties under Section 140.

**RECOMMENDATION**

That Council:

- 1 Sell the land listed below due to the rates and charges which have accrued on the rateable lands remaining unpaid for three (3) years or longer, in accordance with section 140 of the Local Government Regulation 2012; and

Property No	Property Description
10341	Lot 210 C 5041
10543	Lot 6 I 3148
13987	Lot 13 BUP 71296
17500	Lot 93 RP 734453
20440	Lot 3 RP 895742

- 2 Delegate to the Chief Executive Officer its power to take all further steps under Chapter 4, Part 12 Division 3 of the Local Government Regulation 2012 to effect sale of land (including, for avoidance of doubt, the power to end sale procedures including the authority to remove a property where circumstances arise whereby the continuation of this action is considered unwarranted or inappropriate).

**BACKGROUND**

The properties listed on the above Schedule have rates and charges unpaid for three (3) years or more and in accordance with Section 140 of the *Local Government Regulation 2012*, selling land for overdue rates or charges applies. Council has made every attempt to recover the unpaid rates on each property with no success to date.

If a local government sells or acquires land for overdue rates or charges, the local government cannot start or continue any court proceedings to recover the overdue rates or charges (Section 135 of the *Local Government Regulation 2012*).

The proposed timeline, which is subject to change, is as follows:

Date	Milestone
07/02/2023	Issue Notice of Intention to all interested parties (3 months given for payment)
08/05/2023	Due date for payment
10/07/2023	Auction Notices issued
25/07/2023	Auction Date

### RISK IMPLICATIONS

Nil

### LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Mareeba Shire Council Debt Recovery Policy

The sale of land process must be carried out giving consideration to the Local Government Act 2009, in particular Chapter 4, Part 12, Division 3 of the Local Government Regulation 2012.

### FINANCIAL AND RESOURCE IMPLICATIONS

#### *Capital*

Nil

#### *Operating*

Nil

### 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.

**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

Notice of Intentions will be sent to the ratepayers on the 7 February 2023.

Nil

**8.13 NQ SPORTS FOUNDATION**

**Date Prepared:** 19 December 2022

**Author:** Senior Community Engagement Officer

**Attachments:** Nil

---

**EXECUTIVE SUMMARY**

In December 2022, Council entered into an agreement with North Queensland Sports Foundation for a period of 1.5 years, 1 January 2023 to 30 June 2024.

Council is required to nominate two (2) representatives to represent Council on the Board of Directors, one Elected Member and one Council Officer.

**RECOMMENDATION**

1. That Cr Mlikota be appointed as Council's Elected Member delegate and Cr Davies as proxy to the North Queensland Sports Foundation.
2. That the CEO be appointed as Council's Council Officer delegate and that Manager Customer & Community Services as proxy to the North Queensland Sports Foundation.

**BACKGROUND**

The North Queensland Sports Foundation (NQSF), which arose the Suncorp North Queensland Games, was established in 1983 to develop a sporting event to meet with a significant community need. The inaugural NQ Games was hosted in Townsville in 1984 and has continued to develop into the largest regularly run multi-sport event in regional Australia.

In 2024 the NQ Games are being held in Cairns, with some events possibly being hosted in surrounding areas. Local government authority membership of the North Queensland Sports Foundation is required for local sporting clubs to be eligible to apply to host a sporting event as part of the 2024 Games.

Council joined the Foundation, 1 January 2023 to 30 June 2024, to enable local sporting clubs to capitalise on the opportunities offered by the 2024 Games being held in Cairns.

**RISK IMPLICATIONS**

Nil

**LEGAL/COMPLIANCE/POLICY IMPLICATIONS**

Nil

**FINANCIAL AND RESOURCE IMPLICATIONS*****Capital***

Nil

**LINK TO CORPORATE PLAN**

**Community:** An informed and engaged community which supports and encourages effective partnerships to enhance the liveability of the Shire.

**IMPLEMENTATION/COMMUNICATION**

N/A



## 9 INFRASTRUCTURE SERVICES

### 9.1 INFRASTRUCTURE SERVICES, CAPITAL WORKS MONTHLY REPORT - DECEMBER 2022

**Date Prepared:** 10 January 2023

**Author:** Manager Assets and Projects

**Attachments:**

1. [Capital Works Highlights - December 2022](#) 
2. [Capital Works Summary - December 2022](#) 

---

#### EXECUTIVE SUMMARY

The purpose of this report is to provide an update on capital works projects undertaken by the Infrastructure Services Department during the month of December 2022.

#### RECOMMENDATION

That Council receives the Infrastructure Services Capital Works Monthly Report for the month of December 2022.

#### BACKGROUND

Council's Capital Works program is focussed on renewal and upgrade of Council infrastructure to achieve Council's corporate vision of "A growing, confident and sustainable Shire". The program is funded through a combination of Council's own funding and external grants and subsidies.

#### RISK IMPLICATIONS

##### Financial

The capital works program is tracking within budget.

##### Infrastructure and Assets

Projects included in the current capital works program were identified through Council's Project Prioritisation Tool (PPT) which uses a risk-based, multi-criteria approach to rank projects in order of priority. The PPT is aligned with Council's Long-Term Financial Plan and Asset Management sub-plans, which focus of renewal of existing assets.

#### FINANCIAL AND RESOURCE IMPLICATIONS

##### *Capital*

All capital works are listed in and funded by the 2022/23 Capital Works Program.

#### 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.

## Infrastructure Services Capital Works Report Project Highlights - December 2022



**Project Name: Borzi Road - Widen and Seal Ch 40 - 800**

**Program: Rural Roads**

### Background

As part of the 2021/22 Capital Works Program a project was adopted to widen and seal a narrow section of Borzi Road, Mutchilba. This road provides access to agricultural properties and a quarry, and the project will cater for increasing heavy traffic and provide safety improvements.

### Progress Update

Construction works were completed for this project 16 December 2022 with the application of the two coat bitumen seal. Line marking will occur later in the year in conjunction with other line marking projects.

The existing 6m wide bitumen section has been widened to a sealed width of 8m with drainage infrastructure extended accordingly. In addition to the planned works, a 35m section of failing pavement in the eastern section of Borzi Road was also reinstated.



*Borzi Road - Before*



*Borzi Road - After*



*Borzi Road - Before*



*Borzi Road - After*

## Infrastructure Services Capital Works Report Project Highlights - December 2022



**Project Name: Kauri Creek Bridge Speewah Road - Timber Girder Replacement**

**Program: Bridges**

### Background

Routine bridge inspections identified that several timber girders on the Kauri Creek Bridge on Speewah Road were failing and required replacement.

### Progress Update

Originally it was planned to replace four (4) timber girders at Kauri Creek Bridge but on further investigation it was determined that all eight (8) girders would need to be replaced.

Work commenced 24 November 2022 and was completed on 13 December 2022. Council will now engage a suitably qualified third-party certifier to undertake a load assessment on the completed structure.



*Kauri Creek Bridge - Before*



*Kauri Creek Bridge - After*



*Newly installed girders*



*Centre pier*

## Infrastructure Services Capital Works Report Project Highlights – December 2022



**Project Name: Centenary Park Kuranda Playground Upgrade**

**Program: Parks and Open Spaces**

### Background

Centenary Park Kuranda serves a dual function for visiting tourists and the local community. The Kuranda Infrastructure Agreement Review 2021 and the Parks and Open Spaces Strategy 2022-2031 identified the playground at Centenary Park Kuranda as a high priority for renewal and improvement to the play features within the playground.

### Scope of Works

This project includes the complete demolition and removal of the old playground and replacement with an entire new playground including modernised play equipment and features. The project includes:

- interactive play equipment
- rubberised soft fall surface
- shade sail structure
- lighting for night-time use and security
- shelter, seating, and tables for parents
- removal of the existing playground and shade structure



*Centenary Park Kuranda Playground Render*

**Infrastructure Services Capital Works Report  
Project Highlights – December 2022**



**Progress Update**

The playground opened to the public in mid-December. Some minor issues are still being finalised with supplier and a new bin has been ordered for installation in January.



*Kuranda Centenary Park Playground Climbing Frame*



*Kuranda Centenary Park Playground Swing*



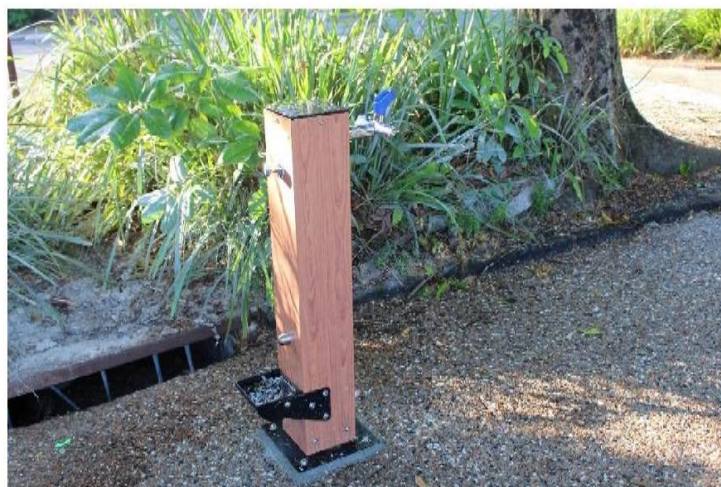
**Infrastructure Services Capital Works Report  
Project Highlights – December 2022**



*Centenary Park Kuranda Playground Climbing Frame*



*Centenary Park Kuranda Picnic Shelter*



*Centenary Park Kuranda Drinking Water Station*

## Infrastructure Services Capital Works Report Project Highlights – December 2022



**Project Name: Mareeba East Park – New Playground and Carpark**

**Program: Parks and Open Spaces**

### Background

The Mareeba East Park is identified in the Parks and Open Spaces Strategy as a Catchment Park for the eastern side of Mareeba. The identified site is on the corner of Hastie Road and Karobean Drive, providing a new parkland to over 900 properties in the catchment. A new playground and carpark were identified as the highest immediate priorities for construction. A Master Plan for future works prioritisation and feature placement is scheduled for development in consultation with the community, commencing in early to mid-2023.

### Scope of Works

This project includes

- interactive play equipment
- rubberised soft fall surface
- shade sail structure
- lighting for night-time use and security
- shelter, seating, and tables for parents
- off-road car park for safe and easy access to playground
- footpath loop around playground and connections to Karobean Drive and carpark
- irrigation and turf around the playground
- two shade trees within the playground footprint



*Mareeba East Catchment Park Playground and Carpark Layout*

## Infrastructure Services Capital Works Report Project Highlights – December 2022



### Progress Update

The playground is now open to the public. Construction of the playground and gravel carpark were completed before Christmas. Some issues with the soft-fall and other minor elements are still being finalised with supplier.

A new bin has been ordered for installation in January and educational play-sized traffic signs (such as Give-Way) have been ordered for the footpath circuit to add further interest for the children. The car park will be sealed and other minor drainage works completed when weather permits.



*Mareeba East Park Playground, Footpath and Carpark*



*Mareeba East Park Climbing Frame*



**Infrastructure Services Capital Works Report  
Project Highlights – December 2022**



*Mareeba East Park Playground Swing*



*Mareeba East Park Playground Picnic Shelter and Footpath*



*Mareeba East Park Playground Turf*

**Infrastructure Services Capital Works Report  
Project Highlights – December 2022**



**Project Name: Splash Park**

**Program: Parks and Open Spaces**

**Background**

Council received \$1.5M funding from the Queensland Government to construct a Splash Park in Mareeba. Council identified that the optimised location for the Splash Park is within the Mareeba Sports and Aquatic Centre. This location allows for the lowest ongoing operational expense to the community and gives visitors a more interactive experience by leveraging the existing Children’s Pool and 50m Pool as part of the Splash Park experience.

\$1.5M is funded by the Department of State Development, Infrastructure, Local Government and Planning to provide the Splash Park and upgrades to existing infrastructure at the Mareeba Aquatic Centre. A further \$150,000 of the \$195,075 project cost to install a heating system, is funded by the Active Gameday Projects Fund from the Department of Tourism, Innovation and Sport’s (Sport and Recreation). The remaining funds will be contributed by Mareeba Shire Council.”

**Scope of Work**

The facility will be a new zero-depth, zero-height splash play area that will include various unique water spray areas with interactive play elements and shade structures. As part of the upgrade, a heating system will also be installed for the pool and the front entry gardens and pathways will be refreshed.



*Mareeba Aquatic Centre Splash Park Render*



**Infrastructure Services Capital Works Report  
Project Highlights – December 2022**



**Progress Update**

Construction of the new retaining wall and security fence commenced. The Children’s Pool and 50m Pool are both operational and open to the public.



*Toddler Pool Decommissioning*



*Site Clearing for Splash Park*

## Infrastructure Services Capital Works Report Project Highlights – December 2022



### Project Name: Dimbulah Water Treatment Plant – New Chemical Dosing Shed and Equipment

#### Program: Water

#### Background

The 2022/23 Capital Works Program included a project for construction of a new chemical dosing shed and equipment at the Dimbulah Water Treatment Plant.

The project is part of Council’s commitment to ensure that safe and reliable drinking water is supplied to residents in its reticulated water network. The project also ensures that Council meets its obligations by providing a safe working environment for treatment plant operators as the new shed and dosing equipment meets current engineering standards.

#### Scope of Works

This scope of work includes:

- Supply of new chemical dosing pumps and associated equipment
- Supply and installation of a new shed to house the equipment

#### Progress Update

Construction of the shed and connection of the pumps was completed in December with pumps commissioned in early January.



*New chemical dosing shed and equipment*



Project Description	Project Stage	Comments
<b>Program: 01 Rural and Urban Roads Reseal Program (Renewal)</b>		
22/23 Reseal & Asphalt Program	Construction	RPQ returning mid to late January (weather permitting) to complete reseals. Line marking to follow.
BETTERMENT Co-Contribution	Planning	QRA submission provided Dec 23, await negotiations with QRA.
<b>Program: 02 Gravel Resheet</b>		
22/23 Gravel Resheet Program	Construction	Boonmoo Road 60% completed. Mt Mulligan, Sandy Creek & McLeans Bridge Roads completed. Further works to be programmed to commence after wet season.
<b>Program: 03 Urban Streets</b>		
TIDS Rankin/Walsh St Roundabout	Design	Consultant engaged and currently completing Options Study. Stage 2 of the report underway, anticipate receipt prior to end of Jan. Completion of Report anticipated by End of February 23.
<b>Program: 04 Rural Roads</b>		
TIDS Euluma Ck Rd Ch7.01-9.325 Rehab	Construction	2nd coat 10mm seal yet to be completed. Waiting on contractor. TIDS component funding increased to \$715k at November RRTG meeting.
TIDS Euluma Ck Rd Ch 9.350-10.130 Rehab	Procurement	The start date for the project has been pushed back to mid-April 2023 to allow for the construction of curve widening on Springmount Road, which is also a TIDS project that needs to be completed by 2023 FY end.
Borzi Rd Mba Widen & Seal Ch 0.03-0.67	Construction	Project sealed 16/12/2022. Line marking to be installed February 2023 weather permitting.
TIDS Ootann Rd Section 1&2 Widen & Seal	Design	Stage 1 & 2 design underway, anticipate delivery of design end of Feb 23.
TIDS Springmount Rd Widen & Seal	Construction	Project commenced December 2022.
R2R Bilwon Rd Rehab & Culverts	Planning	Survey underway, design to commence.
R2R Wolfram Rd Stage 3 Priority Sections	Procurement	Programmed for February to April 2023.
<b>Program: 05 Bridges</b>		
BRP4 Kanervo Rd Davies Cr Br Rplc Bridge	Completed	Project completed November 2022.
BRP5 Davies Ck Road Bridge Replacement	Completed	Construction complete July 2022 & funding acquitted. Final certification is ongoing.
Granite Ck Mba Replace Footbridge Deck	Procurement	Designs received, works will be programmed for after the completion of Kanervo Road Bridge Upgrade.
Palm Cl Mba Replace Footbridge Boards	Procurement	Designs received, works will be programmed for after the completion of Kanervo Road Bridge.
Bicentennial Lakes F/bridge Safety Upgr	Procurement	Designs received, works will be programmed for after the completion of Kanervo Road Bridge Upgrade.
Kauri Ck Bridge Speewah Rd Repl. Girders	Completed	Project completed December 2022.
Bullaburrah Ck Rd C'way Relieving Slab	Not Commenced	Programmed for March 2023, weather permitting.
Clohesy River Barron St Inspect & Design	On Hold	Draft Report received, review underway.
Bolton Rd Inspect/Design/Repl Girders	Planning	Draft Report received, review underway.
Barron Riv. Bridge Oakforest Rd Insp/Des	Planning	Draft Report received, review underway.
Barron River Cwy Henry H Dr Repl Slabs	Not Commenced	Programmed for April 2023, weather permitting.
<b>Program: 06 Drainage</b>		
22/23 Minor Culvert & C/ways Renewal	Construction	Driveway access pipe removed. Works complete at Mclver Road. Further works to be programmed to commence after wet season.
MBA Amaroo Drainage Upgrades	Not Commenced	Programmed for May 2023, weather permitting.
MBA Hastings Dr Replace Concrete Pipe	Planning	Investigations January 2023.
<b>Program: 07 Traffic Facilities</b>		
Mareeba Aerodrome Signage	Construction	Compliance certificates received from Emergent Building Approvals.
<b>Program: 08 Parking</b>		
Borzi Park Mba Carparking Masterplan	Planning	Design to be completed prior end of financial year - June 23.



Project Description	Project Stage	Comments
MBA Heritage Centre Carpark Extension	Design	Design underway, overland drainage remains the single largest constraint to project. Design to be finalised Jan 23.
<b>Program: 09 Footpaths</b>		
MBA Rail Trail Stage 1 Mba to Airport	Completed	Mclver Road to Airport completed November 2022.
MBA Walking Network Plan	Design	Draft Priority Works Program to be presented at the January 2023 Council workshop.
KDA Walking Network Plan	Planning	Kuranda Walking Network Plan adopted December 2022. Draft Priority Works Program being developed.
22/23 Shire Wide Footpath Renewal Prog	Planning	Program to be developed in conjunction with the walking network plans.
22/23 Walking Network Upgrade Program	Not Commenced	Pending adoption of Priority Works Program for Kuranda and Mareeba.
<b>Program: 10 Parks and Gardens</b>		
LRCIP2 Mba Byrnes Street Medians	Construction	Street bin installation on hold. Corporate Communications Officer sourcing pictorial wraps to cover new street bins.
DIM Town Hall Park Refresh	Planning	Scope development underway. Additional community engagement will be undertaken in consultation with Community and Customer Service.
KDA Centenary Park Playground Upgrade	Construction	Construction of playground complete. Contractor visiting site mid January to finalise minor defects.
MBA Bicentennial Lakes (Southern) D&C	Design	Design contract awarded. Site walkthrough mid January to help finalise options. Flora and Fauna survey underway. Stakeholder engagement proposed late January 2023.
MBA Byrnes St Medians	Not Commenced	Work will be programmed for the second half of the current financial year.
MBA Anzac Memorial Pk L'scaping & Safety	Design	Park renders for public consultation being prepared.
MBA Byrnes St Traffic Islands (BP)	Not Commenced	Work will be programmed for the second half of the current financial year.
MBA Connection Rd/Byrnes St Intersection	Not Commenced	Work will be programmed for the second half of the current financial year.
MBA Costin St Medians	Not Commenced	Work will be programmed for the second half of the current financial year.
KDA Anzac Park Landscaping	Design	High level construction estimates being developed prior to Council workshop to select design.
KDA Coondoo Street Upper Refurb	Not Commenced	Workshop brief being prepared to present to Council.
KDA CBD Planter Boxes & Gardens	Not Commenced	Planning to commence in second half of financial year.
DIM Avenue of Trees Irrigation	Not Commenced	Work will be programmed for the second half of the current financial year.
IRV Bill Newburn Park Refresh	Planning	Scoping commenced.
MBA Eastern Catchment Park Amaroo St1	Construction	Construction of playground complete. Contractor visiting site mid January to finalise minor defects. Other minor works, including drainage and car park to be completed when weather and resources permit.
Roscommon Park -Renew Exercise Equipment	Planning	Static exercise equipment to be procured.
<b>Program: 11 Water</b>		
MWTP Filter 3 install backwash pumps	Planning	Now that grant funding has been received this will be rolled out in conjunction with the MWTP Filtration Project.
Mba Optimise clarifer performance upgrad	Design	Some initial works commenced.
Mareeba - Backwash operation renewal	Planning	Now that grant funding has been received this will be rolled out in conjunction with the MWTP Filtration Project.
Mba WTP Study for Upgrade of WW System	Construction	Works progressing well and now scheduled for completion early February.
BOR6 MWTP Filtration Upgrade	Design	Project design works continuing and actual project grant funding confirmed through BOR program and set to go to tender early February.
MBA Clear Water Booster Pump Station	Design	Design on project set for completion late January and expecting to go to tender mid February.



Project Description	Project Stage	Comments
22/23 Water Pipe Renewal Program	Construction	Contractor made good progress during 2022, wet weather has halted works in January and works will recommence as soon as practical.
22/23 Water Telemetry/SCADA Upgrades	Planning	Works progressing well with integrator on site week commencing 16 January.
DIM WTP New Turbidity Meters	Completed	Project complete, finalising invoices.
KDA WTP Auto Backwash on 3 Filter Cells	Planning	Treatment operations staff to liaise with City Water Technology and or suitably qualified person for the implementation works.
22/23 Smart Meters Replacement	Construction	New meters now in Stores and they will be installed when staff have the available time.
22/23 Hydrant Renewal Program	Construction	Works progressing and will be completed as soon as practical.
MBA WTP Raw Water Pumps & Electrics	Design	Design well under way and final design drawings to be with Council by end of March.
22/23 Valve Replacement Program (Retic)	Construction	Works to be undertaken in conjunction with the booster station project, can only be done as the new booster station is being commissioned.
BOR6 22/23 Water Forward Design Program	Design	Works commenced with trials on alternate methods of dosing equipment and chemicals underway.
MBA Additional Pressure Reduction Valves	Planning	Locations of RPV's have been modelled and calculated during booster pump station design works and will have to be cells at the treatment plant and centenary park booster station.
MBA Decommission Basalt St Elevated Tank	Planning	Project completed.
MBA Decommission Granite Ck Pump Station	Planning	Works to be undertaken in conjunction with the booster station project, can only be done as the new booster station is being commissioned.
DIM Caustic Soda Dosing Pumps & Shed	Construction	Shed installation completed and connection of dosing equipment underway and will be commissioned during January.
WTP Minor Infrastructure Replacements	Construction	Inclement weather holding up works at present and the works will recommence as soon as possible.
MBA WTP Clarifier Infra Process Improv.	Design	Design underway, once their assessment has been completed they'll submit to Council officers for further review and options assessments.
MBA/KDA/DIM WTP Inst. Chloring Analysers	Procurement	Quotes were sourced and equipment ordered, when the equipment arrives it'll be installed and commissioned.
MBA Trial Chloring Dosing	Planning	Now that the filtration project has been funded this project needs to be rolled into that project.
<b>Program: 12 Wastewater</b>		
New Sewer Pump Stn Standby Generators x2	Completed	New generators have been installed and housing being made to protect them from vandalism and the elements, just finalizing the telemetry connection to the generators and project is then completed.
21/22 Mba Sewer CCTV & Relining Program	Completed	Practical completion in December.
21/22 Mba WWTP Component Renewals	Close Out	Works essentially completed and once commitments are cleared project can be closed out.
Granite Ck Mba Sewerage Pump Stn Refurb	Construction	Project works in the finalization stage with site clean up and then commissioning of new equipment planned for January.
Mba Minor Pump Stn H2S Protect/Refurb	Completed	Project now completed and once final commitments are finalised the project can be closed out.
MBA Bi-Lakes Sewer Main Capacity	Design	Project going to tender Saturday 14 January
22/23 WW Telemetry/SCADA Upgrades	Planning	Project works progressing well with integrator on site the week commencing 16 January.
22/23 New Standby Generator Program	Construction	Generators and site shelters installed, awaiting electrical and telemetry connections when suitably qualified trades people are available.
22/23 MBA Sewer CCTV & Relining	Construction	Project works commenced late 2022 and wet weather hampering works in January.



Project Description	Project Stage	Comments
22/23 Manhole Rehab & Replace Program	Construction	50% of 2022-23 works completed with remainder of this years works to commence around May.
KDA TP Chlorine Dosing Pumps	Procurement	Goods are on order and potentially long lead time of delivery.
KDA TP RAS System Submersible Pumps	Procurement	Quotes received for new pumps under assessment.
KDA TP Bioreactor Aeration Blower	Procurement	New blower on order with potentially a six month lead time for delivery.
Minor WW Pump Station Refurbishments	On Hold	Project on hold as funds from this project diverted to Granite Creek SPS project.
22/23 WW Forward Works Design Program	Planning	Review of Atherton St SPS finalised to determine if a new pump station is required or the existing pump station can be refurbished. Review indicated the existing pump station can be refurbished and final upgrade design being worked on.
<b>Program: 13 Waste</b>		
MWF Construct New Landfill Cells	Design	New Cell Design now completed with Council Officers to review with designer.
MBA Transfer Station New Baler	Procurement	Baler grant funding agreement still not signed by the funding body (State Development Infrastructure and Planning).
MBA/KDA Transfer Station Security Improv	Construction	Mareeba WTS CCTV Upgrade works completed. Swivel pole installed for the Kuranda WTS and awaiting contractor to complete CCTV connection.
<b>Program: 15 Fleet</b>		
GPS Vehicle Management System	Planning	GPS tracking equipment to be procured as part of fleet replacement program rather than one large capital expenditure.
Fleet Refurb Truck Mounted Water Tank	Planning	Business Case being developed.
Fleet Replace #621 Single Cab Tipper	Procurement	Purchase order raised July 2022. Wait time for delivery 8-10 months.
Fleet Replace #675 Crew Cab Tipper	Procurement	Purchase order raised July 2022. Wait time for delivery 8-10 months.
Fleet Replace #623 Crew Cab Tipper	Procurement	Purchase order raised July 2022. Wait time for delivery 8-10 months.
Fleet Replace #5006 Tractor	Procurement	Purchase order raised July 2022. Wait time for delivery 8-10 months.
Fleet Replace #6253 Road Broom	Planning	February 2023 Project.
Fleet Replace #1304 Landcruiser	Procurement	Purchase order raised and sent to supplier July 2022. Expected delivery 8-10 months.
Fleet Replace #1305 Landcruiser	Procurement	Purchase order raised and sent to supplier July 2022. Expected delivery 8-10 months.
Fleet Replace #1323 Triton	Procurement	Purchase order raised and sent to supplier July 2022. Expected delivery 8-10 months.
Fleet Replace #1337 Triton	Procurement	Purchase order raised and sent to supplier July 2022. Expected delivery 8-10 months.
Fleet Replace #1229 Hilux	Procurement	Purchase order raised and sent to supplier July 2022. Expected delivery 8-10 months.
Fleet Replace #2052 Triton	Procurement	Purchase order raised and sent to supplier July 2022. Expected delivery 8-10 months.
Fleet Replace #1315 Landcruiser	Procurement	Purchase order raised and sent to supplier July 2022. Expected delivery 8-10 months.
Fleet Replace #1328 Triton Trayback	Procurement	Purchase order raised and sent to supplier July 2022. Expected delivery 8-10 months.
<b>Program: 16 Depots and Council Offices</b>		
Rankin St MSC Admin Office Refurb	Construction	Works completed with minor items to be finalised.
Kowa St MSC Depot Emergency Generator	Design	EMT to be consulted on way forward prior to Capital Program development.
<b>Program: 17 Community Buildings</b>		
Koah Tennis Court Replace Timber Poles	Completed	Installation complete.
Aquatic Facility Upgrades & Splash Park	Construction	Construction commenced. Retaining wall and Perimeter Fence installed. Equipment footings/swaps have arrived in Cairns ready for installation.





Project Description	Project Stage	Comments
Dimb/Mba/Kda Pools Chloring Dosing Impr	Planning	Tender process now finalised, new Management Contractor undertaking review to identify issues with pools. This funding will be used to address concerns.
Mba PCYC Shire Hall Part Roof Replacemnt	Construction	Some ingress of water detected. Waiting for contractor to return from holidays to rectify.
MBA Women's Restroom Refurb	Planning	No tenders received, Report to Workshop to advise intent to engage real estate agent to market property.
MBA Riverside CPark Amenities Replace	Construction	Amenities block base has been constructed and concrete slab has been poured.
22/23 Shire Toilet Facility Repl Program	Planning	Projects are: Mareeba Aerodrome, Mareeba Cemetery, Mt Molloy Vains Park. To be commenced in New Calendar Year.
MBA Community Hub Signage & Seating	Design	Concept design under assessment.
DIM CPark Shower Septic Modifications	Construction	Contract awarded to BSP. Awaiting program of works from contractor for construction.
MBA New CBD Toilet Facilities	Design	RFQ for Supply and Delivery of new toilet to be released January 2023. Concept plans for location developed.
22/23 Facilities Refurbishment Program	Not Commenced	Restricted Use - Only to progress under direction of EMT to address Management Agreement constraints.
MBA Aquatic Cnt Entrance Upgrade & Paint	Construction	Pathway complete. Landscaping and signage to be developed in early 2023.
KDA Community Prec. Toilet Refurb	Planning	Scope development commenced.
KDA Aquatic Cnt 25m Pool Auto Fillers	On Hold	On hold pending completion of Tender Process.
KDA Aquatic Cnt 25m Pool Cleaner	On Hold	On hold pending completion of Tender Process.
KDA Aquatic Cnt 25m Pool Aquaris Upgrade	On Hold	On hold pending completion of Tender Process.
22/23 MBA Roof Replacement Program	Construction	Works delayed by inclement weather conditions.
MBA Timber Fascia Replacement	On Hold	Project on hold. Timber fascia's not required at this time. Possible minor maintenance works to be delivered by Mareeba Community Housing Company.
22/23 DIM Bathroom Renewal Progam	Planning	Scoping commenced.
<b>Program: 18 Non-Infrastructure Items</b>		
Kuranda New Cemetery	Design	Draft Civil Plans received for commentary. Tender for construction to be undertaken February 2023, with construction in dry season of 2023.
DIM Cemetery Lawn Plaque on Beam	Not Commenced	New beam will be installed in Dimbulah prior to the end of the 22/23 financial year.
MBA MIP Expansion	Planning	Fee proposal negotiations have resulted in savings in project, delivery prior to end of Financial Year, June 23.
<b>Program: 20 KIAC</b>		
KIAC - New Wayfinding Signage	Construction	Installation Complete. Sign audit complete. Some additional works are needed including removal of redundant signs and amendments to some of the installed sign details.



**9.2 TRAFFIC ADVISORY COMMITTEE - MINUTES OF MEETING HELD 6 DECEMBER 2022**

**Date Prepared:** 10 January 2023

**Author:** Director Infrastructure Services

**Attachments:** 1. [Traffic Advisory Committee - Minutes of Meeting held 6 December 2022](#)  
[↓](#)

---

**EXECUTIVE SUMMARY**

The purpose of this report is to present the Minutes of the Mareeba Shire Council Traffic Advisory Committee Meeting held on Tuesday 6 December 2022.

**RECOMMENDATION**

That Council receives the minutes of the Traffic Advisory Committee Meeting held Tuesday, 6 December 2022.

**BACKGROUND**

The Traffic Advisory Committee (TAC) is an advisory committee to Council under Section 265 of the *Local Government Regulation 2012*. The TAC provides information and advice to Council regarding traffic, road and transport matters.

**RISK IMPLICATIONS****Financial**

There are ongoing costs associated with investigation of traffic matters to ensure a safe road environment for our community. In most cases, any safety improvements on Council roads determined from these investigations will be funded from operational budgets or referred for consideration in future capital budget deliberations.

**LEGAL/COMPLIANCE/POLICY IMPLICATIONS**

Nil

**FINANCIAL AND RESOURCE IMPLICATIONS****Capital**

Nil

**Operating**

Internal resources for investigation and follow up actions.

**LINK TO CORPORATE PLAN**

**Community:** An informed and engaged community which supports and encourages effective partnerships to enhance the liveability of the shire.

**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 while delivering affordable levels of identified services within the Shire.

**IMPLEMENTATION/COMMUNICATION**

Nil



65 Rankin Street  
PO Box 154 MAREEBA QLD 4880

P: 1300 308 461  
F: 07 4092 3323

W: [www.msc.qld.gov.au](http://www.msc.qld.gov.au)  
E: [info@msc.qld.gov.au](mailto:info@msc.qld.gov.au)

**MINUTES  
TRAFFIC ADVISORY COMMITTEE**

Tuesday 6 December 2022  
Commenced at 9:35am

**Members Present:**

John Ridgway	Queensland Police (QPS) - Sergeant
David Hamilton	Transport & Main Roads (operations)
Kevin Davies (Chair)	Mareeba Shire Council (MSC) - Councillor
Lenore Wyatt	Mareeba Shire Council (MSC) - Councillor
Sam Wakeford	Mareeba Shire Council (MSC) - Manager Technical Services
Glenda Kirk	Mareeba Shire Council (MSC) - Director Infrastructure Services
Marjorie Anthony	Mareeba Shire Council (MSC) - Secretariat

**Non-Members Present:**

Angela Toppin	Mareeba Shire Council (MSC) - Mayor
Mario Mlikota	Mareeba Shire Council (MSC) - Councillor
Marita Stecko	Transport & Main Roads (Senior Advisor - Road Safety)
Mo Abdelrahman	Transport & Main Roads (Operations)

**1. WELCOME**

Meeting opened by the Chair at 9:30am welcoming all and thanking everyone for their participation.

**APOLOGIES**

Mary Graham	Mareeba Shire Council (MSC) - Councillor
Locky Bensted	Mareeba Shire Council (MSC) - Councillor

**2. MINUTES OF THE PREVIOUS MEETING**

Minutes of the meeting held 21 June 2022 received as true and correct.

**Moved by Lenore Wyatt**

**Seconded by John Ridgway**

**3. BUSINESS ARISING FROM PREVIOUS MINUTES**

**3.1 Springmount Road - Road alignment and narrowness**

- MSC advised Australian Government funding secured under the Heavy Vehicle Safety & Productivity Program towards undertaking safety upgrade works on Springmount Road for widening of narrow curves between Tableland Mill and Galloway Road; design completed and scheduled construction commencement is January 2023.
- Chettle Road Intersection: MSC tabled in September 2022 designs and advised works to further improve signage, visibility and right-of-way priorities was now programmed for completion prior to end of calendar year.
- Concerns raised by operators regarding narrowness of Springmount Road and heavy vehicle drivers being fined by QPS crossing white lines; tight bends and visibility at Oakey Creek Bridge due to trees obscuring line of sight.
- QPS to be provided a copy of concerns raised by heavy vehicle operator.
- MSC to raise Customer Request for inspection of trees obscuring visibility and respond to heavy vehicle operator raising issues.

---

**3.2 Parking issues at St Thomas's Catholic School**

- Council have sought funding consideration through TMR (STIP) for improvements to the intersection of Constance and Hastie Streets including pedestrian crossing works. STIP Ideas Application lodged; SafeST investigation concluded and progressed to the nomination form; design solutions being investigated for future cost consideration as a possible 2023/24 project.
- Further improvement works to Hastie Street for the improvement to parking and safety would be investigated and considered for funding under future capital programs.

**3.3 Walsh Street Temporary Traffic Measures**

- Temporary works are in place and continue to be monitored.
- QPS advises non-compliance by motorists is occurring in this area which they are acting upon.
- MSC has engaged a consultant (Bitzios) to undertake a traffic study (completed) and prepare concept and detailed designs for upgrade of this section of road on 2023/24.
- MSC advise based on preliminary feedback from consultant, there will be a significant change to the parking arrangements and confirms that information from QPS is considered in traffic study.

**3.4 LATM - Anzac Avenue Precinct**

- MSC has been undertaking community engagement of residents in the Anzac Avenue traffic catchment area; seeking an understanding of potential concerns to enable a community engagement process to potentially development solutions through survey of residents completed in September 2022.
- MSC advises Working Group formed with community representatives and two target meetings completed to review issues and concerns raised as a result of the survey, and to develop and prioritise potential LATM solutions.
- Second neighbourhood meeting scheduled with local residents on 14 December to present the Local Resident Traffic Working Group's recommended solutions and priorities.
- Several issues/suggestions were identified that fell outside the scope of the LATM which will be listed for future MSC capital works considerations or will be referred to relevant agencies (QPS and TMR) for items identified as requiring their attention.
- Traffic count data provided to QPS September 2022.
- Emergency Services and TMR to be consulted during future LATM processes.

**3.5 32A/32B Kennedy Highway / Byrnes Street T-Intersection**

- TMR advised intersection upgrade is still under review and are unable to provide an update at this meeting.
- TMR advised plans are still under development with intersection upgrading being dependent on the outcome of the Bypass Planning Study; Mareeba Markets parking will also be considered.
- Items 3.5; 3.6; 3.7; 3.9; 3.11; 3.12 to be combined and titled 'TMR Mareeba Southern approach'; the items being combined are:
  - 32A/32B Kennedy Hwy / Byrnes St T-Intersection
  - Mareeba Connection Rd / Byrnes St - merge lane signage
  - Mareeba Heritage Centre - Requests for Improvements - entry / exit to VIC carpark
  - Mareeba Bypass
  - B-Double Route – access to Reynolds Street Industrial Area / Kennedy Hwy via Costin St
  - HV parking between Martin Ave & Kennedy Hwy

**3.6 Mareeba Connection Road / Byrnes Street - merge lane signage**

- TMR advised intersection upgrade is still under review and they are unable to provide an update at this meeting.
  - Items 3.5; 3.6; 3.7; 3.9; 3.11; 3.12 to be combined and titled 'TMR Mareeba Southern approach'.
-

- 
- 3.7 Mareeba Heritage Centre - Requests for Improvements - entry / exit to VIC carpark**
- TMR advised intersection upgrade is still under review and they are unable to provide an update at this meeting.
  - Concerns raised at entrance of car park and request for One Way signage. MSC advised looking at current extension to car park and will look at reconfiguration and exit lanes;
  - MSC to co-ordinate with TMR.
  - Items 3.5; 3.6; 3.7; 3.9; 3.11; 3.12 to be combined and titled 'TMR Mareeba Southern approach'.
- 3.8 Byrnes Street, Mareeba - Raised Pedestrian Facilities**
- TMR advised audit completed in response to ongoing concerns; driver and pedestrian behaviour being considered; observations still underway by TMR. TMR advised pedestrians activating lights at Post Office but crossing when there is a break in traffic.
  - QPS advised their observation is speeding has reduced in the CBD since the installation of the raised pedestrian facilities.
  - MSC suggest that yellow warning signage at 'pedestrian facilities' are confusing to visitors who may misinterpret them as having a regulatory (pedestrian crossing) function.
  - MSC has again requested "Through Traffic Keep Right" signage to be reinstated on the north side; TMR also requested to undertake line marking to assist.
- 3.9 Mareeba Bypass**
- Information regarding this matter to be in the form of a Media Release by TMR.
  - Items 3.5; 3.6; 3.7; 3.9; 3.11; 3.12 to be combined and titled 'TMR Mareeba Southern approach'.
- 3.10 Tablelands Heavy Vehicle Management Strategy**
- TMR advised plans are with strategic planners for these works, TMR will follow up regarding website approval and will send link if approved for updates available
  - TMR links to FND projects with webpages provided to members with June 2022 Minutes.
  - Matter is on-going.
- 3.11 B-Double Route - Reynolds Street Industrial Area / Kennedy Highway via Costin Street**
- TMR advised intersection upgrade is still under review and are unable to provide an update at this meeting.
  - Items 3.5; 3.6; 3.7; 3.9; 3.11; 3.12 to be combined and titled 'TMR Mareeba Southern approach'.
- 3.12 Heavy vehicle parking between Martin Avenue and Kennedy Highway**
- TMR advised left lane will be extended; beautification layouts still under review, once complete plans will be presented to MSC.
  - MSC raised concerns regarding dust issue with TMR confirming the area is to be sealed.
  - MSC advised of opportunity with TMR for a joint improvement of a stockpile site on Zenel Road.
  - Items 3.5; 3.6; 3.7; 3.9; 3.11; 3.12 to be combined and titled 'TMR Mareeba Southern approach'.
- 3.13 Heavy Vehicle Rest Area North of Mareeba**
- MSC propose need to look at longer term truck stopping area around Mareeba in favour of the existing site adjacent McGrath Road.
  - MSC previously suggested Council owned parcel of land opposite current site on Mulligan Highway.
  - MSC requests TMR to investigate this option.
-

---

**3.14 Rail Trail Works**

- MSC advise of completion of Stage 1 (McIver Road to Vicary Road section) in November 2022; Vehicle regulation signage installed on Stage 1 early November 2022 by MSC with QPS advised of the installation.
- MSC advise design of Stage 1A (CBD to McIver Road) now in planning.
- MSC notes that there is potential expectation from the community to establish the connection with the Walkamin section across the highway. MSC advise this is currently unfunded and if proceeding in future, there is a need to work with TMR to develop safe crossing point of Kennedy Highway.
- No further action required, remove from the minutes

**3.15 32A Kennedy Highway (Cairns - Mareeba) - TMR Night Audit**

- TMR advised night audit completed; close out meeting to be held but no priority issues identified.
- Some solar lighting not in operation due to lithium batteries being stolen; TMR installing an underground battery box (referred to as wom-bat) to eliminate future thefts.

**3.16 32A Kennedy Highway / Kay Road Intersection - Improvements for Heavy Vehicles**

- Further works programmed by TMR as part of High Risk Roads Targeted Road Safety Program; upgrade works to be carried out at priority intersections including Kay Road.
- TMR advised works will be considered in Tranche 3 of the High Risk Roads Upgrade Programme.

**3.17 32A Kennedy Highway (Cairns - Mareeba) - Barron River Bridge, Kuranda - Weight Restrictions**

- Testing and maintenance works by TMR continue; Contract to investigate long-term solutions for the bridge awarded to Arup.

**3.18 32A Kennedy Highway (Cairns - Mareeba) - Barron River Bridge, Kuranda - Weight Restrictions**

- Installation of Intelligent Transport Systems (ITS) treatments on Kuranda Range Road continue; ITS will make it quicker and easier to manage incidents and reduce the risk of crashes.
- Information relating to alternate route to Kuranda Range Road to be directed to TMR's Manager Project Planning & Corridor Management (Darryl Jones).

**3.19 Use of Air Brakes - Kuranda Area**

- Kuranda Resident has approached MSC requesting TMR reconsider current location of signage, advising trucks to be mindful of using air brakes; MSC suggest placement of signs near Fallon Road traffic light intersection.
- TMR to follow up with their Corridor Management team regarding the relocation of sign back toward Fallon Road.

**3.20 Mulligan Highway - Lack of Speed Signage between Mt Molloy and Desailly's Range**

- TMR advised locations identified and will follow up with RoadTek regarding installation.

**3.21 Mulligan Highway - Informative road train signage near Granite Creek Bridge**

- TMR advise a white sign will be designed and installed on Vaughan Street (between Moody Street and the railway line); one was installed but needs to be moved and another installed to provide adequate warning for vehicles prior to intersection.
- Currently with TMR Design Team; TMR to follow up and advise.

**3.22 Mulligan Highway - reduction of speed limit at Bibohra request**

- TMR confirm no requirement to reduce speed limit however plans to widen road for 300m and provide additional lane on the left; TMR to investigate Petersen Street accessing the highway as removal may simplify traffic constraints through Bibohra.
-



- 
- TMR advise discussions underway with MSC and the adjoining property owner; TMR intend to contract MSC to complete works once design finalised.

### 3.23 Burke Developmental Road - Stop Sign at Almaden Railway Crossing

- Matter previously raised by QPS in October 2021.
- TMR to review signage and bring up to standard.
- MSC advise that no instruction received through RMPC to action. TMR to follow up and MSC will also raise through next RMPC meeting.

## 4. NEW REQUESTS / CORRESPONDENCE

- a) TMR advise of new rules and increased penalties being introduced from Tuesday, 1 December 2022 which will apply to people riding personal mobility devices (e-scooters & e-skateboards) in Queensland. Details of changes can be located on TMR's website [New rules for personal mobility devices | Transport and motoring | Queensland Government \(www.qld.gov.au\)](https://www.qld.gov.au/transport/motoring/new-rules)

## 5. ROAD, TRAFFIC & TRANSPORT MATTERS BY AGENCY

- a) **QPS**  
Nil
- b) **TMR Update**  
Nil
- c) **Traffic Changes**  
Nil
- d) **Minor temporary traffic changes**  
Nil

## 6. GENERAL BUSINESS

- a) **Kennedy Highway (Mareeba-Atherton) (John Ridgway)**
- *Overtaking lanes:* QPS advised of an accident which occurred today, 6 December 2022 south of Walkamin near Morganbury Road. QPS queried why there are no south bound overtaking lanes between Mareeba and Atherton advising the line marking completed under the recent upgrade works limited overtaking opportunities for motorists. TMR to review.
  - *Heavy Vehicle Inspection Signage:* TMR were advised the fold down Heavy Vehicle Inspection Station signage at Walkamin has not been reinstated following the completion of the recent upgrade works. TMR to follow up.
- b) **Trimble's Crossing (Cr Wyatt)**
- *Flood Monitoring Cameras:* Cr Wyatt suggested that due to the remoteness of Trimble's Crossing on the Burke Developmental Road, it would be an advantage for TMR to deploy flood monitoring camera at this location. Cameras would provide an opportunity for TMR / MSC to monitor flood levels and the condition of the crossing surface once flood waters subsided with up-to-date travel information passed onto the public.
- c) **Kennedy Highway (Mareeba - Kuranda) (Cr Wyatt)**
- *Overhanging trees:* It was observed recently several trees were leaning / overhanging the road which have potential to create issues on the Kennedy Highway between Mareeba and Kuranda. TMR to follow up.
-

- *Signage*: Comment was made on the current condition of state-controlled road signage on the Kennedy Highway particularly those located between the intersection of Fallon Road and the intersection of Myola Road in terms of mould/mildew. TMR to follow up.
- TMR advised above items would be inspected on their return to Cairns.

d) **Herberton-Irvinebank Road** (*Cr Mlikota*)

- Councillors continually receive complaints from residents regarding the condition of the Herberton - Irvinebank Road with MSC asking if it was possible for TMR to provide an upgrade to a single coat dust seal. TMR advised MSC to list as a defect through RMPC. MSC and TMR to develop a programme including crossings for minor staged improvements.

e) **Bilwon Road, Biboohra** (*David Hamilton*)

- As part of the TMR Bilwon Road widening works, three business / tourism signs will be removed / relocated. TMR sought assistance from Council to identify if businesses "Golden Drop" and "Birds on Barron" still exist. TMR would like to contact the proprietors to enable owners to reinstall new signage inline with the current TMR signage guidelines.

**7. NEXT MEETING**

9:30am Tuesday 21 March 2023

2023 meeting dates:

9:30am Tuesday 21 March 2023

9:30am Tuesday 20 June 2023

9:30am Tuesday 19 September 2023

9:30am Tuesday 12 December 2023

**8. CLOSURE**

The chair thanked everyone for their valued contribution throughout the year, wishing all a Merry and Safe Christmas and New Year.

There being no further business, the meeting was closed at 10:55am.

**9.3 T-MSC2022-15 DRFA FALLON ROAD GEOTECHNICAL - TENDER EVALUATION**

**Date Prepared:** 12 January 2023  
**Author:** Manager Technical Services  
**Attachments:** Nil

---

**EXECUTIVE SUMMARY**

The purpose of this report is to provide Council with an assessment of the tenders received for T-MSC2022-15 Fallon Road Geotechnical Works to be funded under Disaster Relief Funding Arrangements (DRFA).

**RECOMMENDATION**

That Council awards Tender T-MSC2022-15 Fallon Road Geotechnical Works to GEO Construct Pty Ltd for \$562,507.73 (ex GST) subject to QRA approval.

**BACKGROUND**

Queensland Reconstruction Authority (QRA) declared Tropical Cyclone Imogen and Associated Low Pressure System, 2-12 January 2021 as a natural disaster event, triggering Disaster Recovery Funding Arrangements (DRFA) which provides local governments with assistance to reinstate essential infrastructure.

Council engaged ARO Industries 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 tendered scope of DRFA works includes soil stabilisation (hillslope stability), drainage reinstatement and minor roadworks, to return the site to pre-existing condition and to a standard which complies with current engineering and environmental standards

**Tenders Received**

Council invited tenders from suitably qualified contractors for the delivery of Geotechnical Works at the Fallon Road Site, damaged as a consequence of the Tropical Cyclone Imogen weather event through VendorPanel on 28 October 2022

Tenders closed 11am, on Monday, 21 November 2022, with three (3) submissions received.

A summary of the tender prices at opening is provided below;

<b>Tenderer</b>	<b>Price (excl GST)</b>
Durack Civil Pty Ltd (Durack)	\$1,463,452.74
GEO Construct Pty Ltd (Geo)	\$562,507.73
NAVIQ Pty Ltd (NAVIQ)	\$824,550.99

### **Tender Assessment**

Tenders were assessed in accordance with the evaluation criteria stated in the tender documentation and as provided below;

<b>Criteria</b>	<b>Criteria Weighting (%)</b>
Relevant Skills and Experience	15%
Demonstrated Understanding	25%
Key Personnel	10%
Local Content	10%
Value For Money	40%

Each tender was evaluated and scored against the criteria, with the criteria scores then weighted to provide a total weighted score for each submission. Additionally, each tender has been assessed for conformance, compliance and discrepancies, against the requested response schedules.

All tenders were conforming, with all tenderers assessed as capable of delivering the projects to a satisfactory standard in accordance with QRA specifications.

ARO Industries assessed the three (3) tenders received and sought post-tender clarifications to ensure discrepancies in pricing and audit testing were fully understood, prior to completing the evaluation. The submitted tendered rates supplied by all tenderers went to multiple decimal places. These were adjusted by rounding unit rates to two (2) decimal places to meet QRA requirements.

A summary of the Tender assessment, incorporating the adjusted tender values and evaluation against conformance, price and non-price criteria, resulted in the ranking of submissions displayed in the below table.

<b>Tenderer</b>	<b>Price (Excl GST)</b>	<b>Ranking</b>
Durack Civil Pty Ltd (Durack)	\$1,463,452.74	N/A
GEO Construct Pty Ltd (GEO)	\$562,507.73	1
NAVIQ Pty Ltd (NAVIQ)*	\$829,550.99	2

\*NAVIQs Tendered Prices was adjusted to include the provisional sum for audit testing (item 1.02).

**Contractor Assessment**Durack Civil Pty Ltd

Durack was not shortlisted due to the pricing difference in comparison to the lowest tendered price received. This submission was removed from further consideration.

GEO Construct Pty Ltd

- Recent and relevant experience with stabilisation projects in Cairns and Tablelands region.
- Key personnel have experience with similar works. Contractors' representative has previous NDRRA experience.
- List of personnel and plant proposed to undertake the works appears sufficient.
- Geo confirmed the following program during post tender correspondence:
  - Geo have enough soil nails in stock to complete 60% of the works with the residual amount delivered late February
  - If the letter of award is received prior to 21 December 2022, propose to commence works early to mid-February with the aim of being able to commence using the ordered residual materials early march.
  - Completion of works March 2023 (pending wet weather delays and unforeseen Extension of Time)
  - 13–14week project timeframe including Christmas (11-12 weeks excluding Christmas break)
- Sufficient demonstrated understanding of works and methodology.
- Cairns based business
- 42% local spend noted (labour, plant hire, subcontractors, material suppliers)

NAVIQ Pty Ltd

- Formerly Uplift Safety Pty Ltd
- Recent and relevant experience with stabilisation projects in Cairns and Tablelands region.
- Key personnel have relevant qualifications and experience. List of personnel and plant proposed to undertake the works appears sufficient.
- Program demonstrates completion in 11 weeks from award. [no wait times noted].
- Detailed project specific methodology provided.
- South-East Queensland based business
- Local subcontractors nominated but no detail of costs provided.
- Number of qualifications and clarifications noted (non-conforming)

**Contract Risk**

Both GEO and NAVIQ have excluded pricing associated with 'casing of boreholes', which if required (Medium to High Likelihood) would be costed as a variation to the contract. The assessed potential cost associated with this element is as shown below.

<b>Tenderer</b>	<b>Unit Rate</b>	<b>Price (Excl GST)</b>
GEO Construct Pty Ltd (GEO)	\$175/M	\$156,800
NAVIQ Pty Ltd (NAVIQ)*	\$300/M	\$268,800

The design incorporates 896m of soil nails, therefore assessment considers a 'worst case' scenario.

Both GEO and NAVIQ have noted clarifications regarding quantity of grout provided for within the contract, the assessed risk is considered low – medium.

## **RISK IMPLICATIONS**

### **Financial**

The project scopes and costs are subject to DRFA eligibility and Council must meet these requirements. Any ineligible costs must be met by Council, so QRA approval is recommended prior to awarding tenders.

Value of submissions exceeds current QRA approvals.

### **Environmental**

Completion of the works will assist in reducing an adverse impacts arising from the failed section.

### **Infrastructure and Assets**

The reinstated civil infrastructure will meet pre-existing condition and current engineering standards and therefore should not impact the long-term cost to Council.

### **Legal and Compliance**

Tenders were sought in-line with Council's Procurement Policy.

## **FINANCIAL AND RESOURCE IMPLICATIONS**

### **Capital**

All eligible costs are able to be sought for reimbursement through DRFA.

### **Operating**

The replacement civil infrastructure will meet pre-existing condition and current engineering standards, and therefore should not increase the operational costs associated with maintaining the network.

## **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.

**Governance:** Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance while delivering affordable levels of identified services within the Shire.

## **IMPLEMENTATION/COMMUNICATION**

Application will be made to the QRA for project funding and tenderers kept informed of the approval status as required.

**9.4 EXPRESSION OF INTEREST OPERATION AND MANAGEMENT OF AQUATIC FACILITIES AND DIMBULAH CARAVAN PARK**

**Date Prepared:** 16 January 2023  
**Author:** Manager Technical Services  
**Attachments:** Nil

---

**EXECUTIVE SUMMARY**

This report seeks approval to invite Expressions of Interest, in accordance with the requirements for Tender process set out in Section 228 (3) of the *Local Government Regulation 2012*, with a view to source an appropriate organisation to manage and operate the Shire's Aquatic and Dimbulah Caravan Park facilities.

**RECOMMENDATION**

That Council seeks Expressions of Interest to manage and operate Council's Aquatic Facilities and Dimbulah Caravan Park under Section 228(3) of the *Local Government Regulation 2012*, before considering whether to invite written tenders from short-listed respondents under Section 228(6) and Section 228 (7).

**BACKGROUND**

Council previously sought Tenders for the Lease and Operation of the facilities, through VendorPanel on 15 September 2022, which closed 11am on Monday, 10 October 2022. Council did not award a tender due to the value of submissions exceeding the available budget.

The facilities are currently being operated under a short-term arrangement, due for expiry on 30 June 2023.

It is proposed that Expressions of Interest (EOI) be invited from the open market to manage and operate the facilities prior to inviting written tenders from short-listed respondents. The EOI process enables Council to evaluate the best method of providing service and value to the community before moving to a tender process.

Depending on the responses Council receives to the EOI, the arrangements offered may be a lease to provide confidence over land tenure, with incentives to drive increased usage and capture new opportunities for these community assets. Alternatively, the arrangements offered may be a management contract whereby the proponent simply operates the facility on Council's behalf.

The entity/entities would be required to hold the relevant qualifications and retain all legal obligations with respect to the safe operation of the pool/s and/or caravan park. The contractual arrangements would include the obligation for the entity/entities to provide ongoing access for all existing swimming clubs and user groups that currently exist, generally in accordance with the current leases.

**LEGAL/COMPLIANCE/POLICY IMPLICATIONS**

The Expression of Interest would be conducted in accordance with the requirements for Tender process set out in Section 228 (3) of the *Local Government Regulation 2012*.

**FINANCIAL AND RESOURCE IMPLICATIONS*****Capital***

Nil.

***Operating***

Costs associated with the Tender process will be accrued against the operational budget.

***Is the expenditure noted above included in the current budget?***

No.

***If not you must recommend how the budget can be amended to accommodate the expenditure***

Savings will be made within the Technical Services portfolio to account for the costs.

**LINK TO CORPORATE PLAN**

**Financial Sustainability:** A council that continuously operates in a cost-effective manner while managing council's assets and reserves to ensure a sustainable future.

**Community:** An informed and engaged community which supports and encourages effective partnerships to enhance the liveability of the Shire.

**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.

**Governance:** Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance while delivering affordable levels of identified services within the Shire.

**IMPLEMENTATION/COMMUNICATION**

The interim Facilities Management Contractor will be notified of the intention to Tender.



## 9.5 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES OPERATIONS REPORT - DECEMBER 2022

**Date Prepared:** 10 January 2023  
**Author:** Manager Technical Services  
**Attachments:** Nil

### EXECUTIVE SUMMARY

The purpose of this report is to outline 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 2022.

### RECOMMENDATION

That Council receives the Infrastructure Services, Technical Services Operations Report for December 2022.

### BACKGROUND

#### Technical Services

##### Design, quality and investigations:

Investigation activities undertaken in December included:

Activity	Current Requests	Closed Requests
Road Infrastructure Review	52	18
Drainage Investigations	8	1
NHVR Permit Applications	0	18
Traffic Count Surveys	0	12
Parks Investigations	5	0
Miscellaneous <i>e.g.</i> Planning; Local Laws	17	11
Before You Dig Requests	0	21

##### Soil Laboratory:

Council's Soil Laboratory provides NATA-accredited soil and material testing for internal and external services.

Supplier	No. of Tests
Internal	91
External	176

##### Asset Inspections:

Facility asset inspections and defect backlog verification process has commenced in full. The updated defect backlogs will assist to inform the 2023-24 Operational and Capital programs.

Ongoing improvements to data associated with water, sewerage, roads, underground stormwater and kerbs asset data sets continues.

Operational Works and Subdivisions

To ensure ongoing compliance with development conditions, both during construction and on-maintenance, Council undertakes routine inspection and monitoring of sites. The following developments remain current:

Locality	Subdivisions Name	Status
Mareeba	Prestige Gardens Stage 1-6	Under construction
Mareeba	Emerald End Road & Country Road	Under construction
Mareeba	Amaroo Stage 12	On-maintenance
Mareeba	7 Haren Street	On-maintenance
Koah	123 Fantin Road (Two Chain Road)	On-maintenance
Mareeba	Kenneally Estate Stage 4	Off-maintenance, but holding \$5k bond (monitoring K&C)
Mareeba	The Edge Stage 3	Off-maintenance
Mareeba	Amaroo Stage 11	Off-maintenance
Mareeba	Mareeba Roadhouse and Accommodation Park, Williams Close	On-maintenance - Monitoring
Kuranda	112 Barnwell Road widening	Monitoring

Disaster Recovery Funding Arrangements (DRFA)

The DRFA is jointly funded by the Commonwealth and Queensland governments to help alleviate the costs of relief and recovery activities undertaken in disaster-affected communities by delivering recovery activities to return affected eligible assets back to pre-event condition. The status of declared disaster events currently being managed are provided below:

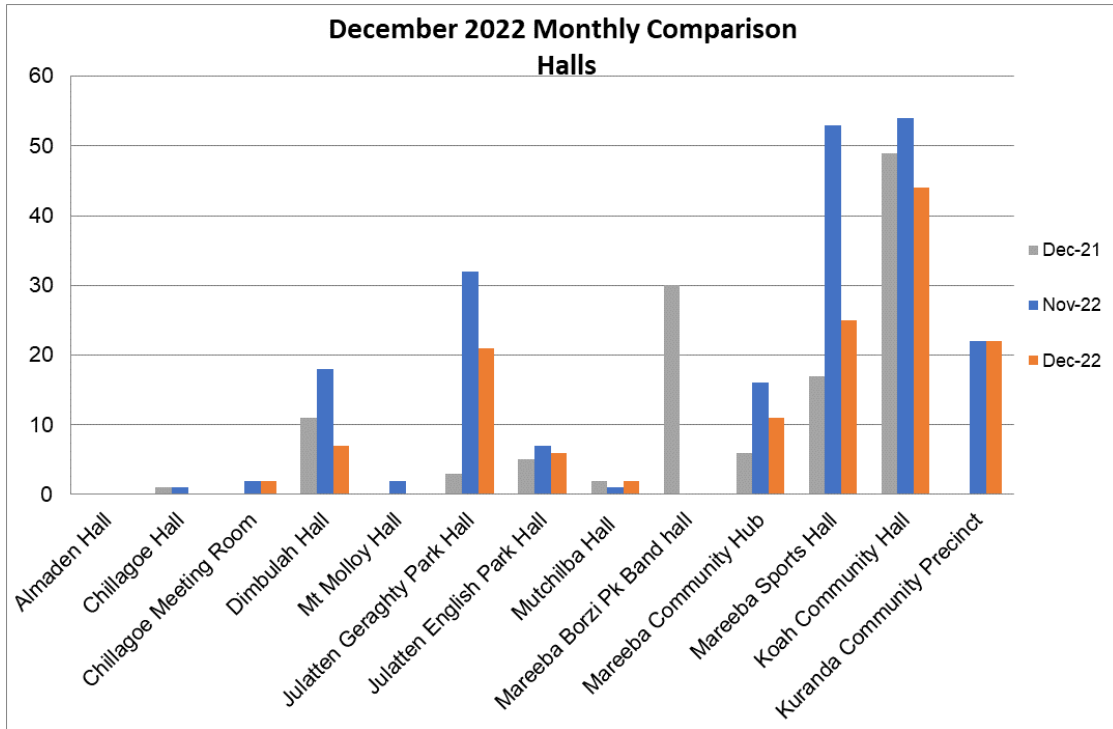
Program	Status
2021 DRFA REPA Program	Works have now been completed on all restoration packages with some minor defect works to be addressed by contractors.
2022 DRFA	Mareeba Shire activated DRFA assistance measures linked Far North Queensland Low Pressure Trough, that occurred 1 – 7 February 2022. Council have finalised all assessments of damage, emergency repairs and immediate restoration of impacted roads throughout the Shire. A consultant has been engaged to assist with delivery of the 2022 DRFA Program.
2022 Betterment	Officers have provided a Betterment proposal to QRA for consideration and discussion.

**Facilities**

Community Halls:

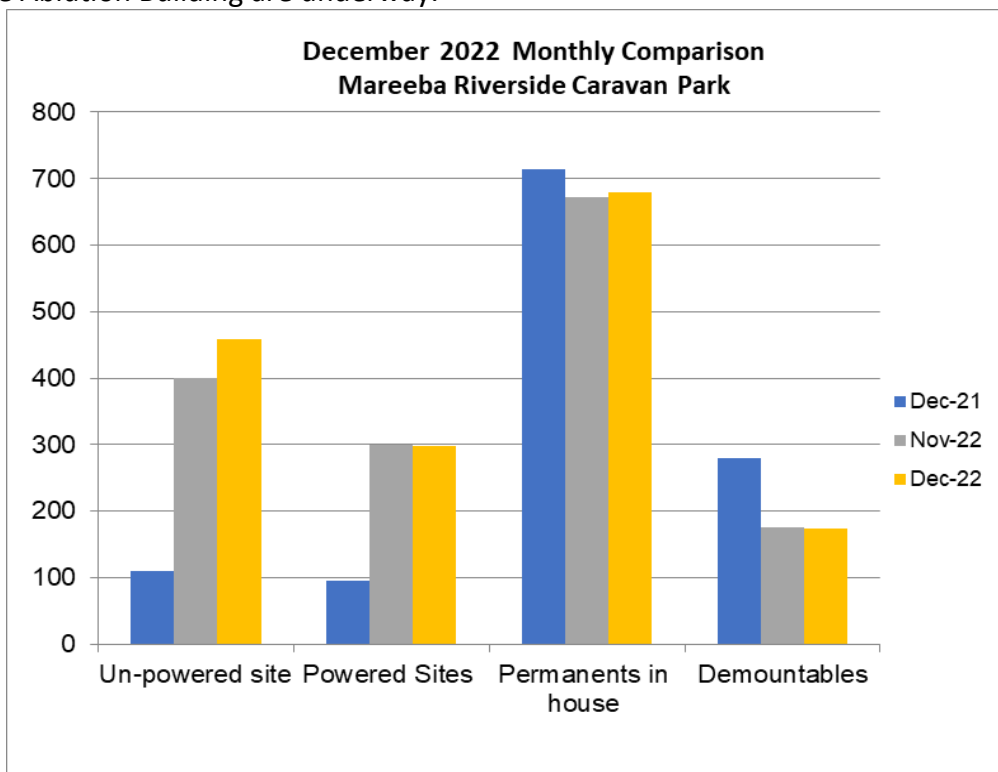
Maintaining safe and efficient access to Council Community Halls is recognised as an important aspect for the community's ongoing wellbeing.

December hall hires are generally showing improvements against the previous year's utilisation.



Caravan Parks:

Mareeba Riverside Caravan Park tenant numbers have remained strong across all sectors. Works to replace the Ablution Building are underway.



Aquatic Centres

Monthly statistics were not available at time of reporting.

The contractual arrangement with H2O Sport and Leisure for managing Council’s three swimming pools and the Dimbulah caravan park ceased on Thursday, 22 December 2022.

Marlin Coast Swimming and Fitness has been engaged under an interim arrangement to operate the facilities until 30 June 2023. A separate report is being tabled at this meeting to proposing that Council invites Expressions of Interest to manage and operate the Shire's Aquatic Facilities and Dimbulah Caravan Park.

Vandalism & Graffiti:

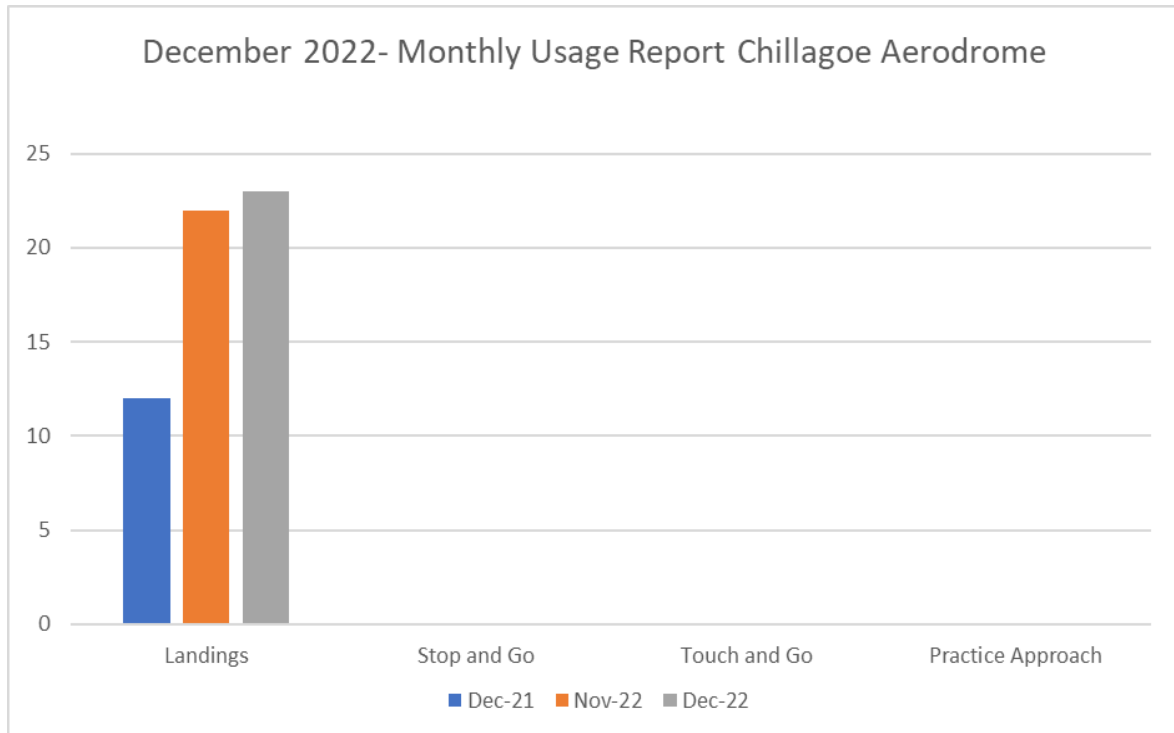
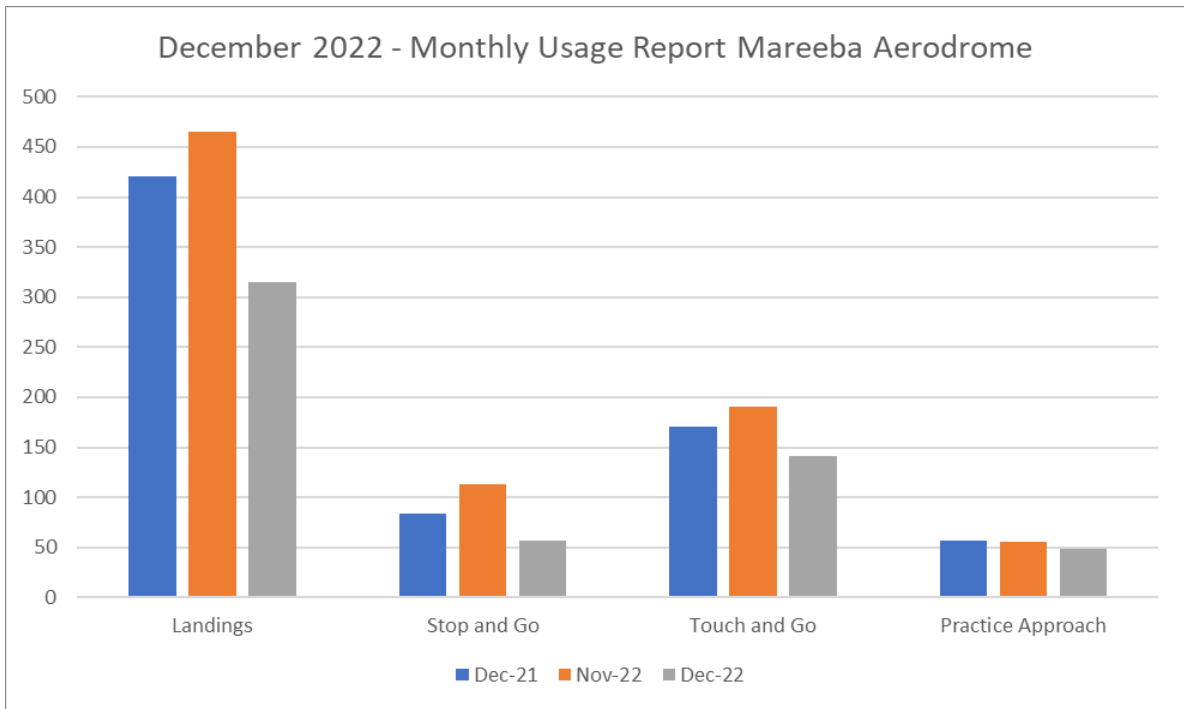
During December, eight (8) reports of vandalism/graffiti were recorded for Council facilities, with annual costs provided below;

Financial Year	Actuals	Comments – November 2022
2015/16	\$ 2,134.00	• Mareeba Arnold Park Toilets - Vandalism x1
2016/17	\$ 16,546.00	• Mareeba CWA Toilets -Vandalism x 1
2017/18	\$ 23,948.00	• Mareeba Rotary Park toilets - Vandalism x1
2018/19	\$ 14,851.00	• Mareeba Judo Hall toilets - Vandalism x1
2019/20	\$ 14,211.18	• Mareeba Centenary Park toilets - Vandalism x1
2020/21	\$ 62,199.62	• Mt Molloy Rifle Ck Toilets - Vandalism x1
2021/22	\$ 48,301.12	• Mareeba Theatre Hall - Vandalism x1
2022/23	\$17,927.25	• Kuranda Centenary Park toilets - Vandalism x1

*Note - actuals for vandalism/graffiti do not reflect costs to repairs during that period. Incoming expenses for repairs carry over until works are completed.*

**Aerodromes**

The data recorded below is current for the month of December, however there is usually a lag of some data for each current month from the service provider, which continues to be updated into the next month.



**FINANCIAL AND RESOURCE IMPLICATIONS**

**Capital**

Programs are being delivered in line with expectations, a small surplus across the portfolio is anticipated.

**Operating**

Additional cost associated with graffiti and vandalism is expected and will be accommodated within existing budget allocations.

**LINK TO CORPORATE PLAN**

**Financial Sustainability:** A council that continuously operates in a cost-effective manner while managing council's assets and reserves to ensure a sustainable future.

**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.

**Community:** An informed and engaged community which supports and encourages effective partnerships to enhance the liveability of the Shire.

**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.

## 9.6 INFRASTRUCTURE SERVICES, WATER AND WASTE OPERATIONS REPORT - DECEMBER 2022

**Date Prepared:** 4 January 2023  
**Author:** Manager Water and Waste  
**Attachments:** Nil

### EXECUTIVE SUMMARY

The purpose of this report is to summarise Council's Water and Waste activities undertaken by the Infrastructure Services Department during the month of December 2022.

### RECOMMENDATION

That Council receives the Infrastructure Services, Water and Waste Operations Report for December 2022.

### BACKGROUND

#### Water and Wastewater Treatment:

All treatment plants are generally performing satisfactorily. Water demand was varied across all schemes. Rainfall in some catchments resulting in decreased consumption per connection whereas some were higher due to less rainfall.

Routine environmental monitoring did not detect any exceedances of environmental discharge limits. No anomalies or reportable notifications were reported in relation to routine water quality testing conducted during the month.

Water Treatment	Mareeba	Kuranda	Chillagoe	Dimbulah	Mt Molloy*
Water Plant average daily production (kL)	7,295	922	298	315	81
Number of Connections	4,385	982	157	272	137
Average daily water consumption per connection (L)	1,664	939	1,898	1,158	591

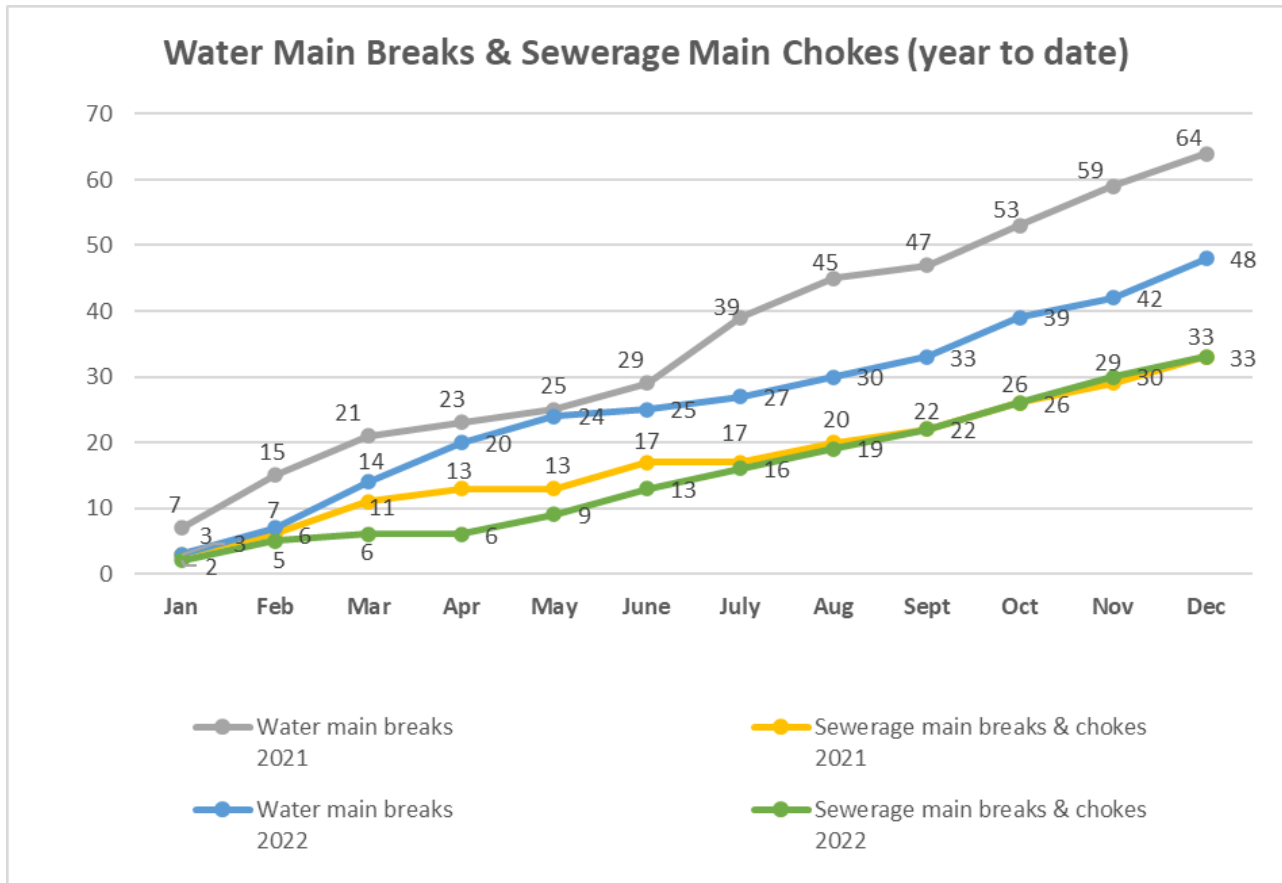
\* Mt Molloy is an untreated, non-potable water supply

Wastewater Treatment	Mareeba	Kuranda
Wastewater Plant average daily treatment (kL)	1,734	158
Number of Connections	3,424	346
Average daily inflow per connection (L)	506	457

**Water and Wastewater Reticulation:**

Council's water reticulation crew attended to six (6) water main breaks, and three (3) sewer main breaks/chokes this month, and average response times were within targets set out in Council's customer service standard for water services.

Monthly statistics are shown on the water reticulation main breaks and sewerage main breaks and chokes:



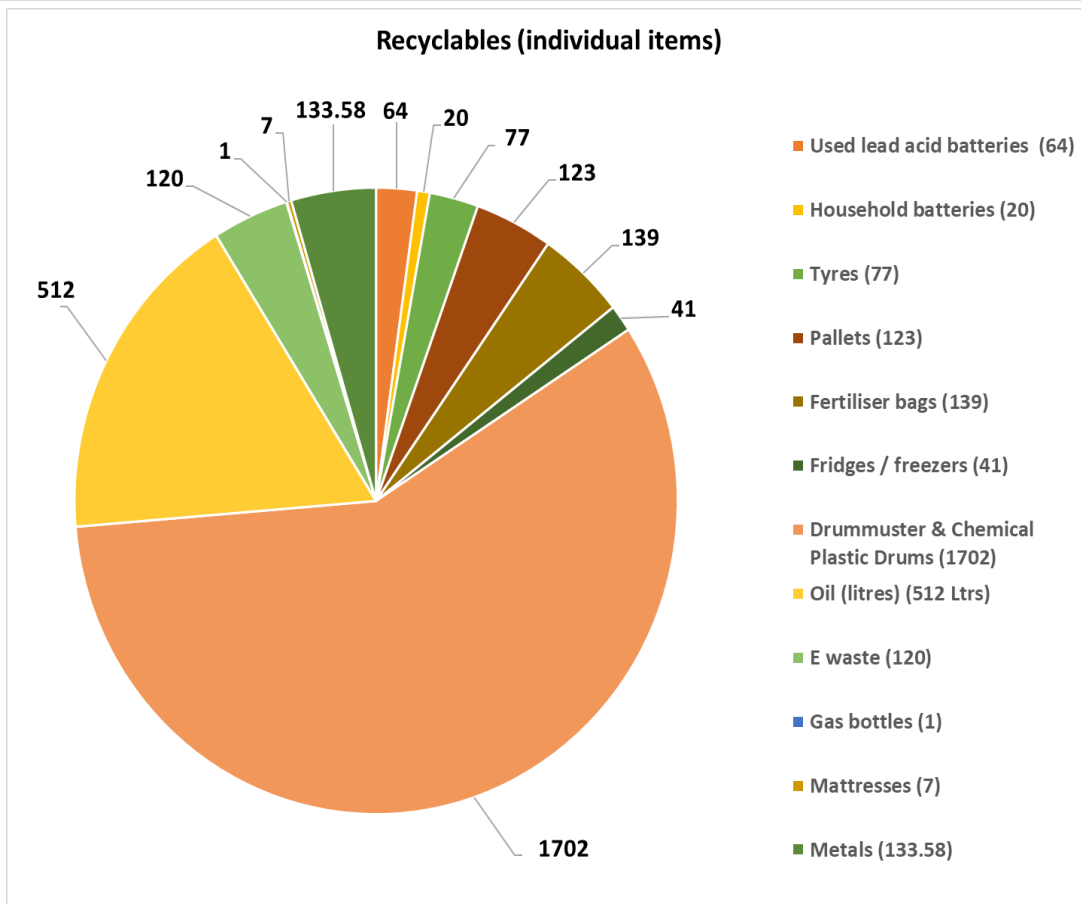
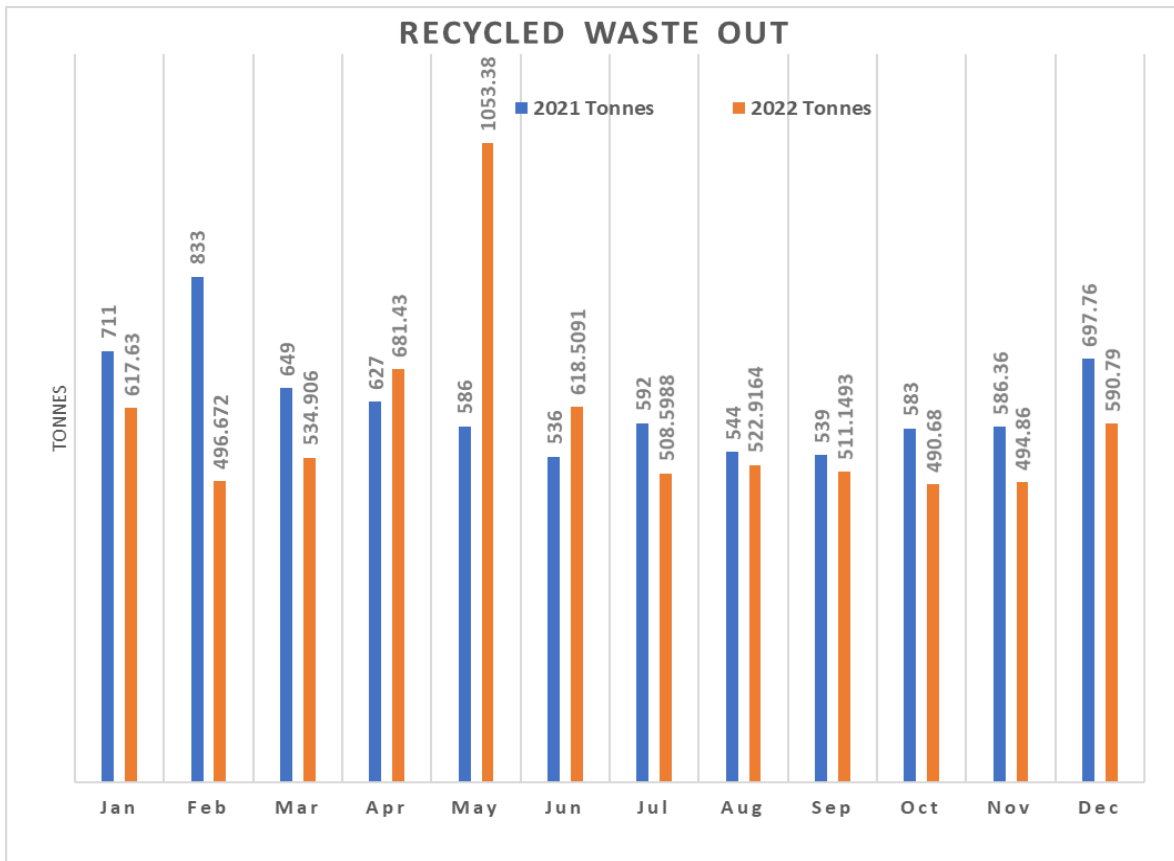
**Waste Operations:**

ARUP’s work on the Regional Resource Recovery Plan is continuing with an agreed extension of timeline to the presentation of the draft report to FNQROC due by 10 March 2023.

Recycling

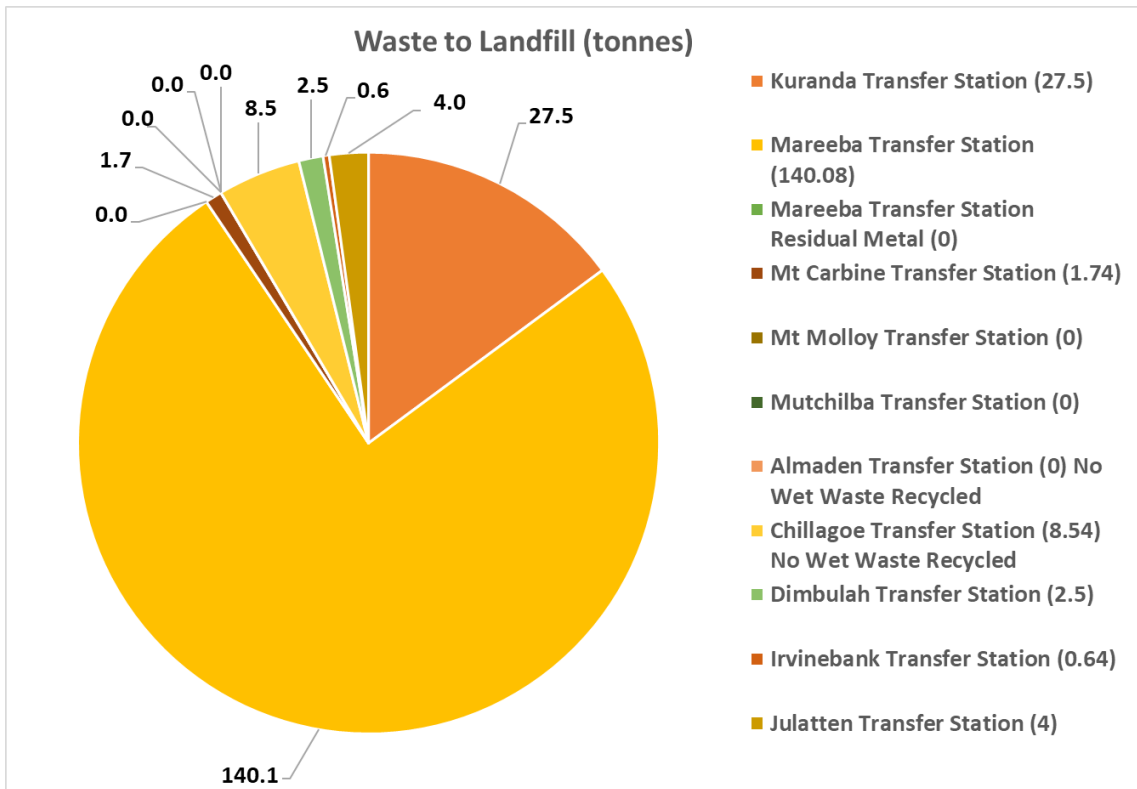
Waste material collected at each of the waste transfer stations are either deposited directly to the Springmount Waste Facility, recycled, or transported to the Veolia Advanced Resource Recovery Facility (ARRF) in Cairns for processing.





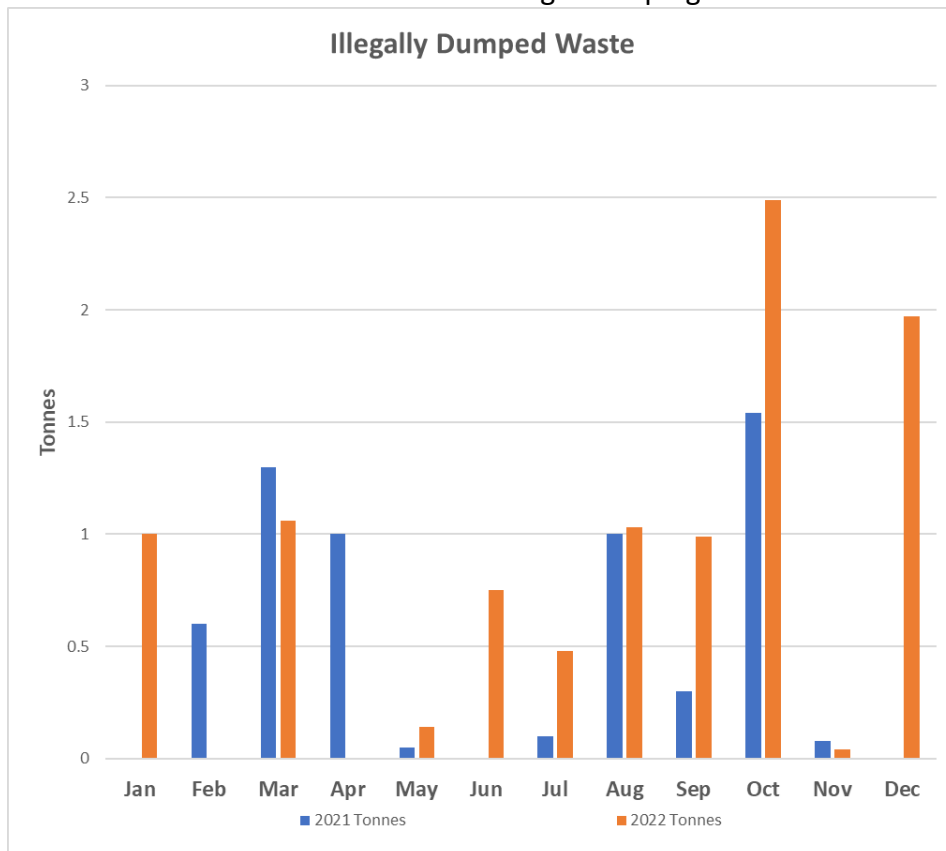
Waste to Transfer Stations

Transfer Station dry waste is transported off site to the Springmount Waste Facility and for the month of December 185 tonnes was landfilled.



**Illegally Dumped Waste**

There were 1.97 tonnes of illegally dumped waste recorded through Waste Transfer Stations during the month of December. This does not include the illegal dumping on TMR Roads.



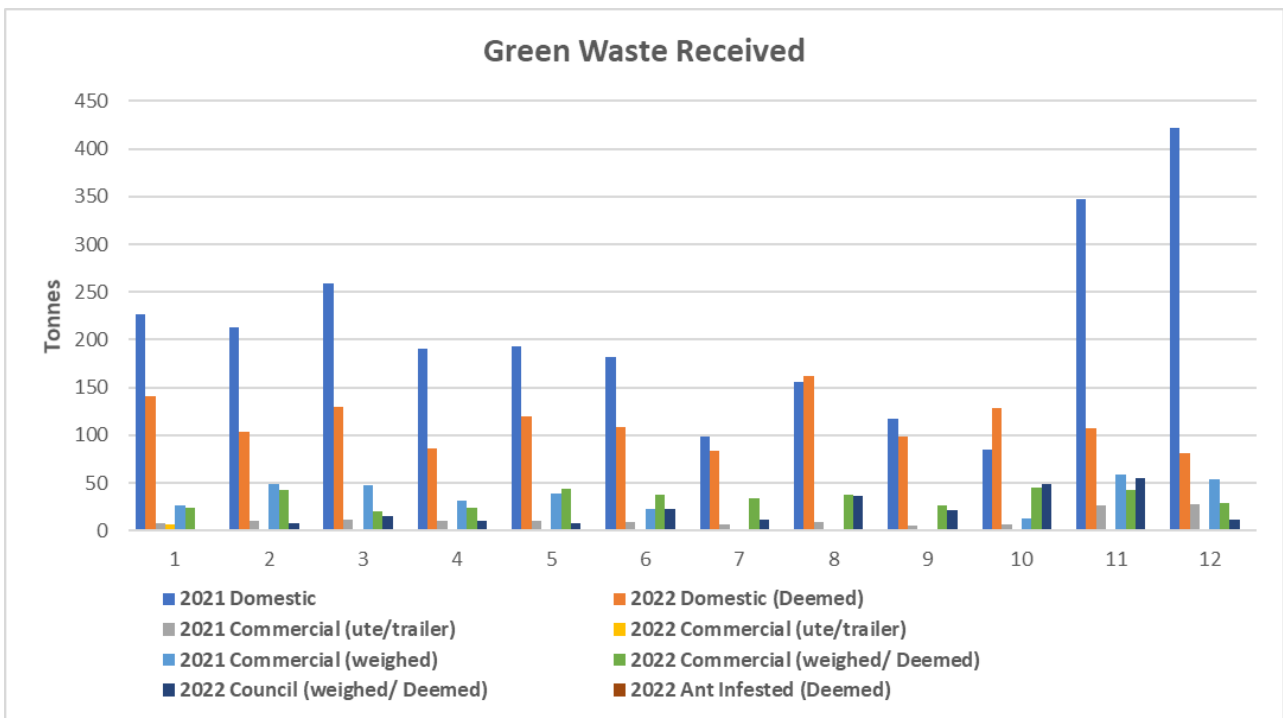
**Green Waste**

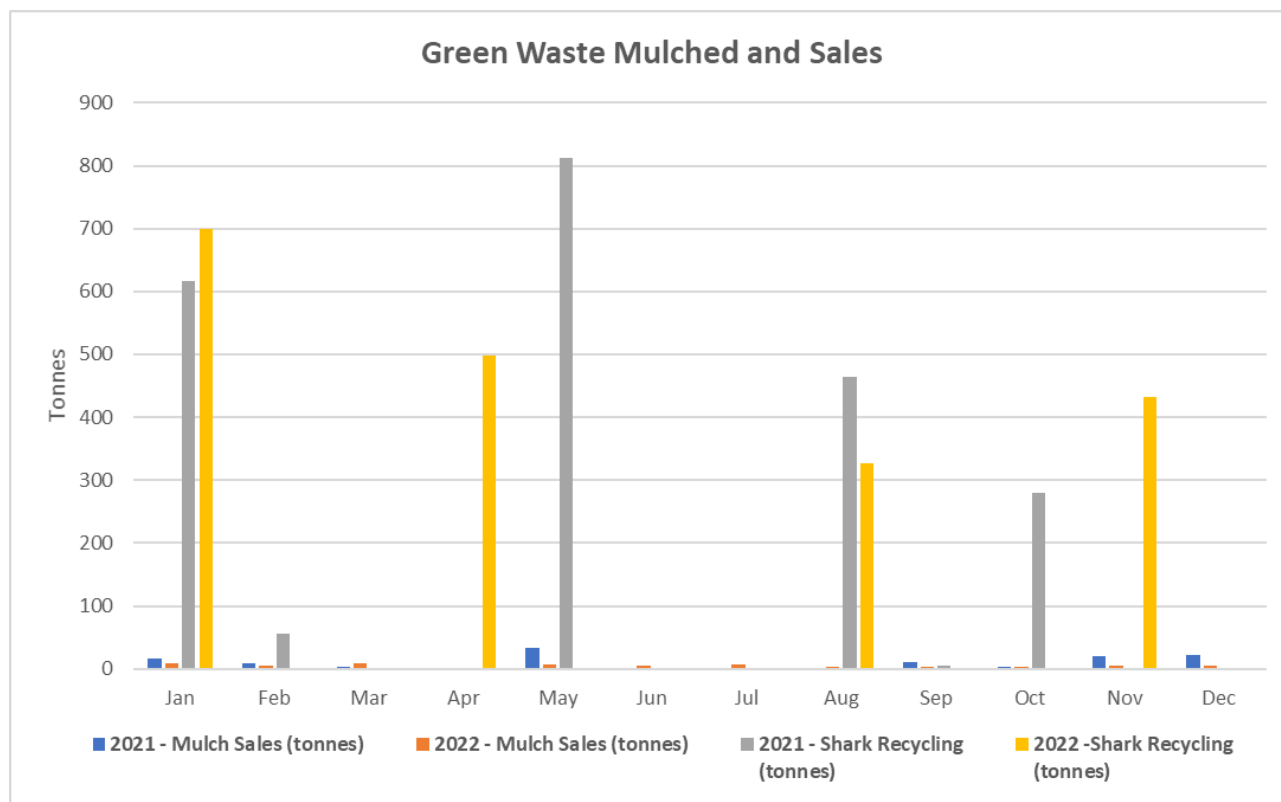
Council received a total of 121.69 tonnes of green waste in the month of December.

Kuranda recorded 1.1 tonnes of Electric Ant contaminated green waste in December. An updated letter and factsheet were sent to 51 residents who are in the electric ant identified areas.

Free Green Domestic Waste days are now four (4) times a year instead of three (3). Scheduled Free Green Waste Disposal Days occurred in November/December between the 30<sup>th</sup> through to the 6<sup>th</sup> resulting in 433 loads delivered across the Shire being:

Mareeba	340 loads
Kuranda	70 loads
Chillagoe	9 loads
Dimbulah	8 loads
Julatten	5 loads
Mutchilba	1 loads





**RISK IMPLICATIONS**

**Environmental**

Council holds an Environmental Authority issued under the *Environmental Protection Act 1994* to operate landfill facilities.

**LEGAL/COMPLIANCE/POLICY IMPLICATIONS**

Nil

**FINANCIAL AND RESOURCE IMPLICATIONS**

Nil

**LINK TO CORPORATE PLAN**

**Financial Sustainability:** A council that continuously operates in a cost-effective manner while managing council’s assets and reserves to ensure a sustainable future.

**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 while delivering affordable levels of identified services within the Shire.

**IMPLEMENTATION/COMMUNICATION**

Nil

**9.7 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - DECEMBER 2022****Date Prepared:** 12 January 2023**Author:** Manager Works**Attachments:** Nil**EXECUTIVE SUMMARY**

The purpose of this report is to summarise Council's Transport Infrastructure, Parks and Gardens and Land Protection operational activities undertaken by Infrastructure Services during the month of December 2022.

**RECOMMENDATION**

That Council receives the Infrastructure Services, Works Progress Report for the month of December 2022.

**BACKGROUND****Transport Infrastructure**Road Maintenance Activities

Unsealed roads graded in December were as follows;

Road Name	Location
Black Mountain Road	Kuranda
Wetherby Road	Mt Molloy
McLeans Bridge Road	Julatten
Mt Mulligan Road	Mt Mulligan

Other maintenance activities during the month of December were undertaken in the following areas:

Tree Clearing & Vegetation Management	Bitumen Patching	Water Damage Repairs	Unsealed Road Maintenance	Slashing	Herbicide Spraying
Kuranda	Biboohra	Ootann	Julatten	Kuranda	Kuranda
Julatten	Mareeba	Lappa	Irvinebank	Koah	Mona Mona
Koah	Arriga	Kuranda	Petford	Speewah	Mareeba
Mareeba	Kuranda		Mt Molloy		Dimbulah
Dimbulah	Mt Carbine		Mareeba		Koah
	Julatten				Chillagoe
	Mt Molloy				Julatten

Customer Requests

During the month of December, the Works Group received 74 Customer Requests (CRs) with 124 resolved (resolved requests include those received prior to December 2022). The table below shows the number of requests lodged per Works Section for the month.

Month	Roads	Parks and Gardens	Pest Management
December	56	14	4

At the time of reporting, the Works Group had 89 open requests.

Bridges and Major Culverts

Bridges and major culverts on the following roads were inspected and/or received standard maintenance in the month of December.

- Horse Creek Road, Mutchilba
- Springmount Road, Mutchilba
- Black Mountain Road, Kuranda
- Barron Falls Road, Kuranda
- Mt Kooyong Road, Julatten
- McLeans Bridge Road, Julatten
- Leadingham Creek Road, Dimbulah
- Sides Road, Julatten

TMR Routine Maintenance Performance Contract (RMPC)

- Burke Developmental Road (89B)
  - Rest area servicing - Eureka Creek
  - Herbicide spraying between Dimbulah and Petford
- Mossman - Mt Molloy Road (653)
  - Roadside litter collection
  - Rest area servicing – Hunters Creek
  - Vegetation removal
  - Drain clearing
  - Repairs to concrete causeway at Ch 27.000
- Mulligan Highway (34B)
  - Rest area servicing - Rifle Creek
  - Roadside litter collection - Rifle Creek, Mt Carbine Truck Stop and Bob's Lookout
  - Yearly pipe inspections
  - Herbicide spraying
  - Pothole patching at various locations
- Mareeba – Dimbulah Road (664)
  - Yearly pipe inspections
  - Herbicide spraying
- Kennedy Highway (34B)
  - Herbicide spraying

### **Parks and Open Spaces**

The sporting fields in Mareeba are mowed at different heights and frequencies depending on the activity and grass type. During the wet season, Firth Park is mowed once per week at a height of 25mm whilst Borzi Park requires twice weekly mowing at 25mm. Davies Park is mowed twice weekly at a height of 50mm. It is imperative that these regimes are maintained to minimise trash build up on the fields.

Parks, reserves and street mowing is generally on a 12-18 day cycle but again, this is dependent on the grass type.

During December, as well as routine maintenance activities, Parks and Open Spaces staff undertook the following;

- Installed Christmas Trees in Mareeba, Dimbulah, Mt Molloy and Chillagoe
- Removed event banners from Byrnes Street
- Contractors mowed and maintained Irvinebank and Biboohra townships and the Watsonville Cemetery
- Burials
  - Kuranda x 1
  - Dimbulah x 1
  - Mareeba x 10

### **Land Protection**

**Parthenium Weed:** Monthly inspections carried out on 12 sites. All landholders are complying with their biosecurity obligation. Officers continue to monitor all sites every three (3) weeks

**Amazon Frogbit:** Council's Senior Land Protection Officer and two (2) representatives from Queensland Biosecurity identified several sites for the upcoming Frogbit field day. The recent rain has cleared the sites of Frogbit so the field day has been postponed to a later date.

**Multi Species Weeds-Emu Creek/Walsh River Catchment:** Work has continued along Emu Creek in the Walsh River catchment targeting two (2) Jatropha species, Rubber vine and Siam weed.

**Wild Dogs:** Baiting has been carried out on two (2) rural properties in the Mareeba and Mutchilba districts and one (1) rural property in Irvinebank totalling 9,160 hectares.

**Navua Sedge:** Roadside herbicide spraying on Council controlled roads for Navua Sedge in the Mt Molloy/Julatten area was undertaken. The Julatten area has a high rainfall in comparison to the rest of the shire and is also a cattle-producing area. Local landholders treat Navua Sedge on their properties and Land Protection Officers treat the roadsides in an effort to prevent the spread of this grass-like perennial plant.

### **FINANCIAL AND RESOURCE IMPLICATIONS**

#### ***Operating***

All operational works are funded by the section specific 2022/23 maintenance budgets.

### **LINK TO CORPORATE PLAN**

**Financial Sustainability:** A council that continuously operates in a cost-effective manner while managing council's assets and reserves to ensure a sustainable future.

**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 CONFIDENTIAL REPORTS**

Nil

**11 BUSINESS WITHOUT NOTICE**

**12 NEXT MEETING OF COUNCIL**



### **13 FOR INFORMATION**

<b>13.1 SUMMARY OF NEW PLANNING APPLICATIONS &amp; DELEGATED DECISIONS FOR THE MONTH OF DECEMBER 2022</b>
---

**Date Prepared:** 4 January 2023

**Author:** Senior Planner

**Attachments:** Nil

---

Please see below information.

**Summary of new Planning Development Applications and Delegated Decisions for December 2022**

<b>New Development Applications</b>					
Application #	Lodgement Date	Applicant/ Address	Property Description	Application Type	Status
RAL/22/0021	16/12/2022	Neville Evans C/- RPS AAP Consulting Pty Ltd 2143 Mossman - Mount Molloy Road and Brown Road, Julatten	Lot 25 on DA126, Lot 82 on RP851550 and Lot 2 on RP744259	ROL - Boundary Realignment (3 into 3 Lots)	In referral stage
RAL/22/0022	23/12/2022	MGA Investments Pty Ltd C/- RPS AAP Consulting Pty Ltd 3609 Mulligan Highway, Mount Molloy	Lot 1 on SP223151	ROL (1 into 3 Lots)	In Confirmation Stage
OPW/22/0009	08/12/2022	BTM & S Stankovich Pty Ltd C/- Freshwater Planning Pty Ltd Emerald End Road, Mareeba	Lot 500 on SP336235	Operational Works associated with RAL/22/0019 (Amaroo Stages 13A, 13B & 14A)	In Confirmation Stage

<b>Decision Notices issued under Delegated Authority</b>					
Application #	Date of Decision Notice	Applicant	Address	Property Description	Application Type
RAL/22/0020	23/12/2022	S Rizvi	5 Ardmore Park, Kuranda	Lot 3 on RP728478	ROL (1 into 2 Lots)

<b>Negotiated Decision Notices issued under Delegated Authority</b>					
Application #	Date of Decision Notice	Applicant	Address	Property Description	Application Type
Nil					

December 2022 (Regional Land Use Planning)

Change to Existing Development Approval issued					
Application #	Date of Decision	Applicant	Address	Property Description	Application Type
Nil					

Referral Agency Response Decision Notices issued under Delegated Authority					
Application #	Date of Decision	Applicant	Address	Property Description	Application Type
CAR/22/0032	14/12/2022	T Ludvigsson & D Home	Green Forest Road, Kuranda	Lot 7 on RP726370	Referral agency response for building works assessable against the Mareeba Shire Council Planning Scheme 2016 - Environmental Significance Overlay Code
CAR/22/0034	22/12/2022	Clint Hamilton C/- Emergent Building Approvals	Leilas Way, Kuranda	Lot 331 on SP201301	Referral agency response for building work assessable against the Mareeba Shire Council Planning Scheme 2016 (Class 10a Shed GFA Dispensation)

Extensions to Relevant Period issued					
Application #	Date of Decision	Applicant	Address	Property Description	Application Type
Nil					

Survey Plans endorsed					
Application #	Date	Applicant	Address	Property Description	No of Lots
RAL/21/0019	16/12/2022	Maxwell David	57 Spena Road, Mareeba	PLAN OF LOTS 11-13 ON SP334225 (CANCELLING LOT 1 ON SP305276)	2 new lots
RAL/21/0026	07/12/2022	S Torrisi	Mason Street, Mareeba	PLAN OF LOTS 1 & 2 ON SP336244 AND EASEMENTS A & B IN LOT 2 (CANCELLING LOT 22 ON CP860952 AND LOT 23 ON CP903074)	Boundary Realignment

December 2022 (Regional Land Use Planning)