



# **AGENDA**

**Wednesday, 19 April 2023**

**Ordinary Council Meeting**

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

**Date: Wednesday, 19 April 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	G & G Cordenos and S Cordenos - Material Change of Use - Child Care Centre - Lot 53 on SP204554 - 47 Anzac Avenue, Mareeba - MCU/22/0017 .....	7
8.2	Returned & Services League of Australia (Queensland Branch) - Material Change of Use - Multiple Dwelling extension - Lot 3 on CP M35643 - 37 Walsh Street, Mareeba - MCU/23/0003.....	85
8.3	Change of Development Approval - Comaray Pty Ltd - Reconfiguring a Lot - Subdivision (1 into 61 Lots in 5 stages) - Lot 100 on SP320506 & Lot 200 on SP323217 - Emerald End Road & Country Road, Mareeba - REC/08/0096 .....	109
8.4	A & C Maxfield - Reconfiguring a Lot - Subdivision (1 into 2 Lots) - Lot 6 on RP736385 - 497 Koah Road, Koah - RAL/23/0002 .....	173
8.5	Dusty Nuts Pty Ltd - Material Change of Use - Undefined Use ('Workforce Accommodation' as defined by the Planning Regulation 2017) - Lot 1 on RP741791 - 8 Vicary Road, Mareeba - MCU/23/0002 .....	187
8.6	Development and Governance Quarterly Report - January to March 2023.....	221
8.7	Operational Plan 2022/23 Progress Report January to March 2023 .....	235
8.8	Acquisition of Lot 13 CP861033 - Doyle Street Mareeba .....	247
8.9	Financial Statements period ending 31 March 2023 .....	259
8.10	Cemeteries Fees and Charges 2023/2024.....	273
8.11	Hall Hire Fees and Charges 2023/2024 .....	279
8.12	Library Service Fees and Charges 2023/2024.....	285
8.13	Cairns Italian Festival .....	291
8.14	Regional Arts Development Fund (RADF) 2022/23 Community Grant Round .....	293
8.15	Community Housing Asset Management Plan .....	297
8.16	Mareeba Airport Future Options Update.....	327
<b>9</b>	<b>Infrastructure Services.....</b>	<b>331</b>
9.1	Traffic Advisory Committee - Minutes of Meeting held 21 March 2023 .....	331
9.2	Infrastructure Services, Capital Works Monthly Report - March 2023.....	341

9.3	Parks and Open Spaces Action Plan Progress Report December 2022 to March 2023.....	353
9.4	Infrastructure Services, Technical Services Operations Report - March 2023.....	357
9.5	Reef Guardian Council - 2022/23 Action Plan .....	363
9.6	Infrastructure Services, Works Section Activity Report - March 2023.....	373
9.7	Application for Simultaneous Road Closure and Opening - Lot 126 HG143 - RA 721 Wolfram Road Dimbulah .....	377
9.8	Infrastructure Services, Water and Waste Operations Report - March 2023.....	393
9.9	T-MSC2023-02 Mareeba WTP Filtration System Upgrade .....	399
<b>10</b>	<b>Office of the CEO .....</b>	<b>403</b>
10.1	Councillor Attendance at the Developing Northern Australia Conference.....	403
10.2	Office Closure for Staff Function .....	405
<b>11</b>	<b>Confidential Reports.....</b>	<b>407</b>
	Nil	
<b>12</b>	<b>Business without Notice .....</b>	<b>407</b>
<b>13</b>	<b>Next Meeting of Council .....</b>	<b>407</b>
<b>14</b>	<b>For Information .....</b>	<b>409</b>
14.1	Summary of New Planning Applications & Delegated Decisions For The Month of March 2023.....	409

- 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 - 15 March 2023
- 6 BUSINESS ARISING OUT OF MINUTES OF PREVIOUS MEETING**
- 7 DEPUTATIONS AND DELEGATIONS**



## 8 CORPORATE AND COMMUNITY SERVICES

### 8.1 G & G CORDENOS AND S CORDENOS - MATERIAL CHANGE OF USE - CHILD CARE CENTRE - LOT 53 ON SP204554 - 47 ANZAC AVENUE, MAREEBA - MCU/22/0017

**Date Prepared:** 27 March 2023

**Author:** Senior Planner

**Attachments:**

1. **Proposal Plans** [↓](#)
2. **State Assessment and Referral Agency response dated 24 March 2023** [↓](#)
3. **Submissions** [↓](#)
4. **Traffic Report prepared by 5KF** [↓](#)

#### APPLICATION DETAILS

APPLICATION		PREMISES	
<b>APPLICANT</b>	G & G Cordenos and S Cordenos	<b>ADDRESS</b>	47 Anzac Avenue, Mareeba
<b>DATE LODGED</b>	24 June 2022	<b>RPD</b>	Lot 53 on SP204554
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use - Child Care Centre		
<b>FILE NO</b>	MCU/22/0017	<b>AREA</b>	4061m2
<b>LODGED BY</b>	Planning Plus	<b>OWNER</b>	G & G Cordenos and S Cordenos
<b>PLANNING SCHEME</b>	Mareeba Shire Council Planning Scheme 2016		
<b>ZONE</b>	Low Density Residential zone		
<b>LEVEL OF ASSESSMENT</b>	Impact Assessment		
<b>SUBMISSIONS</b>	Three (3)		

#### EXECUTIVE SUMMARY

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

The application is impact assessable and three (3) 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.

A traffic report for the proposed development was prepared by 5KF Consulting Engineers. The traffic report concludes that there are no traffic engineering impediments to the development proceeding. Further, the traffic report finds that the development will not impact the surrounding traffic network in such a way that requires upgrades external to the development.

The proposed development will include on site car parking in excess of the planning scheme requirements.

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>	G & G Cordenos and S Cordenos	<b>ADDRESS</b>	47 Anzac Avenue, Mareeba
<b>DATE LODGED</b>	24 June 2022	<b>RPD</b>	Lot 53 on SP204554
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use - Child Care Centre		

and in accordance with section 53 of Planning Act 2016, Council considers that the minor noncompliance with the public notification stage has not-

- (a) adversely affected the public's awareness of the existence and nature of the application; or
- (b) restricted the public's opportunity to make properly made submissions about the application;

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

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

And

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

- (A) **APPROVED DEVELOPMENT:** Development Permit for Material Change of Use - Child Care Centre

- (B) **APPROVED PLANS:**

Plan/Document Number	Plan/Document Title	Prepared by	Dated
1675-SK01	Cover Sheet	Humac Design	-
1675-SK02	Site Plan	Humac Design	-
1675-SK03	Site Imagery	Humac Design	-
1675-SK04	Area Plan	Humac Design	-

- (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 Waste Management
- On site refuse storage area must be provided and be screened from view from adjoining properties and road reserve by one (1) metre wide landscaped screening buffer, 1.8m high solid fence or building.
- 3.5 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.
- 3.6 Air Conditioner & Building Plant Screening
- The applicant/developer is required to install and maintain suitable screening to all air conditioning, lift motor rooms, plant and service facilities located at the top of or on the external face of the building. The screening structures must be constructed from materials that are consistent with materials used elsewhere on the facade of the building. There are to be no individual external unscreened air conditioning units attached to the exterior building facade.

### 3.7 Building Amenity

The development must complement and integrate with the established built character of the Low Density Residential zone, having regard to:

- (a) roof form and pitch;
- (b) eaves and awnings;
- (c) building materials, colours and textures; and
- (d) window and door size and location.

### 3.8 Safety fencing

A child proof fence or physical barrier is provided to prevent unintended access to the following areas, directly from indoor or outdoor areas intended to accommodate children:

- (a) Vehicle manoeuvring and parking areas;
- (b) Refuse storage and servicing areas; and
- (c) Air conditioning, refrigeration plant and mechanical plant.

### 3.9 Hours of Operation

The operating hours shall be between 6.30am and 6pm Monday to Saturday. No operations are permitted on Sunday or Public Holidays.

## 4. Infrastructure Services and Standards

### 4.1 Access

A **commercial** access crossover must be constructed (from the edge of Anzac Avenue to the property boundary of the subject lot) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

Where applicable, the applicant/developer must ensure that any redundant vehicle crossovers are removed and reinstated with kerb and channel.

### 4.2 Stormwater Drainage/Water Quality

4.2.1 Prior to building works commencing, the applicant/developer 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.

4.2.2 The Stormwater Management Plan must ensure a non-worsening effect on surrounding land as a consequence of the development, and must take all reasonable and practicable measures to ensure discharge occurs in compliance with the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual.



- 4.2.3 The applicant/developer must construct the stormwater drainage infrastructure for the development in accordance with the approved Stormwater Management Plan and Report.
- 4.2.4 All stormwater drainage must be collected from site and discharged to an approved legal point of discharge.
- 4.3 Car Parking/Internal Driveways
  - 4.3.1 The applicant/developer must ensure the development is provided with on-site car parking spaces generally in accordance with Site Plan 1675-SK02 which are available solely for the parking of vehicles associated with the use of the premises.
  - 4.3.2 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.
  - 4.3.3 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.
- 4.4 Landscaping and Fencing
  - 4.4.1 The development must be landscaped in accordance with an approved landscape plan.
  - 4.4.2 Prior to the issue of the development permit for operational works, a detailed landscape plan, must be prepared for the site and submitted to Council's delegated officer for consideration and approval.
  - 4.4.3 The landscape plan must demonstrate compliance with the Landscaping Code. Plant species are to be generally selected from the Plant Schedule in Planning Scheme Policy 6 - Landscaping and preferred plant species.
  - 4.4.4 The landscaping plan must incorporate the following:
    - (i) A 1.8 metre high colorbond (neutral colour) solid screen fence must be established along the full length of the common boundary between Lot 53 on SP204554 and Lot 197 on NR3143.
    - (ii) The fencing is to be erected prior to the commencement of the use and maintained in good order for the life of the development, to the satisfaction of Council's delegated officer.

4.4.5 A minimum of 25% of new plants is provided as larger, advanced stock with a minimum plant height of 0.7 metres and mulched to a minimum depth of 0.1 metres with organic mulch.

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

#### 4.5 Lighting

Where installed, external lighting must be designed and installed in accordance with *AS4282 – Control of the obtrusive effects of outdoor lighting* so as not to cause nuisance to residents or obstruct or distract pedestrian or vehicular traffic.

#### 4.6 Water Supply

The applicant/developer must connect the proposed development to Council's reticulated water supply in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

Where the existing reticulated water supply does not currently service the site or is not at an adequate capacity, the applicant/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).

If a new or upgraded water service connection is required to service the development, it must be provided in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

#### 4.7 Sewerage Connection

The applicant/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.

Where sewerage connections are not available to the site, or where existing connections are not satisfactory for the proposed development, the applicant/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).

(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) Compliance with applicable codes/policies

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

- (d) 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.

- (e) 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).

- (f) 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) REFFERAL AGENCY CONDITIONS

State Assessment and Referral Agency response dated 24 March 2023.

(F) RELEVANT PERIOD

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

- Material Change of Use – six (6) years (starting the day the approval takes effect).

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

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

## (H) 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
	per m2 GFA	GFA (m2)			
Child Care Centre	\$101.00	604.8	\$61,084.80	\$20,260.00 (1 lot)	\$40,824.80
<b>TOTAL CURRENT AMOUNT OF CHARGE</b>					<b>\$40,824.80</b>

**THE SITE**

The site is situated at 47 Anzac Avenue, Mareeba and is more particularly described as Lot 53 on SP204554. The site is irregular in shape with an area of 4,061m<sup>2</sup> and is zoned Low Density Residential under the Mareeba Shire Council Planning Scheme 2016.

The site is flat and except for a for sale sign in the north-eastern corner, vacant.

The site has frontages of approximately 107 metres to the Kennedy Highway and 80 metres to Anzac Avenue. Both frontage roads are constructed to bitumen sealed standard. Informal access to the site is gained from Anzac Avenue.

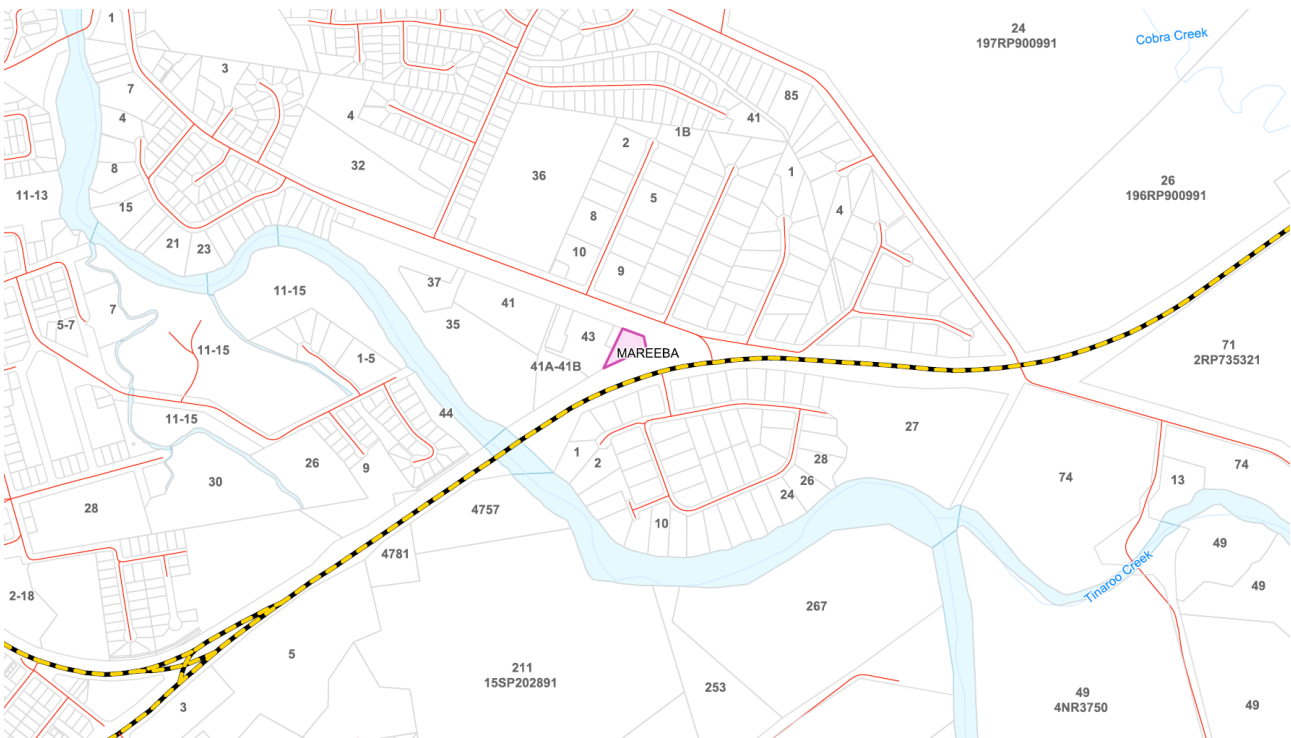
The properties adjoining the western boundary comprise of a residential lot containing a dwelling house, and Lot 201 containing the Mareeba Bowls Club and the new Mareeba Shire Council library. Both of these adjoining lots are zoned Low Density Residential.

The immediate locality is characterised by residential and rural residential lots generally ranging between 1,000m<sup>2</sup> and up to 8,000m<sup>2</sup>.

The site is not currently connected to Mareeba's reticulated water and sewerage networks.

**Map Disclaimer:**

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**BACKGROUND AND CONTEXT**

Lot 53 on SP204554 is a balance allotment left after the completion of the Riverland's Estate subdivision on the opposite side of the Kennedy Highway.

**PREVIOUS APPLICATIONS & APPROVALS**

1. **MCU/09/0051** - Material change of use application lodged on 28 October 2009 under the Mareeba Shire Planning Scheme 2004.

Material change of use application MCU/09/0051 proposed to develop the site for a motor showroom and associated vehicle repair station (proposed Mareeba Mitsubishi and Mareeba Mazda).

Council at its meeting held on 5 May 2010 resolved to refuse the application on the following grounds:

1. *The proposed development will compromise the achievement of the following Desired Environmental Outcomes:*
  - (h) *All members of the community have appropriate access to relevant services and facilities that meet their needs and create a sense of community satisfaction.*
  - (r) *The identification and protection of the amenity of noise sensitive development and liveability of residential areas.*
2. *The proposed development is in conflict with Part 4, Division 24, 4.135 Overall Outcomes for Future Residential Zone Code, (2):*
  - (i) *which provides the Mareeba Shire with an allocation of land in a "holding zone" within the life of this planning scheme, until such time as additional land is required to meet demand;*
  - (ii) *which allows for uses which are consistent with the current zones, but will not prejudice the intended development of the Future Residential zone;*
  - (iv) *where sporadic and premature subdivision of land is prevented, development is well planned and integrated with surrounding land uses, and any interim uses do not prejudice future development;*
  - (vii) *where urban design promotes a sense of place and community safety;*
3. *The proposed development is in conflict with Part 4, Division 6, 4.31 Overall Outcomes for Residential Zone Code, (2):*
  - (a) *is attractive and contains housing at a range of population densities that provides a pleasant and safe living environment for its occupants;*
  - (d) *provides for a mix of medium and high-density development within the existing urban fabric and is visually compatible with the scale and character of the surrounding area;*

2. **MCU/20/0017** - Material change of use application lodged on 28 July 2021 under the Mareeba Shire Council Planning Scheme 2016.

Material Change of Use for a Preliminary Approval including a variation request to vary the effect of the Mareeba Shire Council Planning Scheme 2016 to alter the level of assessment for 'childcare centre' from Impact assessment to Code assessment.

Council at its meeting held on 17 November 2021 resolved to refuse the application on the following grounds:

*The basis for the Council's decision to refuse item 8.3, is that the effect of the variations would remove submission rights for later development applications, particularly considering the amount and detail of information included is insufficient to enable submitters to exercise their submission rights at this time.*

## DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Material Change of Use - Child Care Centre in accordance with the plans shown in **Attachment 1**.

The applicant advises that the proposed plans have been prepared in accordance with the former Queensland Development Code (QDC) Part 22 - Child Care Centres. Based on the indoor and outdoor area requirements, the proposed centre will cater for up to 134 children and 14 staff.

The following aspects of the proposal are also noted:

- Single vehicular driveway off Anzac Avenue;
- Total of 29 car parking spaces including a DDA space and five (5) setdown spaces (the Planning Scheme requirement is for 18 spaces);
- Total floor area of 902m<sup>2</sup>, resulting in a site cover of 22%; and
- Significant landscape areas including buffer to adjoining residential properties which will be densely planted.

Traffic impacts have been assessed and a Traffic Report prepared by 5KF Consulting Engineers (**Attachment 3**). The report concludes that the proposal achieves safe access and does not compromise the safe and efficient functioning of the surrounding road network.

## 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' does not identify the site as being of any significance.

## PLANNING SCHEME DESIGNATIONS

Strategic Framework:	<b>Land Use Categories</b> <ul style="list-style-type: none"> <li>• Residential Area</li> </ul> <b>Transport Elements</b> <ul style="list-style-type: none"> <li>• State Controlled Road</li> <li>• Local Collector Road</li> <li>• Principal Cycle Network</li> </ul>
Zone:	Low Density Residential zone
Overlays:	<ul style="list-style-type: none"> <li>• Airport environs overlay</li> <li>• Hill and slope overlay</li> <li>• Residential dwelling house and outbuilding overlay</li> <li>• Transport infrastructure overlay</li> </ul>



## Planning Scheme Definitions

The proposed use is defined as:

<b>Column 1 Use</b>	<b>Column 2 Definition</b>	<b>Column 3 Examples include</b>	<b>Column 4 Does not include the following examples</b>
Childcare centre	Premises used for minding, education and care, but not residence, of children.	Crèche, early childhood centre, kindergarten, outside hours school care	Educational establishment, home based childcare, family day care

## 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

##### 3.3.3 Element—Major regional activity centre

##### 3.3.3.1 Specific outcomes

- (1) The role and function of Mareeba as the *major regional activity centre* for services in Mareeba Shire is strengthened. Mareeba is to accommodate the most significant concentrations of regional-scale business, retail, entertainment, government administration, secondary and tertiary educational facilities and health and social services within the shire.

#### Comment

The proposed development does not compromise the role and function of Mareeba as the major regional activity centre for the Mareeba Shire.

- (2) Development within Mareeba over time enhances the Shire's self-sufficiency in terms of services offered, business and employment opportunities.

#### Comment

The proposed development will comply.



### **3.3.7 Element—Residential areas and development**

#### **3.3.7.1 Specific outcomes**

- (4) *Residential areas* contain predominantly low density residential development and are characterised by traditional detached housing and Dual occupancy development.

Comment

The proposed development applies to one lot and will not alter the predominant form of development in residential areas.

### **3.3.14 Element—Natural hazard mitigation**

#### **3.3.14.1 Specific outcomes**

- (1) The risk of loss of life and property associated with bushfires, cyclones, flooding, landslides and other weather related events are minimised through the appropriate use of land having regard to its level of susceptibility to the hazard or potential hazard.

Comment

The site is not identified as being at significant risk from any of the identified hazards.

### **3.4 Natural resources and environment**

#### **3.4.1 Strategic outcomes**

- (1) Mareeba Shire's outstanding natural environment, ecological processes and biodiversity values, including those within *conservation areas* and *biodiversity areas*, are conserved, enhanced and restored. Minimal loss of native vegetation is achieved in the shire through limited clearing of *biodiversity areas*, strategically located rehabilitation areas and the replanting of native vegetation. The impacts of pests and weeds on the natural environment is minimised and managed.

Comment

The site does not contain or adjoin any such areas.

- (5) The air and acoustic environment of Mareeba Shire is managed to ensure its maintenance or improvement. Development maintains or enhances the health and well-being of the community and the natural environment.

Comment

The proposed development can be reasonably operated to minimise air and acoustic impacts.

- (6) Risks to health and safety caused by contaminated land are managed, including through the remediation of contaminated sites and the careful management of unexploded ordinances.

Comment

The subject site is not a suspected or recorded contaminated site.

### 3.4.3 Element—Pest and weed management

#### 3.4.3.1 Specific outcomes

- (3) Plants used for landscaping and street trees are ideally native species, appropriate for the purpose and the local environment, and do not introduce invasive or exotic plants into the shire.

Comment

The development would be conditioned to comply.

### 3.5.6 Element—Community facilities

#### 3.5.6.1 Specific outcomes

- (2) Development complements and sensitively integrates with existing halls, clubs, libraries, art galleries, places of worship, theatres, function rooms, community and cultural centres and other key community infrastructure. Development on sites adjoining community facilities will not obstruct or detract from their use, accessibility and functionality.

Comment

The development of a child care centre on the subject land will not compromise the ongoing use of the Cedric Davies Community Hub.

- (3) Community facilities are redeveloped in a way that is functional, safe and sensitive to the community's needs. Development of these sites is cognisant of the existing character and adjoining land uses of the area and addresses the street frontage to create a high level of accessibility and legibility to the community.

Comment

The development of a child care centre can reasonably comply.

### 3.6 Transport and infrastructure

#### 3.6.1 Strategic outcomes

- (1) *Local collector road* and *state controlled road* networks support the identified hierarchy of *activity centres* and the rural economy of Mareeba Shire. The location, density and scale of development supports the efficient and convenient movement of goods, services and people. Roads are progressively upgraded (including construction of *future state roads and future local connections*) and maintained to a high standard to support higher urban densities, rural production, tourism, commerce, industry and major trip generators.

Comment

Anzac Avenue is a Collector Road and the Kennedy Highway is a State Controlled Road. Both roads are of the necessary hierarchy to accommodate the proposed development.

- (6) New development is appropriately sequenced and coordinated with existing and future water, wastewater, stormwater and transport infrastructure, to ensure the operations of existing infrastructure are not compromised and community needs continue to be met. New infrastructure is provided to development in accordance with Council's desired standards of service and supports a consolidated urban form to maximise return on investment.

The ongoing operation of key infrastructure elements is not prejudiced by inappropriate development.

Comment

The development will be conditioned to require connections to the Mareeba reticulated water and sewerage networks.

**3.6.2 Element—Road network**

**3.6.2.1 Specific outcomes**

- (1) The shire's road network is upgraded and extended to provide for the safe, efficient movement of vehicles and to cater for new development.

Comment

SKF Consulting Engineers prepared a traffic report for the proposed development. The traffic report concludes that there are no traffic engineering impediments to the development proceeding.

Further, the traffic report finds that the development will not impact the surrounding traffic network in such a way that requires upgrades external to the development.

- (4) Development provides off-street parking, loading and manoeuvring areas where possible and practicable.

Comment

The development will comply.

**3.6.7 Element—Water supply and wastewater services**

**3.6.7.1 Specific outcomes**

- (1) Development is provided with adequate water and wastewater infrastructure in accordance with Council's Desired Standards of Service.

Comment

The development will be conditioned to connect to Mareeba's reticulated water and sewerage infrastructure.

- (2) Water storage, sewerage disposal and reticulation infrastructure is utilised and extended economically and efficiently to new development.

Comment

The development will be conditioned to connect to Mareeba's reticulated water and sewerage infrastructure.

- (6) Upgrades and extensions to water and wastewater infrastructure are designed and constructed in accordance with the FNQROC Regional Development Manual as amended.

Comment

The development can be conditioned to comply.

### **3.6.8 Element—Stormwater management**

#### **3.6.8.1 Specific outcomes**

- (1) Water Sensitive Urban Design principles and adequate infrastructure are integrated into new development, ensuring:
  - (a) water quality objectives are met;
  - (b) a no worsening effect on surrounding land and the environment is achieved;
  - (c) flooding and ponding of water is avoided

Comment

The development can be conditioned to comply.

- (2) Stormwater is managed and measures are implemented to ensure erosion is prevented or minimised and contaminants are not released into surrounding environs.

Comment

The development can be conditioned to comply.

### **3.6.9 Element—Waste management**

#### **3.6.9.1 Specific outcomes**

- (4) On-site waste disposal and recycling areas are provided by development to meet operational requirements of storage, screening and collection.

Comment

The development can be conditioned to comply.

### **3.6.11 Element—Information and communication technology**

#### **3.6.11.1 Specific outcomes**

- (1) Households, businesses and industry within urban and rural communities are serviced with high-speed fibre-optic, high-speed wireless or satellite broadband internet connections across the shire.

Comment

The development can be conditioned to comply.

### **3.7 Economic development**

#### **3.7.1 Strategic outcomes**

- (3) Mareeba Shire is increasingly provided with retail and business opportunities and improved government services to enhance self-sufficiency. These opportunities and services are consolidated through the clustering and co-location of commercial uses in *activity centres* and are particularly focussed within Mareeba. Kuranda, as a *village activity centre*, maintains its level of self-reliance through servicing its local catchment with a range of services and employment opportunities.

Comment

The proposed development complies.

## 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
- 8.2.8 Hill and slope overlay code
- 9.3.3 Community 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
Low density residential zone code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes) contained within the code.  Refer to planning discussion section of report.
Mareeba local plan 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.
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.
Community activities code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes) contained within the code.  Refer to planning discussion section of report.
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 be designed and constructed in accordance with FNQROC Development Manual standards.

**(E) Adopted Infrastructure Charges Notice**

Adopted Infrastructure Charges Resolution (No. 1) of 2022 identifies a charge rate for child care centres of \$101.00 per m<sup>2</sup> of gross floor area (GFA).

The calculated GFA for the proposed development is 604.8m<sup>2</sup>. This GFA calculation excludes the building amenities, outdoor covered areas, and hallways.

Based on \$101.00 per m<sup>2</sup> and a GFA of 604.8m<sup>2</sup>, the applicable infrastructure charge is:

- \$101.00 x 604.8 (minus a 1 lot credit of \$20,260.00)

Total Charge = **\$40,824.80**

**REFERRAL AGENCY**

The application triggered referral to the State Assessment and Referral Agency as a Concurrence Agency for State transport infrastructure.

The State Assessment and Referral Agency advised in a letter dated 24 March 2023 that they require the conditions to be attached to any approval (**Attachment 2**).

**Internal Consultation**

Technical Services

**PUBLIC NOTIFICATION**

The development proposal was placed on public notification from 22 August 2022 to 9 September 2022. The applicant submitted the notice of compliance on 13 September 2022 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

The three (3) specific public notification steps were:

- (a) A notice was published in The Express Newspaper on 24 August 2022;
- (b) Letters to adjoining owners were sent on 19 August 2022; and
- (c) Notices were placed at the road frontages of the land on 20 August 2022, and maintained until 9 September 2022 (inclusive), being at least 15 business days.

Under the *Planning Act 2016*, the 15 business day public notification period should commence after all three (3) steps are taken, or 24 August 2022 in this instance.

Starting the 15 business day period on 24 August 2022 means that the 9 September 2022 end date technically results in only 12 business days of public notification.

Section 53 (3) of the *Planning Act 2016* allows for Council to assess and decide the application, notwithstanding this error.

*53(3) However, the assessment manager may assess and decide a development application even if some of the requirements of the development assessment rules about the notice have not been complied with, if the assessment manager considers any noncompliance has not-*

*(a) adversely affected the public's awareness of the existence and nature of the application; or*

*(b) restricted the public's opportunity to make properly made submissions about the application.*

Council officers are satisfied that the noncompliance in this instance has not adversely affected the public's awareness of the existence and nature of the application, nor has it restricted the public's opportunity to make a properly made submission.

It is noted that public notice signs were erected on the subject site on 20 August 2022 and maintained for the full 15 business day period. Further, no late submissions have been received by Council.

Three (3) properly made submissions were received and all of those objected to the proposed development.

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

Grounds for objection /support	Comment
Parks and green spaces are required, not commercial development.	Not relevant to the current application. Council has reviewed its Parks and Open Space Strategy and has multiple new projects planned throughout the Shire.
Application is a ploy to change the zoning for a higher land value and possibly to allow other commercial development.	The application is specifically for a child care centre. The application does not include a variation request and the underlying land zoning will remain Low Density Residential. The application does not create additional commercial land use rights.
A change in zoning will devalue properties in the area.	The application does not involve a change in zoning.
Increased traffic will cause issues with access to Ferretti Close, Anzac Avenue and the Kennedy Highway intersection.	SKF Consulting Engineers have prepared a traffic report for the proposed development. The traffic report concludes that there are no traffic engineering impediments to the development proceeding. Further, the traffic report finds that the development will not impact the surrounding traffic network in such a way that requires upgrades external to the development.

<p>The child care centre will need to be connected to the reticulated water and sewerage networks.</p> <p>These networks do not currently service the site.</p>	<p>The development has been conditioned to require the applicant to provide connections to each network.</p>
<p>Development would detrimentally impact on the established residential amenity.</p> <p>Residents have accepted the impacts of established non-residential (community based) uses in this locality, but these are now reached saturation point.</p>	<p>The planning scheme does not categorise a childcare centre as commercial development, instead it is categorised as a community activity.</p> <p>All of the established childcare centres in Mareeba are located within or adjoining the Low Density Residential zone. These centres have demonstrated the ability to operate in a manner compatible with the amenity of nearby residential uses. There is a similar expectation for a childcare centre on the subject land.</p> <p>A childcare centre is an essential service for many residents, particularly those on the fast developing eastern side of Mareeba.</p> <p>As Mareeba grows, there will also be a need for additional services such as child care.</p>
<p>Precedent for other undeveloped land on Anzac Avenue.</p>	<p>All future applications will be considered on their individual merits.</p>
<p>Use of the Anzac Avenue road reserve in front of the subject land.</p>	<p>There is no proposal to use Anzac Avenue road reserve, other than the driveway to access the subject site.</p> <p>All car parking for the proposed child care centre will be on site.</p>
<p>Council has not addressed alleged safety concerns with the access to the existing community hub and child care centre.</p>	<p>Not relevant to this application.</p> <p>There is a separate access to this proposed development.</p>

### Submitters

Name of Principal submitter	Address
1. S Gillies	PO Box 166, MAREEBA QLD 4880
2. R & E Piagno	PO Box 166, MAREEBA QLD 4880
3. M & H Cotter	18 Ferretti Close, MAREEBA QLD 4880

### PLANNING DISCUSSION

Compliance with Performance Outcome PO5, PO8 and PO9 of the Low Density Residential zone code is discussed below:



### 6.2.6 Low Density Residential zone code

#### **Gross Floor Area**

##### **PO5**

*Buildings and structures occupy the site in a manner that:*

- (a) makes efficient use of land;*
- (b) is consistent with the bulk and scale of surrounding buildings; and*
- (c) appropriately balances built and natural features.*

##### **A05**

*Gross floor area does not exceed 600m<sup>2</sup>.*

#### Comment

The proposed development has a total site cover of 902m<sup>2</sup>, which represents 22.2% of the total site area.

The calculated Gross Floor Area (GFA) for the proposed development is 604.8m<sup>2</sup>. The GFA calculation excludes the building amenities, outdoor covered areas, and hallways.

The proposed site cover allows for an appropriate balance of built form, open space and landscaping.

The proposed site cover makes an efficient use of the site and is not inconsistent with the predominant site coverage of other land in the Low Density Residential zone.

(Note: A05 is typically applied to Low Density Residential lots of around 1,000m<sup>2</sup> in area. The area of the subject site is 4,061m<sup>2</sup>)

The development complies with PO5.

#### **Non-residential development**

##### **PO8**

*Non-residential development is only located in new residential areas and:*

- (a) is consistent with the scale of existing development;*
- (b) does not detract from the amenity of nearby residential uses;*
- (c) directly supports the day to day needs of the immediate residential community; and*
- (d) does not impact on the orderly provision of non-residential development in other locations in the shire.*

##### **A08**

*No acceptable outcome is provided.*

#### Comment

The proposed development is non-residential (child care centre).

The scale of development is consistent with existing development being low set and single storey.

The planned setbacks, landscaping/fencing and orientation of the proposed building will maintain the established low density amenity.

The child care centre will support the day to day child care needs of this developing part of Mareeba.

The development of the subject site for a child care centre will not impact on the development of other non-residential uses/locations

The development complies with PO8.

**Amenity**

**PO9**

*Development must not detract from the amenity of the local area, having regard to:*

- (a) noise;*
- (b) hours of operation;*
- (c) traffic;*
- (d) advertising devices;*
- (e) visual amenity;*
- (f) privacy;*
- (g) lighting;*
- (h) odour; and*
- (i) emissions.*

**A09**

*No acceptable outcome is provided.*

**Comment**

SKF Consulting Engineers prepared a traffic report for the proposed development.

The traffic report concludes that there are no traffic engineering impediments to the development proceeding.

Further, the traffic report finds that the development will not impact the surrounding traffic network in such a way that requires upgrades external to the development.

All of the established childcare centres in Mareeba are located within or adjoining the Low Density Residential zone.

These centres have demonstrated the ability to operate in a manner compatible with the amenity of nearby residential uses.

There is a similar expectation for a childcare centre on the subject land.

A childcare centre is an essential service for many residents, particularly those on the fast developing eastern side of Mareeba.

The development complies with PO9.

**Compliance with Performance Outcome PO4 and PO5 of the Community Activities code is discussed below:**

9.3.3 Community Activities code**Location****PO4**

*Development is compatible with the amenity of the surrounding area, having regard to:*

- (a) the location and type of vehicular access and parking;*
- (b) hours of operation;*
- (c) waste storage and collection;*
- (d) advertising devices and signage;*
- (e) visual amenity;*
- (f) privacy; and*
- (g) noise, odour and dust emissions.*

**A04**

*No acceptable outcome is provided.*

Comment

5KF Consulting Engineers prepared a traffic report for the proposed development.

The traffic report concludes that there are no traffic engineering impediments to the development proceeding.

Further, the traffic report finds that the development will not impact the surrounding traffic network in such a way that requires upgrades external to the development.

All of the established childcare centres in Mareeba are located within or adjoining the Low Density Residential zone.

These centres have demonstrated the ability to operate in a manner compatible with the amenity of nearby residential uses.

There is a similar expectation for a childcare centre on the subject land.

A childcare centre is an essential service for many residents, particularly those on the fast developing eastern side of Mareeba.

The development complies with PO4.

**PO5**

*Community activities are highly accessible to the community they serve and are located to encourage multi-purpose trips.*

**A05.2**

*Development is located:*

- (a) within 800 metres walking distance of the Centre zone; or*
- (b) within 400 metres walking distance of a public transport stop; or*
- (c) provided with a connection to the pedestrian and cycle network.*

Comment

The subject site is within reasonable walking distance of the Cedric Davies Community Hub, the Amaroo Medical Centre and the major residential growth area for Mareeba.

A pedestrian pathway already established along Anzac Avenue linking back to Herberton Street.

The site is not in an unreasonable location in terms of providing convenient access to the public.

The development complies with PO5.

**Compliance with Performance Outcome AO1 of the Parking and Access code is discussed below:**9.4.3 Parking and Access code**Car parking spaces****PO1**

*Development provides sufficient car parking to accommodate the demand likely to be generated by the use, having regard to the:*

- (a) nature of the use;*
- (b) location of the site;*
- (c) proximity of the use to public transport services;*
- (d) availability of active transport infrastructure; and*
- (e) accessibility of the use to all members of the community.*

**AO1**

*The number of car parking spaces provided for the use is in accordance with Table 9.4.3.3B.*

*Note—Car parking spaces provided for persons with a disability are to be considered in determining compliance with AO1.*

Comment

Table 9.4.3.3B nominates the following parking requirements for child care centre:

*A minimum of 3 spaces will be required to be used for setting down and picking up of children, plus one space per 10 children for staff parking.*

*One SRV space.*

The proposed child care centre will cater for up to 134 children and have 14 staff.

A minimum of 18 spaces are required to satisfy Table 9.4.3.3B.

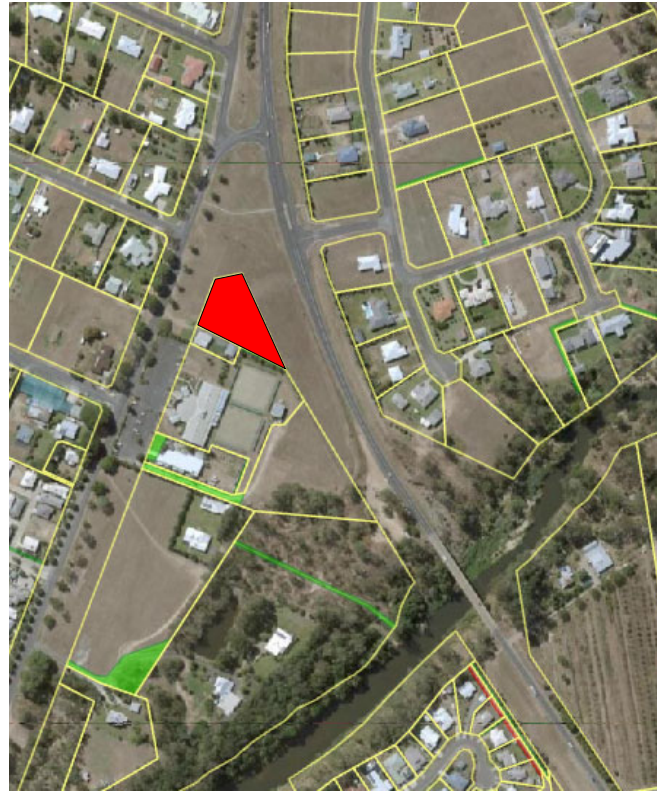
The development includes a total of 29 car parking spaces, including a DDA space and five (5) set down spaces.

The development complies with AO1.

# PROPOSED CHILDCARE

STEVE CORDENOS

47 ANZAC AVENUE  
MAREEBA



PRELIMINARY ONLY

**PROPOSED CHILDCARE**  
COVER SHEET  
1675-SK01

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**LEGEND**

Gate (600WIDE)  
EXISTING FENCE  
FENCE AS SELECTED  
MANHOLE  
WATER METRE  
EXIST STORMWATER  
EXIST PARKING LINES  
EXIST WATER LINES  
EXIST ELECTRICAL LINE

**LOT 59 of SP24054**  
**SMITHFIELD**  
**PARISH**  
**COUNTY:** INAKES  
**SITE AREA:** 4665m<sup>2</sup>  
**LOCAL AUTHORITY:** NSC  
**ZONE DESCRIPTION:** LOW DENSITY RESIDENTIAL  
**AFFECTED OVERLAYS:**  
**PARKING REQUIREMENTS:** 1 SPACE PER 10 CHILDREN  
(NSC PLANNING SCHEME) 3 SPACE MIN FOR SETDOWN  
15 SPACES (MIN) REQUIRED  
**PARKING PROVIDED:** 28 SPACES PROVIDED  
**SITE COVER:** 822m<sup>2</sup> (22.2%)  
(NSC PLANNING SCHEME)

PRELIMINARY ONLY

**PROPOSED CHILDCARE**

SITE PLAN

1675-SK02

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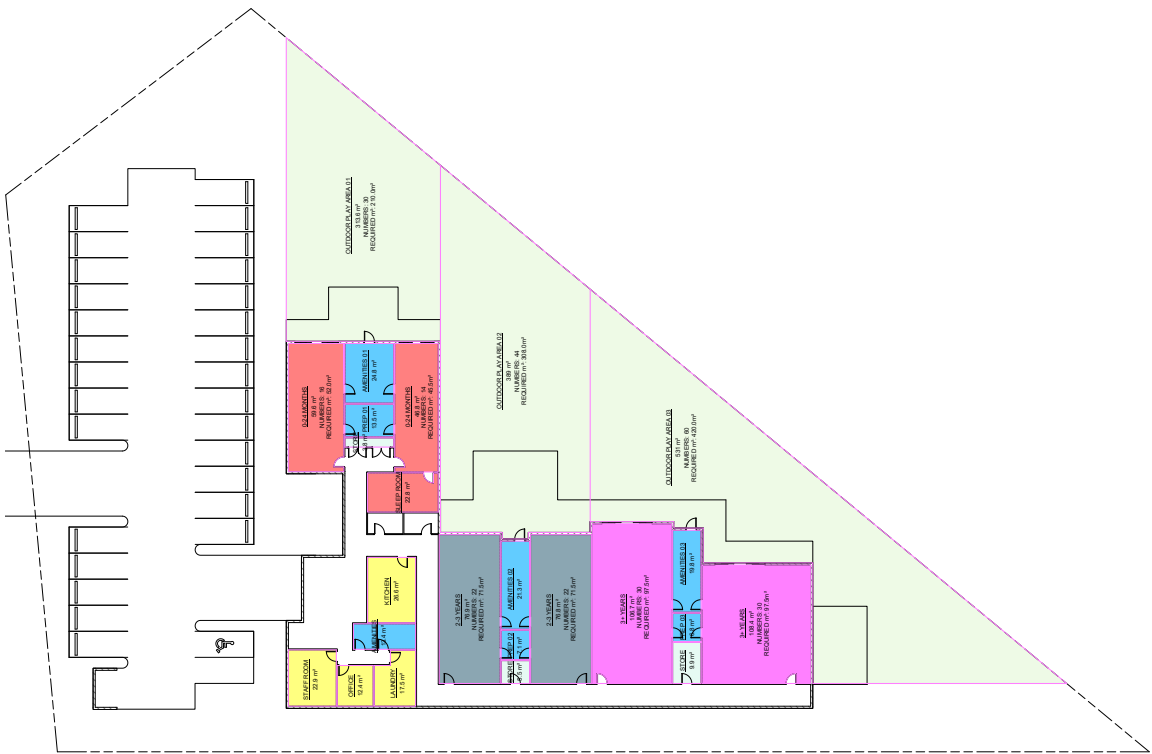


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**PROPOSED CHILDCARE**  
SITE IMAGERY  
1675-SK03

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FLOOR AREA	
ROOM NAME	AREA (sqm)
OVERALL AREA	1179.2 sqm

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**PROPOSED CHILDCARE**  
AREA PLAN  
1675-SK04

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RA6-N



SARA reference: 2207-29773 SRA  
Council reference: MCU/22/0017  
Your reference: 20-14/001193

24 March 2023

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

Attention: Brian Millard

Dear Sir/Madam

## SARA referral agency response—47 Anzac Avenue, Mareeba

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

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 14 October 2022.

### Response

Outcome:	Referral agency response – with conditions
Date of response:	24 March 2023
Conditions:	The conditions in <b>Attachment 1</b> must be attached to any development approval
Advice:	Advice to the applicant is in <b>Attachment 2</b>
Reasons:	The reasons for the referral agency response are in <b>Attachment 3</b>

### Development details

Description:	Development permit	Material change of use for Childcare Centre
SARA role:	Referral agency	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 (Planning Regulation 2017)	

2207-29773 SRA

Development application for a material change of use of premises within 25m of a state-controlled road

SARA reference: 2207-29773 SRA

Assessment manager: Mareeba Shire Council

Street address: 47 Anzac Avenue, Mareeba

Real property description: Lot 53 on SP204554

Applicant name: Giuliano Cordenos, Gina Cordenos and Stephen Cordenos

Applicant contact details: C/- Planning Plus  
PO Box 399  
REDLYNCH QLD 4870  
info@planningplusqld.com.au

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

## Representations

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

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

For further information please contact Sue Lockwood, Senior Planning Officer, on 40373214 or via email CairnsSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow  
Manager (Planning)

cc Giuliano Cordenos, Gina Cordenos and Stephen Cordenos, info@planningplusqld.com.au

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

2207-29773 SRA

### Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application)

No.	Conditions	Condition timing
<b>Material change of use</b>		
10.9.4.2.4.1 – Material change of use of premises within 25m of a state-controlled road—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	<p>(a) Noise attenuation measures must be designed to achieve the following maximum internal acoustic levels for all indoor education areas, indoor play areas and sleeping rooms in a childcare centre:</p> <ul style="list-style-type: none"> <li>• ≤35 dB(A) <math>L_{eq}</math> (1 hour) (maximum hour over 24 hours).</li> </ul> <p>(b) RPEQ certification must be provided to the Cairns Corridor Management Unit at Far.North.Queensland.IDAS@tmr.qld.gov.au within the Department of Transport and Main Roads, confirming that the development has been constructed in accordance with parts (a) of this condition.</p>	<p>(a) Prior to obtaining a development approval for building works.</p> <p>(b) Prior to commencement of use and to be maintained at all times.</p>
2.	<p>(a) Stormwater management of the development must not cause worsening to the operating performance of the state-controlled road, such that any works on the land must not:</p> <ul style="list-style-type: none"> <li>(i) create any new discharge points for stormwater runoff onto the state-controlled road corridor;</li> <li>(ii) concentrate or increase the velocity of flows to state-controlled road corridor.</li> </ul>	At all times.
3.	Direct access is not permitted between the Kennedy Highway and the subject site.	At all times.

2207-29773 SRA

**Attachment 2—Advice to the applicant**

<b>General advice</b>	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> , its regulation or the State Development Assessment Provisions (SDAP) (version 3.0). If a word remains undefined it has its ordinary meaning.
2.	<p><b>Advertising device</b></p> <p>If the childcare centre development is proposing to erect an advertising device that will be visible from a state-controlled road advice should be sought from the Department of Transport and Main Roads (DTMR) to ensure that the advertising device visible from a state-controlled road, and beyond the boundaries of the state-controlled road, is unlikely to create a traffic hazard for the state-controlled road.</p> <p>Note: DTMR has powers under section 139 of the Transport Operations (Road Use Management - Accreditation and Other Provisions) Regulation 2015 to require removal or modification of an advertising sign and / or a device which is deemed to create a danger to traffic.</p>

2207-29773 SRA

**Attachment 3—Reasons for referral agency response**

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

**The reasons for the SARA's decision are:**

With conditions the proposed development:

- does not increase the likelihood or frequency of accidents, fatalities or serious injury for users of a state-controlled road
- does not adversely impact the structural integrity or physical condition of state-controlled roads, road transport infrastructure, public passenger transport infrastructure or active transport infrastructure
- does not adversely impact the function and efficiency of state-controlled roads or future state-controlled roads
- does not adversely impact the state's ability to plan, construct, maintain, upgrade or operate state-controlled roads, future state-controlled roads or road transport infrastructure
- does not significantly increase the cost to the state to plan, construct, upgrade or maintain state-controlled roads, future state-controlled roads or road transport infrastructure
- protects community amenity from significant adverse impacts of environmental emissions generated by road transport infrastructure or vehicles using state-controlled roads.

**Material used in the assessment of the application:**

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP (version 3.0), as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system
- section 58 of the *Human Rights Act 2019*

**Attachment 4—Representations about a referral agency response provisions**

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(page left intentionally blank – attached separately)

## Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules<sup>1</sup> regarding **representations about a referral agency response**

### Part 6: Changes to the application and referral agency responses

---

#### 28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
  - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
  - (c) the applicant has given written agreement to the change to the referral agency response.<sup>2</sup>
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
  - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

---

<sup>1</sup> Pursuant to Section 68 of the *Planning Act 2016*

<sup>2</sup> In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

## **Part 7: Miscellaneous**

### **30 Representations about a referral agency response**

- 30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.<sup>3</sup>

---

<sup>3</sup> An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.

Mareeba Shire Council

PO Box 154,

Mareeba QLD 4880



RE: Application MCU/22/0017

To Whom It May Concern,

I am writing to object to the development permit for material change of use for Child Care Centre at 47 Anzac Avenue, Mareeba to a commercial zone.

I object on the grounds of:

- Mareeba needs more green spaces/ parks not more buildings.
- There is a childcare next door to this proposed site. This seems a ploy for the owners of this block of land to change the zoning (as there is already a childcare close by) so they may sell the land for a higher value. Once developers have the land, they can apply for a new development possibly commercial. Why would someone operate another childcare so close in proximity to another?
- A change in zoning will devalue the properties around the area.
- The volume of traffic along Anzac Avenue is already substantial and any development would increase traffic and impact egress to and from Ferretti Close.
- The increase in traffic of such a development would attract would increase the risk to foot and bike traffic.

Yours sincerely,

Simone Gillies  
P O Box 166  
Mareeba, 4880.



The CEO

Mareeba Shire Council

PO Box 154

Mareeba Qld 4880

Ref: Application MCU/2/0017

28/8/2022



I wish to submit my objection to the rezoning application for 47 Anzac Ave., Mareeba requesting a "Material change of use" for a "Child care centre".

My objections are as follows:

1. Egress from Ferretti Close would be problematic. Due to the unusual configuration of the intersections of the Kennedy Highway, Anzac Avenue and Ferretti Close combined with increasing vehicle and heavy truck traffic using Anzac Avenue since the Barron bridge upgrade, attempting to exit Ferretti Close has become more difficult. Adding another entrance to a commercial enterprise virtually opposite Ferretti Close would create a dangerous situation. A search of Google maps shows that from the intersections of the Kennedy Highway to Margherita Close, a distance of only 350 meters, there are three street intersections on the eastern side of Anzac Avenue being Elisa Ave, Ferretti Cl, and Margherita Cl. and entrances to 45 Anzac Ave and the Mareeba Memorial Bowls Club, the Mareeba Shire Library and an existing child care centre on the western side.

In recent years there has been a large growth in traffic both northwards and southwards on Anzac Ave. as well as traffic attracted to the above facilities mentioned. For users of Ferretti Cl. a hazardous situation exists as the increased traffic exiting Kennedy Highway into Anzac Ave. at speed (60kph) makes it difficult to judge a safe entrance to Anzac Ave. due to the distance from the highway to the Ferretti intersection being quite small.

An entrance to a new child care centre with inherent large traffic increase virtually directly opposite Ferretti Cl. would create a greater hazard than already exists.

2. A child care centre would require access to town water supply and a sewerage connection which do not currently exist.
3. The current status of 47 Anzac Ave. is "residential" for obvious reasons and the proposed change would create a precedent to allow alteration forever the ambience of the local area.
4. Green spaces and parks, not commercial buildings. There are currently no parks for families to get together to play and picnic on the eastern side of the Barron River. There has been tremendous development of residential homes yet not one such park has been provided. This land would be better utilised for this purpose.

**Yours sincerely,**

**Ruggero Piagno**

**Edna Piagno**

**PO Box 166 Mareeba 4880**

M and H Cotter  
18 Ferretti Close  
MAREEBA 4880  
6th September 2022



CEO  
Mareeba Shire Council  
65 Rankin Street  
MAREEBA 4880

Dear Sir

RE: MCU/20/0017

DEVELOPMENT PERMIT - MATERIAL CHANGE OF USE FOR CHILD CARE CENTRE  
LOT 53 SP204554 PARISH TINAROO  
47 ANZAC AVENUE, MAREEBA

We the signatories of this correspondence object to the above stated Application on the following grounds.

1. Amenity of Area

The above stated parcel of land is located in a residential area and is zoned rural residential. It would be an understatement to say that every home in this area is well presented and maintained. Google Maps directs traffic from the east down Anzac Avenue therefore for visitors to Mareeba it is their first view of Mareeba. It is a very pleasing entrance to Mareeba, one that gives visitors a good first impression, something Mareeba Shire Council should be encouraging.

More than 80% of the residents in the immediate area are retirees and will be home during the trading hours of any proposed Child Care Centre Development. The residents will be directly affected by the noise from increased traffic.

Whilst this application now comes with a specific planned use unlike the previous application, it still does not address any of the concerns raised with reference to access and traffic movements.

The residents have accepted progress with the other community developments in this area however the area has now reached saturation point and collectively we ask that the amenity of our area is not compromised any further.

2. Existing Community and Commercial Operations.

In an 80 metre zone occupying both sides of Anzac Avenue there are 3 Community Businesses (Mareeba Bowls Club, QT's Childcare and Mareeba Library) and Anza Nursery.

(a) The QT's Childcare Centre generates most of its traffic movements between 7.00am to 8.30am and again from 4.30pm to 6pm weekdays only.

(b) Mareeba Bowls Club members use the facility on average four times during the week and once on the Sunday with traffic movements between 8.30am to 9am, 12.30pm to 1pm, 5.30pm to 6pm.

The Mareeba Bowls Club also hires its facility out for Funerals and Wakes. At times when very large funerals are held vehicles are forced to park along both sides of Anzac Avenue when the car park reaches saturation point.

(c) Mareeba Library - Monday to Friday 10am - 5pm and Saturday 9am - 12pm

(d) Anza Nursery-Mareeba Garden Centre has minimal impact on the Community. It generates no more noise than a household with steady trade during the week when other facilities are at their peak. Most of its business and traffic generation comes from restricted weekend trade (Saturday 8am to 5pm) Sunday (8am to 1pm).

#### 4. Increased Traffic Movement on Anzac Avenue

2021 traffic surveys indicated approximately 45,322 vehicle movements on Anzac Avenue for a 7 day period. Further residential development has been approved as well as further Commercial Development on Hastie Rd, all of which will add to increased traffic movement on Anzac Av.

Savannah Lifestyle Resort is expanding rapidly with a further 10 homes under construction and a further 50 vacant blocks that have already been approved for development. Opening Anzac Avenue up to a potential Child Care Centre will impact greatly on the ability of this area to cope with residential traffic as well as any future commercial traffic from Amaroo.

#### 5. Access to Kennedy Highway from Anzac Avenue

Access to the Kennedy Highway is already an issue in peak times. With the increased volume of traffic Anzac Avenue onto the highway and the increased vehicle movement on the highway it is difficult to exit safely. Add to this the offset access to Riverland Park and you have 2 entry points on to a busy major highway that both have compromised views of oncoming traffic. When exiting Anzac Avenue you are required to negotiate traffic from 3 different directions (from Cairns, Mareeba and Riverland Park) at a speed of 80 klms per hour.

#### 6. Access to Anzac Avenue

When exiting the Kennedy Highway on to Anzac Avenue there is a 250 metre zone where 4 residential streets ( Eliza Ave, Trivoli Cl, Ferretti Cl & Margherita Cl), one residential property, 3 existing Community Facilities (Mareeba Bowls Club, QT's Childcare and Mareeba Library), Anza Nursery and Savannah Lifestyle Resort (160 residence vehicles) all converge on to Anzac Avenue via direct access. Extend another 80 metres to Ceola Drive the main access from at least 5 residential subdivisions also converges on to Anzac Avenue. As a result of the shape of this parcel of land it is almost certain that access to the property will definitely be very close to Ferretti Close access.

There would be serious safety concerns to approve access to Anzac Avenue from this proposed Development.

#### 7. Vehicle Movements related to Proposed Development

By the nature of business carried out it would mean that potentially at least 70 to 80 vehicle movements would be added to the peak times 7am to 8.30am and 4.30pm to 6pm. As per the plan provided the access to the proposed development appears to be close to the existing residential access of 45 Anzac Avenue.

8. The Mareeba Shire Council are yet to address the safety concerns raised with regards to entrance and exit of the Cedric Davies Hub and QT's Childcare. Despite the increased traffic generated from the addition of the library there are no designated turning lanes for this area. At the peak times of the day accessing and exiting this area is very dangerous.

#### 9. Use of Council Road Reserve

The front of this above stated property is bordered by a Road Reserve/Stock Route. As the Council has already allowed Mareeba Bowls Club, QT's Childcare and Mareeba Library use of this Road Reserve for a carpark does this potentially mean that any future commercial development could also use road reserve as a carpark.

#### 10. Precedent for Undeveloped Property on Anzac Avenue.

There is currently two large parcels of undeveloped land situated on Anzac Avenue.

(a) Adjacent to the QT's Childcare Centre and directly opposite the Savannah Lifestyle Resort.

(b) Corner of Ceola Drive and Anzac Avenue- this parcel of land is split by an existing Residential property.

These properties (a) and (b) are presently zoned rural residential however if approval was given to rezoning LOT 53 SP204554 PARISH TINAROO 47 ANZAC AVENUE this could set a precedent.

Any further development other than residential on Anzac Avenue will only contribute to further traffic problems and does not allow the area to maintain the existing community demographic. The Mareeba Shire Council has recently sent out a survey ANZAC AVENUE PRECINCT - LOCAL AREA TRAFFIC MANAGEMENT. It asks for targeted community engagement to identify and resolve traffic management issues. Before approving any further developments for Anzac Avenue we feel it would be wise to first and foremost consider SAFE ACCESS as a priority.

Yours faithfully



Helen Cotter



Michael Cotter

o

## Information Request Response

47 Anzac Avenue Mareeba



10 August 2022

Attention: Carl Erwin  
Mareeba Shire Council  
65 Rankin Street  
PO Box 154 Mareeba QLD 4880

Our reference: 016-2201

### Information Request Response - MCU/22/0017 - 47 Anzac Avenue Mareeba

Dear Carl

After review of the Mareeba Shire Council Information Request dated 22 July 2022 for the abovementioned development, we provide the following response to the Further Advice and Information Request Items 1(i) and 1(ii).

#### Information Request – Item 1(i);

*Table 1 – Development Gross Floor Area (GFA): Data appears to reference number of attending children/staff rather than GFA associated with each category, please clarify or amend table accordingly.*

#### Response;

Table 1 does show the number of children and staff attending the centre, and the table title should refer to the number of patrons rather than the floor area of the development. The floor area for this type of development correlates poorly to the traffic generation.

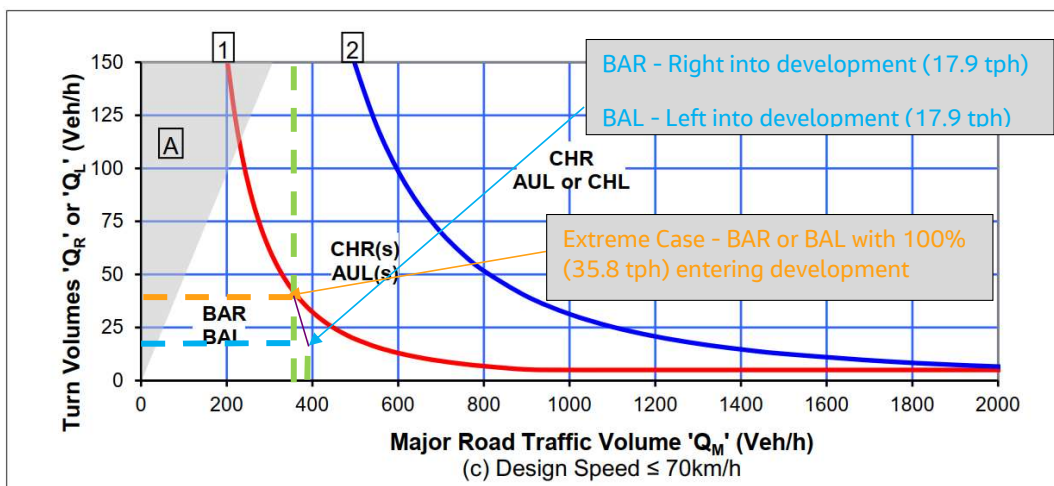
#### Information Request – Item 1(ii);

*Traffic generated assumed split in direction of travel along Anzac Avenue was noted as 67%/33%. Please provide justification for the proposed split and provide clarification on the alternate direction splits explored with advice on impact to capacity outcome.*

#### Response;

The traffic split of 67%/33% intended to show that a non-equal, more conservative approach than the specified 50%/50% split could still comply with the proposed treatments. If the entire development traffic (35.8 trips per hour) were to approach the site from the east or the west, the access would not warrant treatment above BAR/BAL. The figure below, an amendment to Figure 9 in the report with revised traffic splits, shows that a 50%/50% traffic split and a 100%/0% traffic split do not warrant intersection treatment above BAR/BAL. All potential traffic splits exist between the identified points on the graph and are below the warrant for treatment above BAR/BAL.

10 August 2022  
Information Request Response - 47 Anzac Avenue Mareeba



Austrroads AGTM Part 6 – Figure 3.25(c) Warrants for turn treatments on major road at unsignalised intersections – Posted Speed = 60km/h

If you require further information, please do not hesitate to contact me. I'm happy to attend a meeting to discuss any issues further.

Yours sincerely

**Craig Caplick**  
Principal Engineer | RPEng RPEQ 25102  
craig@5kf.com.au | 0402 568 698



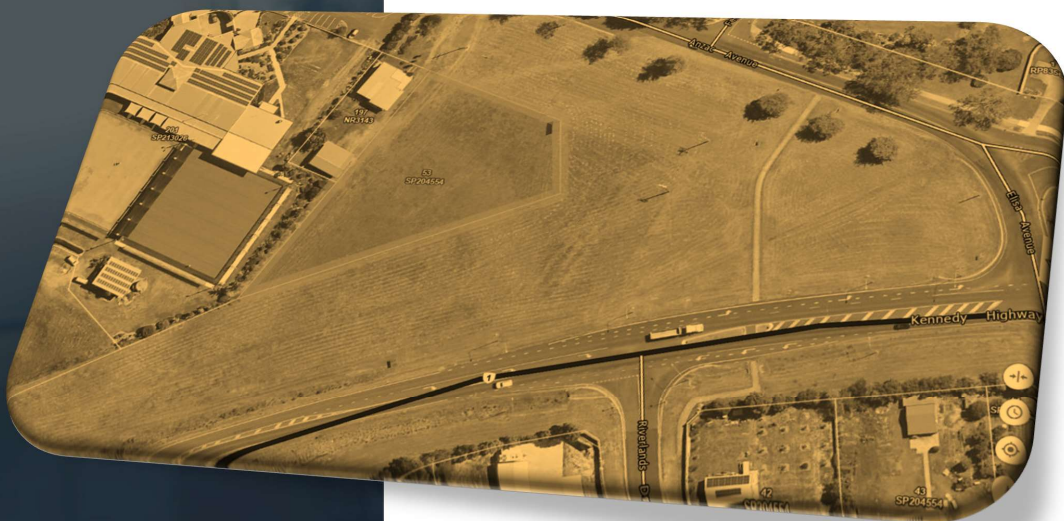
## Anzac Avenue - Child Care Centre

Traffic Report

016-2201-R-001 | Revision A

29 April 2022

Steve Cordenos





## Traffic Report – Anzac Avenue - Child Care Centre



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Project Name                    Anzac Avenue - Child Care Centre  
Project Address                47 Anzac Avenue Mareeba (Lot 53 SP204554)  
Project No:                     016-2201  
Document Title:                Traffic Report  
Document No.:                 016-2201-R-001  
Revision:                        A  
Date:                             29/04/2022  
Client Name:                    Steve Cordenos  
Author:                          Craig Caplick

[www.5KF.com](http://www.5KF.com)

Report prepared by

Craig Caplick  
Principal Engineer | RPEng RPEQ 25102  
+61 402 568 698 | [Craig@5kf.com.au](mailto:Craig@5kf.com.au)

## Revision History

Rev	Date	Description	Author
A	29/04/2022	Initial Issue	CJC

016-2201-R-001A - Traffic Report - Anzac Avenue Child Care.docx-R-001

i

## Traffic Report – Anzac Avenue - Child Care Centre

**Contents**

<b>1.</b>	<b>Introduction.....</b>	<b>1</b>
<b>2.</b>	<b>Existing Conditions .....</b>	<b>4</b>
2.1	Existing Traffic Conditions and Surrounding Road Network .....	4
<b>3.</b>	<b>Development Traffic Generation .....</b>	<b>6</b>
<b>4.</b>	<b>Traffic Impacts .....</b>	<b>7</b>
4.1	Capacity of Anzac Avenue .....	7
4.2	Capacity of Kennedy Highway Intersection with Anzac Avenue .....	8
4.3	Capacity of Kennedy Highway .....	8
<b>5.</b>	<b>Safe Access .....</b>	<b>9</b>
5.1	Proposed Site Exit – Anzac Avenue .....	9
5.2	Proposed Site Entry – Anzac Avenue.....	<b>Error! Bookmark not defined.</b>
5.3	Access Width .....	9
5.4	Pedestrian Site Lines .....	9
<b>6.</b>	<b>Internal Manoeuvres .....</b>	<b>10</b>
6.1	Refuse Collection.....	10
6.2	Internal Parking.....	10
<b>7.</b>	<b>Recommendation .....</b>	<b>11</b>

**Appendix A. Preliminary Development Plans****Appendix B. Anzac Avenue Traffic Counts****Appendix C. Sight Distance Analysis****Appendix D. Refuse Collection Vehicle Swept Paths****Tables**

Table 1 - Development Gross Floor Areas (GFA) .....	2
Table 2 - Development Traffic Generation .....	6

**Figures**

Figure 1 - Locality Aerial Image (image sourced from Qld Globe) .....	1
Figure 2- Project Site Aerial Image (image sourced from Qld Globe) .....	2
Figure 3- Google Street Image of Anzac Avenue at the site frontage looking south east. ....	4
Figure 4- Extract of The Mareeba Shire Council – Plans for Trunk Infrastructure – Transport. ....	4
Figure 5- Mareeba Shire Council – Interactive Mapping. ....	5
Figure 6- Table D1.1 Street and Road Hierarchy – Deemed to Comply Requirements – FNQROC Development Manual.....	5
Figure 7- Extract from The Guide to Traffic Generating Developments.....	6
Figure 8- Development and adjacent road AM Peak Traffic Volumes.....	7
Figure 9- Austroads AGTM Part 6 – Figure 3.25(b) Warrants for turn treatments on major road an unsignalised intersections – Posted Speed = 80km/h .....	8
Figure 10- Austroads AGTM Part 6 – Figure 3.25(c) Warrants for turn treatments on major road an unsignalised intersections – Posted Speed = 60km/h .....	<b>Error! Bookmark not defined.</b>
Figure 11- AS2890.1 Parking Bay size requirements. ....	10



## 1. Introduction

SKF Consulting Engineers have been commissioned to prepare a Traffic Report to support a Development Application for a proposed development at 47 Anzac Avenue Mareeba (Lot 53 SP204554).

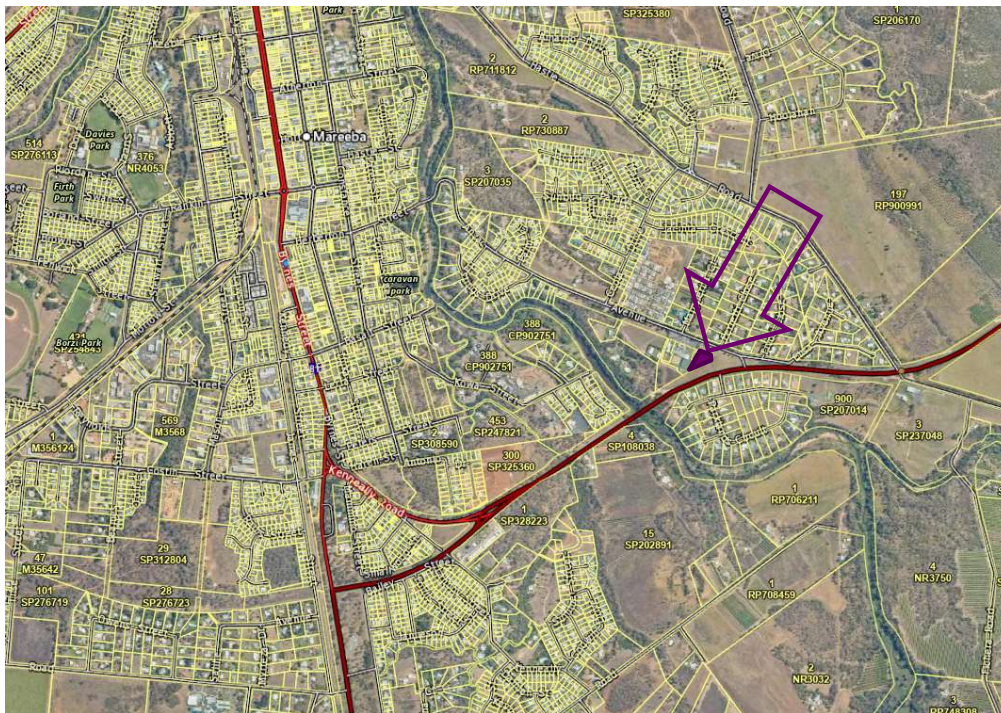


Figure 1 - Locality Aerial Image (image sourced from Qld Globe)

The site, which is currently vacant, is situated on Anzac Avenue in Mareeba, Queensland. It is bounded by Anzac Avenue to the north and east, the Mareeba Bowls Club to the west and the Kennedy Highway to the south.

Traffic Report – Anzac Avenue - Child Care Centre



Figure 2- Project Site Aerial Image (image sourced from Qld Globe)

The development proposal is to construct a Child Care Centre with the proposed development floor areas summarised in Table 1 below. Preliminary development plans are contained in Appendix A.

Age Group	Number
0 - 24 months	30
2-3 years	44
3+ years	60
Staff	14
<b>Total</b>	<b>144</b>

Table 1 - Development Gross Floor Areas (GFA)

#### Traffic Report – Anzac Avenue - Child Care Centre

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This report seeks to address the following traffic engineering elements of the application:

- Details of the existing site and surrounding transport network
- Description of the proposed development
- Estimate of traffic generated by the proposed development
- Distribution of development traffic on the road network and an assessment of the impacts
- Access Safety Assessment
- Service Vehicle Access
- Pedestrian Assessment
- Parking Assessment





## 2. Existing Conditions

### 2.1 Existing Traffic Conditions and Surrounding Road Network

The site, which is currently vacant, is situated on Anzac Avenue in Mareeba, Queensland. It is bounded by Anzac Avenue to the north and east, the Mareeba Bowls Club to the west and the Kennedy Highway to the south. Anzac Avenue is constructed as a two lane, two way undivided road with a posted speed limit of 60km/h.

The formation width and treatment of Anzac Avenue is varied along its length. The road formation at the site frontage is shown in Figure 3 below.



Figure 3- Google Street Image of Anzac Avenue at the site frontage looking south east.

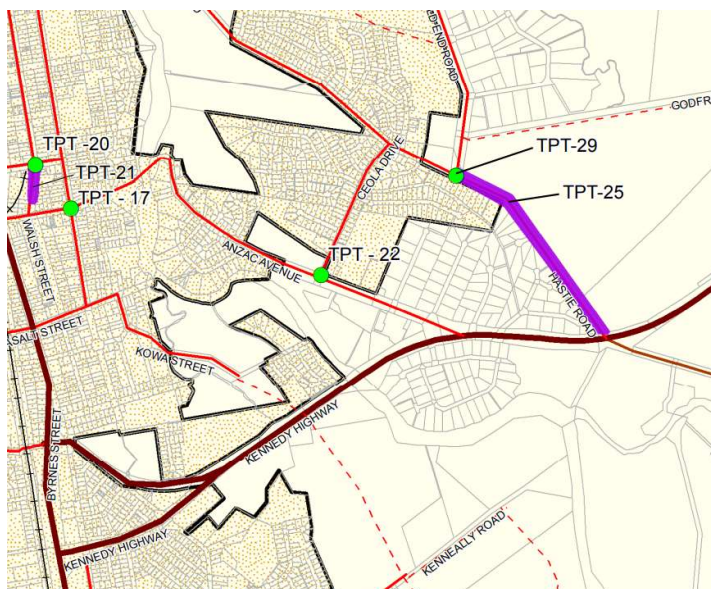


Figure 4- Extract of The Mareeba Shire Council – Plans for Trunk Infrastructure – Transport.

## Traffic Report – Anzac Avenue - Child Care Centre

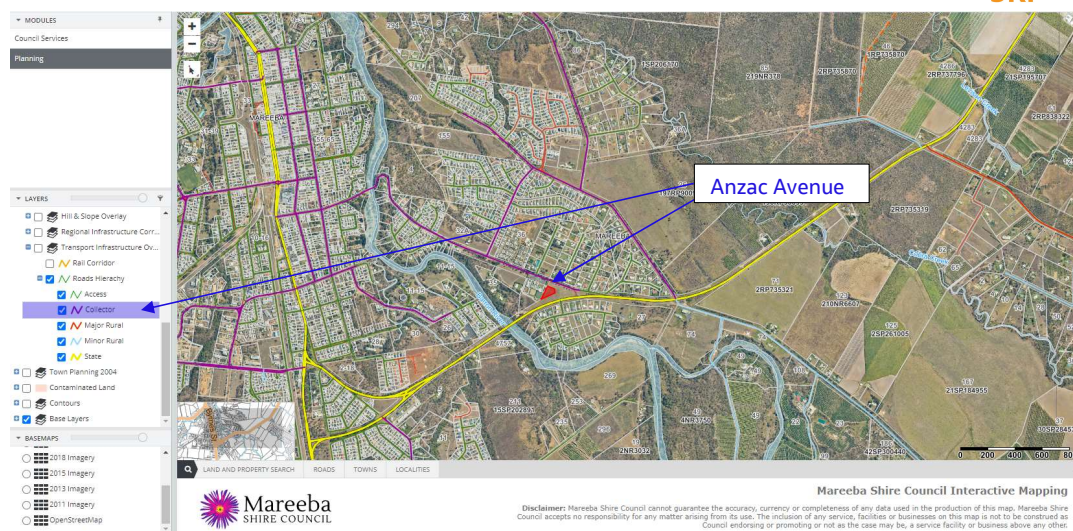


Figure 5- Mareeba Shire Council – Interactive Mapping.

Anzac Avenue is not clearly identifiable as a one of the typical Far North Queensland Regional Organisation of Councils (FNQROC) standard road cross sections with a 60m road reserve width and varying cross sections. The Mareeba Shire Council – Plans for Trunk Infrastructure – Transport (Figure 4 above) - identify Anzac Avenue as an “Existing High Order Local Road”, while the Mareeba Shire Council Interactive Mapping – Transport Infrastructure Overlay (Figure 5 above) defines Anzac Avenue as a Collector.

Table D1.1 Street and Road Hierarchy - Deemed to Comply Requirements

Road Hierarchy Classification <sup>8, 13</sup>	Type	Standard Drawing	Catchment Size (no of dwellings)	AADT (vpd)	Reserve Width <sup>12, 17</sup> (Min)	Carriageway Width <sup>1, 1A</sup> (Min)	Verge Width <sup>9</sup> (Min each side)	Footpath <sup>18</sup>	Max Grade (Desirable)	Design Speed (km/h)	Lighting Category
Access Place (CRC, CCRC and DSC only) <sup>14</sup>	1	S1005	0-25	0-190	14.5m	5.5m sealed	4.5m	not req'd	16% <sup>4</sup> (12%)	30	P4
Access Street (TRC, CCRC, MSC CRC & DSC only) <sup>14</sup>	2	S1005	26-90 <sup>11</sup>	200-740 <sup>12</sup>	15.5m	6.5m sealed	4.5m	1 side	16% <sup>34</sup> (12%)	30	P4
Low Density Residential (CRC, CCRC, and MSC only)	3	S1005	n/a	n/a	20m	7.0m sealed with 1.0m wide gravel shoulders <sup>9</sup>	5.5m	Not req'd	16% <sup>3</sup> (12%)	60	P4
Residential Street (excl TRC, CCRC, MSC, DSC & CRC)	4	S1005	0-90	0-740	16.5m	7.5m sealed	4.5m	1 side <sup>12</sup>	16% <sup>34</sup> (12)	40	P4 <sup>16</sup>
Minor <sup>15</sup>	5	S1006	91-300	750-2990	16.5m	7.5m <sup>2</sup>	4.5m	1 side	10% (8%)	50	P3
Collector Road	Major <sup>15</sup>	6	301-600	3000-5999	20m	11m	4.5m	1 side	10% (8%)	60	V5
	No median <sup>7, 17</sup>				25m	16m	4.5m				
Sub Arterial/Arterial <sup>8, 15</sup>	2 lane median divided	8	>600	>6000	28m	2 x 5.5m separated by a 5m median	6m	both sides	8% (6%)	60	V3
	4 lane median divided	9			31m	2 x 8.5m separated by a 5m median	4.5m				
	4 lane median divided with parking	10			40m	2 x 12.4m separated by a 5m median if no centre parking	5.1m				
Industrial Access Street	11	S1009	<8Ha		21m	12m	4.5m	not req'd	10% (6%)	60	P3
Industrial Collector Street	12	S1009	<30Ha		23m	14m	4.5m	Not req'd	8% (6%)	60	P3

Refer Table D1.4 for details of Rural Road Elements

Figure 6- Table D1.1 Street and Road Hierarchy – Deemed to Comply Requirements – FNQROC Development Manual

Traffic information for Anzac Avenue has been provided by Mareeba Shire Council and included in Appendix B. This data shows that the daily traffic on a weekday is an average of 3667 vpd. It is therefore assumed that Anzac Avenue is a major collector and that the varying road formation widths will be upgraded in time to reflect the traffic volume.

2020 traffic census information available in Queensland Globe shows an AADT of 8055 for the Kennedy Highway to the east of the site at the junction with Hastie Road. The posted speed limit for the Kennedy Highway at the Anzac Avenue intersection is 80km/h.



### 3. Development Traffic Generation

Traffic generation for the proposed development has been determined using The Guide to Traffic Generating Developments – Road Traffic Authority. Child-Care centres are discussed in section 3.11.3 of the guide. The best indicator for traffic generation for developments of this type was found to be the number of children attending the centre.

**Table 3.6**  
Traffic generation rates

Centre Type	Peak Vehicle Trips / Child		
	7.00-9.00am	2.30-4.00pm	4.00-6.00pm
Pre-school	1.4	0.8	-
Long-day care	0.8	0.3	0.7
Before/after care	0.5	0.2	0.7

**Figure 7- Extract from The Guide to Traffic Generating Developments.**

The - Development Traffic Generation table below has been determined by Correlating the occupancy from Table 1 to these categories from Figure 7.

Age Group	Number	Centre Type	Peak Vehicle Trips		
			7am-9am	2:30pm-4pm	4pm-6pm
0 - 15 months	30	Long-day care	24.0	9.0	21.0
2-3 years	44		35.2	13.2	30.8
3+ years	60	Pre-school	84.0	48.0	0.0
<b>Total</b>	<b>134</b>		<b>143.2</b>	<b>70.2</b>	<b>51.8</b>
<b>Trips/hour</b>			<b>71.6</b>	<b>35.1</b>	<b>25.9</b>

**Table 2 - Development Traffic Generation**

The morning peak has been determined to be the busiest period for traffic generation with 143.2 trips over 2 hours. The peak hour traffic generation from the site has therefore assumed to be 71.6 trips per hour.





## 4. Traffic Impacts

The development is located in the south-eastern corner of the town, it is assumed that 67% of the traffic generated by the site will use Anzac Avenue to approach the site from the north and leave to the north. The remaining 33% of traffic is assumed to use the Kennedy Highway. The figure below shows the calculated and assumed traffic volumes with the assumed directional split.

A range of traffic direction splits has been explored because it is unknown which journeys the traffic generated by this development. The other splits do not alter the outcome of the capacity discussions below.



Figure 8- Development and adjacent road AM Peak Traffic Volumes.

### 4.1 Capacity of Anzac Avenue

The largest AM Peak for Anzac Avenue is 381 vehicles per in from the traffic data provided by Mareeba Shire Council in Appendix B. This has been assumed as the daily AM peak traffic. The morning peak hour traffic generation of the site is 71.6 trips per hour which represents an increase of 18.8% to the traffic using Anzac Avenue. It is acknowledged that a portion of this generated traffic will use utilise the development on an existing journey i.e. drop off on the way to work while for others this is a generated journey.

The daily AADT of a major collector from Figure 6 above (FNQROC Development Manual) is 6000 vpd which approximates to 600vph in peak hour. The existing traffic plus the traffic generated from this development is 452.vph

### 4.2 Proposed Site Entry – Anzac Avenue

Entry to the development proposed is proposed to be from the new access to Anzac Avenue. Basic Auxiliary turns (i.e. no treatment) are present at other traffic generating developments on Anzac Avenue such as the neighbouring Library and Bowls Club. To determine whether turn treatments at this access are warranted at this development, the traffic has been assessed against the turn warrants in Austroads A Guide to Traffic Management (AGTM) Part 6 in **Error! Reference source not found.** below.

This figure shows that Basic Auxiliary Right (BAR) and Left (BAL) turns are sufficient, therefore no further treatments are warranted to Anzac Avenue to provide safe access to the proposed development.

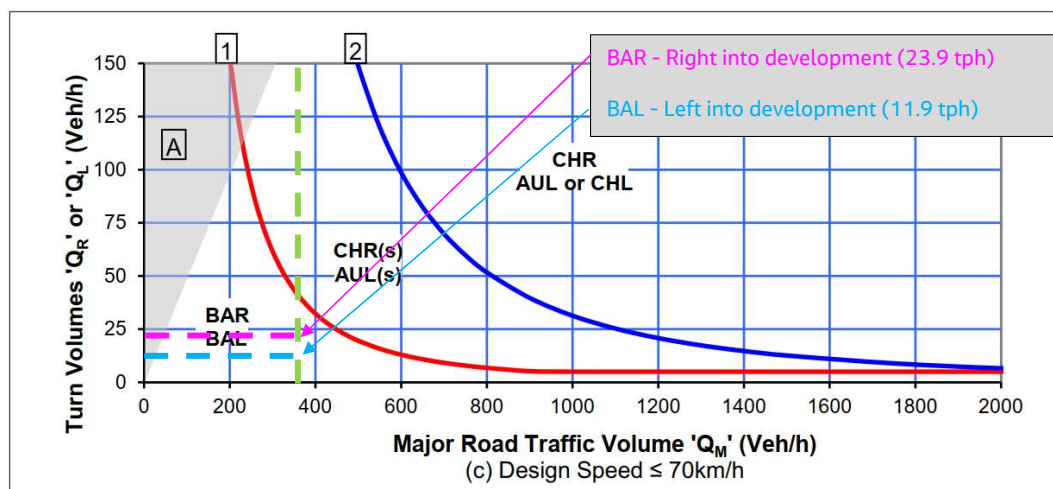


Figure 9- Austroads AGTM Part 6 – Figure 3.25(c) Warrants for turn treatments on major road an unsignalised intersections – Posted Speed = 60km/h

#### 4.3 Capacity of Kennedy Highway

The morning peak hour traffic generation of the site assumed to be using the Kennedy Highway is 23.6 trips per hour. This corresponds to an increase of less than 5% (2.9%) of the 805.5 vph (10% of AADT) using the Kennedy Highway in the morning peak hour and therefore will not impact the capacity of the Kennedy Highway.

#### 4.4 Capacity of Kennedy Highway Intersection with Anzac Avenue

The intersection between the Kennedy Highway and Anzac Avenue is an unsignalised CHR and CHL configuration. The predicted morning peak hour traffic generation of the site travelling via this intersection is assumed to be 23.8 trips per hour, 11.9 vehicles per hour entering Anzac Avenue from the Kennedy Highway and a further 11.9 vehicles per hour joining the Kennedy Highway from Anzac Avenue. When these volumes are split for each movement at the intersection should not warrant any further upgrades of this intersection.

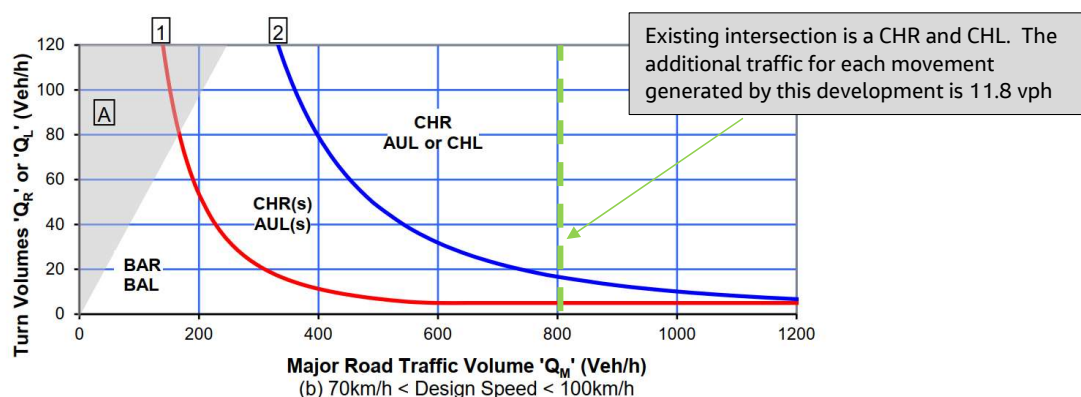


Figure 10- Austroads AGTM Part 6 – Figure 3.25(b) Warrants for turn treatments on major road an unsignalised intersections – Posted Speed = 80km/h

Most of the users of this development will live locally in Mareeba, as such it can be assumed that if there are any potential delays accessing the Kennedy Highway at this time drivers will detour via Anzac Avenue though the town.



## 5. Safe Access

### 5.1 Proposed Site Exit – Anzac Avenue

Egress from the development will be via a new access to Anzac Avenue. A sight distance assessment has been undertaken for vehicles entering Anzac Avenue from the development against the criteria of Austroads Guide to Road Design Part 4A.

A plan of the site distance assessment is contained in Appendix C.



Photo 1- Sight distance at approximate access location looking right.

### 5.2 Access Width

The access will be sufficiently wide to allow design vehicles entering the site to manoeuvre into the driveway while a vehicle is exiting the site to ensure that queue will not occur. The access driveway geometry and all on-site parking and aisles will be in accordance with the requirements of AS2890.

### 5.3 Pedestrian Site Lines

The landscaping and signage incorporated in the development will allow for adequate pedestrian sight lines for vehicles and pedestrians to allow pedestrians to safely cross the property access using the footpaths at the site frontages.



## 6. Internal Manoeuvres

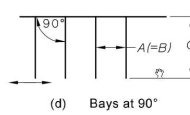
### 6.1 Refuse Collection

A refuse collection area has been dedicated within the development to be collected under a commercial waste collection contract. The collection will occur outside of the centres operating hours to allow the refuse vehicle to use the carpark area to turn around and exit the site in a forward gear.

A swept path analysis shown in Appendix D, indicates that there is sufficient space allowed for a refuse collection vehicle to enter, access the refuse area, and leave the site in a forward gear.

### 6.2 Internal Parking

The internal parking layout will comply with AS2890.1 Off-street parking. Specifically, the layout will comply with user class 3A requirements for short term, high turn-over parking.



(d) Bays at 90°

User class (Note 1)	A (Note 3)	B	C <sub>1</sub>	C <sub>2</sub>	C <sub>3</sub>	Aisle width (Note 4)
1	2.4	2.4	5.4	4.8	5.4	6.2
1A	2.4	2.4	5.4	4.8	5.4	5.8
2	2.5	2.5	5.4	4.8	5.4	5.8
3	2.6	2.6	5.4	4.8	5.4	5.8
3A	2.6	2.6	5.4	4.8	5.4	6.6
3A	2.7	2.7	5.4	4.8	5.4	6.2
4	(See Note 5)					

\*Dimension C is selected as follows (see Note 6):

C<sub>1</sub>—where parking is to a wall or high kerb not allowing any overhang.

C<sub>2</sub>—where parking is to a low kerb which allows 600 mm overhang in accordance with Clause 2.4.1(a)(i).

C<sub>3</sub>—where parking is controlled by wheelstops installed at right angles to the direction of parking, or where the ends of parking spaces form a sawtooth pattern, e.g. as shown in the upper half of Figure 2.4(b).

**Figure 11- AS2890.1 Parking Bay size requirements.**

Traffic Report – Anzac Avenue - Child Care Centre



## 7. Recommendation

Based on the calculations and information collated in this report, it is concluded that this development.

- Provides safe ingress and egress for the design vehicles and pedestrians.
- Provides parking in accordance with AS2890
- Does not impact the surrounding traffic network in such a way that requires upgrades external to the development.
- Details of the existing site and surrounding transport network

There are no traffic engineering impediments to the development proceeding. It is recommended that Council approve the development with standard, relevant, and reasonable conditions.

Traffic Report – Anzac Avenue - Child Care Centre



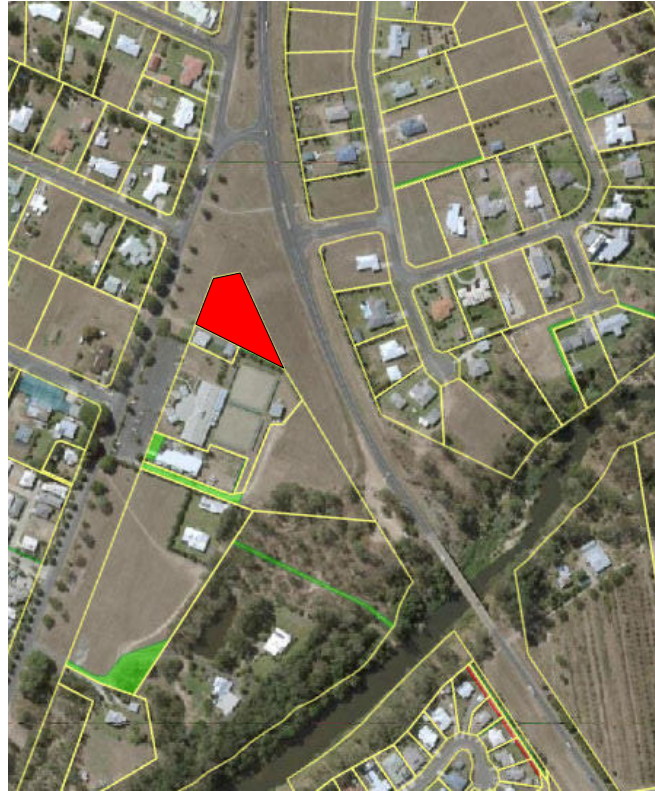
## Appendix A. Preliminary Development Plans



# PROPOSED CHILDCARE

STEVE CORDENOS

47 ANZAC AVENUE  
MAREEBA



PRELIMINARY ONLY

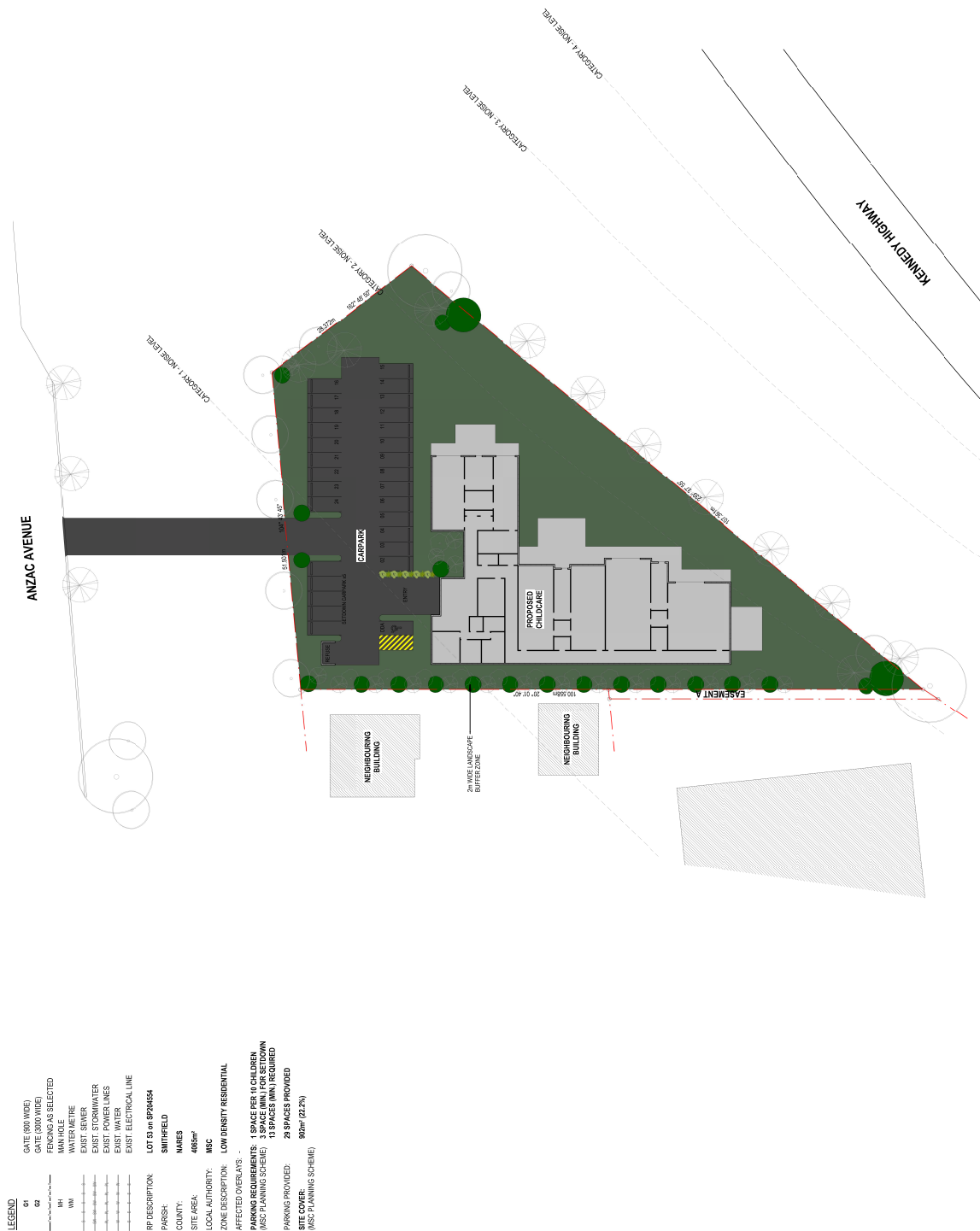
PROPOSED CHILDCARE

COVER SHEET

1675-SK01

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**D E S I G N**  
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**LEGEND**

GI

— GATE (600 WIDE)

— EXIST. POWER LINES

— EXIST. WATER LINES

— EXIST. STORMWATER

— EXIST. SEWER

— MANHOLE

— WATER METRE

— EXIST. STORMWATER

— EXIST. POWER LINES

— EXIST. WATER LINES

— EXIST. ELECTRICAL LINE

RP DESCRIPTION: LOT 51 on SP204554

PARISH: SMITHFIELD

COUNTY: MARES

SITE AREA: 4065m<sup>2</sup>

LOCAL AUTHORITY: MSC

ZONE DESCRIPTION: LOW DENSITY RESIDENTIAL

AFFECTED OVERLAYS:

PARKING REQUIREMENTS: 1 SPACE PER 10 CHILDREN (MSC PLANNING SCHEME)

PARKING PROVIDED: 13 SPACES (MIN.) REQUIRED

SITE COVER: 28 SPACES PROVIDED

(MSC PLANNING SCHEME)

PRELIMINARY ONLY

**PROPOSED CHILDCARE**

SITE PLAN

1675-SK02

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**PROPOSED CHILDCARE**  
SITE IMAGERY  
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FLOOR AREA	
ROOM NAME	AREA (m <sup>2</sup> )
OVERALL AREA	1173.2 m <sup>2</sup>

PRELIMINARY ONLY

**PROPOSED CHILDCARE**

AREA PLAN

1675-SK04

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## Appendix B. Anzac Avenue Traffic Counts



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## Anzac Av - TC Location Ch 1750

## **MetroCount Traffic Executive** **Weekly Vehicle Counts (Virtual Week)**

### **VirtWeeklyVehicle-692 -- English (ENA)**

#### **Datasets:**

**Site:** [Anzac Av] Intersection Herberton St @ Ch 1750 <60>  
**Attribute:** Mareeba  
**Direction:** 7 - North bound A>B, South bound B>A. **Lane:** 0  
**Survey Duration:** 12:16 Friday, 1 October 2021 => 11:24 Wednesday, 13 October 2021,  
**Zone:**  
**File:** Anzac Av 0 2021-10-13 1125.EC0 (Plus )  
**Identifier:** FN47XFS5 MC56-L5 [MC55] (c)Microcom 19Oct04  
**Algorithm:** Factory default axle (v5.07)  
**Data type:** Axle sensors - Paired (Class/Speed/Count)

#### **Profile:**

**Filter time:** 12:17 Friday, 1 October 2021 => 11:24 Wednesday, 13 October 2021 (11.9638)  
**Included classes:** 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12  
**Speed range:** 10 - 160 km/h.  
**Direction:** North, East, South, West (bound), P = North, Lane = 0-16  
**Separation:** Headway > 0 sec, Span 0 - 100 metre  
**Name:** Default Profile  
**Scheme:** Vehicle classification (AustRoads94)  
**Units:** Metric (metre, kilometre, m/s, km/h, kg, tonne)  
**In profile:** Vehicles = 41331 / 41356 (99.94%)

VirtWeeklyVehicle-692 Page 2

**Weekly Vehicle Counts (Virtual Week)****VirtWeeklyVehicle-692****Site:** Anzac Av.0.1NS**Description:** Intersection Herberton St @ Ch 1750 <60>**Filter time:** 12:17 Friday, 1 October 2021 => 11:24 Wednesday, 13 October 2021**Scheme:** Vehicle classification (AustRoads94)**Filter:** Cls(1-12) Dir(NESW) Sp(10,160) Headway(>0) Span(0 - 100) Lane(0-16)

	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Averages	
								1 - 5	1 - 7
<b>Hour</b>									
0000-0100	11.0	6.5	9.0	11.0	12.0	26.5	21.5	9.5	14.3
0100-0200	10.0	5.0	7.5	10.0	13.0	13.5	15.0	8.5	10.4
0200-0300	6.0	6.0	4.0	2.0	4.0	10.0	5.0	4.8	5.7
0300-0400	6.5	10.5	4.5	6.0	7.0	10.0	6.5	7.0	7.4
0400-0500	17.0	17.0	17.0	17.0	17.0	15.0	15.5	17.0	16.4
0500-0600	51.5	71.5	71.5	68.0	68.0	33.5	22.5	65.6	53.1
0600-0700	122.0	186.0	177.5	193.0	182.0	82.0	48.5	168.3	133.9
0700-0800	185.5	321.0	309.0	301.0	278.0	134.5	67.5	276.3	217.8
0800-0900	251.0	381.0	360.0	359.0	376.0	220.0	152.5	339.9	288.7
0900-1000	243.5	257.0	239.0	254.0	230.0	312.5	244.0	245.4	256.3
1000-1100	243.5	223.0	182.0	198.0	234.0	303.0	246.0	216.1	235.6
1100-1200	223.5	245.0	115.5	186.0	266.0	260.5	248.0	202.5	219.8
1200-1300	216.5	243.5	243.0	231.0	234.5	258.5	246.5	232.9	239.4
1300-1400	224.0	234.0	260.0	243.0	284.5	238.5	241.0	248.5	245.6
1400-1500	214.0	275.0	212.0	239.0	291.5	221.5	215.0	251.5	240.4
1500-1600	256.0	322.0	306.0	268.0	348.5	205.0	226.5	303.4	274.2
1600-1700	261.0	340.0	338.0	385.0	342.5	202.0	209.5	326.3	286.1
1700-1800	240.0	322.0	317.0	309.0	308.5	181.5	187.0	295.9	258.7
1800-1900	141.0	175.0	172.0	185.0	199.5	153.0	135.5	173.5	163.8
1900-2000	81.5	104.5	105.0	121.0	143.5	106.0	81.5	110.6	105.0
2000-2100	52.5	66.5	56.0	79.0	84.5	71.0	60.5	67.8	67.1
2100-2200	37.0	45.5	45.0	68.0	64.0	53.5	41.5	50.8	49.7
2200-2300	18.5	23.5	22.0	31.0	47.5	62.0	33.5	29.0	35.3
2300-2400	7.5	15.0	11.0	9.0	33.5	38.0	14.5	16.5	19.8
<b>Totals</b>									
0700-1900	2699.5	3338.5	3053.5	3158.0	3393.5	2690.5	2419.0	3112.0	2926.3
0600-2200	2992.5	3741.0	3437.0	3619.0	3867.5	3003.0	2651.0	3509.4	3281.9
0600-0000	3018.5	3779.5	3470.0	3659.0	3948.5	3103.0	2699.0	3554.9	3336.9
0000-0000	3120.5	3896.0	3583.5	3773.0	4069.5	3211.5	2785.0	3667.3	3444.2
<b>AM Peak</b>	0800	0800	0800	0800	0800	0900	1100		
	251.0	381.0	360.0	359.0	376.0	312.5	248.0		
<b>PM Peak</b>	1600	1600	1600	1600	1500	1200	1200		
	261.0	340.0	338.0	385.0	348.5	258.5	246.5		

\* - No data.



## MetroCount Traffic Executive Class Speed Matrix

### ClassMatrix-691 -- English (ENA)

#### Datasets:

**Site:** [Anzac Av] Intersection Herberton St @ Ch 1750 <60>  
Mareeba

**Direction:** 7 - North bound A>B, South bound B>A. **Lane:** 0

**Survey Duration:** 12:16 Friday, 1 October 2021 => 11:24 Wednesday, 13 October 2021,

**Zone:**

**File:** Anzac Av 0 2021-10-13 1125.EC0 (Plus )

**Identifier:** FN47XFS5 MC56-L5 [MC55] (c)Microcom 19Oct04

**Algorithm:** Factory default axle (v5.07)

**Data type:** Axle sensors - Paired (Class/Speed/Count)

#### Profile:

**Filter time:** 12:17 Friday, 1 October 2021 => 11:24 Wednesday, 13 October 2021 (11.9638)

**Included classes:**

**Speed range:** 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12  
10 - 160 km/h.

**Direction:** North, East, South, West (bound), P = North, Lane = 0-16

**Separation:** Headway > 0 sec, Span 0 - 100 metre

**Name:** Default Profile

**Scheme:** Vehicle classification (AustRoads94)

**Units:** Metric (metre, kilometre, m/s, km/h, kg, tonne)

**In profile:** Vehicles = 41331 / 41356 (99.94%)

## Class Speed Matrix

### ClassMatrix-691

Site: Anzac Av.0.1NS

Description: Intersection Herberton St @ Ch 1750 <60>

Filter time: 12:17 Friday, 1 October 2021 => 11:24 Wednesday, 13 October 2021

Scheme: Vehicle classification (AustRoads94)

Filter: Cls(1-12) Dir(NESW) Sp(10,160) Headway(>0) Span(0 - 100) Lane(0-16)

km/h	SV	Class												Total
		1	2	SVT	TB2	TB3	T4	ART3	ART4	ART5	ART6	BD	DRT	TRT
10-20	21	1	2	1	1	1	1	1	1	1	1	1	1	1
20-30	280	6	21	2	2	2	2	2	2	2	2	2	2	2
30-40	1133	37	173	12	1	7	11	11	11	4	8	8	8	8
40-50	13425	311	1438	45	10	40	54	54	54	3	42	38	38	38
50-60	17476	241	2922	7	1	59	37	37	37	1	9	2	2	2
60-70	2430	14	800	2	2	8	8	8	8	1	1	1	1	1
70-80	93	1	63	1	1	1	1	1	1	1	1	1	1	1
80-90	5	1	6	1	1	1	1	1	1	1	1	1	1	1
90-100	1	1	4	1	1	1	1	1	1	1	1	1	1	1
100-110	1	1	1	1	1	1	1	1	1	1	1	1	1	1
110-120	1	1	1	1	1	1	1	1	1	1	1	1	1	1
120-130	1	1	1	1	1	1	1	1	1	1	1	1	1	1
130-140	1	1	1	1	1	1	1	1	1	1	1	1	1	1
140-150	1	1	1	1	1	1	1	1	1	1	1	1	1	1
150-160	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Total	34864	610	5430	69	14	115	112	112	112	9	59	48	0	1
ESA	84.4%	1.5%	13.1%	0.2%	0.0%	0.3%	0.3%	0.3%	0.3%	0.0%	0.1%	0.1%	0.0%	0.0%
Raw axle	0.0	0.0	10860.0	138.0	28.0	345.0	336.0	336.0	336.0	27.0	177.0	192.0	0.0	7.0
Single	69728	2007	10860	207	56	345	448	448	448	45	356	337	0	7
T steer	69456	1656	10860	69	5	345	228	228	228	13	104	47	0	7
Double	6	0	0	1	9	0	0	0	0	0	0	1	0	0
Triple	197	171	16	68	9	0	110	110	110	16	102	144	0	0
Quad+	4	3	0	0	5	0	0	0	0	0	13	0	0	0
Quad+	0	0	0	0	0	0	0	0	0	0	2	0	0	0
Total	41331	610	5430	69	14	115	112	112	112	9	59	48	0	1
ESA	84.4%	1.5%	13.1%	0.2%	0.0%	0.3%	0.3%	0.3%	0.3%	0.0%	0.1%	0.1%	0.0%	0.0%
Raw axle	0.0	0.0	10860.0	138.0	28.0	345.0	336.0	336.0	336.0	27.0	177.0	192.0	0.0	7.0
Single	69728	2007	10860	207	56	345	448	448	448	45	356	337	0	7
T steer	69456	1656	10860	69	5	345	228	228	228	13	104	47	0	7
Double	6	0	0	1	9	0	0	0	0	0	0	1	0	0
Triple	197	171	16	68	9	0	110	110	110	16	102	144	0	0
Quad+	4	3	0	0	5	0	0	0	0	0	13	0	0	0
Quad+	0	0	0	0	0	0	0	0	0	0	2	0	0	0

Total vehicles = 41331, Total heavies = 5857 (14.17%), Average ESA per heavy = 2.07  
Twinsteers = 0.29% of heavies, 0.04% of total.





### Anzac Av TC Location Ch 380

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## **MetroCount Traffic Executive** **Weekly Vehicle Counts (Virtual Week)**

### **VirtWeeklyVehicle-689 -- English (ENA)**

#### **Datasets:**

**Site:** [Anzac Av] Intersection Herberton St @ Ch 380 <60>  
**Attribute:** Mareeba  
**Direction:** 7 - North bound A>B, South bound B>A. **Lane:** 0  
**Survey Duration:** 12:27 Friday, 1 October 2021 => 11:31 Wednesday, 13 October 2021,  
**Zone:**  
**File:** Anzac Av 0 2021-10-13 1131.EC0 (Plus )  
**Identifier:** MB298NCE MC56-L5 [MC55] (c)Microcom 19Oct04  
**Algorithm:** Factory default axle (v5.07)  
**Data type:** Axle sensors - Paired (Class/Speed/Count)

#### **Profile:**

**Filter time:** 12:28 Friday, 1 October 2021 => 11:31 Wednesday, 13 October 2021 (11.9607)  
**Included classes:** 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12  
**Speed range:** 10 - 160 km/h.  
**Direction:** North, East, South, West (bound), P = North, Lane = 0-16  
**Separation:** Headway > 0 sec, Span 0 - 100 metre  
**Name:** Default Profile  
**Scheme:** Vehicle classification (AustRoads94)  
**Units:** Metric (metre, kilometre, m/s, km/h, kg, tonne)  
**In profile:** Vehicles = 77601 / 77617 (99.98%)

VirtWeeklyVehicle-689 Page 2

**Weekly Vehicle Counts (Virtual Week)**

VirtWeeklyVehicle-689

Site: Anzac Av.0.1NS

Description: Intersection Herberton St @ Ch 380 &lt;60&gt;

Filter time: 12:28 Friday, 1 October 2021 =&gt; 11:31 Wednesday, 13 October 2021

Scheme: Vehicle classification (AustRoads94)

Filter: Cls(1-12) Dir(NESW) Sp(10,160) Headway(&gt;0) Span(0 - 100) Lane(0-16)

	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Averages	
								1 - 5	1 - 7
<b>Hour</b>									
0000-0100	16.5	9.0	10.5	12.0	19.0	36.0	27.5	12.9	19.2
0100-0200	10.5	5.5	7.0	13.0	16.0	27.0	17.0	9.4	13.6
0200-0300	8.0	8.0	6.5	5.0	9.0	12.0	7.0	7.4	8.1
0300-0400	13.5	13.5	8.5	11.0	16.0	12.5	10.5	12.3	12.0
0400-0500	27.0	28.5	23.5	28.0	30.0	24.0	11.5	27.0	23.9
0500-0600	83.5	112.5	122.0	114.0	107.0	49.5	34.0	107.1	85.3
0600-0700	193.0	284.5	283.0	308.0	256.0	126.5	86.5	260.6	209.3
0700-0800	315.5	520.0	524.0	494.0	474.0	225.0	140.0	460.9	368.1
0800-0900	<b>512.5</b>	<b>756.0</b>	<b>702.5</b>	<b>725.0</b>	<b>772.0</b>	389.5	276.5	<b>679.9</b>	<b>564.3</b>
0900-1000	464.5	503.0	488.0	464.0	459.0	<b>551.0</b>	490.0	479.3	493.0
1000-1100	492.5	478.5	470.5	439.0	543.0	550.0	455.0	483.1	489.6
1100-1200	434.5	481.0	225.0	439.0	517.0	529.5	<b>508.5</b>	404.6	442.8
1200-1300	440.0	487.5	487.0	467.0	395.0	<b>448.0</b>	<b>431.0</b>	449.9	446.4
1300-1400	391.0	439.5	511.0	447.0	527.5	388.0	362.5	459.3	431.3
1400-1500	401.5	490.0	488.0	502.0	570.5	354.0	343.5	489.3	442.4
1500-1600	<b>503.0</b>	629.0	<b>653.0</b>	600.0	<b>653.0</b>	331.0	355.5	602.9	516.3
1600-1700	496.0	663.0	628.0	<b>712.0</b>	625.0	343.0	387.5	613.5	<b>530.8</b>
1700-1800	502.5	<b>674.0</b>	648.0	664.0	626.0	349.5	338.0	<b>614.6</b>	524.3
1800-1900	297.0	374.0	386.0	445.0	432.5	308.5	261.0	379.8	348.1
1900-2000	183.5	199.5	223.0	254.0	251.0	183.0	145.0	218.1	200.1
2000-2100	89.5	124.0	126.0	133.0	164.0	130.5	121.0	126.8	126.4
2100-2200	54.0	69.5	71.0	113.0	122.5	108.0	82.0	84.5	88.0
2200-2300	30.0	34.5	31.0	41.0	76.0	87.5	55.0	44.1	53.2
2300-2400	15.0	15.0	24.0	18.0	50.0	57.0	25.0	25.3	30.5
<b>Totals</b>									
0700-1900	5250.5	6495.5	6211.0	6398.0	6594.5	4767.0	4349.0	6116.9	5597.2
0600-2200	5770.5	7173.0	6914.0	7206.0	7388.0	5315.0	4783.5	6806.9	6221.0
0600-0000	5815.5	7222.5	6969.0	7265.0	7514.0	5459.5	4863.5	6876.3	6304.7
0000-0000	5974.5	7399.5	7147.0	7448.0	7711.0	5620.5	4971.0	7052.3	6466.7
<b>AM Peak</b>	0800	0800	0800	0800	0800	0900	1100		
	512.5	756.0	702.5	725.0	772.0	551.0	508.5		
<b>PM Peak</b>	1500	1700	1500	1600	1500	1200	1200		
	503.0	674.0	653.0	712.0	653.0	448.0	431.0		

\* - No data.

## MetroCount Traffic Executive Class Speed Matrix

### ClassMatrix-690 -- English (ENA)

#### Datasets:

**Site:** [Anzac Av] Intersection Herberton St @ Ch 380 <60>  
Mareeba

**Direction:** 7 - North bound A>B, South bound B>A. **Lane:** 0

**Survey Duration:** 12:27 Friday, 1 October 2021 => 11:31 Wednesday, 13 October 2021,

#### **Zone:**

**File:** Anzac Av 0 2021-10-13 1131.EC0 (Plus )  
**Identifier:** MB298NCE MC56-L5 [MC55] (c)Microcom 19Oct04  
**Algorithm:** Factory default axle (v5.07)  
**Data type:** Axle sensors - Paired (Class/Speed/Count)

#### Profile:

**Filter time:** 12:28 Friday, 1 October 2021 => 11:31 Wednesday, 13 October 2021 (11.9607)

**Included classes:** 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12

**Speed range:** 10 - 160 km/h.

**Direction:** North, East, South, West (bound), P = North, Lane = 0-16

**Separation:** Headway > 0 sec, Span 0 - 100 metre

**Name:** Default Profile

**Scheme:** Vehicle classification (AustRoads94)

**Units:** Metric (metre, kilometre, m/s, km/h, kg, tonne)

**In profile:** Vehicles = 77601 / 77617 (99.98%)

## Class Speed Matrix

### ClassMatrix-690

Site: Anzac Av.0.1NS  
 Description: Intersection Herberton St @ Ch 380 <60>  
 Filter time: 12:28 Friday, 1 October 2021 => 11:31 Wednesday, 13 October 2021  
 Scheme: Vehicle classification (AustRoads94)  
 Filter: CIs(1-12) Dir(NESW) Sp(10,160) Headway(>0) Span(0 - 100) Lane(0-16)

km/h	Class												Total	
	SV	SVT	TB2	TB3	T4	ART3	ART4	ART5	ART6	BD	DRT	TRT		
10-20	24	1	5	1	1	1	1	1	1	1	1	12	31	0.0%
20-30	135	3	7	5	1	1	1	1	1	1	1	1	151	0.2%
30-40	1093	34	42	4	4	2	6	1	1	1	1	1	1188	1.5%
40-50	22043	490	961	42	14	22	39	2	31	11	1	1	23656	30.5%
50-60	45092	642	2747	26	8	68	56	2	31	45	3	1	48721	62.8%
60-70	3373	34	351	2	1	11	3	2	2	1	1	1	3777	4.9%
70-80	69	1	6	1	1	1	1	1	1	1	1	1	75	0.1%
80-90	2	1	1	1	1	1	1	1	1	1	1	1	2	0.0%
90-100	1	1	1	1	1	1	1	1	1	1	1	1	0	0.0%
100-110	1	1	1	1	1	1	1	1	1	1	1	1	0	0.0%
110-120	1	1	1	1	1	1	1	1	1	1	1	1	0	0.0%
120-130	1	1	1	1	1	1	1	1	1	1	1	1	0	0.0%
130-140	1	1	1	1	1	1	1	1	1	1	1	1	0	0.0%
140-150	1	1	1	1	1	1	1	1	1	1	1	1	0	0.0%
150-160	1	1	1	1	1	1	1	1	1	1	1	1	0	0.0%
Total	71831	1204	4119	79	28	103	104	4	65	58	5	1	77601	
	92.6%	1.6%	5.3%	0.1%	0.0%	0.1%	0.1%	0.0%	0.1%	0.1%	0.0%	0.0%		
SSA	0.0	0.0	8238.0	158.0	56.0	309.0	312.0	12.0	195.0	232.0	25.0	7.0	9544.0	
Raw axle	143662	4023	8238	237	113	309	416	20	390	412	40	7	157867	
Single	142442	3205	8238	79	3	309	214	6	126	57	16	7	154702	
T steer	22	0	0	1	25	0	0	0	1	2	0	0	51	
Double	871	403	22	78	24	0	101	7	104	169	12	0	1791	
Triple	16	4	2	0	4	0	0	0	18	3	0	0	47	
Quad+	0	0	0	0	0	0	0	0	0	1	0	0	1	

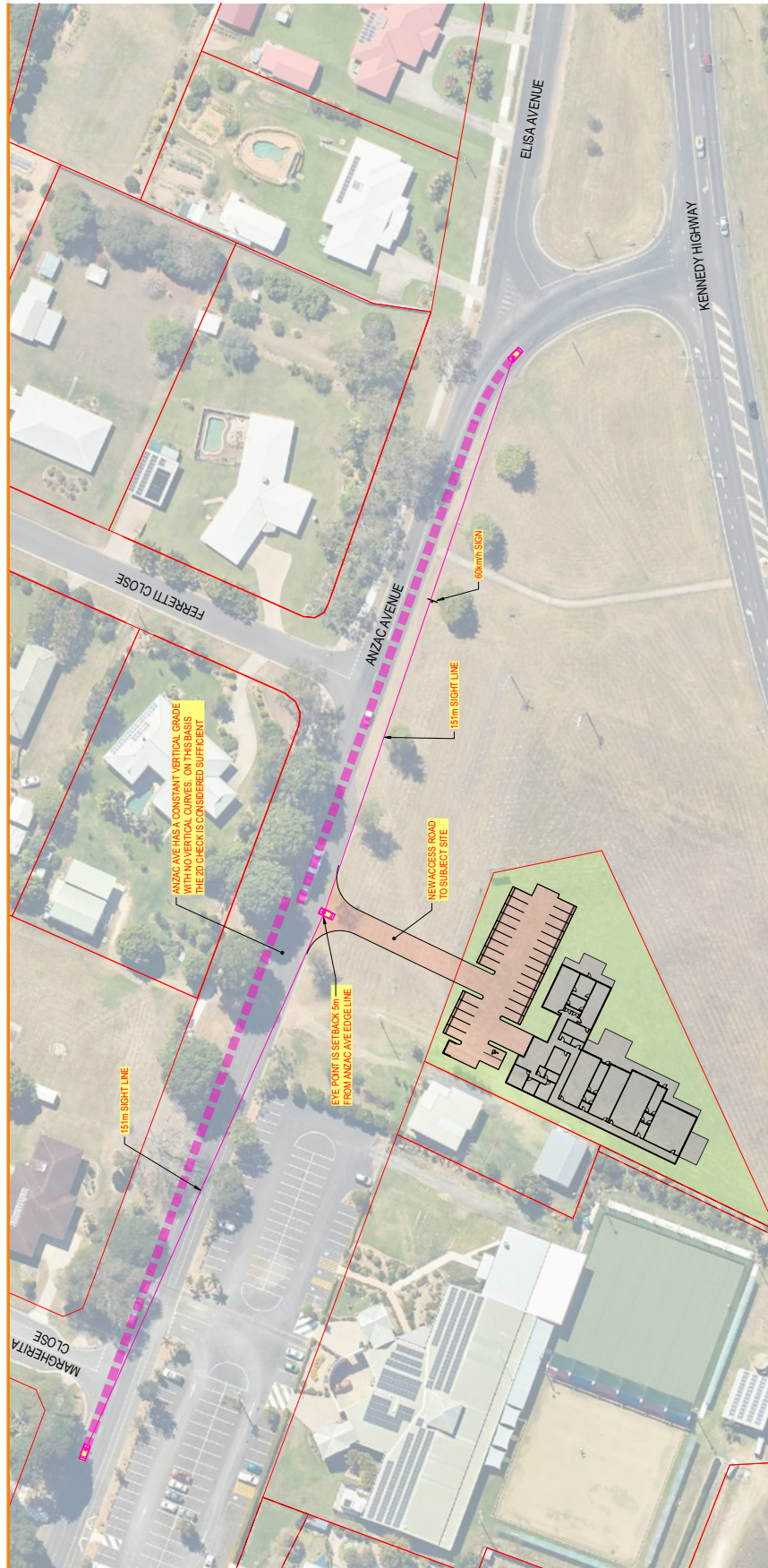
Total vehicles = 77601, Total heavies = 4566 (5.88%), Average ESA per heavy = 2.09  
 Twinsteers = 1.12% of heavies, 0.07% of total.

Traffic Report – Anzac Avenue - Child Care Centre



## Appendix C. Sight Distance Analysis





SIGHT DISTANCE HAS BEEN OBTAINED FROM THE GUIDE TO ROAD DESIGN AND HAS BEEN OBTAINED USING THE FOLLOWING CRITERIA:

- DESIGN SPEED IS 70km/h
- R1 (REACTION TIME) IS 2.0sec
- SIGHT DISTANCE IS 151m

FURTHER NOTES:

- POSTED SPEED IS 60km/h
- VERTICAL GEOMETRY IS UNOBSTRUCTED BASED ON A SITE VISIT

A 19422 INITIAL ISSUE		STEVE CORDENOS		47 ANZAC AVENUE, MAREEBA PROPOSED CHILDCARE SIGHT DISTANCE CHECK		A	
Rev	Date	Drawn	Checked	Approved	By	Scale	Project No.
		PMI	PMI	CC	CC	CLIPPOCK	19422
The City of Mareeba		City of Mareeba		City of Mareeba		City of Mareeba	
File: 19422-01-000001.dwg		File: 19422-01-000001.dwg		File: 19422-01-000001.dwg		File: 19422-01-000001.dwg	

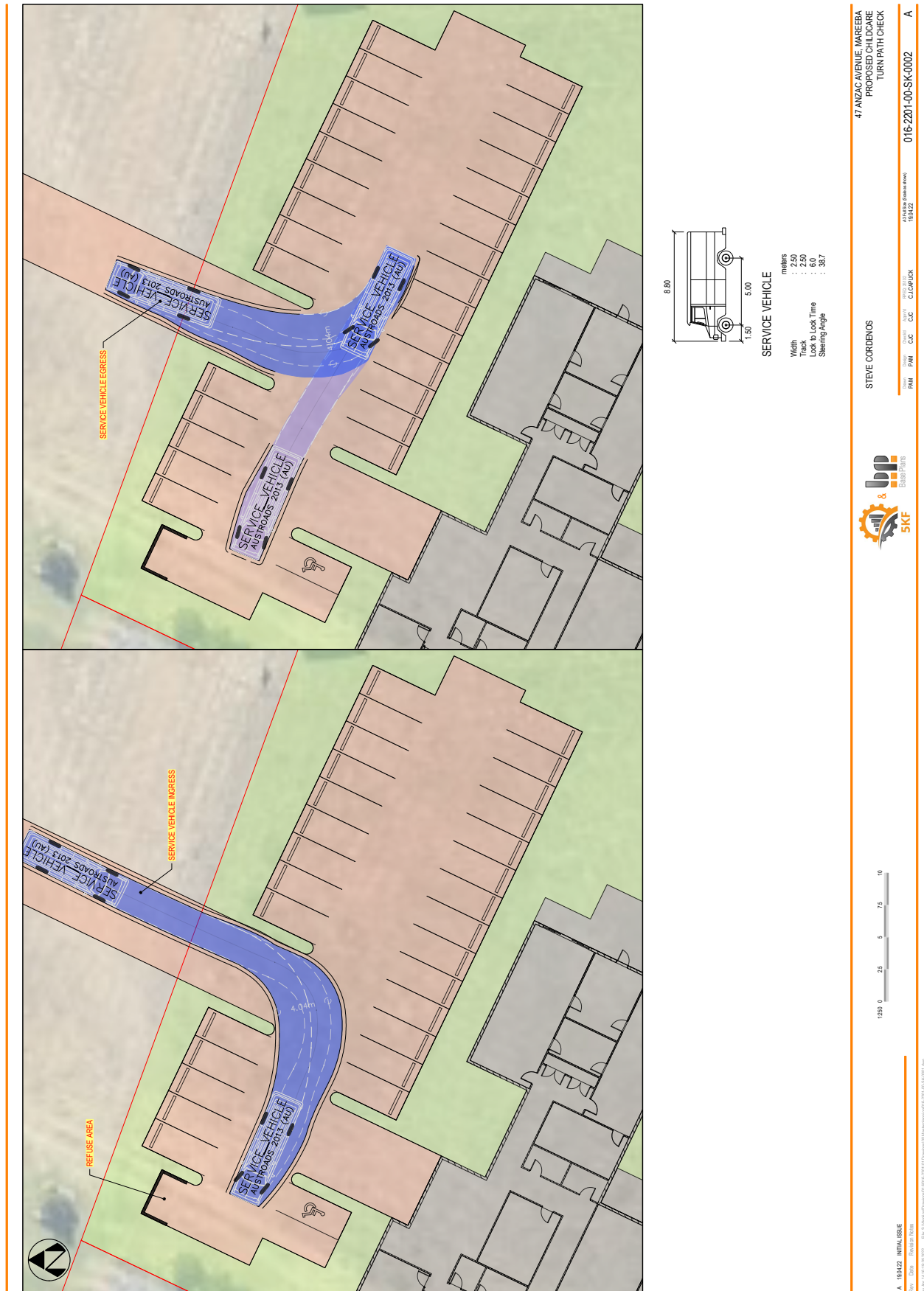


Traffic Report – Anzac Avenue - Child Care Centre



## Appendix D. Refuse Collection Vehicle Swept Paths





Report Prepared by

**5KF Pty Ltd**

ACN 648 282 295

**M** +61 402 568 698

**E** [contact@5KF.com](mailto:contact@5KF.com)

**W** [www.5KF.com](http://www.5KF.com)



**8.2 RETURNED & SERVICES LEAGUE OF AUSTRALIA (QUEENSLAND BRANCH) - MATERIAL CHANGE OF USE - MULTIPLE DWELLING EXTENSION - LOT 3 ON CP M35643 - 37 WALSH STREET, MAREEBA - MCU/23/0003**

**Date Prepared:** 30 March 2023

**Author:** Senior Planner

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

#### APPLICATION DETAILS

APPLICATION		PREMISES	
<b>APPLICANT</b>	Returned & Services League of Australia (Queensland Branch)	<b>ADDRESS</b>	37 Walsh Street, Mareeba
<b>DATE LODGED</b>	8 February 2023	<b>RPD</b>	Lot 3 on CP M35643
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use – Multiple Dwelling extension		
<b>FILE NO</b>	MCU/23/0003	<b>AREA</b>	7,871m2
<b>LODGED BY</b>	Bartley Burns	<b>OWNER</b>	Returned & Services League of Australia (Queensland Branch)
<b>PLANNING SCHEME</b>	Mareeba Shire Council Planning Scheme 2016		
<b>ZONE</b>	Low Density 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.

Draft conditions were provided to the Applicant / care of their consultant and have been agreed.

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

**OFFICER'S RECOMMENDATION**

1. That in relation to the following development application:

APPLICATION		PREMISES	
<b>APPLICANT</b>	Returned & Services League of Australia (Queensland Branch)	<b>ADDRESS</b>	37 Walsh Street, Mareeba
<b>DATE LODGED</b>	8 February 2023	<b>RPD</b>	Lot 3 on CP M35643
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use – Multiple Dwelling extension		

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 – Multiple Dwelling extension

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
21-058 Sheet 0	Cover Sheet	C & B Designs	30/07/2021
21-058 Sheet 1 P1	Existing Site Plan	C & B Designs	30/07/2021
21-058 Sheet 2 P1	Proposed Site Plan	C & B Designs	30/07/2021
21-058 Sheet 3 P1	Existing Floor Plan	C & B Designs	30/07/2021
21-058 Sheet 4 P1	Existing Elevations	C & B Designs	30/07/2021
21-058 Sheet 5 P1	Demolition Plan	C & B Designs	30/07/2021
21-058 Sheet 6 P1	Proposed Floor Plan	C & B Designs	30/07/2021
21-058 Sheet 7 P1	Proposed Elevations	C & B Designs	30/07/2021
21-058 Sheet 8 P1	Living & Kitchen Elevations	C & B Designs	30/07/2021
21-058 Sheet 9 P1	Bed & Bath Elevations	C & B Designs	30/07/2021
21-058 Sheet 10 P1	Ambulant Bath Elevations	C & B Designs	30/07/2021
21-058 Sheet 11 P1	Electrical Plan	C & B Designs	30/07/2021

(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
 

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.
  - 3.5 Letterbox
 

Each unit is to be provided with an individual letter box.
  - 3.6 Clothes Drying area
 

A clothesline for units 9-12 is to be provided in accordance with the Drawing No. 21-058 Sheet No. 2 – Proposed Site Plan.

#### 4. Infrastructure Services and Standards

##### 4.1 Stormwater Drainage/Water Quality

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

##### 4.2 Car Parking/Internal Driveways

The applicant/developer must ensure the development is provided with an additional four (4) 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.

##### 4.3 Lighting

Where outdoor lighting is required the applicant/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.

##### 4.4 Water Supply

Where the existing reticulated water supply does not currently service the site or is not at an adequate capacity, the applicant/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).

If a new or upgraded water service connection is required to service the development, it must be provided in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

#### 4.5 Sewerage Connection

The applicant/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.

Where sewerage connections are not available to the site, or where existing connections are not satisfactory for the proposed development, the applicant/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).

#### (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 – 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 37 Walsh Street, Mareeba and is described as Lot 3 on CP M35643. The site is regular in shape with an area of 7,871m<sup>2</sup> and is zoned Low Density Residential under the Mareeba Shire Council Planning Scheme 2016.

The site has a frontage of approximately 55 metres to Walsh Street which is constructed to bitumen sealed standard with kerb and channel on both sides.

The site is improved by the Mareeba RSL Warhaven Home comprising of multiple single storey accommodation buildings and several outbuildings. The balance of the site features lawn and landscaped areas.

All urban services are connected to the existing development.

Adjoining Low Density Residential zoned lots are developed with single dwelling houses. Adjoining land to the rear is a fragment of the historic Mareeba town reserve.





**Map Disclaimer:**

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

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**BACKGROUND AND CONTEXT**

Nil

**PREVIOUS APPLICATIONS & APPROVALS**

In 1993, rezoning application RZ6/93 was approved over the subject site changing the zoning under the then Mareeba Shire Planning Scheme 1982 to Special Use -RSL Warhaven Home.

The special use zoning remained in effect in various forms until the commencement of the Mareeba Shire Council Planning Scheme 2016 in July 2016.

The existing units on the subject site were built in two (2) stages, four units in 1994 and a further four units in 1997.

**DESCRIPTION OF PROPOSED DEVELOPMENT**

The development application seeks a Development Permit for Material Change of Use – Multiple Dwelling extension in accordance with the plans shown in **Attachment 1**.

The proposal seeks to expand the existing 8 unit development to a 12 unit development through the addition of an additional four (4) units within a single built form structure of similar size and style to that of the existing eight (8) units (currently contained within two (2) stand-alone four (4) unit structures (to be renovated).

Access to the site will remain unchanged, with additional covered carparking being provided at the rear of the proposed units.

## 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' does not identify the site as being of any significance.

## PLANNING SCHEME DESIGNATIONS

Strategic Framework:	<b>Land Use Categories</b> • Residential Area
Zone:	Low Density Residential zone
Overlays:	Airport Environs Overlay Bushfire Hazard Overlay Environmental Significance Overlay Flood Hazard Overlay Hill and Slope Overlay Transport Infrastructure Overlay

## Planning Scheme Definitions

The proposed use is defined as:

<b>Column 1 Use</b>	<b>Column 2 Definition</b>	<b>Column 3 Examples include</b>	<b>Column 4 Does not include the following examples</b>
<i>Multiple dwelling</i>	<i>Premises containing three or more dwellings for separate households.</i>	<i>Apartments, flats, units, townhouses, row housing, triplex</i>	<i>Rooming accommodation, dual occupancy, duplex, granny flat, residential care facility, retirement facility</i>

## RELEVANT PLANNING INSTRUMENTS

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

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

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

**(B) State Planning Policy**

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

**(C) Mareeba Shire Council Planning Scheme 2016****Strategic Framework****3.3 Settlement pattern and built environment****3.3.1 Strategic outcomes**

- (3) *Residential areas* and *urban expansion areas* support strategically located and logically sequenced residential development, maximising the efficient utilisation of new and existing infrastructure, particularly active and public transport. Residential development, including infill housing in designated areas, is focussed in Mareeba and the Kuranda district. A diversity of housing choices is developed within proximity to services and *activity centres* while protecting the character of the shire.

Housing for aged persons, both for independent and assisted living, is provided to support the aging population of the shire. Aged care development is provided in suitable locations in the *residential areas* and *urban expansion areas* of the shire.

Comment

The proposed development is for an expansion of an established residential use and it is appropriately located within the residential area.

**3.3.7 Element—Residential areas and development****3.3.7.1 Specific outcomes**

- (1) Residential development, including Multiple dwellings and Dual occupancy, are sensitively integrated into the existing character of residential streets, predominantly in *residential areas* adjoining the *centre areas* of Mareeba and Kuranda. Infill development accounts for 20 percent of new dwellings constructed in Mareeba by 2031.
- (2) Population growth is focused on infill sites within existing residential areas and greenfield developments in residential areas and urban expansion areas to the east and south of Mareeba. An investigation area to the north of Mareeba will be considered for potential urban growth outside the life of the planning scheme.
- (4) *Residential areas* contain predominantly low density residential development and are characterised by traditional detached housing and Dual occupancy development.

- (5) A range of mixed housing, affordable housing and social housing is provided in response to the diverse and changing demography of Mareeba Shire. This development is located in *residential areas* in a manner consistent with the character and amenity of the shire's *activity centres*.

Comment

The proposed development is for an expansion of an established residential use and it is appropriately located within the residential area.

The development complies.

### 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
- 8.2.4 Environmental significance 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
Low density residential zone code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Mareeba local plan 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.
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.
Accommodation activities 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.
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 be designed and constructed in accordance with FNQROC Development Manual standards.

#### **(E) Adopted Infrastructure Charges Notice**

Under the Low Density Residential zone code, the accepted maximum density for multiple dwelling is one (1) dwelling per 400m<sup>2</sup> of site area, or one (1) bedroom per 200m<sup>2</sup> of site area.

The proposed development will result in twelve (12) single bedroom units on a 7,871m<sup>2</sup> site or one (1) dwelling per 655m<sup>2</sup> of site area.

As the accommodation density proposed by this application is less than the planning scheme's acceptable outcome, no infrastructure charge is proposed.

#### **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 9 March 2023 to 29 March 2023. The applicant submitted the notice of compliance on 31 March 2023 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

No submissions were received.

#### **PLANNING DISCUSSION**

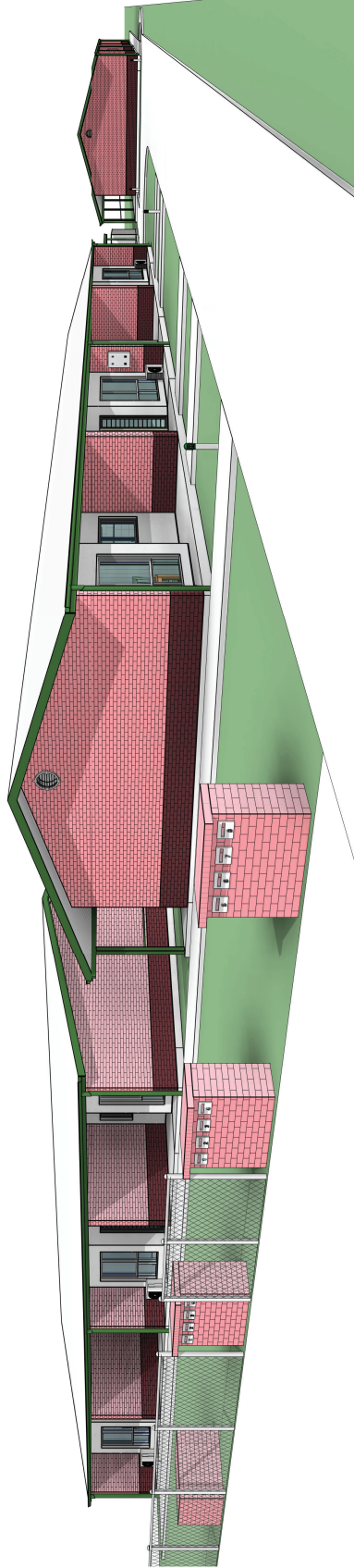
Nil

# WARHAVEN ACCOMMODATION

FOR:  
**RSL CORPORATE**

AT:  
**37 WALSH STREET,  
MAREEBA**

**GB**  
**DESIGNS**  
BUILDING DESIGN & DRAFTING

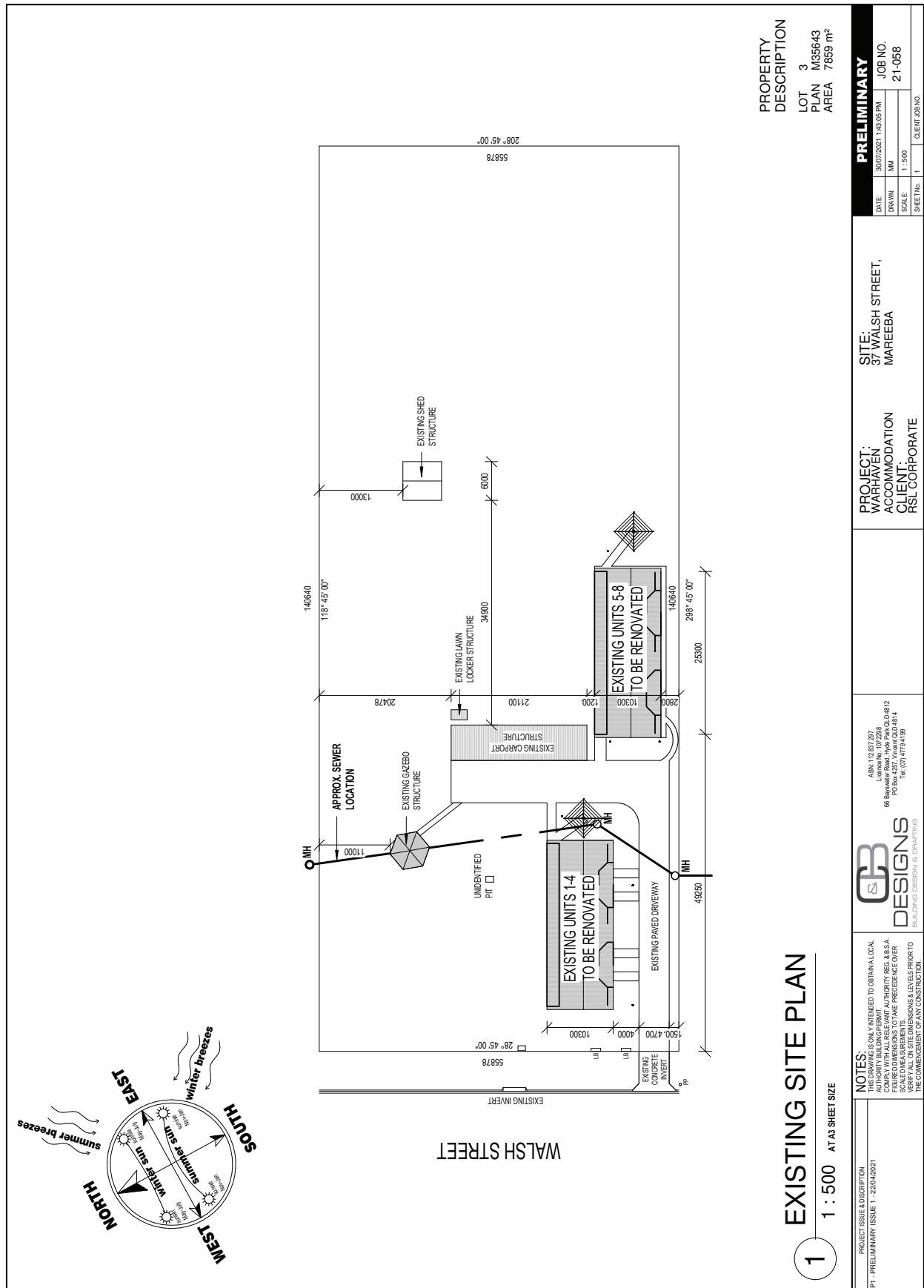


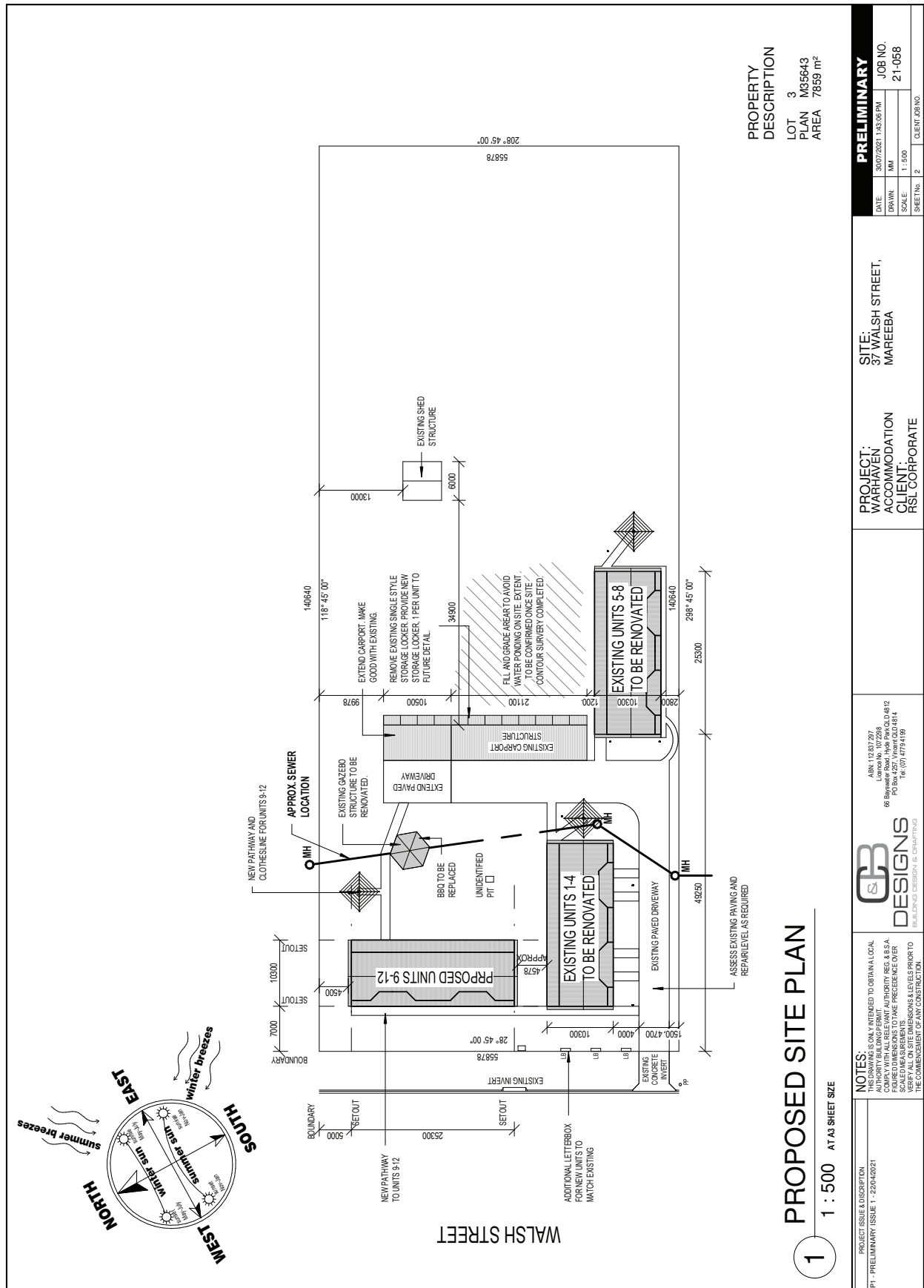
## DRAWING SCHEDULE:

0	COVERSHEET	6	PROPOSED FLOOR PLAN
1	EXISTING SITE PLAN	7	PROPOSED ELEVATIONS
2	PROPOSED SITE PLAN	8	LIVING & KITCHEN ELEVATIONS
3	EXISTING FLOOR PLAN	9	BED & BATH ELEVATIONS
4	EXISTING ELEVATIONS	11	ELECTRICAL PLAN
5	DEMOLITION PLAN		

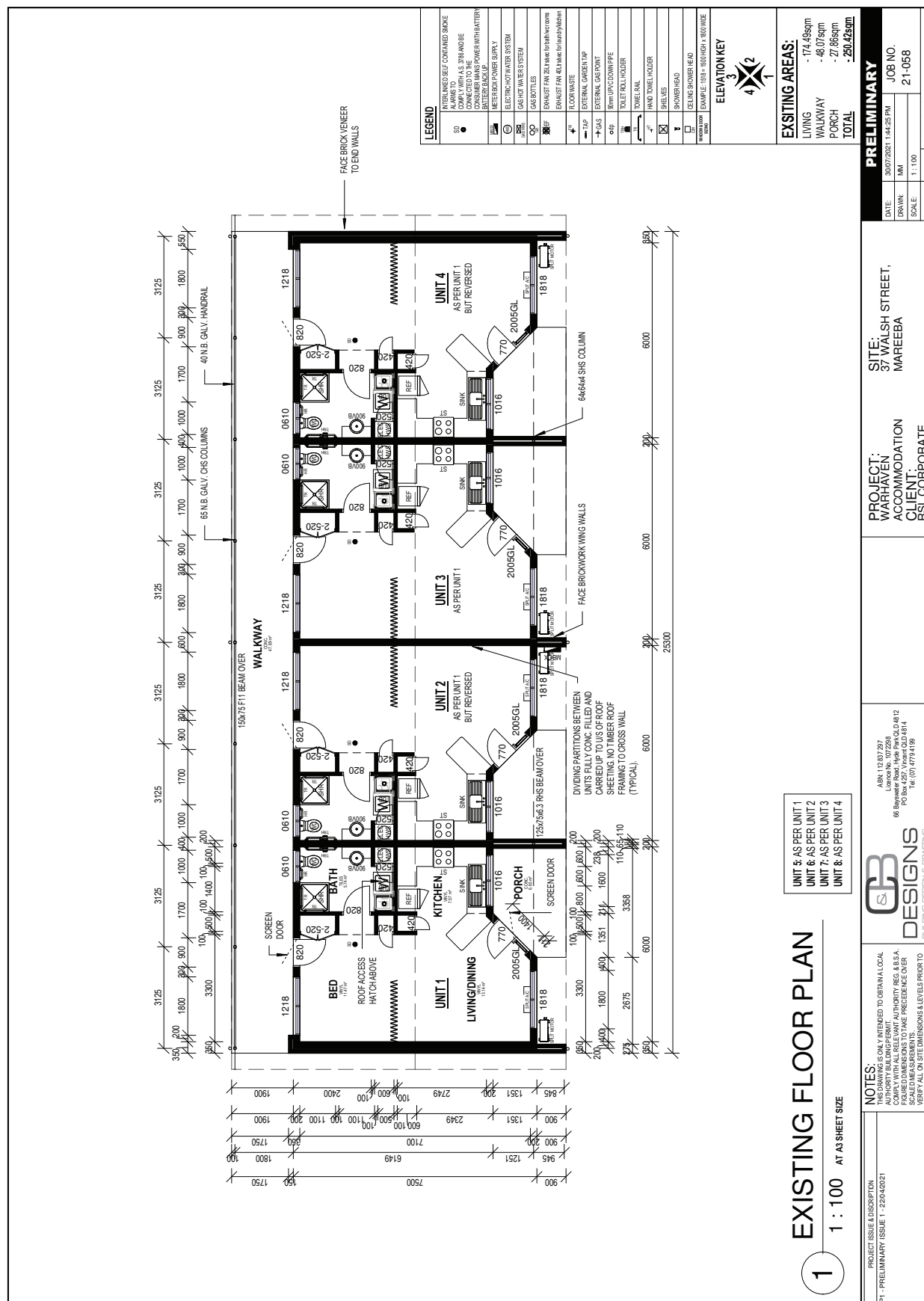
Job No.- 21-058

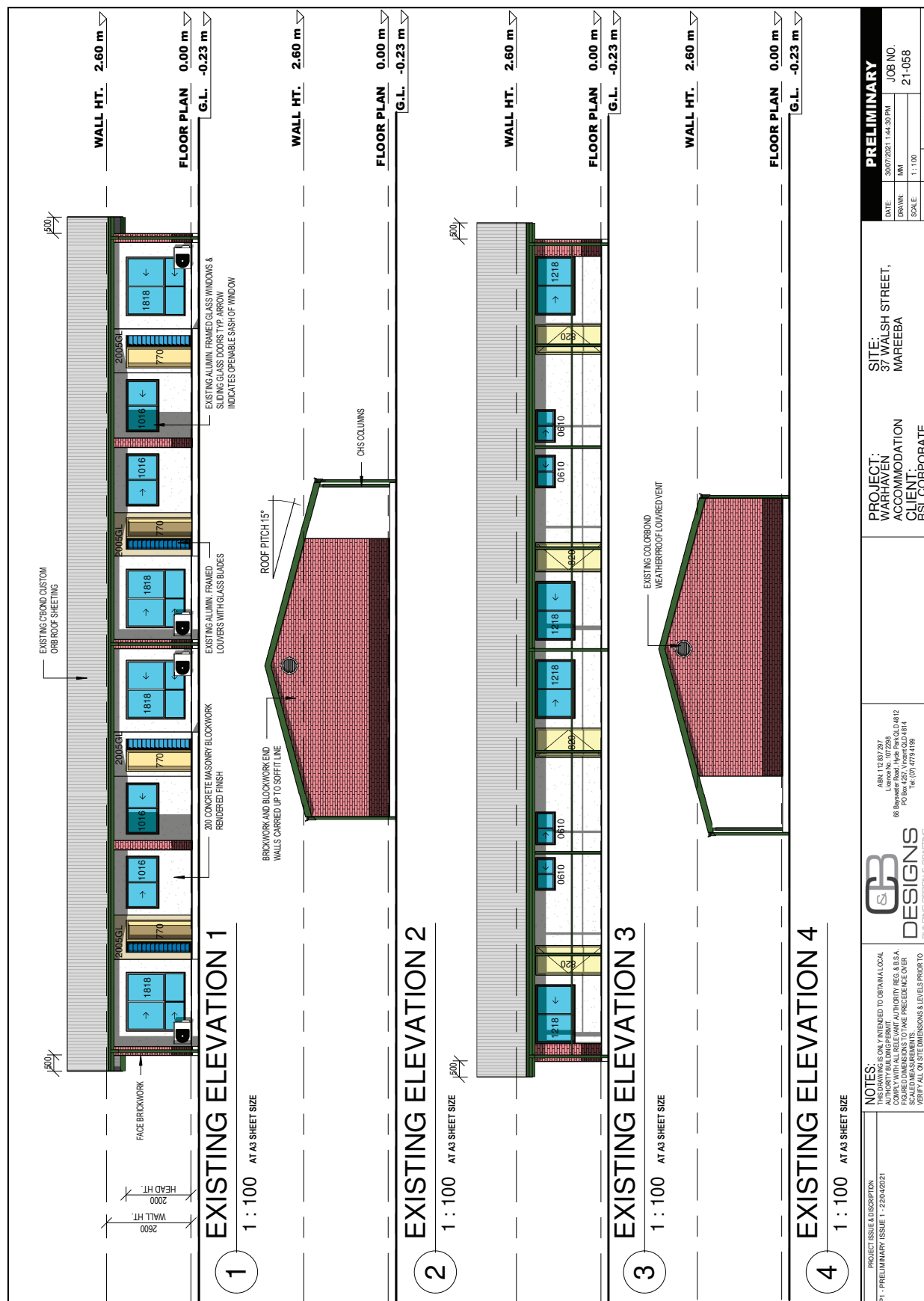
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30/07/2021 1:43:04 PM

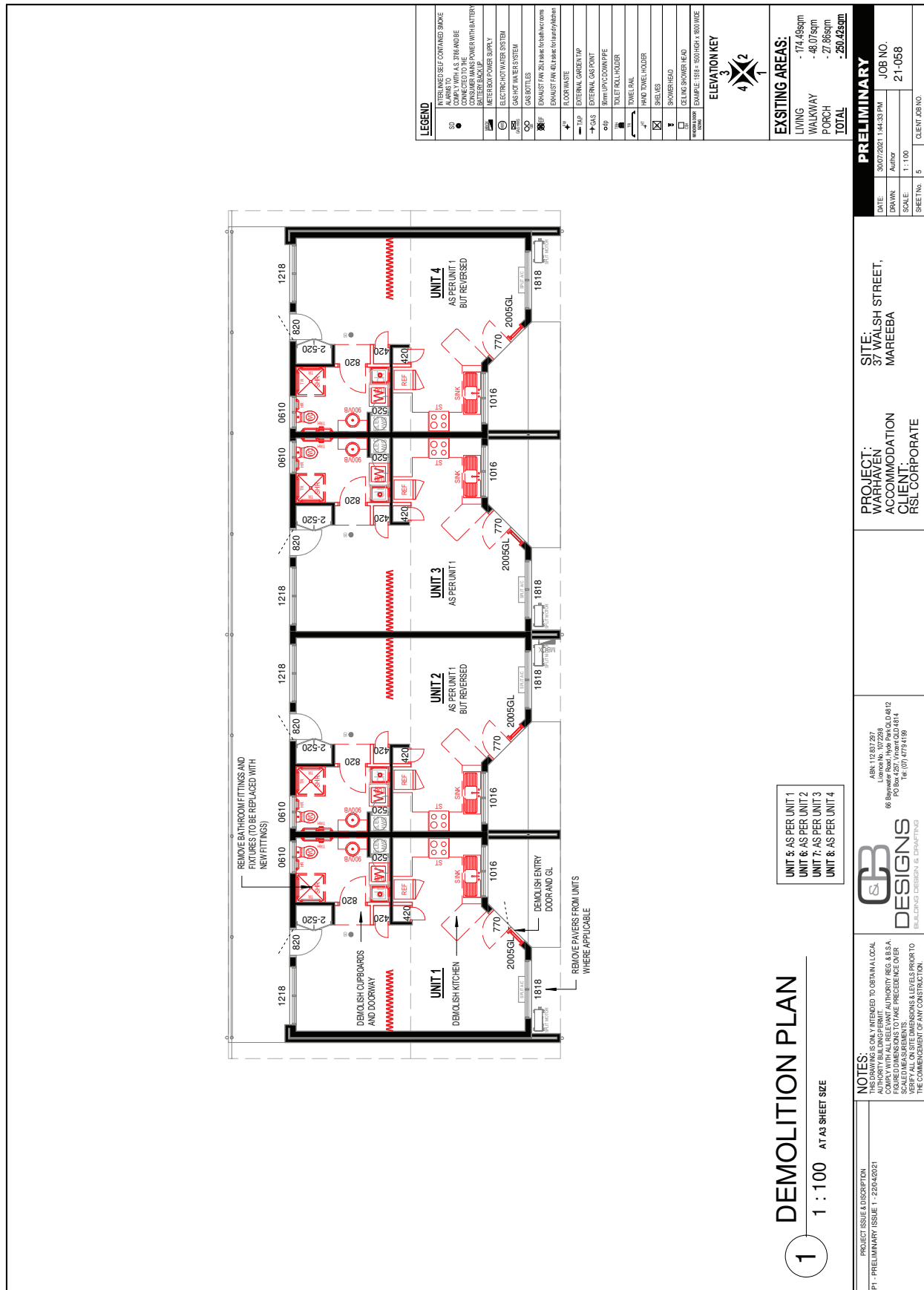


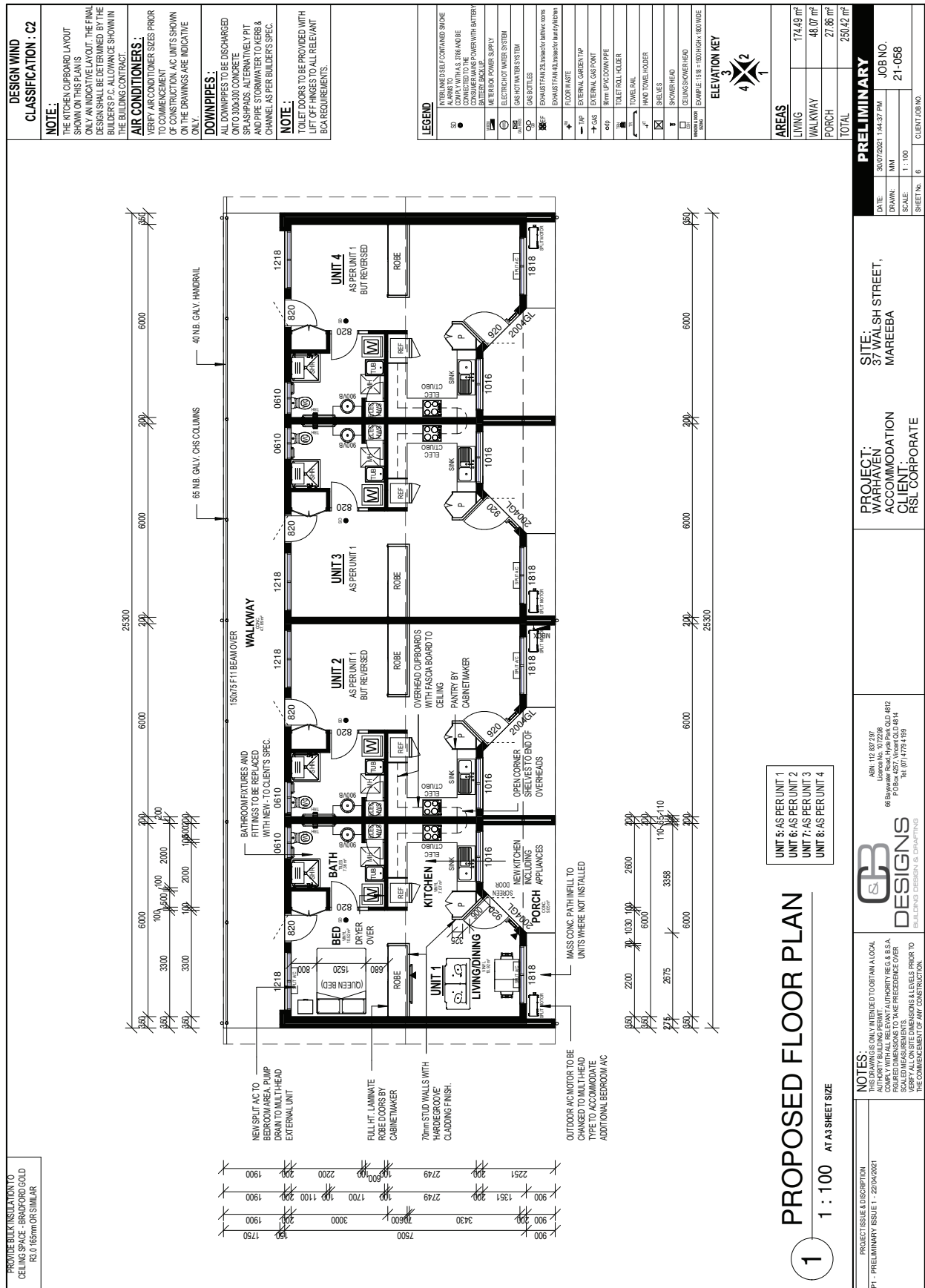


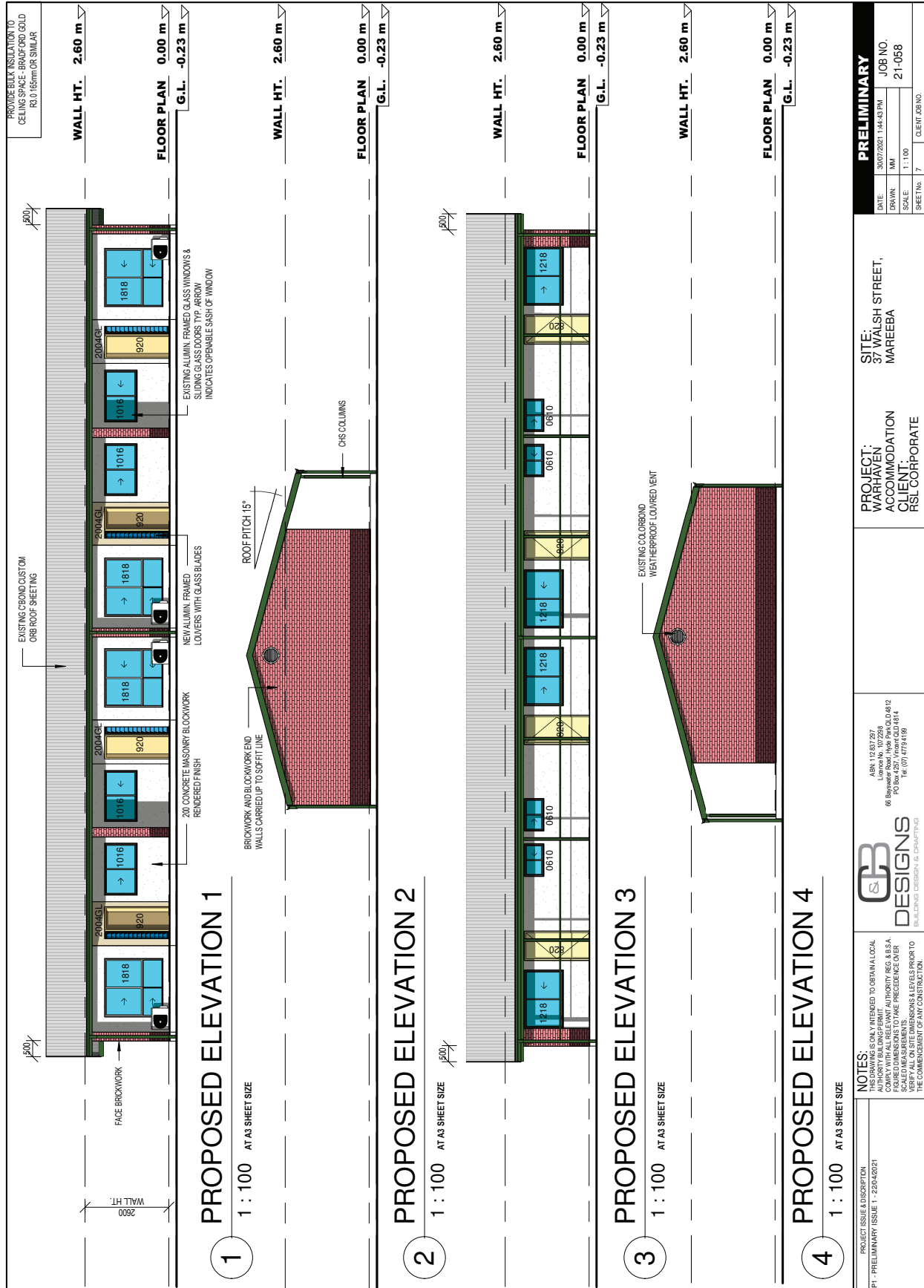












LIVING ELEV. 1

1 : 50

LIVING ELEV. 2

1 : 50

LIVING ELEV. 3

1 : 50

LIVING ELEV. 4

1 : 50

KITCHEN ELEV. 1

1 : 50

KITCHEN ELEV. 2

1 : 50

KITCHEN ELEV. 3

1 : 50

KITCHEN ELEV. 4

1 : 50

PROJECT ISSUE & DESCRIPTION

PT - PRELIMINARY ISSUE 1 - 22042021

NOTES:

THIS DRAWING IS ONLY INTENDED TO OBTAIN A LOCAL COUNCIL DEVELOPMENT PERMIT. IT IS NOT A CONTRACT DOCUMENT. ANY DIMENSIONS SHOWN ARE FOR INFORMATION ONLY. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING ALL ON SITE DIMENSIONS & LEVELS PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION.

ASB 112 807 7297

66 Bayswater Road, Hays Park QLD 4812

PO Box 4297, Vincent QLD 4814

Tel: (07) 47794199

PROJECT: WARHAVEN ACCOMMODATION

CLIENT: RSL CORPORATE

SITE: 37 WALSH STREET, MAREEBA

DATE: 30/07/2021 14:45 PM

DRAWN: MM

SCALE: 1 : 50

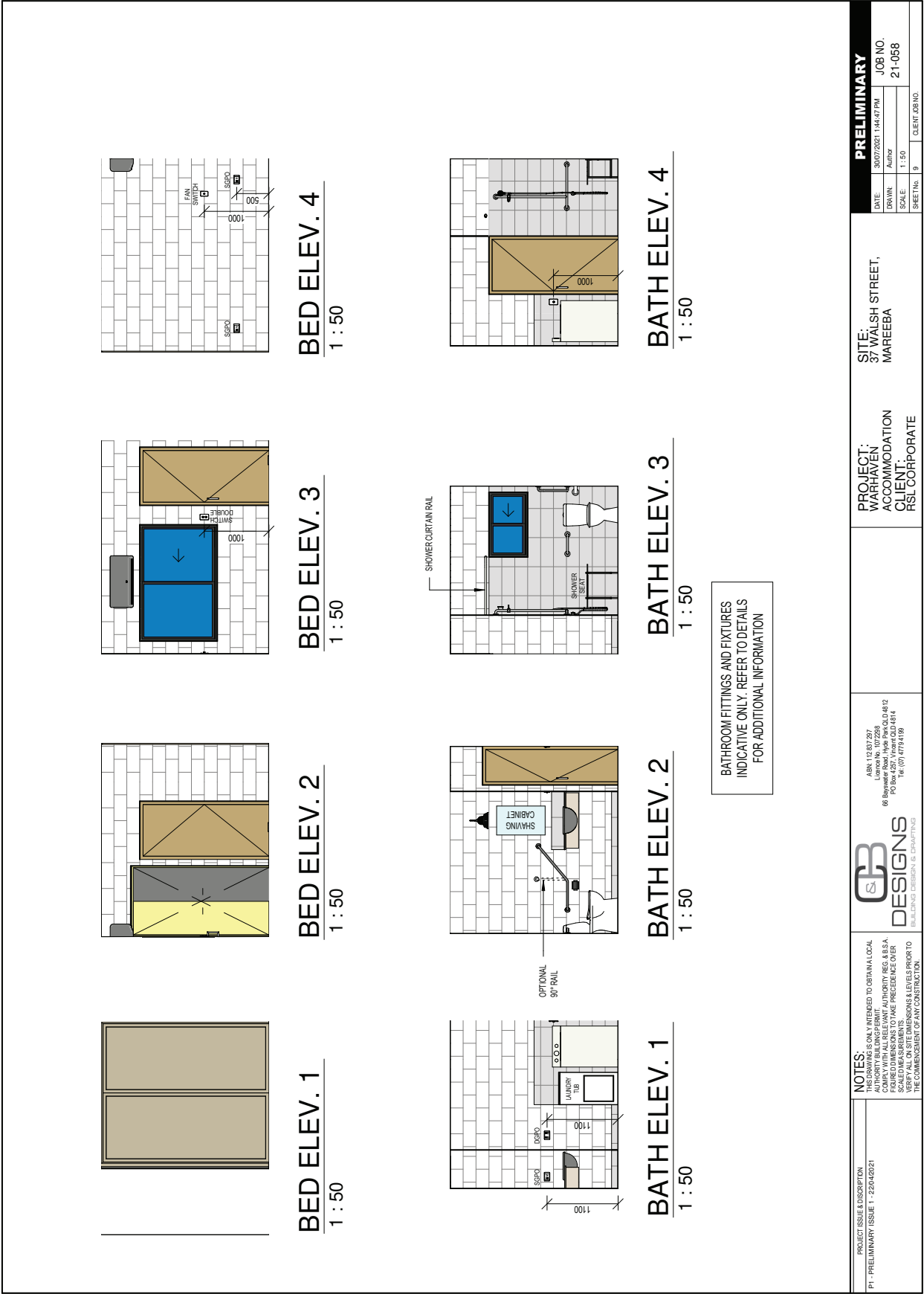
SHEET No. 8

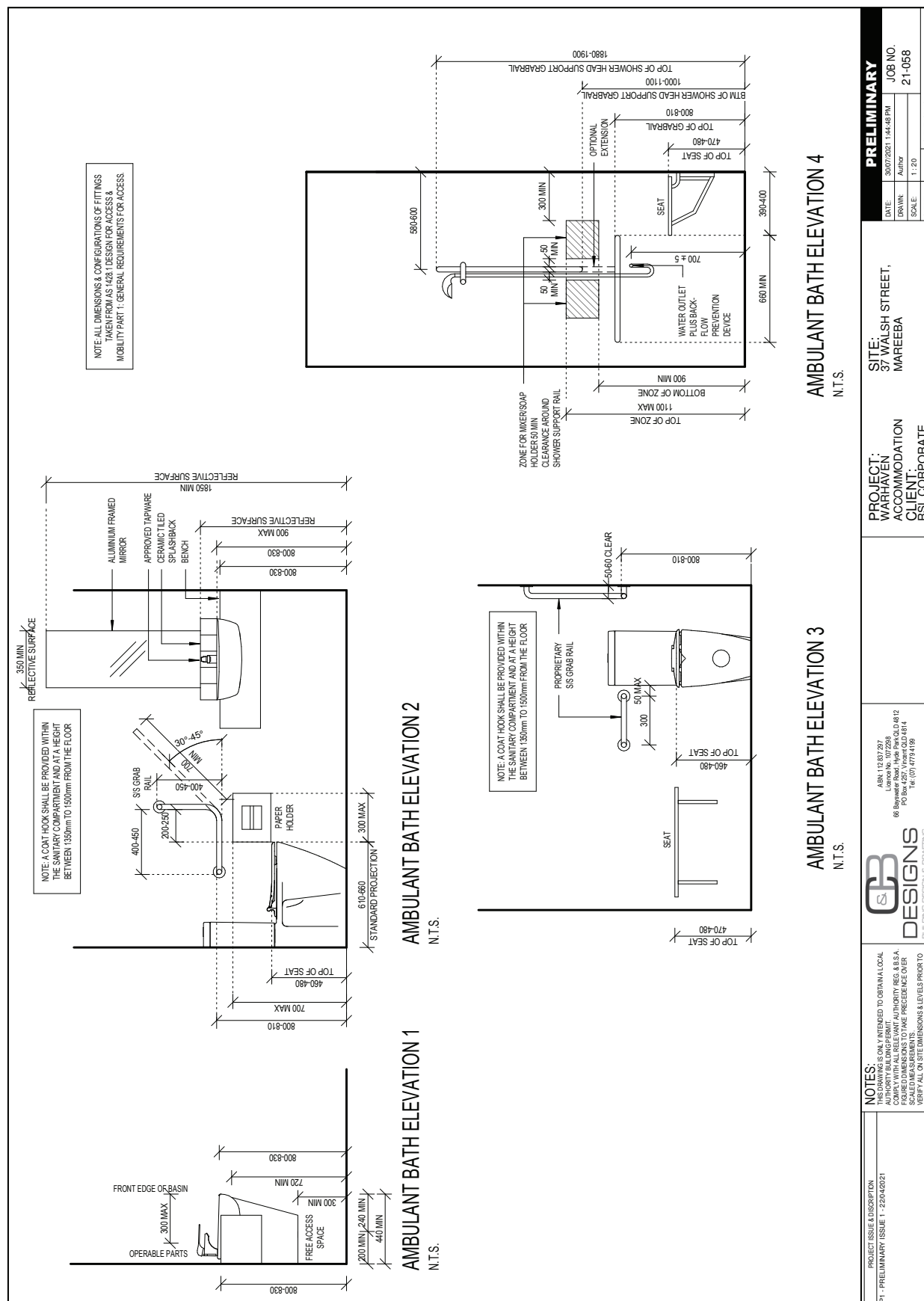
CLIENT JOB NO. 21-058

CLIENT JOB NO. 21-058

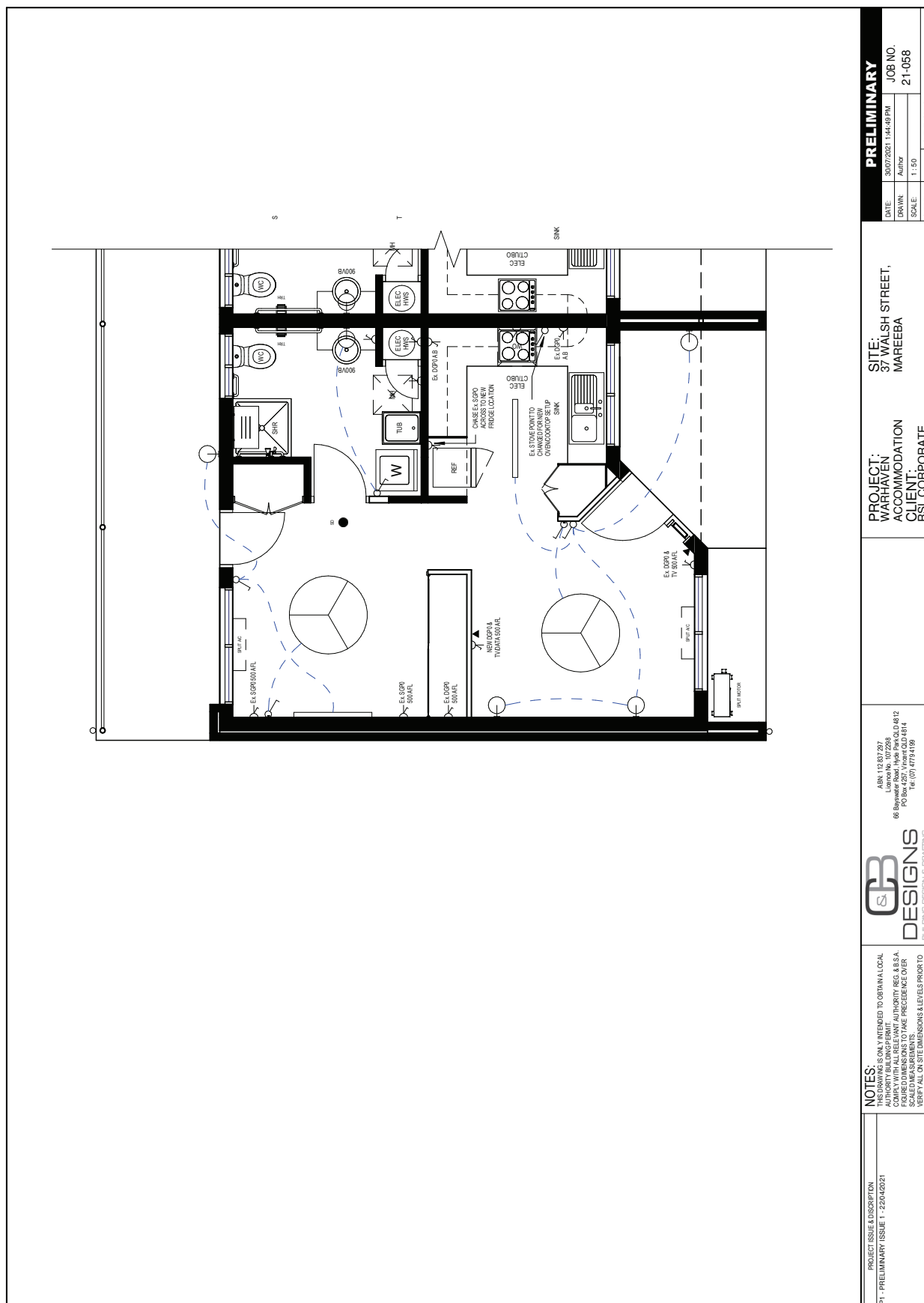
Item 8.2 - Attachment 1

Page 104











**8.3 CHANGE OF DEVELOPMENT APPROVAL - COMARAY PTY LTD - RECONFIGURING A LOT - SUBDIVISION (1 INTO 61 LOTS IN 5 STAGES) - LOT 100 ON SP320506 & LOT 200 ON SP323217 - EMERALD END ROAD & COUNTRY ROAD, MAREEBA - REC/08/0096**

**Date Prepared:** 5 April 2023

**Author:** Planning Officer

**Attachments:**

1. Minor Change Notice for Negotiated Decision Notice dated 28 March 2012 [↓](#)
2. Erscon Consulting Engineers Request for Minor Change dated 10 February 2023 [↓](#)

APPLICATION		PREMISES	
<b>APPLICANT</b>	Comaray Pty Ltd	<b>ADDRESS</b>	Emerald End Road, Country Road and Annie Court, Mareeba
<b>DATE REQUEST FOR CHANGE TO DEVELOPMENT APPROVAL LODGED</b>	10 February 2023	<b>RPD</b>	Lot 100 on SP320506 & Lot 200 on SP323217
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Reconfiguring a Lot – Subdivision (1 into 61 Lots in 5 Stages)		
<b>FILE NO</b>	REC/08/0096	<b>AREA</b>	Lot 100 – 9.719 ha Lot 200 – 34.62 ha
<b>LODGED BY</b>	Erscon Consulting Engineers	<b>OWNER</b>	Lot 100 – P Spackman Lot 200 – Conmat No 2 Pty Ltd
<b>PLANNING SCHEME</b>	Mareeba Shire Planning Scheme 2004 (amendment no. 01/11)		
<b>ZONE</b>	Rural Residential Zone		
<b>LEVEL OF ASSESSMENT</b>	Code Assessment		
<b>SUBMISSIONS</b>	n/a		

### EXECUTIVE SUMMARY

Development approval REC/08/0096 for Reconfiguring a Lot - Subdivision (1 into 61 Lots in 5 Stages) was originally approved by Council at its Ordinary Meeting on 16 November 2011. This approval has undergone various amendments over the years with the most recent being in September 2022. Development approval REC/08/0096 represents Stages 3 - 6 and 8 of Country Road Estate and to date only 1 allotment has been created in Stage 3. Operational Works for Stage 3 is currently under construction.

The owner of Lot 200 on SP323217, which is covered by Stage 3 – 6 of the approval (Stage 8 covers Lot 100 on SP320506 which is under separate ownership) has written to Council seeking changes to various conditions of approval.

Importantly, the requested changes seek to reduce the amount of firebreaks required across the Estate, remove the requirement for vegetation covenants and agricultural buffering and to further defer the Emerald End Road widening works to Stage 6 of the Estate (which is the easternmost stage and essentially the final stage of the Estate).

Although Council officers have no objections to the requested reduction in firebreaks which will coincide with Council's updated bushfire hazard mapping, as well as the removal of redundant and onerous vegetation covenant requirements, Council officers do hold issue with the removal of the agricultural buffering requirement as well as the request to defer the Emerald End Road widening works out to what will likely be the final Stage of the Estate. Council officers do however support a lesser deferral of the road widening works, to be completed prior to the sale of the final lot of Stage 4, or the first lot of Stage 5, whichever occurs first. This will allow the developer to build the capital required to fund the widening works, while providing Council with certainty that the works will be completed.

As such, it is recommended that the request to change the approval be approved in part only, as outlined below.

### OFFICER'S RECOMMENDATION

It is recommended that:

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

APPLICATION		PREMISES	
APPLICANT	Comaray Pty Ltd	ADDRESS	Emerald End Road, Country Road and Annie Court, Mareeba
DATE REQUEST FOR CHANGE TO DEVELOPMENT APPROVAL LODGED	10 February 2023	RPD	Lot 100 on SP320506 & Lot 200 on SP323217
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot – Subdivision (1 into 61 Lots in 5 Stages)		

and in accordance with the Planning Act 2016, the following

- (a) Condition 3.5 of Council's Negotiated Decision Notice dated 28 March 2012 remain unchanged.
- (b) Condition 3.8 of Council's Negotiated Decision Notice dated 28 March 2012 be amended as follows:

#### 3.8 Bushfire Management

##### *Firebreaks*

*Where new roads are not involved or it is impractical to use new roads as firebreaks, firebreaks are established that:-*

- *have a minimum cleared width of 6m;*
- *have a maximum gradient of 12.5%;*

- are constructed and maintained to prevent erosion and provide continuous access for fire fighting vehicles;
- have vehicular access at each end or have suitable clear manoeuvring areas for the turning of emergency fire fighting vehicles;
- all internal roads are to include fire hydrants;
- ~~- are within an easement in favour of Council and the Queensland Fire and Rescue Service or road reserve; and~~
- Are provided in at least the following situations:

The required firebreaks will be established:

- Along the eastern boundary of proposed Lots 38 ~~and 41~~ **to 42 as well as the southern boundary of Lot 42;**
- Within the unnamed road reserve, for the entire northern road frontage of Lots 32 and 37, immediately adjacent to the agricultural buffer required under Condition 4.11.
- ~~• Along the southern boundary of proposed Lots 62 and 65.~~
- ~~• Long the entire eastern and western boundaries of the Vegetation Corridor identified on Drawing No. 11/4743 - Stages 3-6 (2B)~~

Building and Structures (Lots greater than 2,500m<sup>2</sup>)

- Are sited in location of lowest hazard within the lot;
- Achieve setbacks from hazardous vegetation of 1.5 times the predominant mature canopy tree height or 10 metres, whichever is the greater;
- Are 10 metres from any retained vegetation strips or small areas of vegetation;
- Are sited so that elements of the development least susceptible to fire are sited closest to the bushfire hazard.

- (c) The portion of condition 3.9 pertaining to a covenant, of Council's Negotiated Decision Notice dated 28 March 2012 be deleted.
- (d) Condition 4.11 of Council's Negotiated Decision Notice dated 28 March 2012 remain unchanged.
- (e) Condition 4.14 of Council's Negotiated Decision Notice dated 28 March 2012 be amended as follows:

#### 4.14 External Works - Emerald End Road

Prior to Council endorsing a plan of survey creating **either the final Lot of Stage 4 or the first Lot of Stage 5 - whichever occurs first, or any Lot in Stage 8b or 8c** ~~any new lot under Development Approval REC/08/0096 (excluding Lot 26 of Stage 3 and Lots 101 and 102 of Stage 8a)~~, the following works must be completed to the satisfaction of Council's delegated officer:

- (i) (a) The applicant is to construct kerb and channel on Emerald End Road for the complete frontage of the subject land and also between the subject land and the intersection of Emerald End Road and Country Road.

- (b) The applicant is to widen and extend the existing bitumen on Emerald End Road by two (2) metres for the complete frontage of the subject land and also between the subject land and the intersection of Emerald End Road and Country Road.*
- (ii) Alternatively, in lieu of constructing the works required by Conditions 2(i)(a) and 2(i)(b), the applicant is to contribute to Council an amount equivalent to the construction cost of the following works:*
  - (a) The construction of kerb and channel on Emerald End Road for the complete frontage of the subject land and also between the subject land and the intersection of Emerald End Road and Country Road.*
  - (b) The widening and extension of the existing bitumen on Emerald End Road by two (2) metres for the complete frontage of the subject land and also between the subject land and the intersection of Emerald End Road and Country Road.*

*The applicable contribution shall be calculated based on the actual construction cost at the time of payment, to the satisfaction of Council's delegated officer. The construction cost shall be adjusted on 30 June each year in accordance with the Road Industry Construction Index.*

- (iii) The Intersection of Emerald End Road and Country Road is to be designed and constructed in accordance with the FNQROC Development Manual, as amended.*

*The main points to note from the manual are that the finished surface is to be in asphalt and the design is to be in accordance with NAASRA Part 5.*

- (iv) Prior to works commencing, plans for the abovementioned works must be approved as part of a subsequent application for operational works.*

2. A Notice of Decision on Request to Change a Development Approval be issued to the applicant and the Department of State Development, Infrastructure, Local Government and Planning, State Assessment and Referral Agency (SARA) via email [CairnsSARA@dsdilgp.gov.au](mailto:CairnsSARA@dsdilgp.gov.au) (reference: 2008/007471) advising of Council's decision.

## THE SITE

The subject land forms the balance of Country Road Estate and is described as Lot 100 on SP320506 and Lot 200 on SP323217, situated at Emerald End Road, Country Road and Annie Court, Mareeba. 27 lots have been created within the estate with Lot 100 and 200 being the balance land. Lot 100 & 200 have a combined total area of 44.339 hectares and are zoned Rural Residential under the Mareeba Shire Council Planning Scheme 2016. Emerald End Road, Country Road and Annie Court are all constructed to bitumen sealed standards with Country Road and Annie Court incorporating kerb and channel.

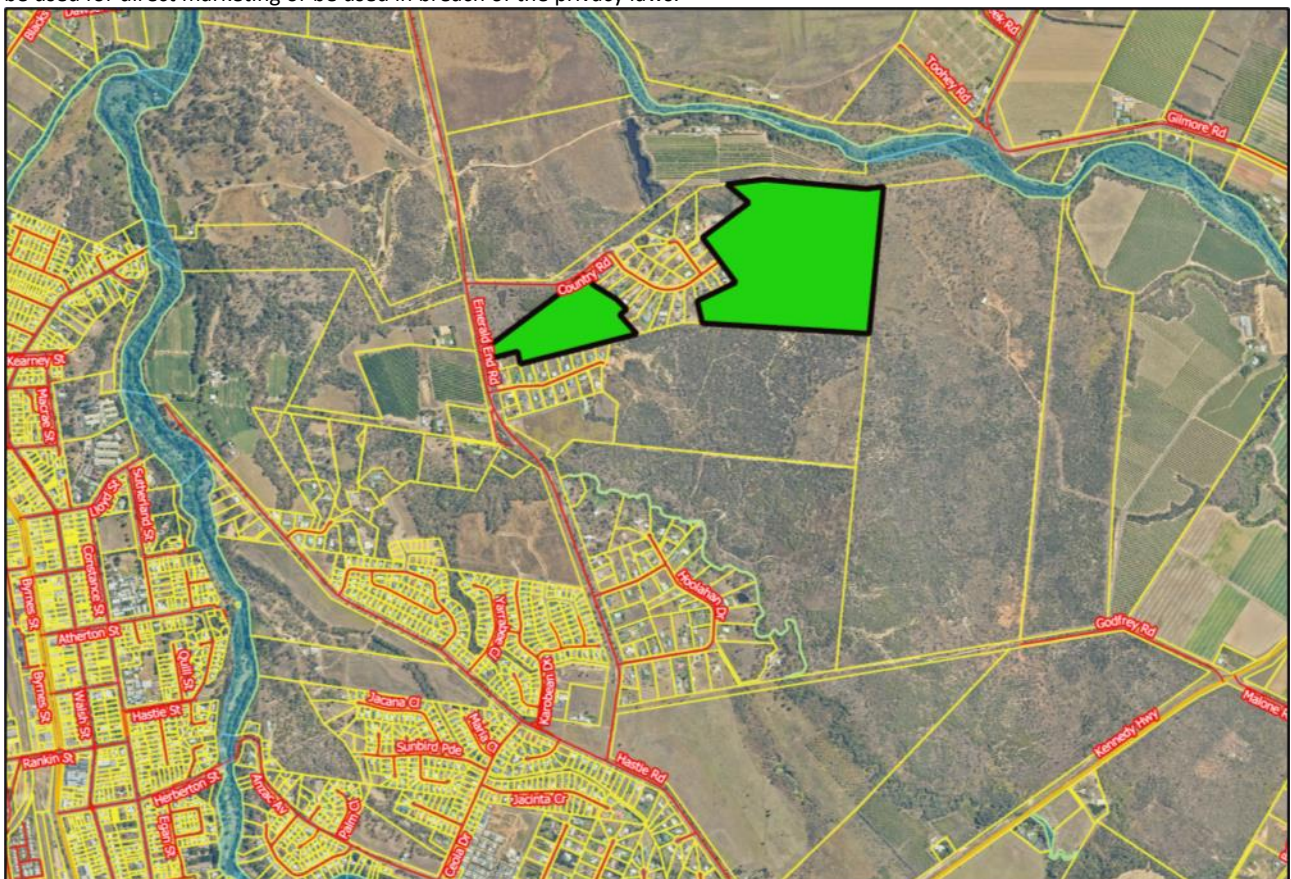
The proposed changes relate to Stage 3 – 6 of the approval only, which is entirely situated within Lot 200 on SP323217.





**Map Disclaimer:**

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



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## BACKGROUND AND CONTEXT

Development approval REC/08/0096 for Reconfiguring a Lot - Subdivision (1 into 61 Lots in 5 Stages) was originally approved by Council at its Ordinary Meeting on 16 November 2011. This approval has undergone various amendments over the years with the most recent being in September 2022. Development approval REC/08/0096 represents Stages 3 - 6 and 8 of Country Road Estate and to date only 1 allotment has been created in Stage 3. Operational Works to progress Stage 3 has commenced. The most recent relevant Amended Decision Notice is included as **Attachment 1**.

The owner of Lot 200 on SP323217, which is covered by Stages 3 – 6 of the approval (Stages 8 covers Lot 100 on SP320506 which is under separate ownership) has written to Council seeking changes to various conditions of approval that affect Stages 3 – 6 (**Attachment 2**). The requested changes seek to remove the requirements for agricultural buffering, firebreaks and environmental covenants, as well as to defer Emerald End Road widening works.

The operational works (estate works) are currently under construction for Stage 3.

## 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 changes to the development approval constitutes a *minor change* to the approval.

#### **Assessing and deciding applications 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 was provided by the applicant in a letter dated 10 February 2023 (**Attachment 2**). The requested changes and Council officer response/s are addressed in the body of this report.

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

#### Comment

The original development applications were Code Assessable and therefore was not subject to public notification.

- *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 received.

- *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 changes and responses are 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**

### **Condition 3.5**

- 3.5 *The applicant must provide a letter from any Concurrence Agencies confirming that their conditions have been complied with.*

Request by Applicant

1. *Condition 3.5 – Concurrence Agency*
  - a. *We request that clause 3.5 be removed from the Minor Change to an Existing Approval which requests a confirmation letter from the Concurrence Agencies that their conditions have been complied with.*
  - b. *With respect to item 3 below (Condition 3.9 – Environment Covenant), Condition 3.5 is irrelevant due to the points raised.*

Response

Separate to their requirement to ensure the conditions of this development approval are complied with, the applicant also has an obligation to ensure that Concurrence Agency conditions are complied with. This is not an onerous obligation on the developer. Condition 3.9 - Environmental Covenant is a Council condition and not a Concurrence Agency Condition and has no relevant to Condition 3.5.

It is recommended that the Condition 3.5 be retained.

### **Condition 3.8 – Bushfire Management**

#### **3.8 Bushfire Management**

*Firebreaks*

*Where new roads are not involved or it is impractical to use new roads as firebreaks, firebreaks are established that:-*

- *have a minimum cleared width of 6m;*
- *have a maximum gradient of 12.5%;*
- *are constructed and maintained to prevent erosion and provide continuous access for fire fighting vehicles;*
- *have vehicular access at each end or have suitable clear manoeuvring areas for the turning of emergency fire fighting vehicles;*
- *all internal roads are to include fire hydrants;*

- *are within an easement in favour of Council and the Queensland Fire and Rescue Service or road reserve; and*
- *Are provided in at least the following situations:*

*The required firebreaks will be established:*

- *Along the eastern boundary of proposed Lots 38 and 41;*
- *Within the unnamed road reserve, for the entire northern road frontage of Lots 32 and 37, immediately adjacent to the agricultural buffer required under Condition 4.11.*
- *Along the southern boundary of proposed Lots 62 and 65.*
- *Long the entire eastern and western boundaries of the Vegetation Corridor identified on Drawing No. 11/4743 - Stages 3-6 (2B)*

*Building and Structures (Lots greater than 2,500m<sup>2</sup>)*

- *Are sited in location of lowest hazard within the lot;*
- *Achieve setbacks from hazardous vegetation of 1.5 times the predominant mature canopy tree height or 10 metres, whichever is the greater;*
- *Are 10 metres from any retained vegetation strips or small areas of vegetation;*
- *Are sited so that elements of the development least susceptible to fire are sited closest to the bushfire hazard.*

#### Request by Applicant

#### 2. *Condition 3.8 - Bushfire Management*

- a. *We request that the Bushfire corridor be amended to suit areas depicted on the Bushfire Management Plan (see Attachment C).*
  - i. *The removal of a bushfire corridor along the southern boundary of proposed Lots 62 and 65.*
  - ii. *The removal of the requested bushfire corridor along the eastern and western boundary of the vegetation corridor as it has not been highlighted for concern on the bushfire management plan.*
  - iii. *The removal of the firebreak within the unnamed road reserve as it coincides with a possible encroachment of an orchard from Lot 72 on NR571 which is adjacent to Lot 32 to 37. The road reserve would otherwise serve as a fire break when constructed.*

#### Response

Council officers have no objection to the amendment of Condition 3.8 – Bushfire Management to ensure that the location of firebreaks aligns with the current mapped bushfire hazard areas and buffer areas. However, not all of the applicant's requested amendments to Condition 3.8 can be supported, with some of the firebreaks still considered necessary.

The firebreak along the northern boundary of the estate and the eastern boundaries are still considered necessary as they are situated within hazard areas and/or buffer areas. It is acknowledged that there is part of a fruit orchard currently established within the road reserve to the north of the site which may be affected by the firebreak, however with the firebreaks only required to be 6 metres wide, minimal disturbance should occur. It should also be noted that the fruit orchard is not a lawful use of the road reserve, and that bushfire risk reduction to the approved residential estate takes precedence.

Council officers also consider it appropriate to remove the requirement for easements to be established over firebreaks in favour of Council and Queensland Fire and Rescue Service. This is not a standard requirement in contemporary development approvals and would create an unnecessary burden over individual allotments.

It is therefore recommended that Condition 3.8 be amended as follows:

### **3.8 Bushfire Management**

#### **Firebreaks**

*Where new roads are not involved or it is impractical to use new roads as firebreaks, firebreaks are established that:-*

- *have a minimum cleared width of 6m;*
- *have a maximum gradient of 12.5%;*
- *are constructed and maintained to prevent erosion and provide continuous access for fire fighting vehicles;*
- *have vehicular access at each end or have suitable clear manoeuvring areas for the turning of emergency fire fighting vehicles;*
- *all internal roads are to include fire hydrants;*
- ~~*are within an easement in favour of Council and the Queensland Fire and Rescue Service or road reserve; and*~~
- *Are provided in at least the following situations:*

*The required firebreaks will be established:*

- ***Along the eastern boundary of proposed Lots 38 and 41 to 42 as well as the southern boundary of Lot 42;***
- *Within the unnamed road reserve, for the entire northern road frontage of Lots 32 and 37, immediately adjacent to the agricultural buffer required under Condition 4.11.*
- ~~*Along the southern boundary of proposed Lots 62 and 65.*~~
- ~~*Long the entire eastern and western boundaries of the Vegetation Corridor identified on Drawing No. 11/4743 Stages 3-6 (2B)*~~

#### **Building and Structures (Lots greater than 2,500m<sup>2</sup>)**

- *Are sited in location of lowest hazard within the lot;*
- *Achieve setbacks from hazardous vegetation of 1.5 times the predominant mature canopy tree height or 10 metres, whichever is the greater;*
- *Are 10 metres from any retained vegetation strips or small areas of vegetation;*
- *Are sited so that elements of the development least susceptible to fire are sited closest to the bushfire hazard.*

**Condition 3.9 – Environmental Covenant****3.9 Environmental Covenant**

*The applicant shall be responsible for the preparation and registration of a statutory covenant with Council pursuant to S97A of the Land Title Act for the purposes of native vegetation and habitat preservation including the preservation of native plants and natural features.*

*The covenant will be of a form that is acceptable to the Registrar of Titles and will apply to the area identified on Drawing No. 11/4743-Stages 3-6 (2B) as the Vegetation Corridor. The covenant location and the covenant document provisions will be to the satisfaction of Council's delegated officer.*

*The covenant agreement shall be signed by the registered owner prior to endorsement of the survey plan by Council and the signed covenant shall be jointly lodged for registration with the survey plan, in the Department of Environment and Resource Management.*

*The covenant shall require the registered owners of the site to obtain approval of the Council prior to undertaking any earthworks, clearing of vegetation, fencing or placement of water pumps and pipelines within or across the area of the Covenant. The placement of effluent waste disposal systems, building of structures and cultivation shall be specifically excluded from within the area of the Covenant. The maintenance of the area of the Covenant shall be the responsibility of the owner of the land.*

*Each Covenant must stipulate:-*

- (i) that it is for the express purpose of vegetation and habitat preservation, including the preservation of native plants and the natural features of the lot (including the water in Unnamed Creek and the soil contained in the covenant area).*
- (ii) that no building, fixtures, infrastructure or improvements over the Covenant Area shall be permitted, including water pipes and pumps;*
- (iii) Any maintenance required to be performed in respect of the Covenant Area shall be the responsibility of the lot owner.*

*The covenant shall be to the satisfaction of Council's delegated officer, and the applicant shall be responsible for the cost of preparation and registration of the Covenant.*

**Request by Applicant****3. Condition 3.9 – Environment Covenant**

- a. We request that the Vegetation Corridor identified on Drawing No 11/4743 – Stage 3-6 (2b) be removed. Areas identified as Classification R (see item c. below) to be noted on the rates notice for the relevant owners. (see Attachment A).*
- b. The Queensland Governments Regional Ecosystem Identification has recognised the land as having the following status (see Attachment B): i. a 70/30 share of 9.5.9 and 9.5.15 described as Least Concern in the Vegetation Management Act Class.*

- ii. The area is described as Not a Wetland*
    - iii. The area has a biodiversity status considered of No Concern at Present.*
  - c. The Department of Natural Resources has identified parcels along the Creek having a classification of R which indicates the following:*
    - i. A regrowth watercourse and drainage feature located within 50 meters of a watercourse.*
    - ii. The vegetation management framework regulates clearing of native vegetation within this buffer zone.*
  - d. The property owner of the individual lots will maintain the lots as evident of existing lots within the subdivision.*

### **Response**

With regards to the request to remove the vegetation corridor identified on Drawing No 11/4743 – Stage 3-6 (b), Council officers do not agree to its removal as it is identified on the approved plan and no alternate plan has been provided with the minor change request.

Council officers do however believe that the requirement to establish environmental covenants over those lots affected by the corridor should be removed based on the following:

- The vegetation within this mapped corridor is not mapped as being significant by the current Mareeba Shire Planning Scheme 2016. The only vegetation that is of concern is that situated 10 metres either side of the seasonal watercourses that traverse the land. This riparian vegetation is given adequate protection by the current Planning Scheme;
- The Concurrence Agency conditions attached to the development approval already place vegetation clearing constraints over the majority of vegetation within this corridor area, making the proposed covenants an unnecessary duplication;
- Council officers believe that such covenants need only be established over significant remnant vegetation or vegetation mapped as either 'Wildlife habitat', 'Ecological corridor' or 'Habitat linkage' by the Planning Scheme.

It is therefore recommended that Condition 3.9 – Environmental Covenant be deleted.

### **Condition 4.11 – Agricultural Buffering**

#### ***4.11 Agricultural Buffering***

- (i) A 30 metre wide vegetation buffer, 20 metres planted and 10 metres clear on the southern side, is to be planted along northern road frontage of the following lots:*
  - *That part of the northern road frontage of Lot 31, extending from the DERM vegetation corridor, east to the boundary with Lot 32.*
  - *The entire northern road frontage of Lots 32 to 37.*

- (ii) *Appropriate native species will be used in the plantings. A landscaping/planting plan will be developed by a suitably qualified professional in compliance with SPP1/92 Planning Guidelines on Separating Agricultural and Residential Land Uses and must be endorsed by Council's delegated officer prior to any plantings being undertaken.*
- (iii) *The buffer vegetation will be established to a height of 4m on any relevant lot prior to Council signing the relevant plan of survey to the satisfaction of Council's delegated officer.*
- (iv) *The developer will maintain the buffer for two (2) years, and a bond of 50% of the contract value of the works must be lodged with Council during the maintenance period, as a guarantee. The bond will be returned on satisfactory correction of any defective work after expiration of the maintenance period. During the maintenance period, Council may call up the bond and carry out any work required. The bond will be lodged with Council to secure those works prior to Council signing the relevant plan of survey.*
- (v) *The applicant shall be responsible for the preparation and registration of a statutory covenant with Council pursuant to S97A of the Land Title Act for the purposes of establishment, protection and use of the land for a vegetated buffer over the required 30m buffer area.*

*The required covenant/s will be of a form that is acceptable to the Registrar of Titles and will contain provisions for:*

- *a management plan for the covenant area;*
- *protection of any vegetated buffer established as a result of this approval, including a requirement for cattle-proof fencing of the northern boundary of the vegetated buffer; and*
- *exclusion of buildings.*

*The covenant agreement shall be signed by the registered owner prior to signing of the relevant survey plan by Council and the signed covenant shall be jointly lodged for registration with the survey plan, in the Department of Environment and Resource Management.*

*The covenant location and the covenant document provisions will be to the satisfaction of Council's delegated officer. Maintenance of the area of the Covenant shall be the responsibility of the owner of the land.*

*The covenant shall be to the satisfaction of Council's delegated officer, and the applicant shall be responsible for the cost of preparation and registration of the Covenant.*

#### Request by Applicant

#### 4. Condition 4.11 – Agricultural Buffering

- a. *We request that the 30m wide Agricultural Buffer be removed as it will require the removal of approximately 20% of the orchard located in the road reserve from Lot 72 on NR571.*

Response

Condition 4.11 requires the 30 metre vegetated buffer to be planted within Lots 31 - 37 and not within the northern road reserve, so the buffer will not affect the orchard. The agricultural buffer will be critical in reducing land use conflict between the fruit orchard and Lots 31 – 37. This condition remains contemporary and would still be required if a fresh approval was sought over the land.

It is recommended that Condition 4.11 – Agricultural Buffering remain unchanged.

**Condition 4.14 – Road Widening of Emerald End Road****4.14 External Works - Emerald End Road**

*Prior to Council endorsing a plan of survey creating any new lot under Development Approval REC/08/0096 (excluding Lot 26 of Stage 3 and Lots 101 and 102 of Stage 8a), the following works must be completed to the satisfaction of Council's delegated officer:*

- (i) (a) The applicant is to construct kerb and channel on Emerald End Road for the complete frontage of the subject land and also between the subject land and the intersection of Emerald End Road and Country Road.*
- (b) The applicant is to widen and extend the existing bitumen on Emerald End Road by two (2) metres for the complete frontage of the subject land and also between the subject land and the intersection of Emerald End Road and Country Road.*
- (ii) Alternatively, in lieu of constructing the works required by Conditions 2(i)(a) and 2(i)(b), the applicant is to contribute to Council an amount equivalent to the construction cost of the following works:*
  - (a) The construction of kerb and channel on Emerald End Road for the complete frontage of the subject land and also between the subject land and the intersection of Emerald End Road and Country Road.*
  - (b) The widening and extension of the existing bitumen on Emerald End Road by two (2) metres for the complete frontage of the subject land and also between the subject land and the intersection of Emerald End Road and Country Road.*

*The applicable contribution shall be calculated based on the actual construction cost at the time of payment, to the satisfaction of Council's delegated officer. The construction cost shall be adjusted on 30 June each year in accordance with the Road Industry Construction Index.*

- (iii) The Intersection of Emerald End Road and Country Road is to be designed and constructed in accordance with the FNQROC Development Manual, as amended.*

*The main points to note from the manual are that the finished surface is to be in asphalt and the design is to be in accordance with NAASRA Part 5.*

- (iv) Prior to works commencing, plans for the abovementioned works must be approved as part of a subsequent application for operational works.*



Request by Applicant

## 5. Condition 4.14 – Road Widening of Emerald End Road

- a. We request that the construction of the road widening along Emerald End Road be deferred till the construction of Lot 41 of Stage 6 has been completed.

Response

Deferring the required Emerald End Road widening works to a point in time where Lot 41 in Stage 6 is completed would create the very real possibility that the widening works or payment in lieu of the works may never be completed, particularly if Lot 41 is never created.

Council officers are agreeable to a further deferral of the timing for completion of Condition 4.14 to the point where a survey plan is submitted for endorsement by Council creating either the last allotment of Stage 4 or the first allotment of Stage 5, whichever comes first. This will allow the developer to build the capital required to fund the widening works, while providing Council with certainty that the works will be completed.

It is therefore recommended that Condition 4.14 External Works – Emerald End Road be amended as follows:

## 4.14 External Works - Emerald End Road

Prior to Council endorsing a plan of survey creating **either the final Lot of Stage 4 or the first Lot of Stage 5 - whichever occurs first, or any Lot in Stage 8b or 8c** ~~any new lot under Development Approval REC/08/0096 (excluding Lot 26 of Stage 3 and Lots 101 and 102 of Stage 8a)~~, the following works must be completed to the satisfaction of Council's delegated officer:

- (i) (a) The applicant is to construct kerb and channel on Emerald End Road for the complete frontage of the subject land and also between the subject land and the intersection of Emerald End Road and Country Road.
- (b) The applicant is to widen and extend the existing bitumen on Emerald End Road by two (2) metres for the complete frontage of the subject land and also between the subject land and the intersection of Emerald End Road and Country Road.
- (ii) Alternatively, in lieu of constructing the works required by Conditions 2(i)(a) and 2(i)(b), the applicant is to contribute to Council an amount equivalent to the construction cost of the following works:
- (a) The construction of kerb and channel on Emerald End Road for the complete frontage of the subject land and also between the subject land and the intersection of Emerald End Road and Country Road.
- (b) The widening and extension of the existing bitumen on Emerald End Road by two (2) metres for the complete frontage of the subject land and also between the subject land and the intersection of Emerald End Road and Country Road.

*The applicable contribution shall be calculated based on the actual construction cost at the time of payment, to the satisfaction of Council's delegated officer. The construction cost shall be adjusted on 30 June each year in accordance with the Road Industry Construction Index.*

- (iii) The Intersection of Emerald End Road and Country Road is to be designed and constructed in accordance with the FNQROC Development Manual, as amended.*

*The main points to note from the manual are that the finished surface is to be in asphalt and the design is to be in accordance with NAASRA Part 5.*

- (iv) Prior to works commencing, plans for the abovementioned works must be approved as part of a subsequent application for operational works.*

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

27 October 2022

Planning Officer: Carl Ewin  
Direct Telephone: 4086 4656  
Our Reference: REC/08/0096  
Your Reference: F22/08

Comaray Pty Ltd  
C/- Freshwater Planning Pty Ltd  
17 Barron View Drive  
FRESHWATER QLD 4870

Dear Applicants,

## Minor Change to an Existing Approval

### *Planning Act 2016*

I refer to your request to make a minor change to the Negotiated Decision Notice dated 28 March 2012 which was recently amended on 20 October 2020. On 26 October 2022, Council decided your requested changes.

Details of the decision are as follows:

#### APPLICATION DETAILS

Application No:	REC/08/0096
Street Address:	Emerald End Road, Country Road & Annie Court, Mareeba
Real Property Description:	Lot 100 on SP320506 and Lot 200 on SP323217
Planning Scheme:	Mareeba Shire Planning Scheme 2004 (amendment no.01/11)

#### DECISION DETAILS

The following type of approval had been issued:

Development Approval for Reconfiguring a Lot - Subdivision (1 in 61 Lots in 5 Stages)

In relation to the request to make a change to the existing approval, Council decided to resolve the following:

- (a) The description of the approved development of Council's Negotiated Decision Notice dated 28 March 2012 be amended as follows:

*This Decision Notice approves a **Development Permit for Reconfiguring a Lot - Subdivision creating a further ~~64~~ 61 lots in five (5) stages made assessable by the Mareeba Shire Planning Scheme 2004.***

- Stage 3 - creating 12 rural residential lots  
 Stage 4 - creating 13 rural residential lots  
 Stage 5 - creating 15 rural residential lots  
 Stage 6 - creating 9 rural residential lots  
 Stage 8 - creating ~~15~~ **a total of 12** rural residential lots over the following substages:  
     - **Stage 8a creating Lots 101 & 102**  
     - **Stage 8b creating Lots 75 & 83 - 89**  
     - **Stage 8c creating Lots 103 & 76 - 78**

Where the approved Stages are defined on approved Plan 11/4743 Stages 3-6(2B) dated 23/8/2011 except for Stage 8 ~~which is defined on amended Plan CRE17-018-C01, dated 29/01/18~~ **and its substages defined on Plans 9076 LL3 Rev B - Stage 1 Plan of Lot 101 & 102, 9076 LL2 Rev B - Stage 2 Plan of Lots 75 & 83 - 89 and 9076 LL2 Rev B - Stage 3 Plan of Lots 76 - 78 & 103 all dated 12/7/2022.**

- (b) The approved plan/s of Council's Negotiated Decision Notice dated 28 March 2012 be amended as follows:

<b>Plan/Document Number</b>	<b>Plan/Document Title</b>	<b>Prepared by</b>	<b>Dated</b>
11/4743-Stages 3-6 (2B)	Proposed Reconfiguration of Stages 3-6 & 8 Country Road Estate	Twine Surveys Pty Ltd	23.8.2011
CRE17-018-C01	Layout Plan Stage 8 - 1 Lot into 15 Lots	Benchmark Survey & Design	29/01/18
<b><u>9076 LL3 Rev B</u></b>	<b><u>Stage 1 - Plan of Lots 101 &amp; 102</u></b>	<b><u>Twine Surveys Pty Ltd</u></b>	<b><u>12/7/2022</u></b>
<b><u>9076 LL2 Rev B</u></b>	<b><u>Stage 2 - Plan of Lots 75 &amp; 83 - 89</u></b>	<b><u>Twine Surveys Pty Ltd</u></b>	<b><u>12/7/2022</u></b>
<b><u>9076 LL2 Rev B</u></b>	<b><u>Stage 3 - Plan of Lots 76 - 78 &amp; 103</u></b>	<b><u>Twine Surveys Pty Ltd</u></b>	<b><u>12/7/2022</u></b>

- (c) Condition 3.11 of Council's Negotiated Decision Notice dated 28 March 2012 be amended as follows:

### 3.11 Stage **8b and 8c** Requirements

- a) Prior to lodgement of an application for Operational Works for Stage **8b or 8c**, the applicant will:
- in addition to any other Stormwater Management Plan requirements, provide a conceptual stormwater design for the stage that details how any threats or impacts from upstream dams will be addressed;
  - demonstrate, through that stormwater design, how stormwater flows that: originate outside the site, flow through the site, and

*discharge downstream of the site, will be suitably directed and contained.*

- iii) demonstrate how stormwater infrastructure will be incorporated into the lot design in accordance with the requirements of this approval;*
- iv) demonstrate how it is intended to maintain water quality within that storage in accordance with the requirements of Appendix 1 Parts A & C of State Planning Policy 4/10 Healthy Waterways.*
- v) demonstrate that suitable building platforms can be provided on proposed lots with slopes greater than 1:6.*
- vi) demonstrate that average lot size for the entire development exceeds 3000 sq m.*

*These requirements will be to the satisfaction of Council's delegated officer.*

- b) The developer will prepare a management and operation plan for any artificial storage area within any proposed lot in accordance with Appendix 1 Part C of State Planning Policy 4/10 Healthy Waterways to the satisfaction of Council's delegated officer.*
- c) the registered owner of any lot containing an artificial storage area within any proposed lot will be responsible for the maintenance and operation of that storage area in accordance with the required management and operation plan.*

- (d) Condition 3.12 of Council's Negotiated Decision Notice dated 28 March 2012 be amended as follows:

#### **3.12 Design Changes**

- i) Prior to lodgement of an application for Operational Works for Stage 6, the developer will provide an amended layout plan for that stage which ensures that the connecting road to the eastern boundary is almost square to that boundary.*
- ii) Prior to lodgement of an application for Operational Works for Stage **8b or 8c**, the developer will provide an amended layout plan for that stage which complies with the requirements of any other conditions of this approval.*

*These requirements will be to the satisfaction of Council's delegated officer.*

- (e) Condition 4.14 of Council's Negotiated Decision Notice dated 28 March 2012 be amended as follows:

#### **4.14 External Works - Emerald End Road**

*Prior to Council endorsing a plan of survey creating any new lot under Development Approval REC/08/0096 (excluding Lot 26 of Stage 3 **and Lots 101**)*

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*and 102 of Stage 8a), the following works must be completed to the satisfaction of Council's delegated officer:*

- (i) (a) The applicant is to construct kerb and channel on Emerald End Road for the complete frontage of the subject land and also between the subject land and the intersection of Emerald End Road and Country Road.*
- (b) The applicant is to widen and extend the existing bitumen on Emerald End Road by two (2) metres for the complete frontage of the subject land and also between the subject land and the intersection of Emerald End Road and Country Road.*

*(ii) Alternatively, in lieu of constructing the works required by Conditions 2(i)(a) and 2(i)(b), the applicant is to contribute to Council an amount equivalent to the construction cost of the following works:*

- (a) The construction of kerb and channel on Emerald End Road for the complete frontage of the subject land and also between the subject land and the intersection of Emerald End Road and Country Road.*
- (b) The widening and extension of the existing bitumen on Emerald End Road by two (2) metres for the complete frontage of the subject land and also between the subject land and the intersection of Emerald End Road and Country Road.*

*The applicable contribution shall be calculated based on the actual construction cost at the time of payment, to the satisfaction of Council's delegated officer. The construction cost shall be adjusted on 30 June each year in accordance with the Road Industry Construction Index.*

*(iii) The Intersection of Emerald End Road and Country Road is to be designed and constructed in accordance with the FNQROC Development Manual, as amended.*

*The main points to note from the manual are that the finished surface is to be in asphalt and the design is to be in accordance with NAASRA Part 5.*

*(iv) Prior to works commencing, plans for the abovementioned works must be approved as part of a subsequent application for operational works.*

*(f) Additional condition 3.14 be included on Council's Negotiated Decision Notice dated 28 March 2012 as follows:*

*3.14 Prior to the endorsement of a plan of survey for any lot created in Stage 8c, the operational works associated with Stage 8b must be completed (in addition to any works required under Condition 4.15), to the satisfaction of Council's delegated officer.*

*Lot 78 of Stage 8c must be accessed and serviced via the new road proposed to service Stage 8b. No access is permitted to Lot 78 from Country Road.*

- (g) Additional condition 4.15 be included on Council's Negotiated Decision Notice dated 28 March 2012 as follows:

**4.15 Access - Country Road (Lots 76, 77 and 78 of Stage 8c)**

*Prior to Council endorsing a plan of survey creating lots 76 or 77 of Stage 8c, an access crossover must be constructed (from the edge of Country Road to the property boundary of each lot) in accordance with FNQROC Development Manual standards, as amended.*

*The location of the access crossovers and the design width of the crossover at the commencement of the crossover (edge of Country Road) must be approved by Council's delegated officer prior to any development works commencing.*

*Lot 78 of Stage 8c must be accessed and serviced via the new road proposed to service Stage 8b. No access is permitted to Lot 78 from Country Road.*

**CURRENCY PERIOD OF APPROVAL**

This development approval has commenced.

**INFRASTRUCTURE**

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

**CONSOLIDATED ASSESSMENT MANAGER CONDITIONS**

**(A) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)**

**(a) Development assessable against the Planning Scheme**

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

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

REC/08/0096

Page 6

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- 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 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 The applicant must provide a letter from any Concurrence Agencies confirming that their conditions have been complied with.
- 3.6 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.
- 3.7 Flood Immunity
- a) All allotments must have a minimum area of 2,000 square metres 300mm above the Q100 level.
  - b) Any relevant Operational Works applications will include a Q100 analysis for the subject land. The applicant/developer must provide a plan showing the extent of a 100 ARI year flood event certified by a RPEQ (Registered Professional Engineer of Queensland).
  - c) No filling is to occur below the 100 ARI flood level unless accompanied by evidence that filling below the 100 ARI level would not detrimentally impact upon upstream or downstream properties to the satisfaction of Council's delegated officer.
- 3.8 Bushfire Management
- Firebreaks

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Mareeba Shire Council



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Where new roads are not involved or it is impractical to use new roads as firebreaks, firebreaks are established that:-

- have a minimum cleared width of 6m;
- have a maximum gradient of 12.5%;
- are constructed and maintained to prevent erosion and provide continuous access for fire fighting vehicles;
- have vehicular access at each end or have suitable clear manoeuvring areas for the turning of emergency fire fighting vehicles;
- all internal roads are to include fire hydrants;
- are within an easement in favour of Council and the Queensland Fire and Rescue Service or road reserve; and
- Are provided in at least the following situations:

The required firebreaks will be established:

- Along the eastern boundary of proposed Lots 38 and 41;
- Within the unnamed road reserve, for the entire northern road frontage of Lots 32 and 37, immediately adjacent to the agricultural buffer required under Condition 4.11.
- Along the southern boundary of proposed Lots 62 and 65.
- Long the entire eastern and western boundaries of the Vegetation Corridor identified on Drawing No. 11/4743 - Stages 3-6 (2B)

Building and Structures (Lots greater than 2,500m<sup>2</sup>)

- Are sited in location of lowest hazard within the lot;
- Achieve setbacks from hazardous vegetation of 1.5 times the predominant mature canopy tree height or 10 metres, whichever is the greater;
- Are 10 metres from any retained vegetation strips or small areas of vegetation;
- Are sited so that elements of the development least susceptible to fire are sited closest to the bushfire hazard.

### 3.9 Environmental Covenant

The applicant shall be responsible for the preparation and registration of a statutory covenant with Council pursuant to S97A of the Land Title Act for the purposes of native vegetation and habitat preservation including the preservation of native plants and natural features.

The covenant will be of a form that is acceptable to the Registrar of Titles and will apply to the area identified on Drawing No. 11/4743-Stages 3-6 (2B) as the Vegetation Corridor. The covenant location and the covenant document provisions will be to the satisfaction of Council's delegated officer.

The covenant agreement shall be signed by the registered owner prior to endorsement of the survey plan by Council and the signed covenant shall be jointly lodged for registration with the survey plan, in the Department of Environment and Resource Management.

The covenant shall require the registered owners of the site to obtain approval of the Council prior to undertaking any earthworks, clearing of vegetation, fencing or placement of water pumps and pipelines within or across the area of the Covenant. The placement of effluent waste disposal systems, building of structures and cultivation shall be specifically excluded from within the area of the Covenant. The maintenance of the area of the Covenant shall be the responsibility of the owner of the land.

Each Covenant must stipulate:-

- (i) that it is for the express purpose of vegetation and habitat preservation, including the preservation of native plants and the natural features of the lot (including the water in Unnamed Creek and the soil contained in the covenant area).
- (ii) that no building, fixtures, infrastructure or improvements over the Covenant Area shall be permitted, including water pipes and pumps;
- (iii) Any maintenance required to be performed in respect of the Covenant Area shall be the responsibility of the lot owner.

The covenant shall be to the satisfaction of Council's delegated officer, and the applicant shall be responsible for the cost of preparation and registration of the Covenant.

- 3.10 Prior to the approval for any operational works for Stage 6, the subdivision layout will be amended so that the internal road network connects to the common boundary with Lot 219 on NR378 generally in the location of the road network shown on the approved plans as part of any further development of the adjoining Lot 219 on NR378 the configuration of proposed Lot 41 will be effected such that the road provides suitable geometry to the adjoining road network satisfactory of Council's delegated officer.

#### ~~3.11 Stage 8 Requirements~~

- ~~a) Prior to lodgement of an application for Operational Works for Stage 8, the applicant will:~~
  - ~~i) in addition to any other Stormwater Management Plan requirements, provide a conceptual stormwater design for the~~

~~stage that details how any threats or impacts from upstream dams will be addressed;~~

- ~~ii) demonstrate, through that stormwater design, how stormwater flows that: originate outside the site, flow through the site, and discharge downstream of the site, will be suitably directed and contained.~~
- ~~iii) demonstrate how stormwater infrastructure will be incorporated into the lot design in accordance with the requirements of this approval;~~
- ~~iv) demonstrate how it is intended to maintain water quality within that storage in accordance with the requirements of Appendix 1 Parts A & C of State Planning Policy 4/10 Healthy Waterways.~~
- ~~v) demonstrate that suitable building platforms can be provided on proposed lots with slopes greater than 1:6.~~
- ~~vi) demonstrate that average lot size for the entire development exceeds 3000 sq.m.~~

~~These requirements will be to the satisfaction of Council's delegated officer.~~

- ~~b) The developer will prepare a management and operation plan for any artificial storage area within any proposed lot in accordance with Appendix 1 Part C of State Planning Policy 4/10 Healthy Waterways to the satisfaction of Council's delegated officer.~~
- ~~c) the registered owner of any lot containing an artificial storage area within any proposed lot will be responsible for the maintenance and operation of that storage area in accordance with the required management and operation plan.~~

**At Council's Ordinary Meeting held on 26 October 2022, condition 3.11 was amended to the extent below:**

**3.11 Stage 8b and 8c Requirements**

- a) *Prior to lodgement of an application for Operational Works for Stage 8b or 8c, the applicant will:*
  - i) *in addition to any other Stormwater Management Plan requirements, provide a conceptual stormwater design for the stage that details how any threats or impacts from upstream dams will be addressed;*
  - ii) *demonstrate, through that stormwater design, how stormwater flows that: originate outside the site, flow through the site, and discharge downstream of the site, will be suitably directed and contained.*

REC/08/0096

Page 10

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- iii) *demonstrate how stormwater infrastructure will be incorporated into the lot design in accordance with the requirements of this approval;*
  - iv) *demonstrate how it is intended to maintain water quality within that storage in accordance with the requirements of Appendix 1 Parts A & C of State Planning Policy 4/10 Healthy Waterways.*
  - v) *demonstrate that suitable building platforms can be provided on proposed lots with slopes greater than 1:6.*
  - vi) *demonstrate that average lot size for the entire development exceeds 3000 sq m.*

*These requirements will be to the satisfaction of Council's delegated officer.*

- b) *The developer will prepare a management and operation plan for any artificial storage area within any proposed lot in accordance with Appendix 1 Part C of State Planning Policy 4/10 Healthy Waterways to the satisfaction of Council's delegated officer.*
- c) *the registered owner of any lot containing an artificial storage area within any proposed lot will be responsible for the maintenance and operation of that storage area in accordance with the required management and operation plan.*

### ~~3.11~~ **3.12** Design Changes

- ~~i) Prior to lodgement of an application for Operational Works for Stage 6, the developer will provide an amended layout plan for that stage which ensures that the connecting road to the eastern boundary is almost square to that boundary.~~
- ~~ii) Prior to lodgement of an application for Operational Works for Stage 8, the developer will provide an amended layout plan for that stage which complies with the requirements of any other conditions of this approval.~~

~~These requirements will be to the satisfaction of Council's delegated officer.~~

**At Council's Ordinary Meeting held on 26 October 2022, condition 3.12 was amended to the extent below:**

### **3.12 Design Changes**

- i) *Prior to lodgement of an application for Operational Works for Stage 6, the developer will provide an amended layout plan for that stage which ensures that the connecting road to the eastern boundary is almost square to that boundary.*
- ii) *Prior to lodgement of an application for Operational Works for Stage **8b or 8c**, the developer will provide an amended layout plan*

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*for that stage which complies with the requirements of any other conditions of this approval.*

*These requirements will be to the satisfaction of Council's delegated officer.*

**~~3.12~~ 3.13 Charges**

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

**At Council's Ordinary Meeting held on 26 October 2022, it was resolved to add Condition 3.14 to the extent below;**

*3.14 Prior to the endorsement of a plan of survey for any lot created in Stage 8c, the operational works associated with Stage 8b must be completed (in addition to any works required under Condition 4.15), to the satisfaction of Council's delegated officer.*

*Lot 78 of Stage 8c must be accessed and serviced via the new road proposed to service Stage 8b. No access is permitted to Lot 78 from Country Road.*

**4. Infrastructure Services and Standards**

**4.1 Access**

Access must be constructed to each allotment in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer. The provision of Layback Kerbing along the total frontage of the proposed lots will satisfy this condition, except in the case of axe handle lots).

Where axe handle lots are proposed, a concrete or bitumen sealed driveway shall be provided within any access handles. The driveway will:

- Have a minimum width of 3 metres.
- Be constructed for the full length of the access handle.
- Be formed with one-way crossfall to cater for stormwater drainage such that any stormwater runoff is contained within the access strip.
- Service and utility conduits are to be provided for the full length of the sealed driveway constructed within the access handle of the battleaxe allotments.

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4.2 Stormwater Drainage

The applicant must ensure a non-worsening effect on surrounding land as a consequence of the development and the applicant must take all necessary steps to achieve this including the following:

- a) The applicant must provide a Stormwater Management Plan prepared and certified by a RPEQ engineer that meets or exceeds the standards of design and construction set out in the Queensland Urban Development Manual (QUDM) and the Far North Queensland Regional Organisation of Councils Manual (FNQROC).
- b) The Stormwater 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 1996).
- c) The Stormwater Management Plan must provide for:
  - (i) stormwater drainage from roofed and paved areas to be lawfully discharged to an approved drainage system within adjoining road reserves or where stormwater from roofed and paved areas cannot be drained into the approved drainage system within the adjoining road reserves, an inter-allotment drainage collection system must be provided;
  - (ii) overland flow paths and underground drainage is to be designed in accordance with water sensitive urban design solutions so as not to directly or indirectly cause nuisance or worsen peak flows to downstream or adjoining properties. The completed development discharge rate for a Q100 storm frequency must not exceed the pre-development discharge rates for a Q100 storm frequency;
  - (iii) The assumed increase in stormwater runoff associated with the construction of future dwelling houses and driveways within the development must provide for an ARI 100 years overland flow through roads, open space areas or easements over adjoining properties. Construction of drainage must be to FNQROC standards;
- d) The Stormwater Management Plan must include a plan of the development showing the Q100 Flood Levels as well as a 2,000 square metre building envelope for each lot that is impacted by the Q100 Flow. The building envelopes must be above the Q100 Flood Levels.

REC/08/0096

Page 13

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- e) The applicant must prepare a Stormwater Report, including an assessment of blockages, prepared and certified by a suitably qualified design engineer (RPEQ) clearly indicating measures taken and calculated impacts based upon the Stormwater Management Plan in accordance with the Queensland Urban Development Manual (QUDM) and the Far North Queensland Regional Organisation of Councils Manual (FNQROC).
  - f) All stormwater channels through private property must be located in a registered easement for drainage purposes, with the easement in favour of Council. Alternatively stormwater channels may be located with drainage reserves or other similar approved land tenure.
  - g) The applicant must submit the Stormwater Management Plan and Stormwater Report to council as part of the operational works application for its approval.
  - h) The applicant must construct the stormwater drainage infrastructure in accordance with the approved Stormwater Management Plan and Stormwater Report.
  - i) Deleted
  - j) 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.
  - k) The applicant (at its 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.
  - l) A bond of 50% of the contract value of the drainage works must be lodged with Council during the 12 month maintenance period, as a guarantee for the satisfactory operation of the drainage works. The bond will be returned on satisfactory correction of any defective work after expiration of the maintenance period. During the maintenance period, Council may call up the bond and carry out any drainage repair work required.
  - m) 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.
- 4.3 Prior to endorsement of the plan of survey creating the first lot of this development, the plan of survey/s for Stages 1, 2 and 7 (Development

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Approvals RC2005/56, RC2006/27 and REC/08/0110) of Country Road Estate must be registered.

#### 4.4 Roadworks – Internal – All Stages

Internal roads must be constructed to Residential Street standard in accordance with FNQROC Development Manual standards (as amended) for the applicable planning scheme area to the satisfaction of Council's delegated officer.

A temporary turnaround area, with gravel surface, must be provided at the end of the new road construction adjacent to the balance area of the overall subdivision to allow traffic manoeuvring.

#### 4.5 Water Supply

4.5.1 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 the reticulated water supply infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).

4.5.2 The following reticulated water supply infrastructure upgrades must be undertaken by the developer:

- (i) Prior to the issue of any Development Permit for operational works, the developer must enter into an infrastructure agreement requiring the developer to contribute per additional allotment created (currently \$487.00 per lot) towards the construction of the following water infrastructure upgrades:
  - A connection into the existing 375 mm diameter water main in Lloyd Street (at the corner of Constance Street). This connection must be a DN300 PN16 PVC0 (or equivalent) pipe (Line A) to a point where the cross river boring commences (Line B).
  - The cross river pipe must be a PE DN400 (Line B) which is to be directionally drilled under the Barron River, flanged at each end and extended to the eastern side of the Hastie Road reserve; a flanged Tee must be provided to connect the cross river pipe to the DN300 pipe to the left and the DN200 pipe to the right at the outlet on the eastern side of the Hastie Road reserve.



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- From Line B, a DN200 PN16 PVCO (or equivalent) pipe (Line C) must extend to the current western end of the DN150 main on Hastie Road.
  - Installation of a PVC DN200 main (Line D) from the current eastern end of the DN150 main on Hastie Rd to the proposed water pump station within the Godfrey Road road reserve.

The amount of the contribution shall be adjusted on 30th June each financial year in accordance with the Consumer Price Index.

- 4.5.3 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.

4.6 On-Site Wastewater Management

The applicant must provide a site and soil evaluation report (or an evaluation report where existing on-site disposal), prepared by an accredited site and soil evaluator, demonstrating the ability of the lots to accommodate an on-site effluent disposal in compliance with the latest version of On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of the Council's delegated officer.

4.7 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.

4.8 Telecommunications

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

4.9 Lighting

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

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4.10 Street trees

One street tree must be provided in the nature strip of each lot created. The plan depicting species must be submitted to Council's delegated officer for approval. The street trees must be planted in accordance with the approved plan.

## 4.11 Agricultural Buffering

- (i) A 30 metre wide vegetation buffer, 20 metres planted and 10 metres clear on the southern side, is to be planted along northern road frontage of the following lots:
  - That part of the northern road frontage of Lot 31, extending from the DERM vegetation corridor, east to the boundary with Lot 32.
  - The entire northern road frontage of Lots 32 to 37.
- (ii) Appropriate native species will be used in the plantings. A landscaping/planting plan will be developed by a suitably qualified professional in compliance with SPP1/92 Planning Guidelines on Separating Agricultural and Residential Land Uses and must be endorsed by Council's delegated officer prior to any plantings being undertaken.
- (iii) The buffer vegetation will be established to a height of 4m on any relevant lot prior to Council signing the relevant plan of survey to the satisfaction of Council's delegated officer.
- (iv) The developer will maintain the buffer for two (2) years, and a bond of 50% of the contract value of the works must be lodged with Council during the maintenance period, as a guarantee. The bond will be returned on satisfactory correction of any defective work after expiration of the maintenance period. During the maintenance period, Council may call up the bond and carry out any work required. The bond will be lodged with Council to secure those works prior to Council signing the relevant plan of survey.
- (v) The applicant shall be responsible for the preparation and registration of a statutory covenant with Council pursuant to S97A of the Land Title Act for the purposes of establishment, protection and use of the land for a vegetated buffer over the required 30m buffer area.

The required covenant/s will be of a form that is acceptable to the Registrar of Titles and will contain provisions for:

- a management plan for the covenant area;

REC/08/0096

Page 17

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- protection of any vegetated buffer established as a result of this approval, including a requirement for cattle-proof fencing of the northern boundary of the vegetated buffer; and
  - exclusion of buildings.

The covenant agreement shall be signed by the registered owner prior to signing of the relevant survey plan by Council and the signed covenant shall be jointly lodged for registration with the survey plan, in the Department of Environment and Resource Management.

The covenant location and the covenant document provisions will be to the satisfaction of Council's delegated officer. Maintenance of the area of the Covenant shall be the responsibility of the owner of the land.

The covenant shall be to the satisfaction of Council's delegated officer, and the applicant shall be responsible for the cost of preparation and registration of the Covenant.

#### 4.12 Landscaping / Site Maintenance

The required buffer plantings shall be maintained as follows:

- replacement of plantings as required
- site maintenance shall include mowing / slashing of all areas outlined above
- landscaping / site maintenance is to be continued throughout the Defects Liability Period until date of Final Acceptance

**Contrary to Section D9.23 Paragraph 7 of the FNQROC Manual, the maintenance period for irrigation works and landscaping shall be a minimum of twelve months.**

**At Council's Ordinary Meeting held on 20 June 2018, it was resolved to add Condition 4.13 to the extent below;**

#### **4.13 Roadworks - External Construction (Stage 8)**

**The intersection of Emerald End Road and the unnamed road servicing Stage 8 (as shown on Plan CRE-018-C01 dated 29/01/18) must be designed and constructed in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.**

**The finished surface of the intersection is to be in asphalt, unless otherwise determined by Council's delegated officer.**

REC/08/0096  
Page 18

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

At Council's Ordinary Meeting held on 14 October 2020, it was resolved to add Condition 4.14 to the extent below;

**4.14 – External Works – Emerald End Road**

~~Prior to Council endorsing a plan of survey creating any new lot under Development Approval REC/08/0096 (excluding Lot 26 of Stage 3), the following works must be completed to the satisfaction of Council's delegated officer:~~

~~(i) (a) The applicant is to construct kerb and channel on Emerald End Road for the complete frontage of the subject land and also between the subject land and the intersection of Emerald End Road and Country Road.~~

~~(b) The applicant is to widen and extend the existing bitumen on Emerald End Road by two (2) metres for the complete frontage of the subject land and also between the subject land and the intersection of Emerald End Road and Country Road.~~

~~(ii) Alternatively, in lieu of constructing the works required by Conditions 2(i)(a) and 2(i)(b), the applicant is to contribute to Council an amount equivalent to the construction cost of the following works:~~

~~(a) The construction of kerb and channel on Emerald End Road for the complete frontage of the subject land and also between the subject land and the intersection of Emerald End Road and Country Road.~~

~~(b) The widening and extension of the existing bitumen on Emerald End Road by two (2) metres for the complete frontage of the subject land and also between the subject land and the intersection of Emerald End Road and Country Road.~~

~~The applicable contribution shall be calculated based on the actual construction cost at the time of payment, to the satisfaction of Council's delegated officer. The construction cost shall be adjusted on 30 June each year in accordance with the Road Industry Construction Index.~~

~~(iii) The Intersection of Emerald End Road and Country Road is to be designed and constructed in accordance with the FNQROC Development Manual, as amended.~~

~~The main points to note from the manual are that the finished surface is to be in asphalt and the design is to be in accordance with NAASRA Part 5.~~

~~(iv) Prior to works commencing, plans for the abovementioned works must be approved as part of a subsequent application for operational works.~~

REC/08/0096

Page 19

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**At Council's Ordinary Meeting held on 26 October 2022, condition 4.14 was amended to the extent below:**

**4.14 External Works - Emerald End Road**

*Prior to Council endorsing a plan of survey creating any new lot under Development Approval REC/08/0096 (excluding Lot 26 of Stage 3 **and Lots 101 and 102 of Stage 8a**), the following works must be completed to the satisfaction of Council's delegated officer:*

- (i) (a) The applicant is to construct kerb and channel on Emerald End Road for the complete frontage of the subject land and also between the subject land and the intersection of Emerald End Road and Country Road.*
- (b) The applicant is to widen and extend the existing bitumen on Emerald End Road by two (2) metres for the complete frontage of the subject land and also between the subject land and the intersection of Emerald End Road and Country Road.*
- (ii) Alternatively, in lieu of constructing the works required by Conditions 2(i)(a) and 2(i)(b), the applicant is to contribute to Council an amount equivalent to the construction cost of the following works:*
  - (a) The construction of kerb and channel on Emerald End Road for the complete frontage of the subject land and also between the subject land and the intersection of Emerald End Road and Country Road.*
  - (b) The widening and extension of the existing bitumen on Emerald End Road by two (2) metres for the complete frontage of the subject land and also between the subject land and the intersection of Emerald End Road and Country Road.*

*The applicable contribution shall be calculated based on the actual construction cost at the time of payment, to the satisfaction of Council's delegated officer. The construction cost shall be adjusted on 30 June each year in accordance with the Road Industry Construction Index.*

- (iii) The Intersection of Emerald End Road and Country Road is to be designed and constructed in accordance with the FNQROC Development Manual, as amended.*

*The main points to note from the manual are that the finished surface is to be in asphalt and the design is to be in accordance with NAASRA Part 5.*

- (iv) Prior to works commencing, plans for the abovementioned works must be approved as part of a subsequent application for operational works.*

**At Council's Ordinary Meeting held on 26 October 2022, it was resolved to add Condition 4.15 to the extent below;**

**4.15 Access - Country Road (Lots 76, 77 and 78 of Stage 8c)**

*Prior to Council endorsing a plan of survey creating lots 76 or 77 of Stage 8c, an access crossover must be constructed (from the edge of Country Road to the*

REC/08/0096

Page 20

property boundary of each lot) in accordance with FNQROC Development Manual standards, as amended.

The location of the access crossovers and the design width of the crossover at the commencement of the crossover (edge of Country Road) must be approved by Council's delegated officer prior to any development works commencing.

Lot 78 of Stage 8c must be accessed and serviced via the new road proposed to service Stage 8b. No access is permitted to Lot 78 from Country Road.

#### REFERRAL AGENCY CONDITIONS

The IDAS Referral Agencies applicable to this application are –

For an application involving	Name of referral agency	Status	Address
<b>RECONFIGURING A LOT</b>			
On land <u>not</u> contiguous to a <b>State-controlled road</b> , for a purpose exceeding the thresholds set in schedule 5 of the <i>Integrated Planning Regulation 1998</i>	Department of Transport & Main Roads	Concurrence	Department of Main Roads Peninsula District PO Box 6185 CAIRNS QLD 4870
If the reconfiguring involves land with an area of 2 ha or above, 2 or more lots are created and the size of any lot created is 25 ha or smaller, and the land contains–  (i) A category 1, 2 or 3 area shown on a property map of assessable vegetation; or  (ii) <b>Remnant vegetation</b>	Department of Environment & Resource Management	Concurrence	Administration Officer Implementation & Support Unit Department of Environment & Resource Management GPO Box 15155 CITY EAST QLD 4002
If any part of the lot is situated in, or within 100m of, a <b>wetland</b> and  (i) the reconfiguration results in more than 10 lots, or  (ii) any lot resulting from the reconfiguring is less than 5 ha	Environmental Protection Agency	Advice	Administration Officer Implementation & Support Unit Department of Environment & Resource Management GPO Box 15155 CITY EAST QLD 4002

**APPROVED PLANS/DOCUMENTS**

The approved plans and / or documents for this development approval are listed in the following tables:

<b>Plan/Document Number</b>	<b>Plan/Document Title</b>	<b>Prepared by</b>	<b>Dated</b>
11/4743-Stages 3-6 (2B)	Proposed Reconfiguration of Stages 3-6 & 8 Country Road Estate	Twine Surveys Pty Ltd	23.8.2011

At Council's Ordinary Meeting held on 20 June 2018, the approved plans were amended to the extent below:

<b>Plan/Document Number</b>	<b>Plan/Document Title</b>	<b>Prepared by</b>	<b>Dated</b>
11/4743-Stages 3-6 (2B)	Proposed Reconfiguration of Stages 3-6 & 8 Country Road Estate	Twine Surveys Pty Ltd	23.8.2011
<u>CRE17-018-C01</u>	<u>Layout Plan - Stage 8 - 1 Lot into 15 Lots</u>	<u>Benchmark Survey &amp; Design</u>	<u>29/01/18</u>

At Council's Ordinary Meeting held on 26 October 2022, the approved plans were amended to the extent below:

<b>Plan/Document Number</b>	<b>Plan/Document Title</b>	<b>Prepared by</b>	<b>Dated</b>
11/4743-Stages 3-6 (2B)	Proposed Reconfiguration of Stages 3-6 & 8 Country Road Estate	Twine Surveys Pty Ltd	23.8.2011
<u>CRE17-018-C01</u>	<u>Layout Plan - Stage 8 - 1 Lot into 15 Lots</u>	<u>Benchmark Survey &amp; Design</u>	<u>29/01/18</u>
<u>9076 LL3 Rev B</u>	<u>Stage 1 - Plan of Lots 101 &amp; 102</u>	<u>Twine Surveys Pty Ltd</u>	<u>12/7/2022</u>
<u>9076 LL2 Rev B</u>	<u>Stage 2 - Plan of Lots 75 &amp; 83 - 89</u>	<u>Twine Surveys Pty Ltd</u>	<u>12/7/2022</u>
<u>9076 LL2 Rev B</u>	<u>Stage 3 - Plan of Lots 76 - 78 &amp; 103</u>	<u>Twine Surveys Pty Ltd</u>	<u>12/7/2022</u>

**ADVISORY NOTES**

The following Advisory Notes are for information purposes only and do not form conditions of approval:

(A) 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) 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.deh.gov.au](http://www.deh.gov.au).

(d) 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.derm.qld.gov.au](http://www.derm.qld.gov.au).

(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) Transportation of Soil

All soil transported to or from the site must be covered to prevent dust or spillage during transport. If soil is tracked or spilt onto the road pavements as a result of



REC/08/0096

Page 23

works on the subject site, is must be removed prior to the end of the working day and within four (4) hours of a request from a Council Officer.

(g) Easement Documents

The Tablelands Regional Council has developed standard easement documentation to assist in the drafting of formal easement documents for Council easements. The applicant should contact the Urban & Regional Planning Section for more information regarding the drafting of easement documents for Council easements.

(h) Endorsement Fees

Please be advised that 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.

(i) Notation on Rates Record

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

Conditions to be reflected as rates notations:

- Bushfire Management
- Flood Immunity
- Environmental Covenant
- Agricultural Buffering

(B) CONCURRENCE AGENCY CONDITIONS

Department of Transport and Main Roads conditions dated 4 March 2011

Department of Environment and Resource Management conditions dated 11 May 2011

**FURTHER DEVELOPMENT PERMITS REQUIRED**

- Development Permit for Operational Works

**SUBMISSIONS**

Not Applicable.

**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.

REC/08/0096  
Page 24

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**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.

If you have any further queries in relation to the above, please contact Council's Planning Officer, Carl Ewin on the above number.

Yours faithfully

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

**DECISION NOTICE HISTORY**

**REC/08/0096** - Original Decision Notice 23 November 2011

**REC/08/0096** - Negotiated Decision Notice 28 March 2012

**REC/08/0096** - Notice of Decision on Request to Change a DA 20 June 2018

**REC/08/0096** - Minor Change to an Existing Approval 20 October 2020

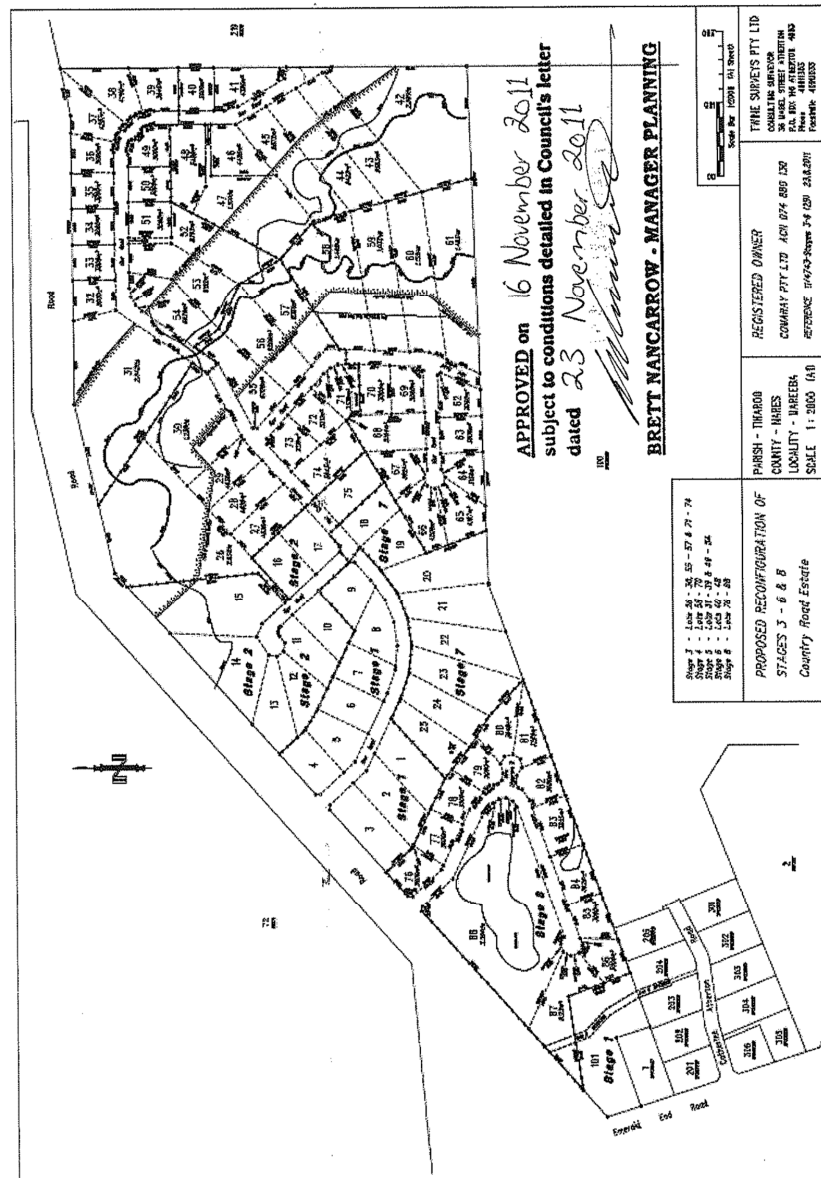
Encl: Approved Plans/Documents  
Referral Agency Response  
Appeal Rights

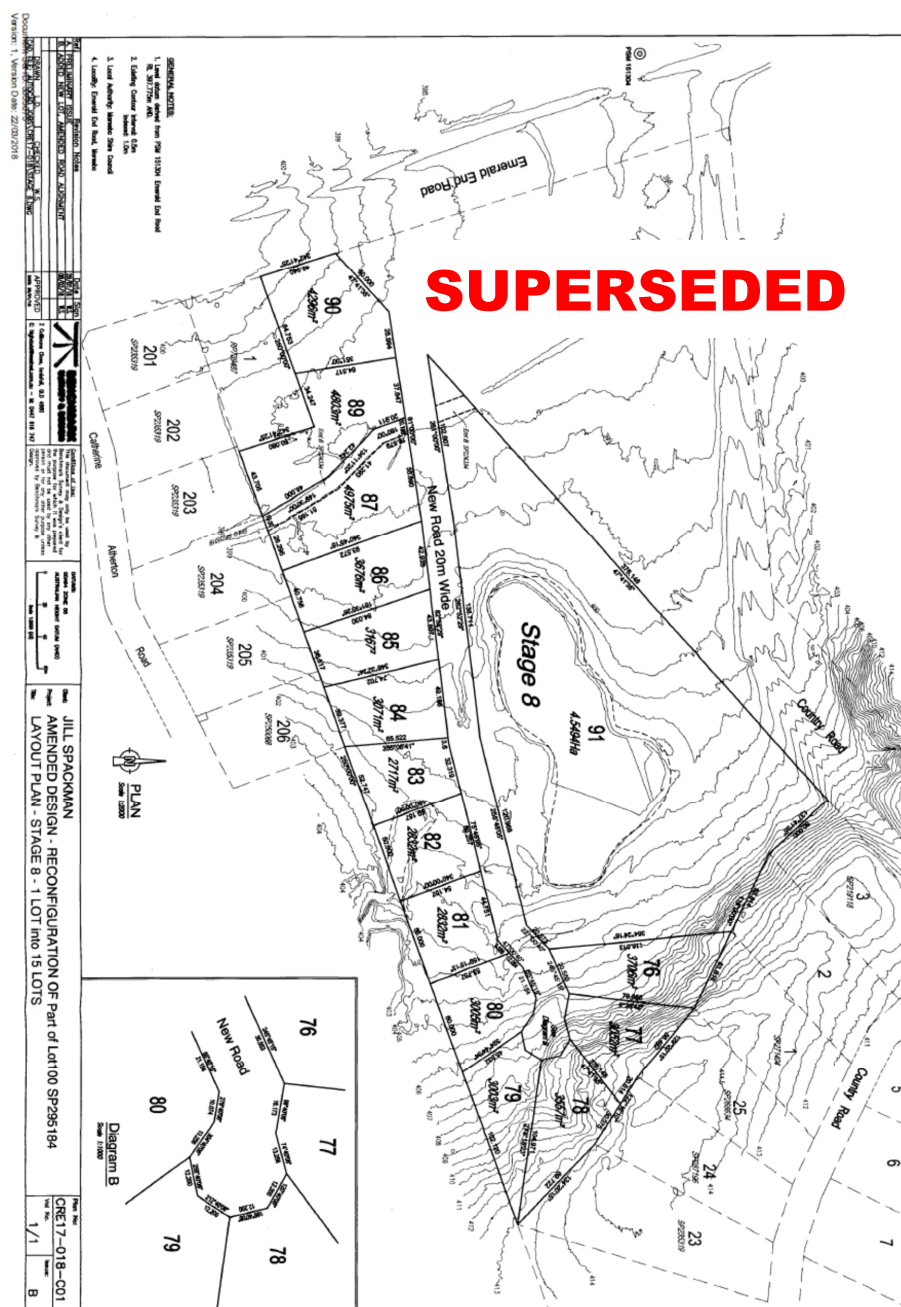
Copy: Department of State Development, Manufacturing, Infrastructure and Planning  
[CairnsSARA@dsdilgp.qld.gov.au](mailto:CairnsSARA@dsdilgp.qld.gov.au) (reference: 2008/007471)

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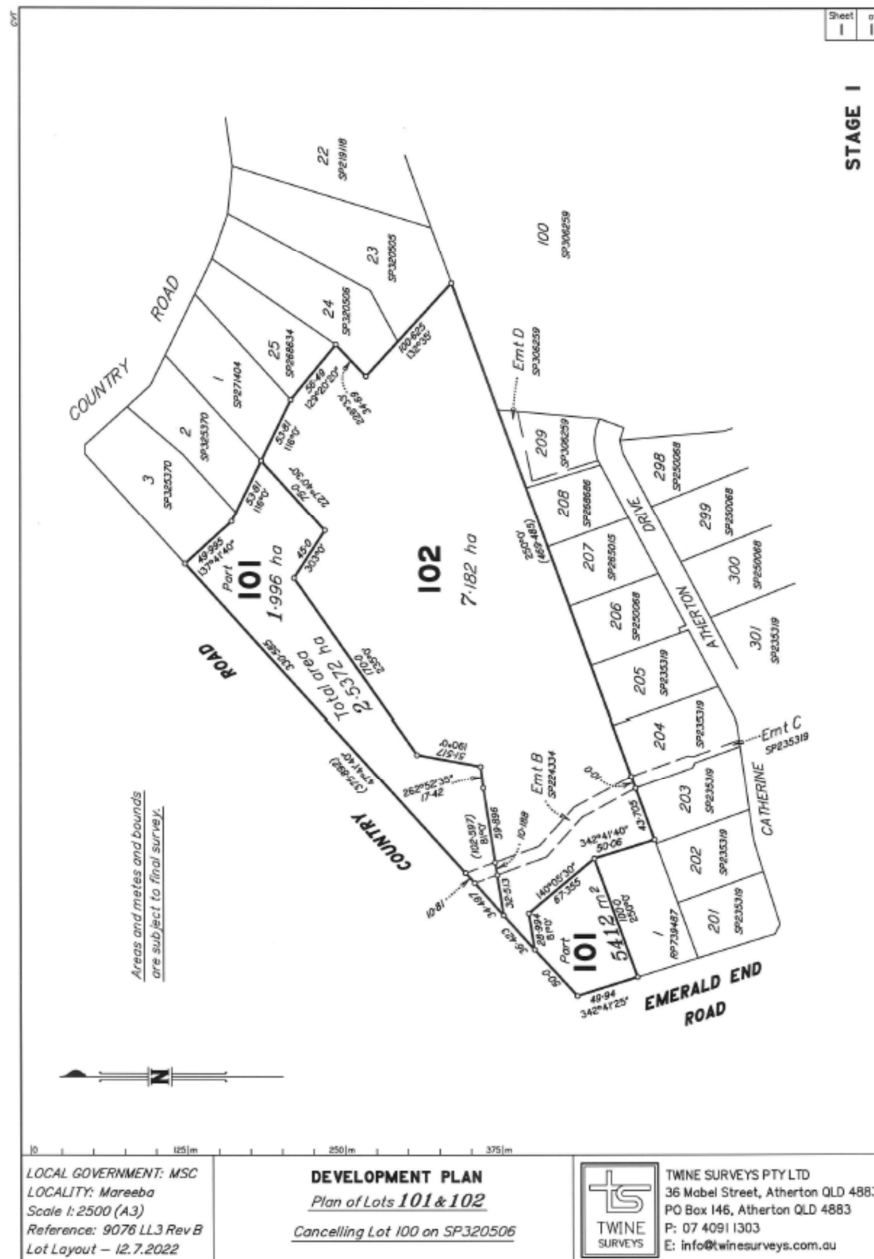
Mareeba Shire Council

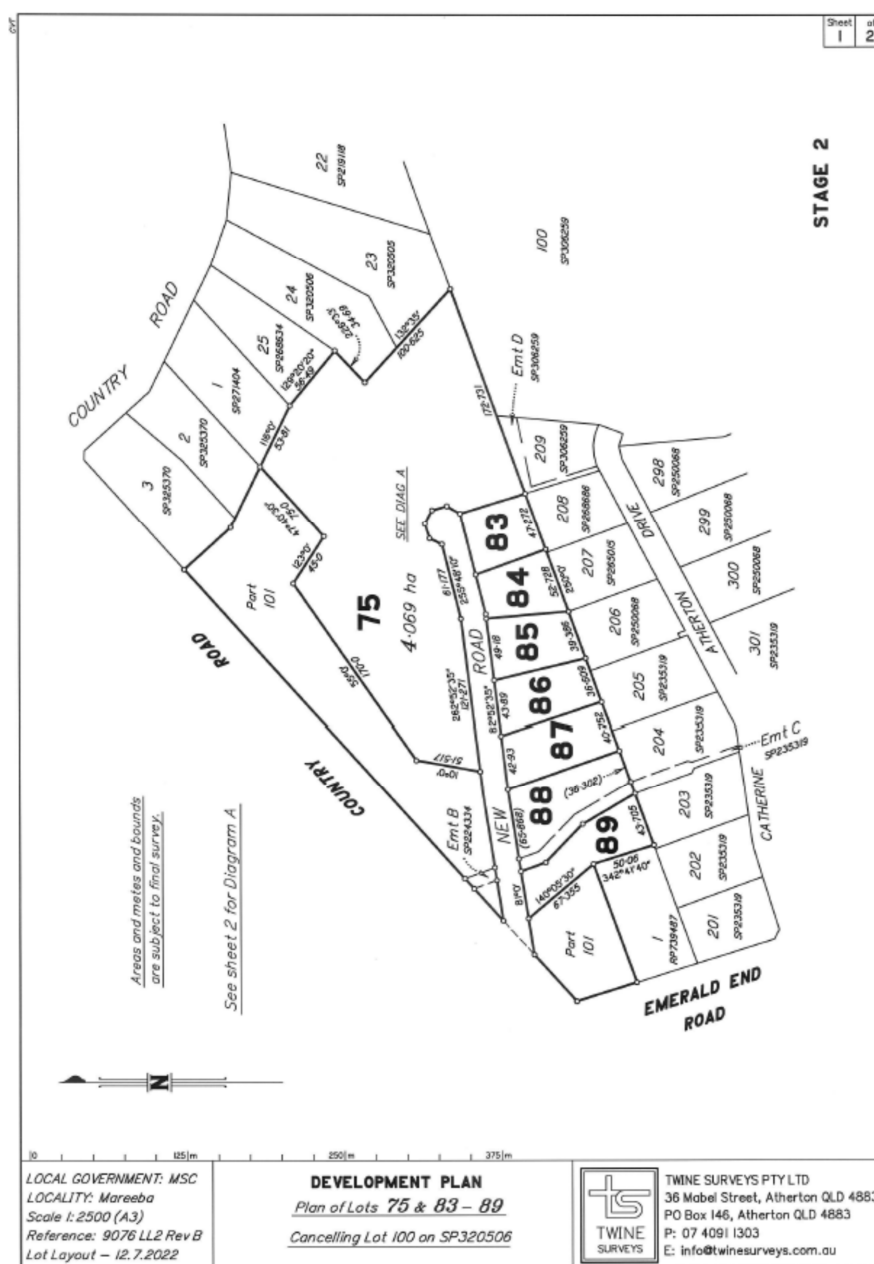
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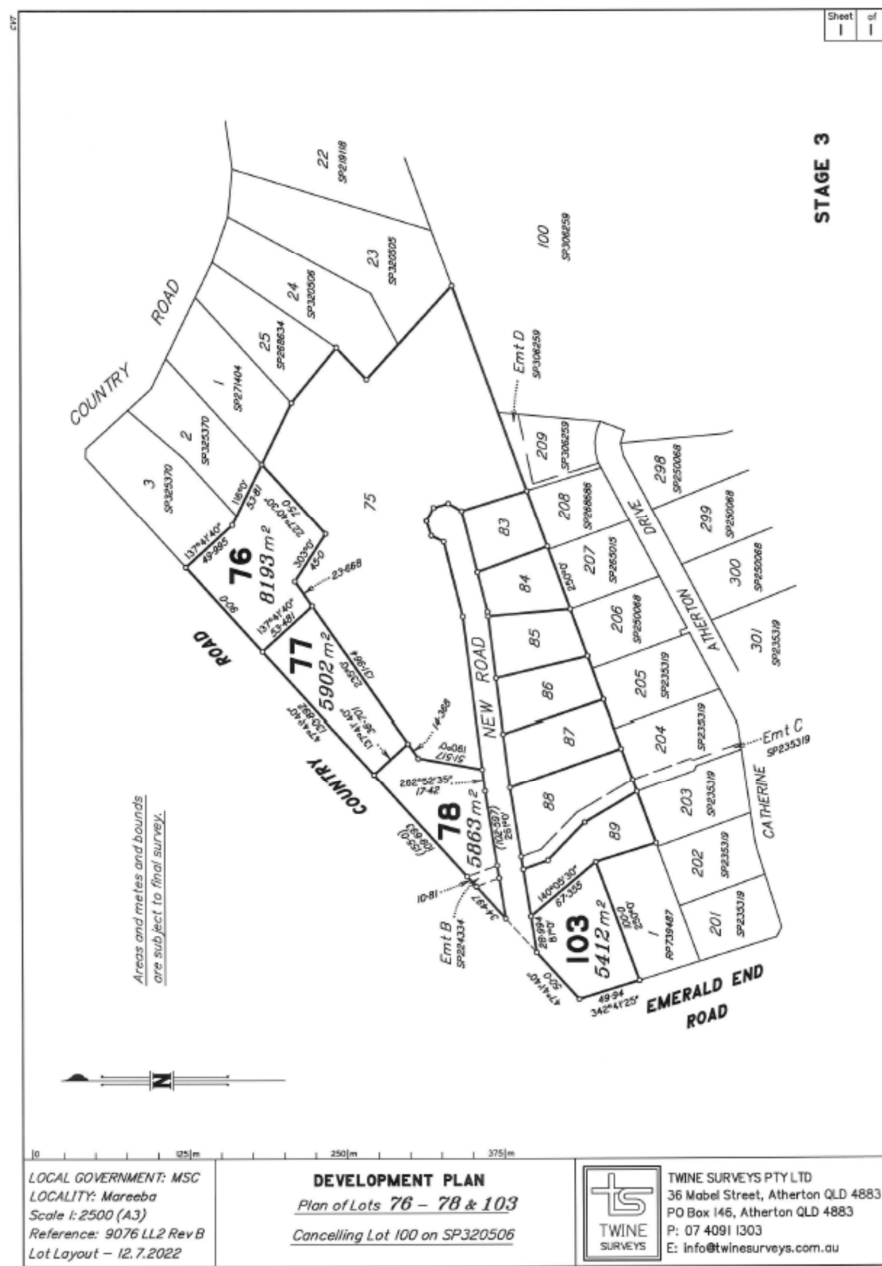


REC/08/0096  
Page 27





REC/08/0096  
Page 29



Mareeba Shire Council

REC/08/0096

Page 30

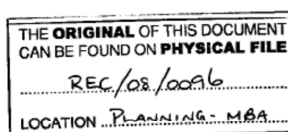
## Referral Agency Response

URP-ROL  
B. MillardQueensland  
Government

Council Ref: REC/08/0096

4 March 2011

Chief Executive Officer  
Tablelands Regional Council  
PO Box 154  
Mareeba Qld 4880



Attention Mr Brian Millard

Dear Mr Millard

**Amended Referral Agency Response – s. 287 of the Sustainable Planning Act 2009**

**Applicant:** Comarary Pty Ltd  
**Application:** Reconfiguration of Lot (71 Residential Allotments & New Roads)  
**Location:** Lot 4 on RP 739487, Parish of Tinaroo  
Emerald End Road, Mareeba

I refer to:

- the above application received at the former Department of Main Roads (DMR) 1 September 2008 requesting consideration of the above development,
- DMR letter 4 September 2008 of conditions of development, and
- request to review conditions received at the Department of Transport and Main Roads (TMR) 2 March 2011, with an amended lot layout.

Pursuant to section 287 of the *Sustainable Planning Act 2009*, TMR, as a Concurrence Agency, has reviewed the impact of the proposed development on the State-controlled road network and requests that Council include the following **amended** conditions of development for the subject application:

**1. Layout**

Unless otherwise approved in writing by TMR the development site layout must generally comply with Twine Surveys plan numbered 11/4743-Stages 3-6 (2) dated 18.2.2011.

**2. Permitted Road Access Location**

- Access between the State-controlled road (i.e. Kennedy Highway) and the subject land shall be via Emerald End Road and Hastie Road, to the satisfaction of Tablelands Regional Council.
- No additional access between the State-controlled road (i.e. Kennedy Highway) and the subject land is permitted.

**3. Intersection Works**

- The intersection of the Kennedy Highway and Hastie Road shall be upgraded in

Department of Transport and Main Roads  
Assets and Operations  
Far North Region / Cairns Office  
Floor 4 Cairns Corporate Tower 15 Lake Street  
PO Box 6185 CAIRNS Queensland 4870  
ABN 39 407 690 291

Enquiries MALCOLM HARDY  
Our ref 264/32A/102(122.01)  
Telephone +61 7 4050 5511  
Facsimile +61 7 4050 5430  
Website www.tmr.qld.gov.au  
Email malcolm.r.hardy@tmr.qld.gov.au

Mareeba Shire Council



- 2 -

accordance with:

- TMR *Road Planning and Design Manual (RP&DM)*, and
- current TMR standards,

and to the Department's satisfaction.

- (ii) The intersection of the Kennedy Highway and Hastie Road shall be upgraded as specified below:

- Provide a channelised right turn treatment (CHR) in accordance with Figure 13.60 of RP&DM.

Design aspects that include or address the following:

- 1.5 metre wide shoulders and 3.5 metre wide traffic lanes and turn lanes shall be provided on the Kennedy Highway.
- Painted traffic islands shall be used between the Highway traffic lanes, and these islands shall have raised reflective pavement markers (RRPMs) installed in accordance with the Manual of Uniform Traffic Control Devices (MUTCD).
- Redundant sections of existing white lining shall be "blackened out" with hot bitumen and 7mm chip.
- Intersection lighting shall be upgraded to V5 standard to ensure new works are appropriately lit. The completed lighting installation will need to comply with: The Electrical Act,
  - Australian Standards (AS1158, 3000), and
  - Chapter 17 of the RP&D manual.
 All works are to be certified by RPEQ (electrical).
- All associated works are to be completed to the Department's satisfaction [eg, services relocation, drainage (incl. extension of culverts), line marking (incl. RRPM's), and signage in accordance with the MUTCD].
- Any necessary relocation of Council water mains, Telstra and electrical services are to be undertaken at no cost to TMR and works completed to the service provider's satisfaction. No existing water mains within 3.0 m. of the new sealed shoulder edge shall be permitted.

- (iii) The landowner/ applicant shall submit design drawings prepared and certified by a suitably experienced RPEQ (civil) engineer, for approval to the Cairns office of TMR prior to commencing any works within the State-controlled road reserve (i.e. Kennedy Highway). No works shall commence on site until TMR has approved the plans.

- (iv) All required intersection works shall be completed to the satisfaction of the Director-General of TMR prior to Council approval and dating of the plan of survey creating the 30<sup>th</sup> Rural Residential allotment on the subject land.

#### 4. Advertising

No advertising device for the proposed development is permitted within the Kennedy Highway road reserve.

REC/08/0096  
Page 32

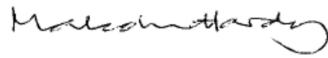
- 3 -

Council is requested to reflect the above conditions on its Rates Record, to ensure that the planning intentions of the conditions are secured.

This Department would appreciate a copy of Council's decision notice regarding the application.

A copy of this letter has been sent to the applicant.

Yours sincerely



Malcolm Hardy

**SENIOR PLANNER (ASSETS & OPERATIONS) FAR NORTH**

REC/08/0096  
Page 33

Department of Environment  
and Resource Management

## Notice

### Amended Concurrence Agency Response

*This notice is issued by the Department of Environment and Resource Management pursuant to section 3.3.17 of the Integrated Planning Act 1997 ("the Act").*

The Chief Executive  
Tablelands Regional Council  
PO Box 154  
Mareeba QLD 4880

cc. Comaray Pty Ltd  
PO Box 146  
Atherton QLD 4883

Our reference: 2008/007471

**Re: Amended Concurrence Agency Response**

**1. Application Details**

Assessment Manager ref.: REC/08/0096

Date application referred to DERM:

2 September 2008

Development approval applied for:

Reconfiguring a Lot – Clearing Vegetation

Aspect of development:

Schedule 2, table 2, item 4 of the *Integrated Planning Act 1997* (for Reconfiguring a Lot)

DERM ref. no: 328683  
eLVAS: 20008/007471  
RecFind: MBA/000617

Development description:

Reconfiguring a Lot – Public safety and infrastructure

Property/Location description:

Lot 4 RP739487 – Tablelands Regional Council

2. The Chief Executive, Department of Environment and Resource Management (DERM) has imposed conditions on this development. Conditions are attached to this Notice

Page 1 of 3 • 091217  
Department of Environment and Resource Management  
www.derm.qld.gov.au ABN 46 640 294 485



REC/08/0096

Page 34

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**Notice**  
**Concurrence Agency Response**

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3. **Approved plans / specifications**

Document No.	Document Name	Date
RARP 2008/007471	Referral Agency Response Plan 2008/007471	15/04/2011

4. **General advice to assessment manager**

Pursuant to sections 3.5.15 and 3.5.17 of the Act, a copy of a decision notice or negotiated decision notice issued by the assessment manager must be forwarded to DERM as a referral agency for the relevant application at

Administration Officer  
Vegetation Management and Use  
Department of Environment and Resource Management  
PO Box 156  
Mareeba Qld 4880

and an electronic copy to [eco.access@derm.qld.gov.au](mailto:eco.access@derm.qld.gov.au).

The State's Native Title Work Procedures provide that responsibility for assessment of native title issues for an IDAS application rests with the assessment manager. Therefore, DERM as a referral agency for the relevant application has not provided notification to native title parties.

5. **Additional information for applicants**

This notification refers to the provisions of the *Vegetation Management Act 1999* and *Integrated Planning Regulation 1998* only and is based on the information you have provided regarding the proposed activities on the land. Should any issue subsequently emerge on site that requires further consideration by DERM, it is the responsibility of the landholder to contact DERM. Other legislation, including the acts listed below may affect clearing activities. You should contact the business units below to determine if your clearing activity will be affected.

It should be noted that all native plants in Queensland are protected under the *Nature Conservation Act 1992*. You must contact the QPWS Wildlife Branch of DERM on the details below before clearing vegetation.

REC/08/0096  
Page 35

**Notice**  
**Concurrence Agency Response**

Act(s)	Agency	Contact details
<ul style="list-style-type: none"> <li>• <i>Water Act 2000</i></li> <li>• <i>Wild Rivers Act 2005</i></li> <li>• <i>Soil Conservation Act 1986</i></li> <li>• <i>Aboriginal Cultural Heritage Act 2003</i></li> <li>• <i>Torres Strait Islander Cultural Heritage Act 2003</i></li> <li>• <i>Nature Conservation Act 1992</i></li> <li>• <i>Environmental Protection Act 1994</i></li> <li>• <i>Coastal Protection and Management Act 1995</i></li> <li>• <i>Queensland Heritage Act 1992</i></li> <li>• <i>Forestry Act 1959</i></li> </ul>	Department of Environment and Resource Management (DERM)	Ph: 1300 130 372
<ul style="list-style-type: none"> <li>• <i>Fisheries Act 1994</i></li> </ul>	Department of Employment, Economic Development and Innovation (DEEDI)	Ph: 13 25 23 Email: <a href="mailto:callweb@dpi.qld.gov.au">callweb@dpi.qld.gov.au</a>
<ul style="list-style-type: none"> <li>• <i>Environment Protection and Biodiversity Conservation Act 1999</i></li> </ul>	Department of Sustainability, Water, Population and Communities	Ph: (02) 6274 1111 <a href="mailto:Epbcr.referrals@environment.gov.au">Epbcr.referrals@environment.gov.au</a>
<ul style="list-style-type: none"> <li>• <i>Local Government Act 1993</i></li> <li>• <i>Sustainable Planning Act 1997</i></li> </ul>	Local Government	Contact your nearest local government office.



**Delegate**  
Kate Cumming  
Delegate, Chief Executive administering the *Vegetation Management Act 1999*  
Department of Environment and Resource Management  
11 May 2011

**Enquiries:**  
Rebecca Silcock  
Department of Environment and Resource Management  
PO Box 156  
Mareeba Qld 4880  
Phone: (07) 4048 4719  
Fax: (07) 4092 2366  
Email: [Rebecca.silcock@derm.qld.gov.au](mailto:Rebecca.silcock@derm.qld.gov.au)

**Attachment(s)**  
Amended Referral Agency Response (including conditions)  
Referral Agency Response (Vegetation) Plan: 2008/007471

**Amended Referral Agency Response – Reconfiguring a Lot***s 3.3.17 Integrated Planning Act 1997***1. Application information**

- 1.1. **Applicant's name:** Comaray Pty. Ltd. C/- Twine Surveys Pty Ltd
- 1.2. **Property description:** 4 RP739487 - Tablelands Regional Council
- 1.3. **Assessment Manager/Reference:** REC/08/0096
- 1.4. **Date application was referred to Department:** 2 September 2008
- 1.5. **Departmental Reference:** eLVAS Case No: 2008/007471, File Ref. No: MBA/000617.
- 1.6. **Type of development sought by the application:**
  - Reconfiguring a Lot

**2. Concurrence Agency response:**

The Chief Executive of the Department of Environment and Resource Management directs that the following conditions must be imposed on any approval given by the Assessment Manager:

- 2.1. No clearing of native vegetation as a result of this Reconfiguration of a Lot is to occur within Areas A1 and A2 shown on the Referral Agency Response (Vegetation) Plan 2008/007471 dated 15 April 2011.
- 2.2. The Reconfiguration of a Lot must be conducted in accordance with *the Reconfiguration Plan for Lot 4 RP739487, Twine Surveys Pty. Ltd., Reference No. 11/4743-Stages 3-6 (2)*, dated 18 February 2011.
- 2.3. These conditions do not prevent vegetation being cleared for a purpose described in Schedule 8 of the *Integrated Planning Regulation 1997* (except where the extent of clearing is inconsistent with Conditions 2.1 and 2.3) or if cleared in accordance with any subsequent development approval.

**3. Reasons:**

A Statement of Reasons is attached at Schedule 1.

**4. Additional comments or information:**Clearing not authorised under this Amended Referral Agency Response

Additional clearing within the subject area that is not authorised under this amended referral agency response, must be applied for as operational works, that is the clearing of native vegetation made assessable under Schedule 8, Part 1, Table 4 of the *Integrated Planning Act 1997*.

Clearing Regrowth Vegetation

The *Vegetation Management Act 1999* now regulates the clearing of certain regrowth vegetation as well as remnant vegetation. These regulations came into effect on the 8 October 2009. The aim of the new arrangement is to control the clearing of High Value Regrowth

IDAS Amended Referral Agency Response

Vegetation, particularly that which is associated with watercourses, wetlands, steep slopes and habitat for rare and threatened fauna.

The Regrowth Vegetation Map identifies Regulated Regrowth Vegetation on land that is subject to this application. The Regrowth Vegetation Map is available online at: [http://www.derm.qld.gov.au/vegetation/regrowth\\_vegetation\\_regulations.html](http://www.derm.qld.gov.au/vegetation/regrowth_vegetation_regulations.html)

While no permit is required to authorise clearing of regulated regrowth vegetation, the code requires landholders to notify DERM of their intention to clear before they start any clearing activity.

Clearing that does not comply with the code is unlawful and may be subject to a compliance response including the possibility of prosecution or the restoration of the cleared area.

#### Cultural Heritage

A search has been performed on the inventory of recorded Aboriginal cultural heritage sites over subject area and no Aboriginal cultural heritage notings were found. However, the Chief Executive of DERM advises all Aboriginal cultural heritage in Queensland is protected under the *Aboriginal Cultural Heritage Act 2003*, and penalty provisions apply for any unauthorised harm. A person carrying out an activity must take all reasonable and practical measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are \$750,000 for a corporation and \$75,000 for an individual. This applies whether or not such places are recorded in an official register and whether or not they are located in, on or in under private land.

The gazetted cultural heritage Duty of Care Guidelines sets out how you can comply with the cultural heritage duty of care. An assessment of the proposed activity against the Duty of Care Guidelines will help determine whether, or to what extent, Aboriginal cultural heritage may be harmed. Upon assessment, if you believe cultural heritage may be harmed by the proposed activity, you should contact the Cultural Heritage Coordination Unit for further advice on (07) 3238 3838 or e-mail: [cultural.heritage@derm.qld.gov.au](mailto:cultural.heritage@derm.qld.gov.au).

Further information on cultural heritage a copy of the Duty of Care Guidelines or cultural heritage search forms visit: [http://www.derm.qld.gov.au/cultural\\_heritage/index.html](http://www.derm.qld.gov.au/cultural_heritage/index.html).

#### **5. Authorised Officer Signature:**



Kate Cumming  
Senior Vegetation Management Officer

**Date of Response:** 11 May 2011

Att. Schedule 1 – Statement of Reasons

eLVAS Case No:	2008/007471
File Ref. No:	MBA/000617
Project No:	328683

**Schedule 1**

**Statement of Reasons  
Referral Agency Response  
Application for Reconfiguring a Lot**  
Comaray Pty. Ltd. C/- Twine Surveys.

The following Statement of Reasons is provided pursuant to s. 3.3.18(8) of the *Integrated Planning Act 1997*

**Introduction**

1. The Department of Environment and Resource Management (DERM) received an application from Comaray Pty. Ltd. C/- Twine Surveys Pty. Ltd. on 2 September 2008.
2. The application is for Reconfiguring a Lot on 4 RP739487 - Tablelands Regional Council.
3. DERM refused the original application on 19 October 2009.
4. DERM received a request to amend the original RAR as well as amended layout plans from the applicant on 1 March 2011.
5. An Assessment Report was sent to the Delegate of the Chief Executive, Kate Cumming, on 11 May 2011.
6. The Delegate determined an Amended Referral Agency Response on 11 May 2011.

**Evidence**

1. Application dated 2 September 2008.
  - a) Completed IDAS Form 1 Part "J".
  - b) Property Vegetation Management Plan.
2. *Integrated Planning Act 1997 & Integrated Planning Regulation 1998 (Schedule 2)*
3. *Vegetation Management Act 1999*
4. Department of Environment and Resource Management Concurrence Agency Policy for Reconfiguring a Lot dated 23 August 2007.
5. *State Planning Policy (SPP) 1/03 – Mitigating the Adverse Impacts of Flood, Bushfire, and Landslide.*
6. Letter from Matt Andrejic of Twine Surveys Pty Ltd, requesting an amended Referral Agency Response (with amended plans dated 18 February 2011) - dated 1 March 2011
7. The applicant's Reconfiguration Plan for Lot 4 RP739487, Twine Surveys Pty Ltd, Reference No. 11/4743-Stages 3-6 (2) dated 18 February 2011
8. Vegetation Information Network database (VIN)
9. Assessment Report dated 11 May 2011.

**Findings of fact**

1. The application confirmed that the purpose was to reconfigure lot 4 RP739487 into 72 lots.



2. Smartmap identifies the land tenure for the subject area is freehold
3. Regional ecosystem mapping identifies the subject area contains *Least Concern* and non remnant vegetation.
4. The applicant's Reconfiguration Plan for Lot 4 RP739487, Twine Surveys Pty Ltd, Reference No. 11/4743-Stages 3-6 (2) dated 18 February 2011 confirmed the location of the proposed roads & allotment boundaries.
5. The subject area has been identified as being located within a low bushfire risk hazard area within the Tablelands Regional Council Planning Scheme
6. VIN confirmed the location, extent and types of vegetation on lot 4 RP739487.
7. Topographic Mapping confirmed the location of stream order 1 and a stream order 2 water courses on lot 4 RP739487.
8. The application is assessable against Criteria Table H of the Concurrence Agency Policy for Reconfiguring a Lot: performance requirements where clearing will occur as a result of the RaL within assessable vegetation.

**Reasons**

1. The application complies with the performance requirement of Criteria Table H of the Concurrence Agency Policy – with the inclusion of conditions 2.1, 2.2 & 2.3 of the referral agency response – as clearing as a result of the RaL will occur within assessable vegetation.
2. The application is consistent with the purpose of the Concurrence Agency Policy for Reconfiguring a Lot which achieves the outcomes of the *Vegetation Management Act 1999*

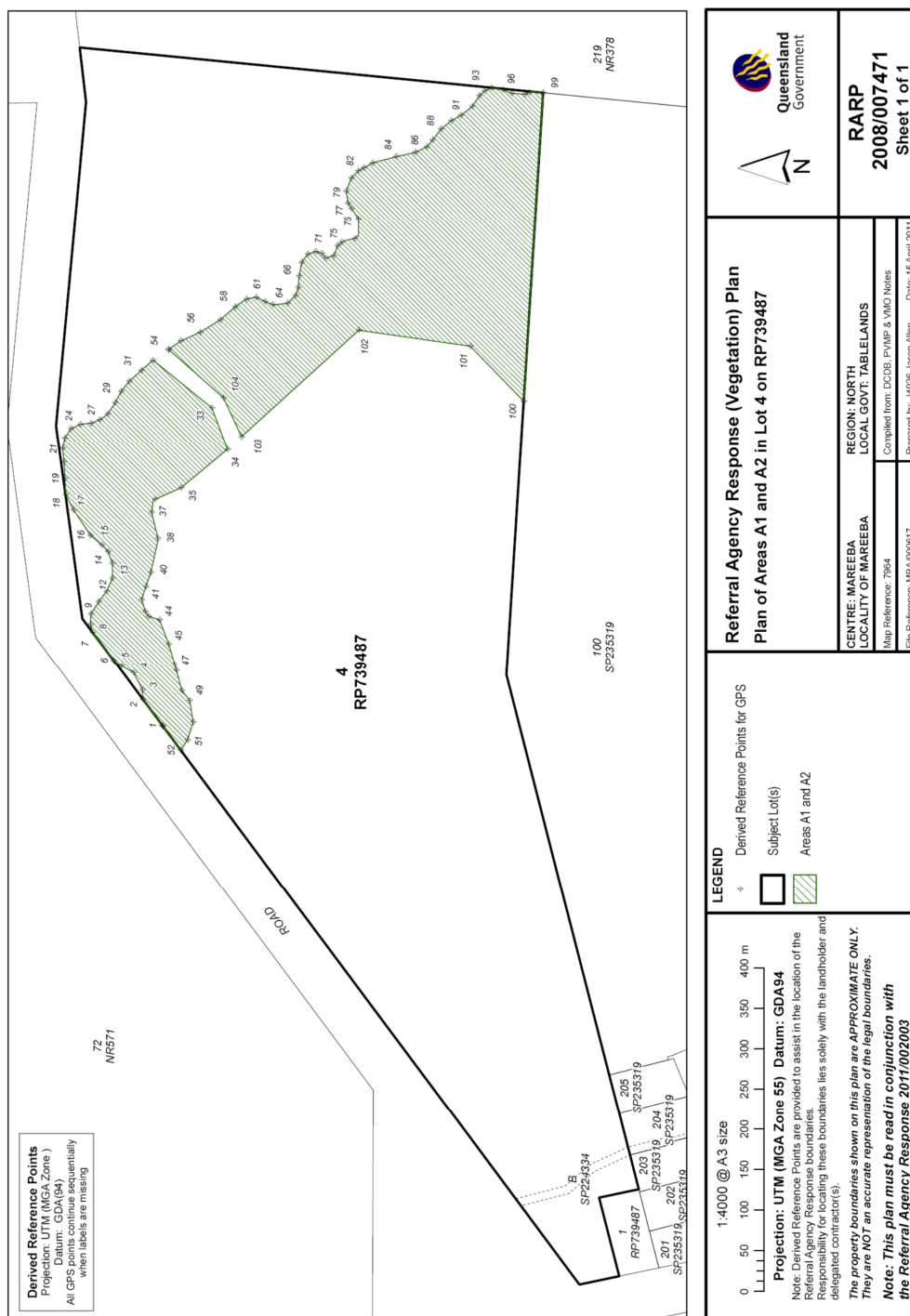
To ensure that a decision regarding this development application is consistent with the *Vegetation Management Act 1999* it is required conditions 2.1, 2.2 & 2.3 of this referral agency response be applied to the development.



Kate Cumming  
Senior Vegetation Management Officer  
North Region

11 May 2011

REC/08/0096  
Page 40



Mareeba Shire Council

REC/08/0096  
Page 41

## NOTICE

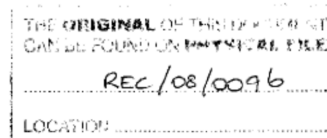
### Advice Agency Response –Wetland

This notice is issued by the Environmental Protection Agency pursuant to sections 3.3.16 and 3.3.19 of the *Integrated Planning Act 1997*.

Tableland Regional Council  
PO Box 154  
MAREEBA QLD 4880

cc: Comaray Pty Ltd  
C/- Planning Far North  
PO Box 7801  
CAIRNS QLD 4870

Your reference : REC/08/0096  
Our reference : CNS7912  
Attention: Mr Brian Millard



Dear Mr Brian Millard

**Re:** Advice concerning application for development at 200 Emerald End Road, Mareeba (Lot 4 on Plan RP739487). Please treat this response as a properly made submission.

**EPA referral number:** IPAR01185308  
**Response type:** Advice Agency Response  
**Date application received by EPA:** 03 September 2008

ADVICE AGENCY JURISDICTION:	Item 38 of Table 2 of Schedule 2 of the <i>Integrated Planning Regulation 1998</i> .
ASSESSMENT MANAGER REFERENCE NUMBER:	REC/08/0096
APPLICANT:	Comaray Pty Ltd
ACTIVITY DESCRIPTION:	Development application for Reconfiguration of 1 Lot into 71 Lots in Four Stages.
DESCRIPTION OF SUBJECT LAND:	200 Emerald End Road, Mareeba
	Lots: 4 Plan: RP739487

REC/08/0096  
Page 42**Response to Development Application**

The lot is within 100m of a Wetland. The EPA, acting as an advice agency under the *Integrated Planning Act 1997*, provides the following advice to the application as detailed above.

**EPA advice**

The application is for the reconfiguration of Lot 4 on RP739487 (62.94ha), 200 Emerald End Road Mareeba, into 71 rural residential lots. The property has two swathes of 'not of concern' Regional Ecosystem with seasonally flowing gullies running through them and a patch of referrable wetlands near the north eastern boundary.

The Overall Layout and Staging Plan (drawing 0807COMRAY) shows that most of the 'not of concern' Regional Ecosystem, seasonal streamlines and all of the wetland will be subdivided. This will inevitably lead to a loss of natural values associated with these features. It is noted that new lots 15 and 16 in the mapped wetland area in Stage 2 have previously been approved.

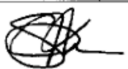
From EPA's perspective, a better environmental outcome would result if the wetland parts of lots 17 – 21 and a gully riparian easement of around 40m in width were kept in a natural state, made public land and protected. The subdivision could then be configured around these natural features. Similarly, if the gully and associated vegetation of lot 101 and adjacent parts of lot 100 could be afforded protection, it would add to the natural amenity of the subdivision.

Considering the close proximity of the Barron River it is important to ensure that any on-site effluent disposal is of a high standard. The risks of contamination of the groundwater and potentially the Barron River should be kept to a minimum. Further details demonstrating that on site effluent disposal can take place with minimal risks should be supplied to the satisfaction of the Tableland Regional Council.

**Additional information for applicants**

It is a requirement of the *Environmental Protection Act 1994* that if the owner or occupier of this site becomes aware that a Notifiable Activity (as defined under Schedule 2 of the *Environmental Protection Act 1994*) is being carried out on this land or that the land has been affected by a hazardous contaminant, they must, within thirty (30) days after becoming aware the activity is being carried out, give notice to the Environmental Protection Agency. A list of Notifiable Activities is provided within Schedule 2 of the *Environmental Protection Act 1994*.

Yours sincerely



Signature

Gary Innis  
Manager Planning  
Far Northern Region  
Environmental Protection Agency

26 - SEP - 2008

Date

**Enquiries:**  
Mike Trenerry  
Environmental Protection Agency  
PO Box 2066  
CAIRNS QLD 4870  
Telephone: 4046 6694  
Facsimile: 4046 6606

	<h2 style="text-align: center;">Appeal Rights</h2> <p style="text-align: center;"><i>PLANNING ACT 2016 &amp; THE PLANNING REGULATION 2017</i></p>
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### Chapter 6 Dispute resolution

#### Part 1 Appeal rights

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

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

(Refer to Schedule 1 of the Planning Act 2016)

- (2) An appellant may start an appeal within the appeal period.
- (3) The **appeal period** is –
  - (a) for an appeal by a building advisory agency – 10 business days after a decision notice for the decision is given to the agency; or
  - (b) for an appeal against a deemed refusal – at any time after the deemed refusal happens; or
  - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises – 20 business days after a notice is published under section 269(3)(a) or (4); or

- (d) for an appeal against an infrastructure charges notice – 20 business days after the infrastructure charges notice is given to the person; or
- (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given – 30 business days after the applicant gives the deemed approval notice to the assessment manager; or
- (f) for any other appeal – 20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

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

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt. It is declared that an appeal against an infrastructure charges notice must not be about-
  - (a) the adopted charge itself; or
  - (b) for a decision about an offset or refund-
    - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
    - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

##### 230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that-
  - (a) is in the approved form; and

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

#### 231 Other appeals

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by

jurisdictional error, the decision or matter is non-appealable.

- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section –
  - decision* includes-
    - (a) conduct engaged in for the purpose of making a decision; and
    - (b) other conduct that relates to the making of a decision; and
    - (c) the making of a decision or failure to make a decision; and
    - (d) a purported decision ; and
    - (e) a deemed refusal.
  - non-appealable*, for a decision or matter, means the decision or matter-
    - (a) is final and conclusive; and
    - (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, a tribunal or another entity; and
    - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

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

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

Our Ref: 137-001-006L  
Your Ref: REC/08/0096



10 February 2023

Chief Executive Officer  
Mareeba Shire Council  
PO Box 154,  
MAREEBA QLD 4880

Attention: Carl Ewin

**LOT 100 on SP320506 AND LOT 200 SP323217, EMERALD END ROAD MAREEBA  
- COUNTRY ROAD ESTATE – RESPONSE TO LAND COVENANTS**

Dear Carl,

As mentioned by our client Roy Lavis (Conmat), the following items have previously been discussed with you and determined to be best addressed with a letter. The items refer to land covenants only which are mentioned in the *Minor Change to an Existing Approval* (REC/08/0096) issued on 27 October 2022.

1. Condition 3.5 – Concurrence Agency

- a. We request that clause 3.5 be removed from the *Minor Change to an Existing Approval* which requests a confirmation letter from the Concurrence Agencies that their conditions have been complied with.
- b. With respect to item 3 below (*Condition 3.9 – Environment Covenant*), Condition 3.5 is irrelevant due to the points raised.

2. Condition 3.8 - Bushfire Management

- a. We request that the Bushfire corridor be amended to suit areas depicted on the Bushfire Management Plan (see Attachment C).
  - i. The removal of a bushfire corridor along the southern boundary of proposed Lots 62 and 65.
  - ii. The removal of the requested bushfire corridor along the eastern and western boundary of the vegetation corridor as it has not been highlighted for concern on the bushfire management plan.
  - iii. The removal of the firebreak within the unnamed road reserve as it coincides with a possible encroachment of an orchard from Lot 72 on NR571 which is adjacent to Lot 32 to 37. The road reserve would otherwise serve as a fire break when constructed.

ERSCON Consulting Engineers  
PO Box 7890 Cairns QLD 4870 | PO Box 26 Buderim QLD 4556  
ABN 95 167 45 474



### 3. Condition 3.9 – Environment Covenant

- a. We request that the Vegetation Corridor identified on Drawing No 11/4743 – Stage 3-6 (2b) be removed. Areas identified as Classification R (see item c. below) to be noted on the rates notice for the relevant owners. (see Attachment A).
- b. The Queensland Governments *Regional Ecosystem Identification* has recognised the land as having the following status (see Attachment B):
  - i. a 70/30 share of 9.5.9 and 9.5.15 described as *Least Concern* in the Vegetation Management Act Class.
  - ii. The area is described as *Not a Wetland*
  - iii. The area has a biodiversity status considered of *No Concern at Present*.
- c. The Department of Natural Resources has identified parcels along the Creek having a classification of R which indicates the following:
  - i. A regrowth watercourse and drainage feature located within 50 meters of a watercourse.
  - ii. The vegetation management framework regulates clearing of native vegetation within this buffer zone.
- d. The property owner of the individual lots will maintain the lots as evident of existing lots within the subdivision.

### 4. Condition 4.11 – Agricultural Buffering

- a. We request that the 30m wide Agricultural Buffer be removed as it will require the removal of approximately 20% of the orchard located in the road reserve from Lot 72 on NR571.

### 5. Condition 4.14 – Road Widening of Emerald End Road

- a. We request that the construction of the road widening along Emerald End Road be deferred till the construction of Lot 41 of Stage 6 has been completed.

Could you confirm council's response on these matters please.

If you require any further clarification or additional information, please do not hesitate to contact the undersigned.

Yours faithfully

**Mark Freeman**  
Senior Civil Designer

ERSCON Consulting Engineers  
PO Box 7890 Cairns QLD 4870 | PO Box 26 Buderim QLD 4556  
ABN 95 167 45 474

Page 2





Attachments:

- A - Category R Areas
- B - Regional Ecosystem
- Bi - Clause 9.5.9
- Bii - Clause 9.5.15
- C - Bushfire Management
- D - Agricultural Buffer



#### 8.4 A & C MAXFIELD - RECONFIGURING A LOT - SUBDIVISION (1 INTO 2 LOTS) - LOT 6 ON RP736385 - 497 KOAH ROAD, KOAH - RAL/23/0002

**Date Prepared:** 21 March 2023

**Author:** Planning Officer

**Attachments:** 1. Proposal Plan [↓](#)

#### APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	A & C Maxfield	ADDRESS	497 Koah Road, Koah
DATE LODGED	22 February 2023	RPD	Lot 6 on RP736385
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot – Subdivision (1 into 2 Lots)		
FILE NO	RAL/23/0002	AREA	5.194 hectares
LODGED BY	Scope Town Planning	OWNER	A & C Maxfield
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Rural Residential zone (Precinct C – 2 ha)		
LEVEL OF ASSESSMENT	Code Assessment		
SUBMISSIONS	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 subdivision of the site to create a 2.15 hectare rear access allotment with a 10m wide x 260m long access handle, leaving a 3.04 hectare balance allotment fronting Koah Road.

The application and supporting material has been assessed against the Mareeba Shire Council Planning Scheme 2016 and no conflicts with the Planning Scheme were identified. The proposal is consistent with the intent of the Rural residential zone (Precinct C) in that it will create 2 allotments both exceeding 2 hectares in size.

Ordinarily a code assessable development application of this scale would be decided under delegated authority, however, in this instance, the applicants are disputing the relevance of Condition 4.1.2 which requires the construction of a 3 metre wide bitumen sealed driveway along the full length of the 260 metre long access handle. Sealed rear access lot driveways are a standard service requirement for any new rear access lot created within the Residential or Rural residential zones (as outlined in the Planning Scheme and FNQROC Development Manual) and serve to provide all weather access and to help protect residential amenity, mainly through the provision of noise and dust suppression. This is particularly important in a situation such as this where an established dwelling exists 10 metres to the south of the proposed access handle.

Council officers believe it reasonable and necessary to maintain the sealed driveway requirement. It is recommended the application be approved in full, subject to conditions.

### OFFICER'S RECOMMENDATION

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	A & C Maxfield	ADDRESS	497 Koah Road, Koah
DATE LODGED	22 February 2023	RPD	Lot 6 on RP736385
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot – Subdivision (1 into 2 Lots)		

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

Approved by Council in accordance with the approved plans/documents listed in (B), subject to assessment manager conditions in (C), assessment manager's advice in (D), 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 2 Lots)

- (B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
23001	Site Plan	Scope Town Planning	January 2023

- (C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

- (a) Development assessable against the Planning Scheme

- 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 Bushfire Management
- Any new dwelling erected on proposed Lot 2 must:
- (i) Achieve a setback from hazardous vegetation of 1.5 times the predominant mature canopy tree height or 10 metres, whichever is greater.

- (ii) Include on-site water storage of not less than 5,000 litres, fitted with standard rural fire brigade fitting where necessary, to be provided at the same time the dwelling is constructed.

#### 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 Koah Road to the property boundary of each allotment) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.
- 4.1.2 A bitumen sealed driveway shall be provided within the access handle of proposed Lot 2. The driveway must:
  - (i) have a minimum formation width of 3 metres;
  - (ii) be constructed for the full length of the access handle and include an access crossover;
  - (iii) be formed with one-way cross fall to cater for stormwater drainage such that any stormwater runoff is contained within the access handle; and
  - (iv) include service and utility conduits provided for the full length of the access handle.

##### 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

At the time of construction of a dwelling on proposed Lot 2, a water supply must be provided via:

- (a) a bore or bores are provided in accordance with the Design Guidelines set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual; or
- (b) on-site water storage tank/s:
  - (i) with a minimum capacity of 90,000L; and
  - (ii) which are installed and connected prior to the occupation of the dwelling; or
- (c) rights to take water from the Clohesy River.

#### 4.4 Wastewater Disposal

At the time of construction of a future dwelling or outbuilding on proposed Lot 2, any associated on-site effluent disposal system must be constructed in compliance with the latest version On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of the Council's delegated officer.

#### 4.5 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.

### (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
- A registered easement over the subject site

(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.environment.gov.au](http://www.environment.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.datsip.qld.gov.au](http://www.datsip.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

- Nil

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Access approval arising from condition number 4.1



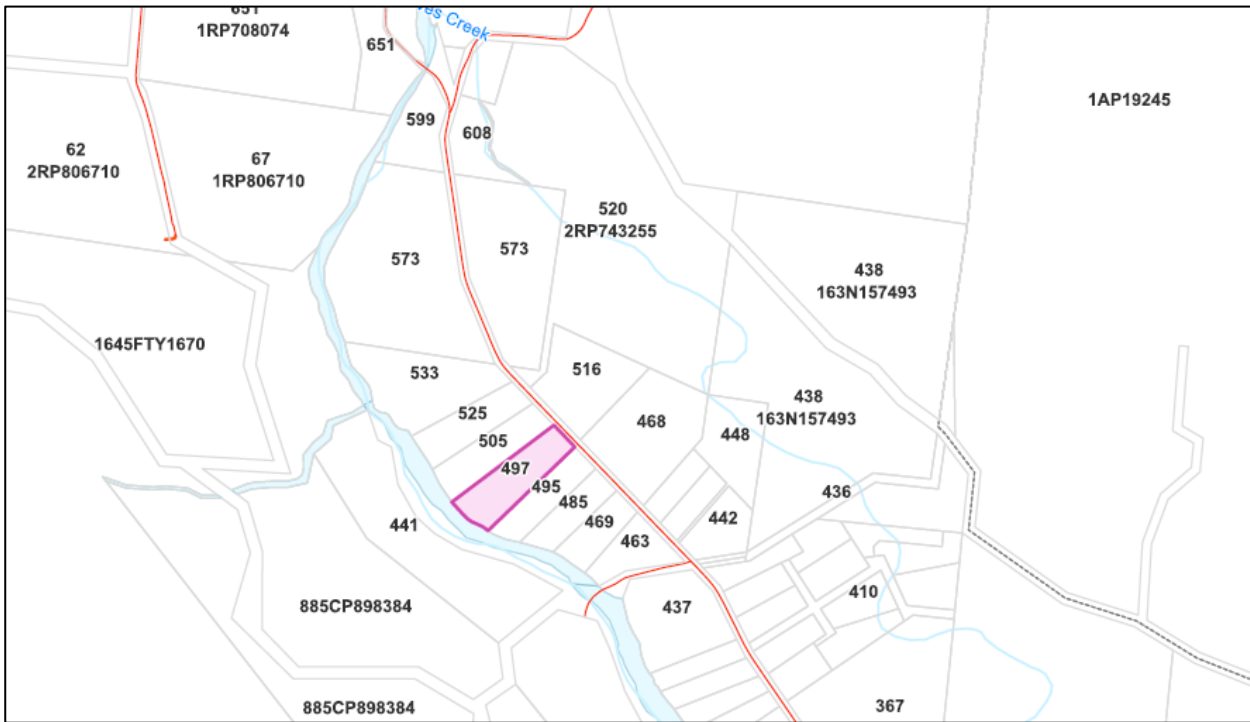
2. That an Adopted Infrastructure Charges Notice be issued for the following infrastructure charge/s for:

Development Type	Rate	Measure	Charge	Credit Detail	Balance
	<b>\$ per Lot</b> (40% reduction of standard charge for no town water/sewer)	<b>Lots</b>		<b>Lots</b>	
<b>Residential</b>	<b>\$12,156.00</b>	<b>2 Lots</b>	\$24,312.00	1 lot	\$12,156.00
<b>TOTAL CURRENT AMOUNT OF CHARGE</b>					<b>\$12,156.00</b>



**Map Disclaimer:**

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

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**THE SITE**

The subject site is situated at 497 Koah Road, Koah, and is more particularly described as Lot 6 on RP736385. The site is regular in shape with an area of 5.194 hectares and is zoned Rural Residential under the Mareeba Shire Council Planning Scheme 2016.

The site has approximately 100 metres of frontage to Koah Road which is constructed to a bitumen sealed rural road standard, without kerb and channel. A single gravel crossover provides access to the site off Koah Road.

The site is improved by a single dwelling house and multiple outbuildings, all of which are sited within 150 metres of the Koah Road frontage. The existing dwelling house is connected to the electricity grid and telecommunication services.

An onsite water supply and wastewater disposal system are also connected to the existing dwelling house. The Clohesy River adjoins the south-western boundary of the subject land.

All adjoining lots are zoned rural residential.

**BACKGROUND AND CONTEXT**

Nil

**PREVIOUS APPLICATIONS & APPROVALS**

Nil

## DESCRIPTION OF PROPOSED DEVELOPMENT

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

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

- Proposed Lot 1 - area of approximately 3.0457 hectares, frontage of 90 metres to Koah Road;
- Proposed Lot 2 - area of approximately 2.1483 hectares, frontage of 10 metres to Koah Road.

Proposed Lot 1 will contain the existing dwelling house and domestic outbuildings. Access to this lot will be obtained via a new crossover onto Koah Road.

Access to proposed Lot 2 will be via a ten (10) metre wide access handle and a new crossover onto Koah Road. A bitumen sealed driveway will be required for the full length of the access handle.

## 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*
- *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> • <i>Rural Residential Area</i>
Zone:	Rural Residential zone
Precinct:	C – 2 hectare precinct
Overlays:	Bushfire hazard overlay Environmental significance overlay Flood hazard overlay Hill and slope overlay Residential dwelling house and outbuilding overlay Transport infrastructure overlay

## RELEVANT PLANNING INSTRUMENTS

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

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

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

**(B) State Planning Policy**

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

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

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

- 6.2.10 Rural residential zone code
- 8.2.3 Bushfire hazard overlay code
- 8.2.4 Environmental significance overlay code
- 8.2.6 Flood hazard overlay code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access code
- 9.4.4 Reconfiguring a lot code
- 9.4.5 Works, services and infrastructure code

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

Relevant Codes	Comments
Rural residential zone code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Bushfire hazard overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Environmental significance overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Flood hazard overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.

Landscaping code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Parking and access code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Reconfiguring a lot code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Works, services and infrastructure code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.

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

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

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

#### **(E) 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 \$20,260.00 charge funds the provision of infrastructure for the following five (5) trunk infrastructure networks:

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

As the subject site is not serviced by the water supply and sewerage networks, a 40% discount applies to the standard \$20,260.00 charge.

The application proposes the creation of one (1) additional rural residential lot.

$\$20,260.00 \times 0.60 \times 1 \text{ (lot)} = \underline{\underline{\$12,156.00}}$

#### **REFERRAL AGENCY**

This application did not trigger referral to a Referral Agencies.

#### **Internal Consultation**

Nil

## PLANNING DISCUSSION

The applicants have disputed the relevant of Condition 4.1.2 and request that a lesser standard compacted blue metal (rock) driveway be provided in lieu of the bitumen seal.

The requirement to provide a 3m wide bitumen sealed driveway along the full length of the 260 metre long access handle of proposed Lot 2 is called up by Acceptable Outcome A03 of the Parking and access code and more particularly by Acceptable Outcome AO6 of the Works, services and infrastructure code which in turn brings relevance to *Section D1.17 Access to Allotments (Clause 3)* of the FNQROC Development Manual included below:

### *D1.17 ACCESS TO ALLOTMENTS*

3. *All rear access (Hatchet or Battleaxe) allotments or allotments accessed via an easement, shall be provided with a reinforced concrete driveway (or other surface as approved by council in rural areas only) a minimum width of 3.0m, extending the full length of the access leg of the allotment. The driveways shall commence at the adjacent kerb and channel with a standard kerb crossover or at the existing edge of pavement. Conduits for internal allotment services are to be provided adjacent to the concrete driveway for the full length of the driveway unless otherwise approved.*

The applicants have provided the following reasoning for their request:

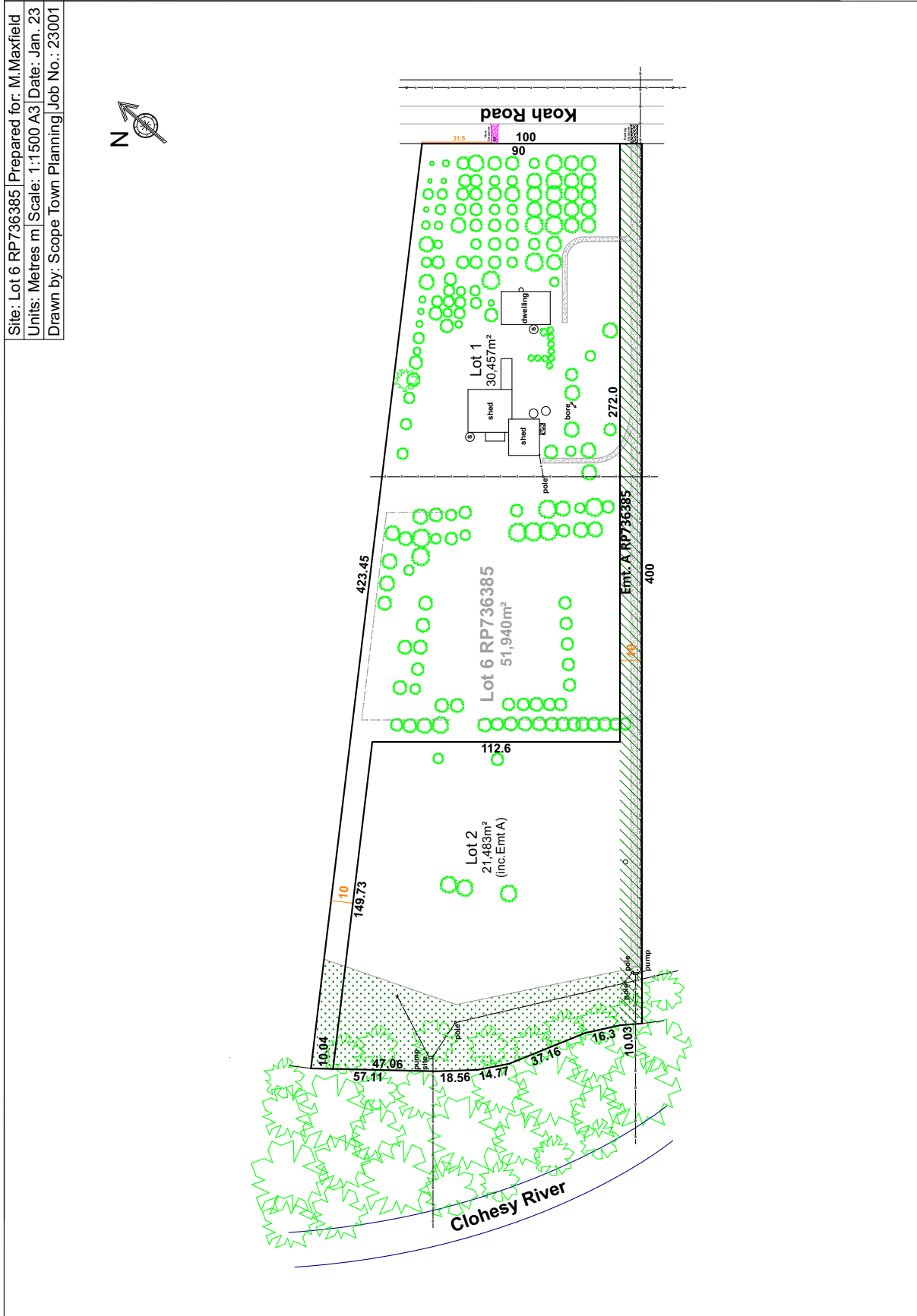
- *The proposed driveway will be constructed over existing buried water pipes associated with Water Supply Easement A on RP736385 and sealing the driveway would complicate future maintenance of this water piping;*
- *The property is rural residential and no other residential properties in the area are provided with sealed driveways;*
- *The traffic likely to be generated by the additional residential land use does not warrant sealing; and*
- *The cost of sealing the driveway is probative and would likely result in the development not proceeding.*

### Comment

Council officers do not consider the above reasoning to be sufficient justification to relax the requirement for the 3m wide bitumen sealed driveway. Rear access driveways can end up being situated in proximity to adjoining dwellings, as is the case in this situation where the proposed access handle will be situated within 10 metres of the existing dwelling on southern adjoining Lot 5 on RP735961. These sealed driveways are considered a standard requirement and help ensure vehicle traffic associated with rear access lots does not impact on the residential amenity of adjoining properties (predominately by reducing vehicle noise and dust nuisance). Furthermore, the access handle is only 10 metres wide and 260 metres long and providing a bitumen sealed driveway ensures that all weather access is available during the wet season.

In this instance, removing the driveway sealing requirement would only disadvantage the future landowner of the rear access lot as well as increase the likelihood of future amenity impacts to adjoining residents, at the sole benefit of the applicant/developer.

It is recommended the bitumen seal requirement be maintained.







**8.5 DUSTY NUTS PTY LTD - MATERIAL CHANGE OF USE - UNDEFINED USE ('WORKFORCE ACCOMMODATION' AS DEFINED BY THE PLANNING REGULATION 2017) - LOT 1 ON RP741791 - 8 VICARY ROAD, MAREEBA - MCU/23/0002**

**Date Prepared:** 6 April 2023

**Author:** Planning Officer

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

#### APPLICATION DETAILS

APPLICATION		PREMISES	
<b>APPLICANT</b>	Dusty Nuts Pty Ltd	<b>ADDRESS</b>	8 Vicary Road, Mareeba
<b>DATE LODGED</b>	12 January 2023	<b>RPD</b>	Lot 1 on RP741791
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use – Undefined Use ('Workforce Accommodation' as defined by the Planning Regulation 2017)		
<b>FILE NO</b>	MCU/23/0002	<b>AREA</b>	9,999m <sup>2</sup>
<b>LODGED BY</b>	Freshwater Planning Pty Ltd	<b>OWNER</b>	Dusty Nuts 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>	1 Submission Received		

#### EXECUTIVE SUMMARY

Council is in receipt of an impact assessable development application described in the above application details. During the mandatory public notification period, one submission was received.

The application proposes the establishment of a workforce accommodation facility to accommodate up to 72 workers as well as a manager's residence. The workers will be housed in 30 twin-share modular "donga" style buildings with undercover common areas for cooking and recreation as well as communal amenities. In addition to the modular buildings, one of the site's existing dwellings will be modified to accommodate 12 workers, while the other dwelling will be modified for use as the manager's residence. The development will proceed in 3 stages, with each stage accommodating 24 workers.

This type of land use was previously defined by the Planning Scheme as 'Non-resident workforce accommodation', however, the Planning Regulation 2017 was recently amended which included the removal of the 'Non-resident workforce accommodation' definition, and the subsequent inclusion of a new 'Workforce accommodation' definition. Where an inconsistency exists between a land use definition in the Regulation and the Planning Scheme, the Regulation definition prevails. As the Planning Scheme does not include the Regulation's new Workforce accommodation definition, this application needed to be made for an 'undefined use'.

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

The subject site lies adjacent an established banana plantation which is subject to regular ground/tractor spraying as well as routine aerial spraying. Although best practice land use planning would encourage an increased setback between accommodation land uses and active farmland, given the nature of the proposed development (short – medium term accommodation for farm workers) the development is likely to be more resilient and subsequently less susceptible to land use conflict arising from standard farming practices. Furthermore, it is considered that the adjoining banana plantation is already somewhat alienated by the presence of the subject site which is a standalone rural lifestyle allotment that contains 2 standalone dwellings. The proposed reuse of the site to provide farm worker accommodation which will directly support the Shires agricultural sector is considered a reasonable and beneficial outcome. Solid screen fencing and landscape buffering along the northern and western boundaries has been conditioned to help buffer the development from the banana plantation.

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>	Dusty Nuts Pty Ltd	<b>ADDRESS</b>	8 Vicary Road, Mareeba
<b>DATE LODGED</b>	12 January 2023	<b>RPD</b>	Lot 1 on RP741791
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use – Undefined Use ('Workforce Accommodation' as defined by the Planning Regulation 2017)		

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 ('Workforce Accommodation' as defined by the Planning Regulation 2017)

## (B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
0715 Sheet No. DA 01-A Issue E	Site Plan	Gregory G Terzi Building Design & Drafting	August 2022
0715 Sheet No. DA 02 Issue B	Detail Site Plan	Gregory G Terzi Building Design & Drafting	August 2022
0715 Sheet No. DA 03 Issue C	Stage 1 – Floor Plan	Gregory G Terzi Building Design & Drafting	August 2022
0715 Sheet No. DA 04-A Issue C	Stage 2 – Floor Plan	Gregory G Terzi Building Design & Drafting	August 2022
0715 Sheet No. DA 04-B Issue B	Stage 3 – Floor Plan	Gregory G Terzi Building Design & Drafting	August 2022
0715 Sheet No. DA 05 Issue A	Stage 1 – Elevations	Gregory G Terzi Building Design & Drafting	August 2022
0715 Sheet No. DA 06-A Issue B	Stage 2 – Elevations	Gregory G Terzi Building Design & Drafting	August 2022
0715 Sheet No. DA 06-B Issue A	Stage 3 – Elevations	Gregory G Terzi Building Design & Drafting	August 2022
0715 Sheet No. DA 07 Issue B	Stages 1, 2 & 3 – Elevations Combined	Gregory G Terzi Building Design & Drafting	August 2022
0715 Sheet No. DA 08 Issue B	Vehicle Turning Simulation	Gregory G Terzi Building Design & Drafting	August 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, 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 for Stage 1 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 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.
- 3.5.3 All waste storage areas must remain covered and no food scraps disposed of on-site so as to not encourage scavenging from wildlife and birdlife.
- 3.6 Length of Stay
- The maximum length of stay for guests must not typically exceed nine (9) consecutive months, unless otherwise approved by Council's delegated officer.
- 3.7 Accommodation Capacity
- No more than 72 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 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.

### 3.9 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 impacts from rural activities, including noise, ground and aerial crop spraying, 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."*

### 3.10 The workforce accommodation must not be used for any other purpose than that included in the Planning Regulation definition for 'Workforce Accommodation'.

Upon request by Council, the applicant/owner/operator shall be responsible for providing records to Council, which demonstrates that the occupants of the workforce accommodation are employed in the locality at a place of employment consistent with the Planning Regulation definition.

### 3.11 A site manager must be present on-site at all times to ensure compliance with these conditions of approval. The managers residence must not be used to accommodate anyone other than the site manager and their immediate family.

The site manager's contact details must be made available to adjoining landowners.

### 3.12 Bushfire Management

3.12.1 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.

3.12.2 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 Access

4.1.1 The existing access crossover must be constructed/upgraded to a commercial standard (from the edge of Vicary Road for a length of at least 10 metres) in accordance with FNQROC Development standards. The crossover must be at least 6 metres wide and be constructed of either asphalt or reinforced concrete (no bitumen).

4.1.2 The access driveway/s servicing the development (from the crossover required by condition 4.1.1 and the property boundary including both the northern and southern access points) must be upgraded/constructed to at least a 3 metre wide x 150mm thick compacted gravel standard, to the satisfaction of Council's delegated officer. The driveway must be appropriately drained and maintained in good order and safe repair for the life of the development, to the satisfaction of Council's delegated officer.

##### 4.2 Stormwater Drainage

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

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

4.2.3 To reduce the risk of the spread of Panama Tropical Race 4, no stormwater or overland flow from the site is be permitted to be discharged onto adjoining Lot 2 on RP741791. An earthen bund wall (which may be incorporated in the landscape buffering as a raised garden bed) of no less than 0.5m in height and no less then 2m in width must be constructed along the entire length of the sites northern and western property boundaries. The bund wall must be grassed to minimise erosion (or mulched if forming part of the landscape buffer) and maintained for the life of the development, to the satisfaction of Council's delegated officer.

Where necessary, the development site should be profiled to ensure overland stormwater flows to the east and discharges into road reserve.

##### 4.3 Car Parking/Internal Driveways

4.3.1 The applicant/developer must ensure that the development is provided with a total of 15 formal vehicle parking spaces (5 parking spaces per Stage), and a total of four (4) bus parking spaces by Stage 2 (with at least 2 provided for Stage 1). No parking of vehicles or buses is permitted to occur off-site in any road reserve or within the adjoining rail trail at any time.

4.3.2 All car parking spaces, and trafficable areas must be surface treated with an all-weather compacted gravel seal and appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer.

4.3.3 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.

4.3.4 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/s indicating the availability of on-site parking.

#### 4.4 Landscaping & Fencing

Prior to building works commencing, the applicant/developer must prepare and submit a landscape buffer plan in accordance with Planning Scheme Policy 6 for consideration and approval by Council's Delegated Officer. The landscape buffer plan must include the following:

- (i) A minimum 3 metre wide landscape buffer along the eastern boundary of the site extending from the south-east corner to the proposed driveway access (adjacent House H2);
- (ii) A minimum 2 metre wide landscape buffer along the entire length of the southern boundary;
- (iii) a minimum 5 metre wide landscape buffer along the entire length of the northern boundary;
- (iv) a minimum 5 metre wide landscape buffer along the entire length of the western boundary of the site.
- (v) a 2 metre high colorbond fence (of neutral colour) or overlapping timber paling fence (with no gaps) along the entire length of the northern and western boundaries of the site (located on the outside of the vegetation buffering required by (iii) and (iv) above).
- (vi) any landscaping proposed throughout the facility (not compulsory)

Landscaping associated with points (i) and (ii) should include ground cover, shrubs and trees that will grow to form an effective buffer of no less than 4 metres in height.

Landscaping associated with points (iii) and (iv) should include ground cover, shrubs and trees that will grow to form an effective buffer of no less than 6 metres in height.

**All perimeter landscaping must be undertaken when the building works commence** so as to ensure reasonable establishment before the commencement of the use and must be mulched, irrigated and maintained for the life of the development and to the satisfaction of Council's Delegated Officer. The fencing required under (v) must be installed prior to the commencement of the use.

#### 4.5 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".

#### 4.6 On-Site Wastewater Management

All on site effluent disposal associated with the approved use must be in compliance with the latest version of On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of the Council's delegated officer.

**Note:** Any on-site wastewater treatment system with a total daily peak design capacity of at least 21 equivalent persons (EP) is an Environmentally Relevant Activity (ERA 63 - Sewerage Treatment) and an Environmental Authority is required.

#### 4.7 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) Food Premises (restaurants/bed & breakfasts etc.)

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

#### (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).

(f) Access Driveway Standard & Maintenance

The compacted gravel access driveway used to access the development from Vicary Road is considered a **private driveway only**. The maintenance and upkeep of this private driveway is the sole responsibility of the applicant/developer/landowner and should you wish to upgrade this driveway in future to include a bitumen/asphalt or concrete seal, Council is not liable or responsible for contributing in any way to the cost of these works.

(E) RELEVANT PERIOD

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

- Material Change of Use – six (6) years (starting the day the approval takes effect);

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

- Development Permit for Building Work

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Compliance Permit for Plumbing and Drainage Work
- Access approval arising from condition number 4.1.1 and 4.1.2 (Please contact Planning Section to obtain application form and applicable fee)

## THE SITE

The subject site is situated at 8 Vicary Road, Mareeba and is described as Lot 1 on RP741791. The site is rectangular in shape with an area of 9,999m<sup>2</sup> and is zoned Rural under the Mareeba Shire Council Planning Scheme 2016. Despite the sites address being 8 Vicary Road, the site contains no actual frontage to Vicary Road. Instead, the lot contains 240 metres of frontage to an undeveloped section of the Mines Road reserve. A private driveway exists within the Mines Road reserve used to access the site from Vicary Road.

This driveway is constructed to a gravel standard and branches off in two (2) locations to access the sites two (2) existing dwellings which are separated by approximately 70 metres. In addition to the two dwellings, a number of farm sheds and outbuildings of varying sizes are clustered around each of the dwellings.

The Mareeba Airport is situated to the south of the site on the opposite side of Vicary Road and a banana plantation exists adjacent the site to the west. The Rail Trail is situated on the opposite side of the Mines Road reserve between the site and the Kennedy Highway.



**Map Disclaimer:**

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



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**BACKGROUND AND CONTEXT**

Nil

**PREVIOUS APPLICATIONS & APPROVALS**

Nil

**DESCRIPTION OF PROPOSED DEVELOPMENT**

The development application seeks a Development Permit for Material Change of Use – Undefined Use ('Workforce Accommodation' as defined by the Planning Regulation 2017) in accordance with the plans shown in **Attachment 1**.

The application provides the following details about the proposed development:

*A Development Permit for a Material Change of Use is sought to facilitate the construction of seventy-two (72) person Workforce Accommodation and a Manager's Residence. The site is designated within the Rural Zone of the Mareeba Shire Planning Scheme is vacant. The proposal is to provide necessary Workforce Accommodation supporting the immediate, surrounding, and Rural Areas of Mareeba and the Tablelands Region. This Rural Allotment contains an area of 9,999 m<sup>2</sup> and whilst including Mapped Agricultural Land is constrained by the physical shape, location and existing improvements. The proposal will ensure to take this non-viable Rural Allotment and convert the site into Non-Resident Workforce Accommodation to support the surrounding Activities and Rural Industries within the Tablelands Region.*

*The proposal is for a three (3) Staged Approval which involves the following:*

**Stage 1**

- *Conversion of the northernmost Dwelling House into a Manager Residence*
- *Conversion of the southernmost Dwelling House into a five (5) Bedroom Worker's Accommodation*
- *including a kitchen, bathroom, laundry, common area and verandah*
- *Construction of six (6) Modular Donga Units*
- *Covered area*
- *Laundry*
- *Kitchen*
- *Amenities (Toilets and Showers)*

*Stage 1 will allow for the accommodation of twenty-four (24) persons and include common areas, kitchens, laundries and toilets and showers.*

**Stage 2**

- *Construction of twelve (12) Modular Donga Units*
- *Covered area*
- *Laundries*
- *Kitchens*
- *Amenities (Toilets and Showers)*

*Stage 2 will allow for the accommodation of a further twenty-four (24) persons and include common areas, kitchens, laundries and toilets and showers.*

**Future Stage 3**

- *Construction of twelve (12) Modular Donga Units*
- *Covered area*
- *Laundries*
- *Kitchens*
- *Amenities (Toilets and Showers)*

*Future Stage 3 will allow for the accommodation of a further twenty-four (24) persons and include common areas, kitchens, laundries and toilets and showers. This is not expected to be provided in the short-term and will be dependant on the Agricultural aspects of the Mareeba Shire and surrounding Tablelands Region."*

## **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 site contains no areas of ecological significance.

**PLANNING SCHEME DESIGNATIONS**

Strategic Framework:	<b>Land Use Categories</b> <ul style="list-style-type: none"> <li>• <i>Rural Agricultural Area</i></li> <li>• <i>Rural Other</i></li> </ul> <b>Transport Elements</b> <ul style="list-style-type: none"> <li>• <i>Local Collector Road</i></li> <li>• <i>Railway Network</i></li> <li>• <i>Principal Cycle Route</i></li> </ul>
Zone:	Rural Zone
Overlays:	Agricultural Land Overlay Airport Environs Overlay Bushfire Hazard 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 will provide accommodation for a maximum of 72 farm workers for short-medium term periods (up to 9 months). There is currently an identified shortage of accommodation within our region for farm workers. This development will help meet some of this demand. The proposed development makes efficient use of the site and has been appropriately conditioned to ensure minimal impact on surrounding agricultural land uses.

The proposed development is not likely to compromise Specific Outcome 1.

### **3.7 Economic Development**

#### **3.7.2 Element - Rural and Agricultural land**

##### **3.7.2.1 Specific outcomes**

- (1) *Agricultural areas are preserved for the purpose of primary production and are protected from fragmentation, alienation and incompatible development.*
- (3) *Urban and rural residential development provides a buffer to adjacent rural areas in accordance with best practice.*

##### Comment

The subject site has an area of just 9,999m<sup>2</sup> so in itself has little agricultural viability.

Although the development will be sited adjacent a banana plantation that involves aerial spraying, given the nature of the proposed development (short – medium term accommodation for farm workers) the development is likely to be more resilient and subsequently less susceptible to land use conflict.

Furthermore, it is considered that the adjoining banana plantation is already somewhat alienated by the presence of the subject site which is a standalone rural lifestyle allotment that contains 2 dwellings. The proposed reuse of the site to provide farm worker accommodation which will directly support the Shires agricultural sector is considered a reasonable and beneficial outcome. Solid screen fencing and landscape buffering along the northern and western boundaries has been conditioned to help buffer the development from the banana plantation operations.

The development will be appropriately conditioned to comply with Specific Outcomes (1) and (3).

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

Comment

The subject site has an area of just 9,999m<sup>2</sup> so in itself has little agricultural viability.

Although the development will be sited adjacent a banana plantation that involves aerial spraying, given the nature of the proposed development (short – medium term accommodation for farm workers) the development is likely to be more resilient and subsequently less susceptible to land use conflict.

Furthermore, it is considered that the adjoining banana plantation is already somewhat alienated by the presence of the subject site which is a standalone rural lifestyle allotment that contains 2 dwellings. The proposed reuse of the site to provide farm worker accommodation which will directly support the Shires agricultural sector is considered a reasonable and beneficial outcome. Solid screen fencing and landscape buffering along the northern and western boundaries has been conditioned to help buffer the development from the banana plantation operations.

The development will be appropriately conditioned to comply with 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
- 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 or an acceptable outcome cannot be met) of the relevant codes set out below, provided reasonable and relevant conditions are attached to any approval.

Relevant Codes	Comments
Rural zone code	<p>The application complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided or an acceptable outcome cannot be met) contained within the code.</p> <p>Where an acceptable outcome cannot be met, it is considered that the proposed development can satisfy the relevant higher order performance outcome. Refer to code documents for full commentary.</p>

Agricultural land overlay code	<p>The application complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided or an acceptable outcome cannot be met) contained within the code.</p> <p>Further discussion is warranted regarding the following performance outcomes:</p> <ul style="list-style-type: none"> <li>• Performance Outcome PO1</li> <li>• Performance Outcome PO2</li> <li>• Performance Outcome PO3</li> </ul> <p>Refer to planning discussion section of report.</p>
Airport environs overlay code	<p>The application complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided or an acceptable outcome cannot be met) contained within the code.</p> <p>Where an acceptable outcome cannot be met, it is considered that the proposed development can satisfy the relevant higher order performance outcome. Refer to code documents for full commentary.</p>
Bushfire hazard overlay code	<p>The application complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided or an acceptable outcome cannot be met) contained within the code.</p> <p>Where an acceptable outcome cannot be met, it is considered that the proposed development can satisfy the relevant higher order performance outcome. Refer to code documents for full commentary.</p>
Accommodation activities code	<p>The application complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided or an acceptable outcome cannot be met) contained within the code.</p> <p>Where an acceptable outcome cannot be met, it is considered that the proposed development can satisfy the relevant higher order performance outcome. Refer to code documents for full commentary.</p>
Landscaping code	<p>The application complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided or an acceptable outcome cannot be met) contained within the code.</p> <p>Where an acceptable outcome cannot be met, it is considered that the proposed development can satisfy the relevant higher order performance outcome. Refer to code documents for full commentary.</p>



Parking and access code	<p>The application complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided or an acceptable outcome cannot be met) contained within the code.</p> <p>Where an acceptable outcome cannot be met, it is considered that the proposed development can satisfy the relevant higher order performance outcome. Refer to code documents for full commentary.</p>
Works, services and infrastructure code	<p>The application complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided or an acceptable outcome cannot be met) contained within the code.</p> <p>Where an acceptable outcome cannot be met, it is considered that the proposed development can satisfy the relevant higher order performance outcome. Refer to code documents for full commentary.</p>

#### **(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 relevant development works be designed and constructed in accordance with FNQROC Development Manual standards (as amended).

#### **REFERRAL AGENCY**

This application did not trigger referral to any Referral Agency.

#### **Internal Consultation**

Development Engineering

#### **PUBLIC NOTIFICATION**

The development proposal was placed on public notification from 1 February 2023 to 27 February 2023. The applicant submitted the notice of compliance on 28 February 2023 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

1 submission was received.

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

Grounds for objection /support	Comment
<p>The proposed development will increase the risk of soil contamination to the adjacent banana plantation, in particular the spread of Panama Disease Tropical Race 4. The submitter claims that the workers accommodation facility drains naturally into the adjoining banana plantation and that infected soil particles could be transferred either via overland stormwater flow or wind.</p>	<p>Appropriate boundary treatments have been conditioned to ensure overland stormwater flow does not transfer from the development site into the adjoining banana plantation. This includes the construction of a 0.5m high x 2m wide bund wall along the entire length of the development sites northern and western boundaries. 2m high fencing and a 5m wide vegetation buffer have also been conditioned which will help minimise dust and soil particles being spread from the development site to the neighbouring property by air (wind).</p>
<p>The site is not of a sufficient size to provide adequate recreational activities on-site for farm workers which will in-turn increase the risk of workers venturing off the site into the adjoining banana plantation.</p>	<p>It is considered that the proposed site provides ample open space for outdoor recreational activities such as ball sports and ample undercover common areas for other recreational activities. Furthermore, the site is situated approximately 8 kilometres from the Mareeba Township meaning that community recreational and sporting activities are readily available to workers staying at the facility who will have access to transport in and out of town.</p> <p>Farm workers wandering onto neighbouring properties could be considered trespass and is a matter for the police to manage.</p>
<p>The banana plantation adjoining the development involves regular ground spraying activity and is also routinely aerially sprayed (approx. every fortnight). The submitter believes that there is insufficient buffering between the development and the banana plantation and is concerned for the health and wellbeing of the farm workers staying at the facility.</p>	<p>Given the nature of the proposed development (short – medium term accommodation for farm workers) the development is likely to be more resilient and subsequently less susceptible to land use conflict. Furthermore, it is considered that the adjoining banana plantation is already somewhat alienated by the presence of the subject site which is a standalone rural lifestyle allotment that contains 2 dwellings. The proposed reuse of the site to provide farm worker accommodation which will directly support the Shires agricultural sector is considered a reasonable and beneficial outcome. Solid screen fencing and landscape buffering along the northern and western boundaries has been conditioned to help buffer the development from the day to day operations of the banana plantation.</p> <p>The following condition has also been included:</p> <p>3.9 Notification of Potential Rural Zone Impacts</p> <p>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:</p> <p><i>"Guests should <u>take note</u>:</i></p> <ul style="list-style-type: none"> <li>- <i>The locality may be used for intensive rural uses;</i></li> <li>- <i>Guests may experience off site effects from rural activities, including noise, ground and aerial crop spraying, 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."</i></li> </ul>

**Submitters**

Name of Principal submitter	Address
1. Rock Ridge Farming Pty Ltd	admin@rockridgefarming.com

**PLANNING DISCUSSION**Agricultural land overlay code

**PO1** *The fragmentation or loss of productive capacity of land within the 'Class A' area or 'Class B' area identified on the **Agricultural land overlay maps (OM-001a-n)** is avoided unless:*

- (a) *an overriding need exists for the development in terms of public benefit;*
- (b) *no suitable alternative site exists; and*
- (c) *loss or fragmentation is minimised to the extent possible.*

**AO1** *Buildings and structures are not located on land within the 'Class A' area or 'Class B' area identified on the **Agricultural land overlay maps (OM-001a-n)** unless they are associated with:*

- (a) *animal husbandry; or*
- (b) *animal keeping; or*
- (c) *cropping; or*
- (d) *dwelling house; or*
- (e) *home based business; or*
- (f) *intensive animal industry (only where for feedlotting); or*
- (g) *intensive horticulture; or*
- (h) *landing; or*
- (i) *roadside stalls; or*
- (j) *winery.*

Comment

The proposed development is for workforce accommodation and does not include a reconfiguration component and will therefore not result in the fragmentation of agricultural land. The subject site, with an area of just 9,999m<sup>2</sup> is not considered to be agriculturally viable, as is evidenced by the use of the land as a rural lifestyle lot with 2 dwellings.

The land immediately adjacent the proposed development contains a banana plantation. Although best practice land use planning would encourage an increased setback between sensitive land uses and active farmland, given the nature of the proposed use (short - medium term accommodation for farm workers) the development is likely to be more resilient and subsequently less susceptible to land use conflict arising from adjoining farming activities. Furthermore, conditions will be attached to any approval requiring boundary treatments to minimise the likelihood of land use conflict. The development is not likely to impact on the productive capacity of adjoining agricultural land and is therefore considered to comply with performance outcome PO1.

**PO2** *Sensitive land uses in the 'Class A' area, 'Class B' area or the 'Broadhectare rural' area identified on the **Agricultural land overlay maps (OM-001a-n)** are designed and located to:*

- (a) *avoid land use conflict;*

- (b) manage impacts from agricultural activities, including chemical spray drift, odour, noise, dust, smoke and ash;*
- (c) avoid reducing primary production potential; and*
- (d) not adversely affect public health, safety and amenity.*

Comment

The land immediately adjacent the proposed development contains a banana plantation which involves regular ground spraying as well as routine aerial spraying (approximately every fortnight). Although best practice land use planning would encourage an increased setback between sensitive land uses and active farmland, given the nature of the proposed use (short - medium term accommodation for farm workers) the development is likely to be more resilient and subsequently less susceptible to land use conflict arising from adjoining farming activity. Furthermore, conditions will be attached to any approval requiring boundary treatments to minimise the likelihood of land use conflict. These conditions will include 2 metre high boundary fencing, 5m wide landscape buffering as well as signage warning guests of the potential for negative emissions associated with adjoining farming activities (noise, dust, spray drift etc.).

It is considered that the adjoining agricultural land is already somewhat alienated by the presence of the subject site which is a standalone rural lifestyle allotment containing 2 standalone dwellings. The proposed use of the subject site to provide farm worker accommodation which will directly support agricultural activity in the Shire is considered to be a reasonable and beneficial outcome for the subject site and surrounding rural zone.

The proposed development is considered to comply with performance outcome PO2.

**PO3 Development in the 'Class A' area or 'Class B' area identified on the *Agricultural land overlay maps (OM-001a-n)*:**

- (a) ensures that agricultural land is not permanently alienated;*
- (b) ensures that agricultural land is preserved for agricultural purposes; and*
- (c) does not constrain the viability or use of agricultural land.*

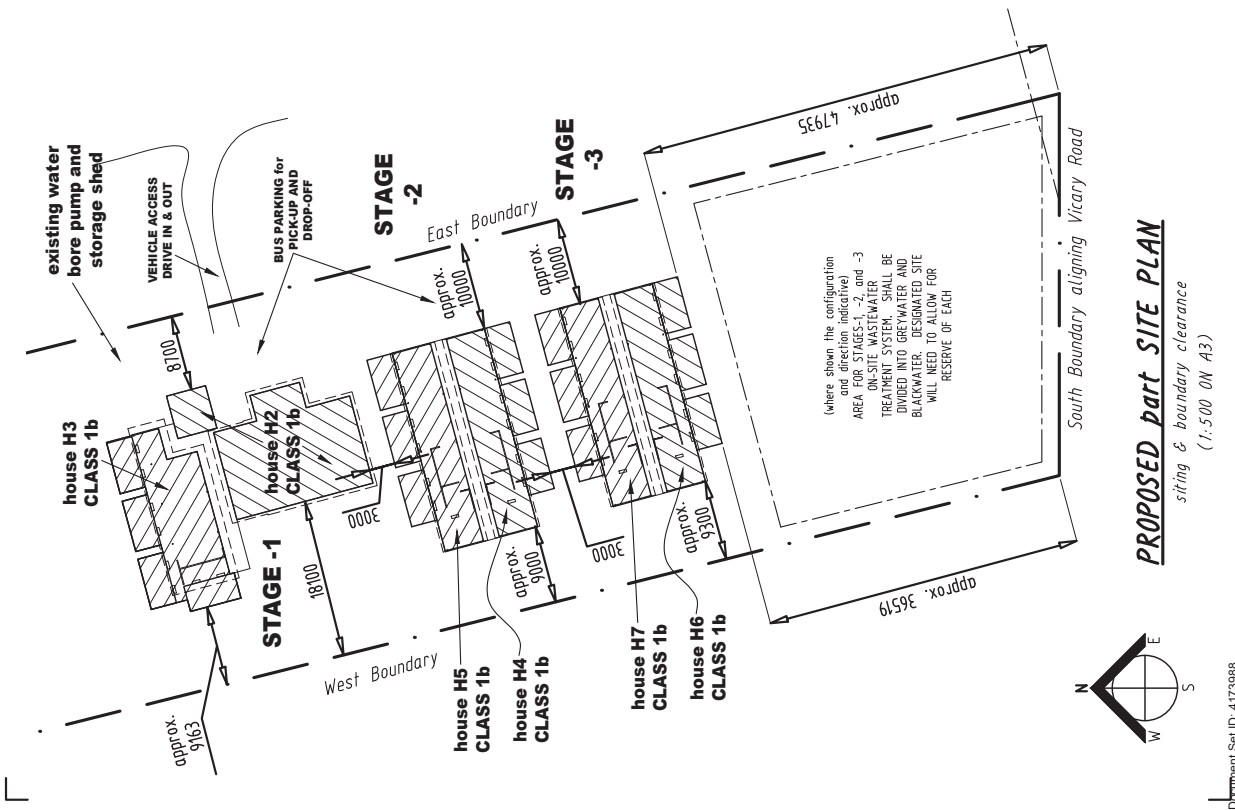
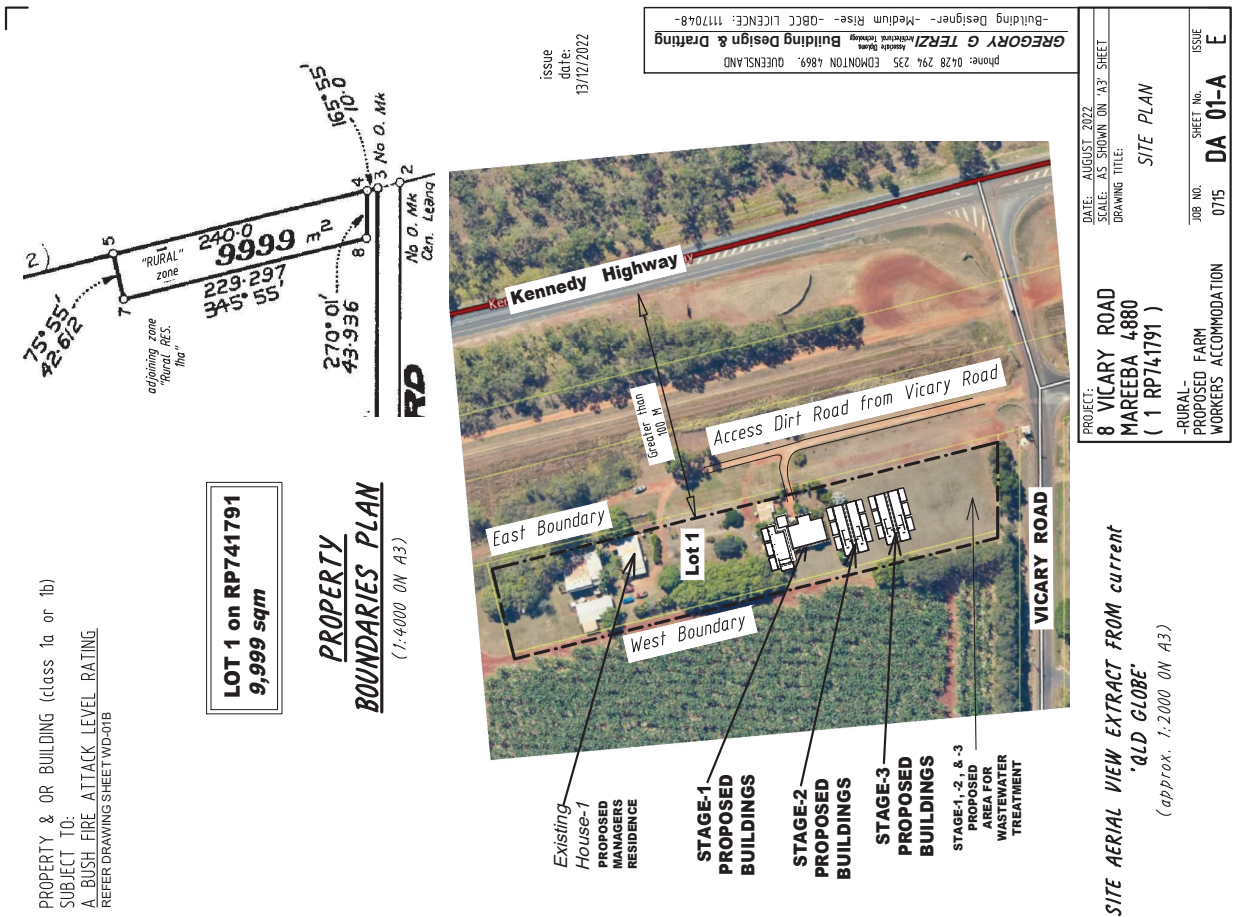
Comment

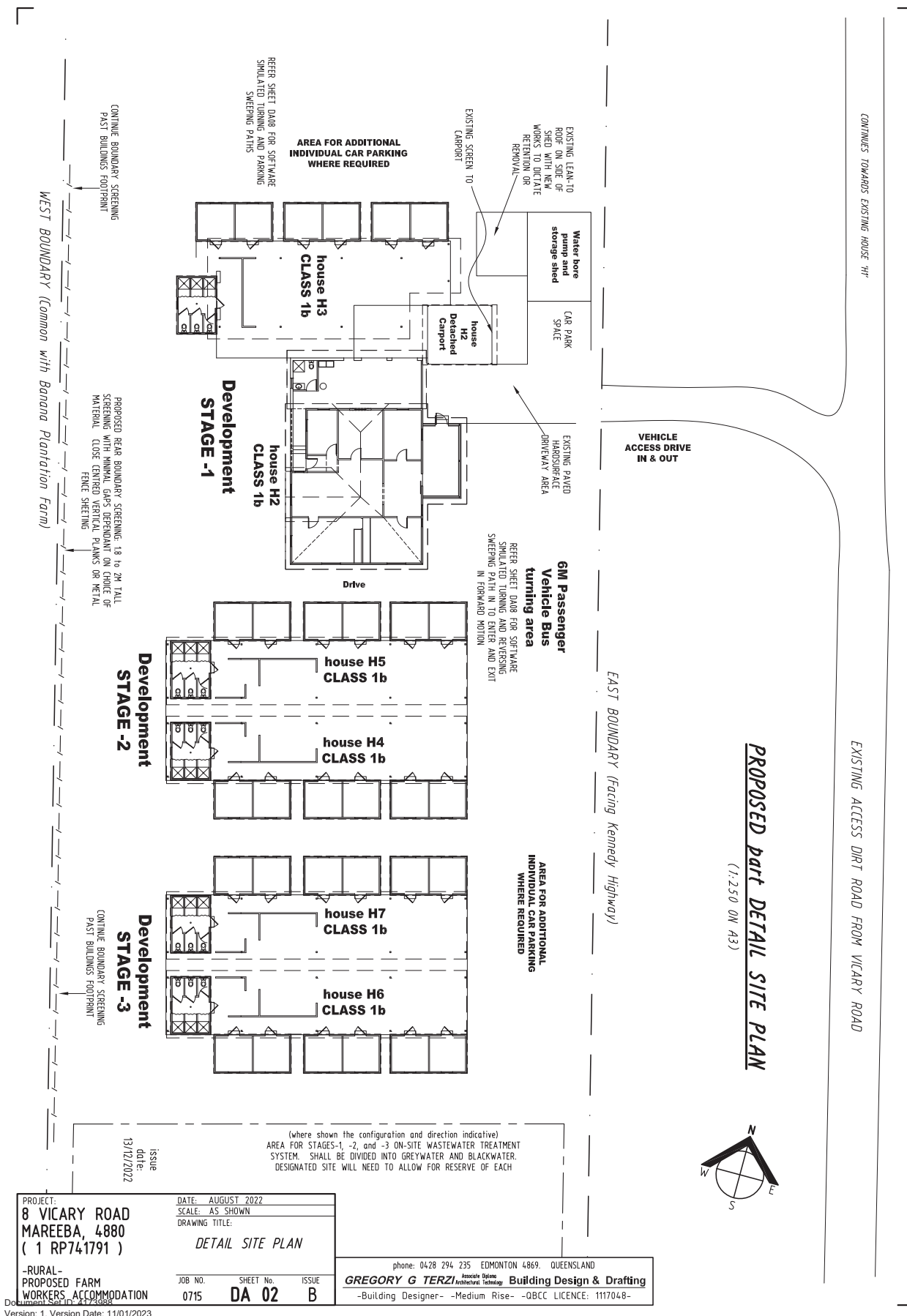
The land immediately adjacent the proposed development contains a banana plantation which involves regular ground spraying as well as routine aerial spraying (approximately every fortnight). Although best practice land use planning would encourage an increased setback between sensitive land uses and active farmland, given the nature of the proposed use (short - medium term accommodation for farm workers) the development is likely to be more resilient and subsequently less susceptible to land use conflict arising from adjoining farming activity. Furthermore, conditions will be attached to any approval requiring boundary treatments to minimise the likelihood of land use conflict. These conditions will include 2 metre high boundary fencing, 5m wide landscape buffering as well as signage warning guests of the potential for negative emissions associated with adjoining farming activities (noise, dust, spray drift etc.).

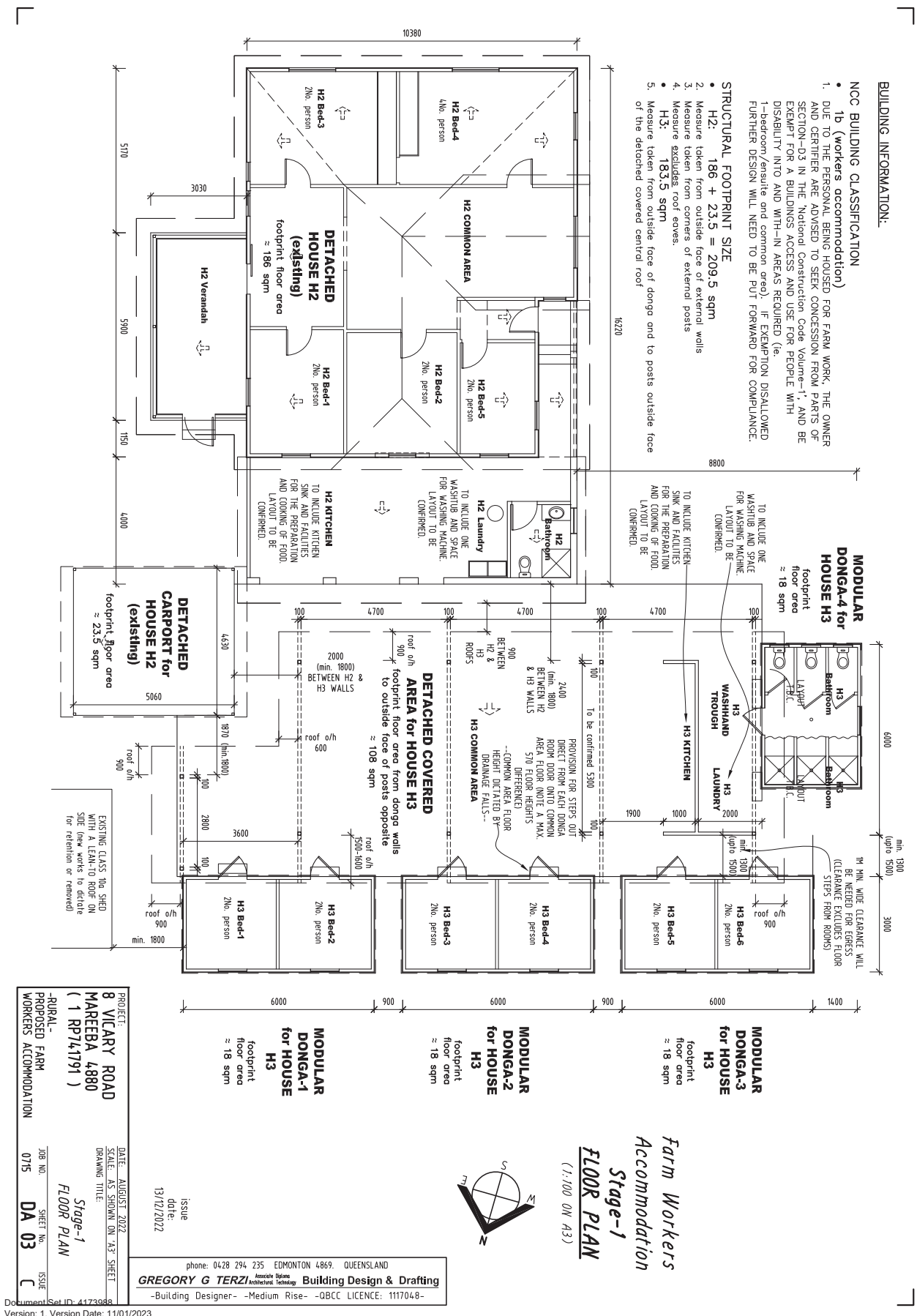
It is considered that the adjoining agricultural land is already somewhat alienated by the presence of the subject site which is a standalone rural lifestyle allotment containing 2 standalone dwellings.

The proposed use of the subject site to provide farm worker accommodation which will directly support agricultural activity in the Shire is considered to be a reasonable and beneficial outcome for the subject site and surrounding rural zone.

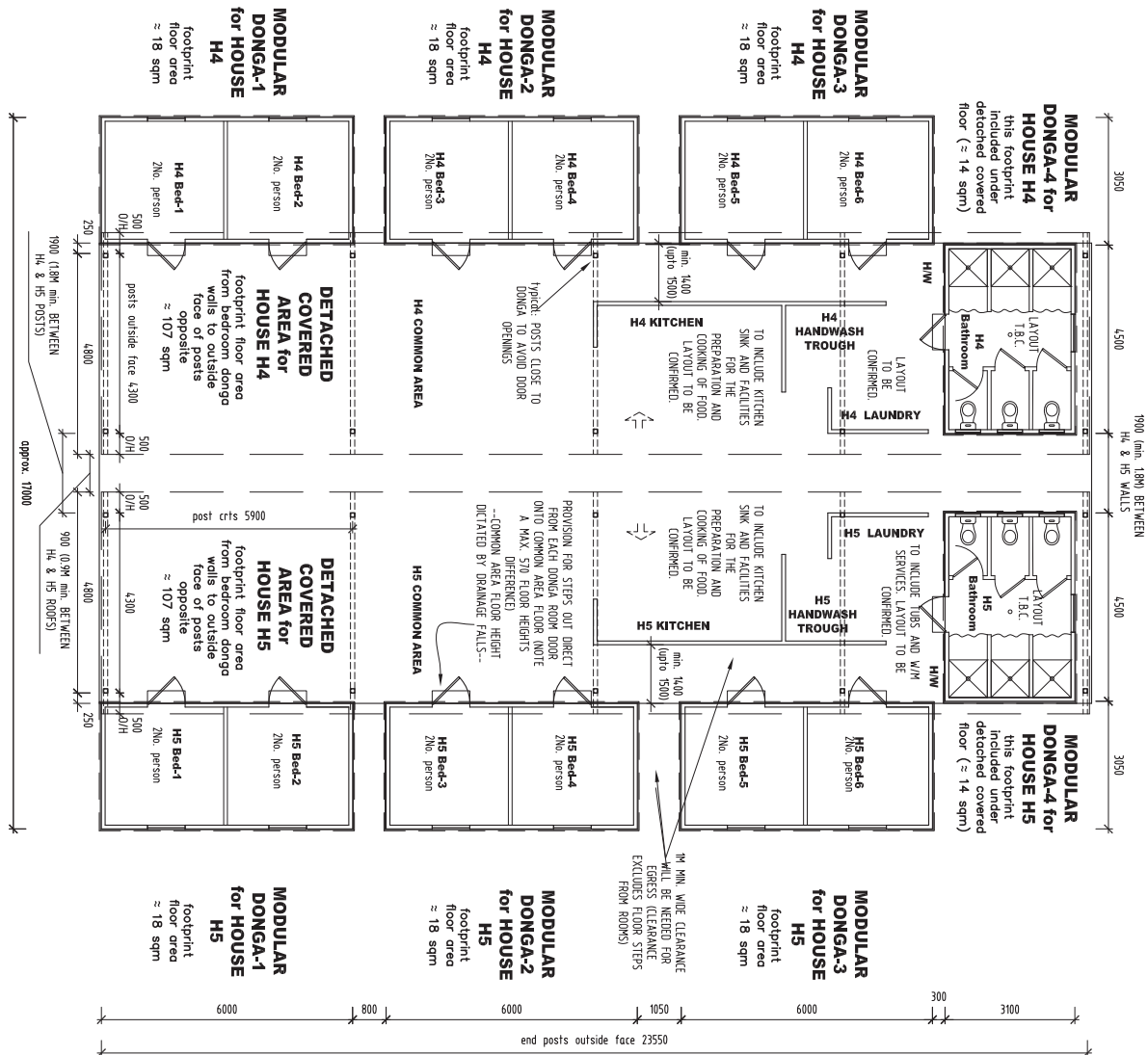
The proposed development is considered to comply with performance outcome PO3.











**BUILDING INFORMATION:**

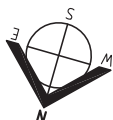
**NCC BUILDING CLASSIFICATION**

- 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**

- H4: 160 sqm
- Measure taken from outside face of donga and to posts outside face of the detached covered central roof
- H5: 160 sqm
- Measure taken from outside face of donga and to posts outside face of the detached covered central roof

**Farm Workers  
Accommodation  
Stage-2  
FLOOR PLAN  
(1:100 ON A3)**

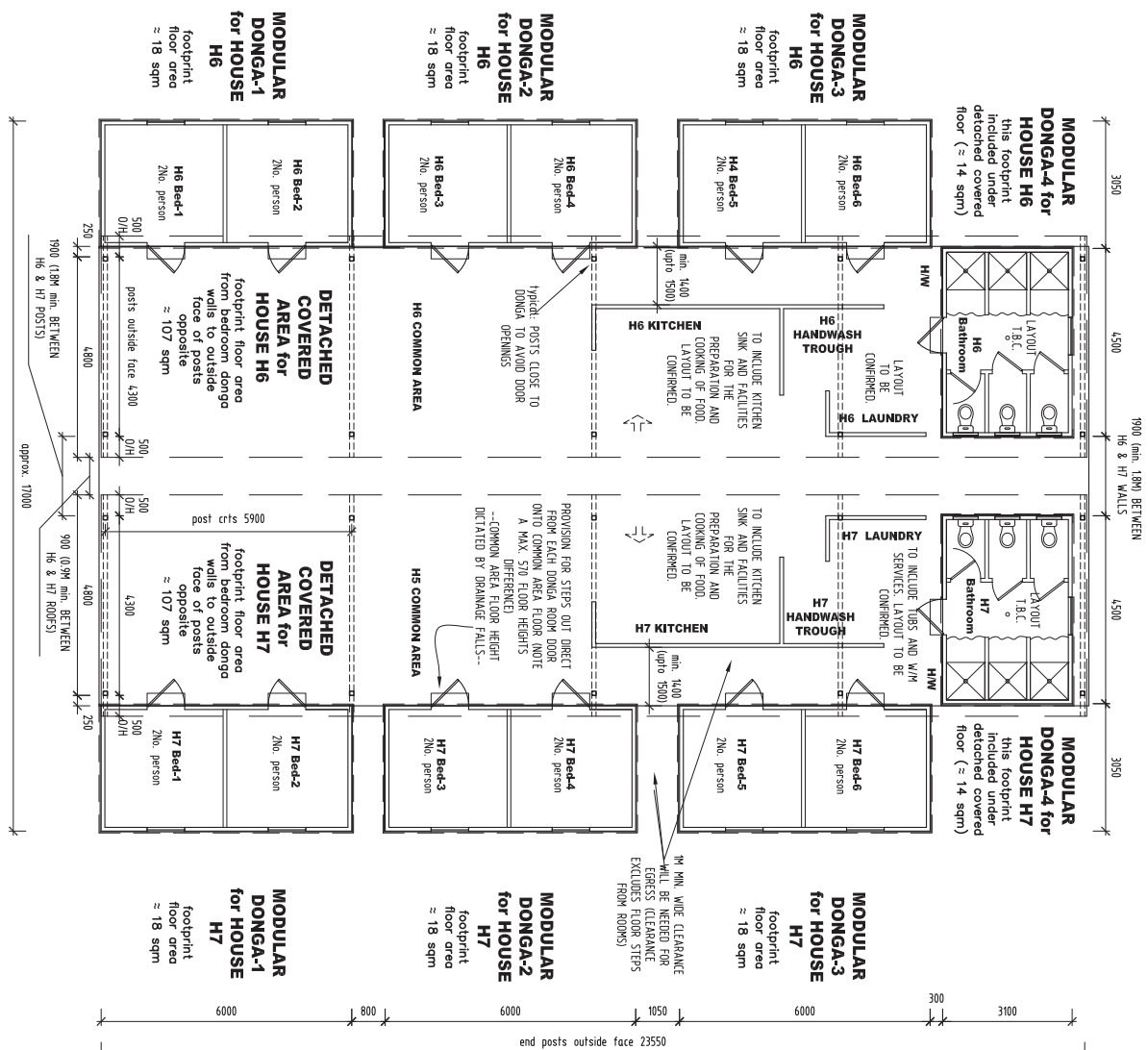


issue  
date:  
13/12/2022

phone: 0428 294 235 EDMONTON 4869, QUEENSLAND  
**GREGORY G TERZ** Architectural Technology **Building Design & Drafting**  
-Building Designer- -Medium Rise- -QBCC LICENCE: 1117048-

PROJECT:	DATE: AUGUST 2022
8 VICARY ROAD	SCALE: AS SHOWN ON A3 SHEET
MAREEBA 4880	DRAWING TITLE:
( 1 RP14/1791 )	Stage-2
-RURAL- PROPOSED FARM WORKERS ACCOMMODATION	FLOOR PLAN
JOB NO: 0715	SHEET No: DA 04-A C
ISSUE	

Document Set ID: 4173988  
Version: 1, Version Date: 11/01/2023



BUILDING INFORMATION:

#### NCC BUILDING CLASSIFICATION

1. 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 (i.e. 1-bedroom/suite and common area) IF EXEMPTION DOWNGRADED/FURTHER DESIGN WILL NEED TO BE PUT FORWARD FOR COMPLIANCE.

STRUCTURAL FOOTPRINT SIZE  
H6: 160 mm

- **H6: 160 sqm**
- 2. Measure taken from outside face of donga and to posts outside face of the detached covered central roof
- **H7: 160 sqm**
- 3. Measure taken from outside face of donga and to posts outside face of the detached covered central roof

## Farm Workers Accommodation

### Stage-3

(1:100 ON A3)



issue  
date:  
13/12/2022

13/12/2022

phone: 0428 294 235 EDMONTON 4869. QUEENSLAND  
**GREGORY G TERZI** Associate Diploma **Building Design & Drafting**  
 Architectural Technology  
 -Building Designer- -Medium Rise- -QBCC LICENCE: 1117048-

PROJECT:

DATE: AUGU  
SCALE AS CIDATE: AUGU  
SCALE AS CI

8 VICARY ROAD  
MARFERRA 4880

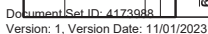
( 1 RP741791 )

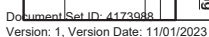
Stage-3  
FLOOR PLAN

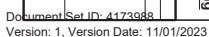
**-RURAL-  
PROPOSED FARM  
WORKERS ACCOMMODATION**

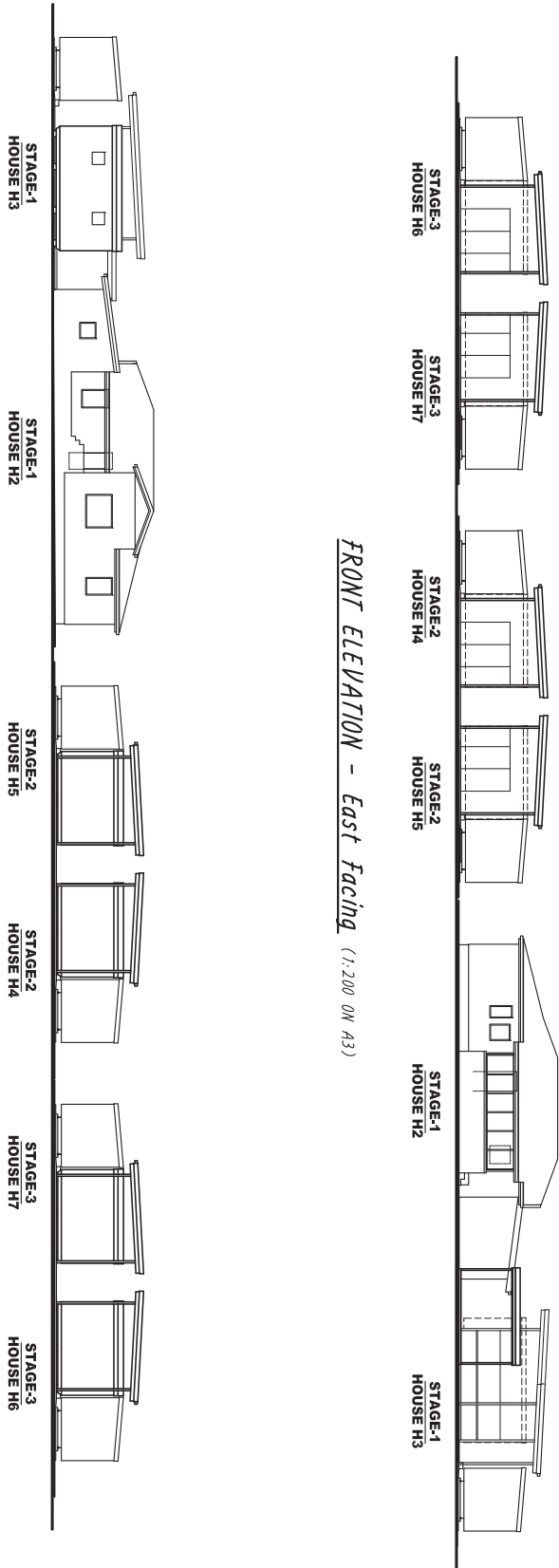
JOB NO. 0715 SHEET No. DA 04-B ISSU B

Document Set ID: 4173988  
Version: 1, Version Date: 11/01/2023









phone: 0428 294 235 EDMONTON 4869, QUEENSLAND

**GREGORY G. TERZI** Architect Building

-Building Designer- -Medium Rise- -ORCC LICENCE: 1117048-

PROJECT: **8 VICARY ROAD**

**MAREEBA 4880**

**( 1 RP741791 )**

-RURAL-  
PROPOSED FARM  
WORKERS ACCOMMODATION

DATE: AUGUST 2022

SCALE: AS SHOWN ON A3 SHEET

DRAWING TITLE:  
**Stages -1, -2 & -3**  
**ELEVATIONS COMBINED**

JOB NO: 0715

SHEET No: **DA 07**

ISSUE: **B**

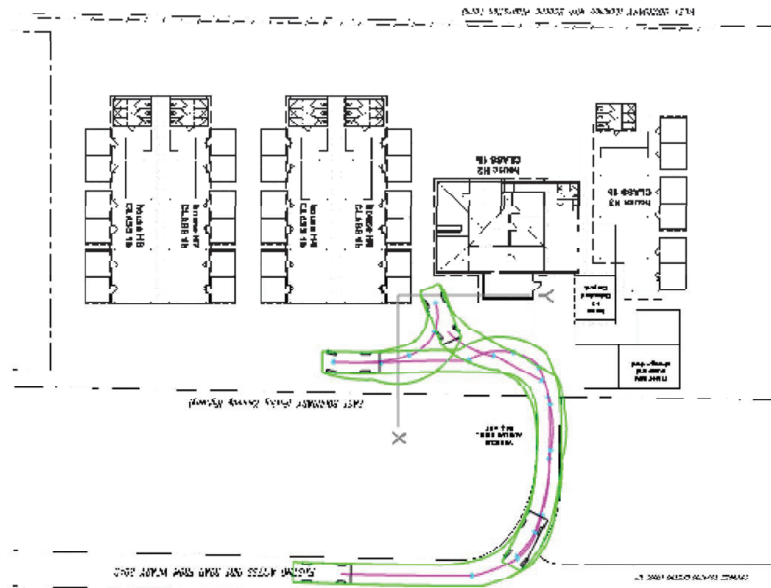
issue date: 13/12/2022

Document Set ID: 4173988

Version: 1, Version Date: 11/01/2023

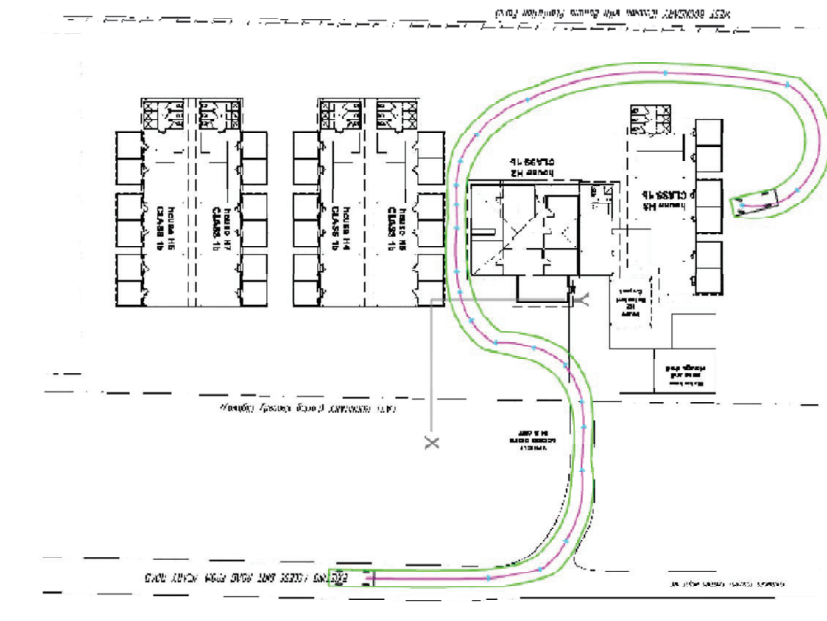
SOFTWARE SIMULATED TURNING/REVERSING SWEEPING PATHS  
TO EXIT SITE IN FORWARD GEAR AT 10 TO 5 km/h

# **6M Passenger Vehicle Bus** **Turning & Reverse Area** (1:500 ON A3)



SOFTWARE SIMULATED TURNING and PARKING SWEEPING  
PATHS IN FORWARD GEAR AT 5 km/h

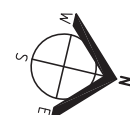
# **Typical Vehicle Car** **Turning & Parking Area** (1:500 ON A3)



ISSUE  
date: 13/12/2022

PROJECT:	DATE: AUGUST 2022
8 VICARY ROAD	SCALE: AS SHOWN
MAREEBA, 4880	DRAWING TITLE:
( 1 RP741791 )	VEHICLE TURNING
-RURAL-	SIMULATION
PROPOSED FARM	JOB NO. SHEET No. ISSUE
WORKERS ACCOMMODATION	0715 DA 08 B

phone: 0428 294 235 EDMONTON 4869, QUEENSLAND  
Associate Diploma  
Architectural Technology  
**GREGORY G TERZI Building Design & Drafting**  
-Building Designer- -Medium Rise- -QBCC LICENCE: 1117048-



Version: 1, Version Date: 11/01/2023



15<sup>th</sup> February 2023

Mareeba Shire Council  
65 Rankin Street  
Mareeba QLD 4880

Dear Mayor Toppin,

**RE: Development Application MCU/23/0002**

As directors of Airport FNQ Pty Ltd, owner of Lot 2 RP741791, we refer to the proposed development at 8 Vicary Road, Mareeba, Lot 1 RP741791, application reference MCU/23/0002. Airport FNQ Pty Ltd is part of the Rock Ridge Farming group. Rock Ridge Farming is one of the largest farming businesses on the Tablelands and one of the largest employers of non-resident workers in the region. We understand the desperate need for workers accommodation in our industry and have ourselves, made the significant financial decision to buy property and develop our own workers accommodation for our employees. However, even with our own development it is still not sufficient to completely satisfy our own accommodation requirements, let alone assist others in the industry. Because of this, we understand the importance and need for developments such as this one and are supportive of growth in the industry. However, we must object to this development application based on the following reasons.

As is widely known, Panama disease is one of the biggest threats facing the banana industry in our region. Panama is highly spreadable, and farms have had to enforce strict biosecurity measures to control the spread of the disease. It only takes one speck of infected soil to contaminate an entire farm, devastating the banana plants. Once in the soil, it is non-eradicable and the fungus remains active in the soil for decades, even without banana plants present, making the land unsuitable to produce bananas or most other crops indefinitely. This is due to the Government enforced heavy restrictions and regulations on any produce that is grown on Panama-infected soil, to ensure that the supply of this crop will not spread Panama to other areas. This involves the use of Government inspectors when harvesting and many other stringent requirements. The proposed development's close proximity to our banana plants poses an unreasonable amount of risk that contaminated soil could enter the paddock. A worker arriving from Tully or the Northern Territory (where there are confirmed cases of Panama) could bring in contaminated soil on their shoes or luggage. This soil could easily be spread to our banana paddock (less than 10m away from the proposed accommodation buildings) by wind or rainwater as all the water runoff from Lot 1 RP741791 flows directly into our banana paddock. Whilst the proposed fence may stop the

**Rock Ridge Farming Pty Ltd**

**Directors** Peter & Chelley Howe

**Main Office**

07 4093 3552  
admin@rockridgefarming.com

**Banana Farm**

07 4093 3035  
banana\_admin@rockridgefarming.com

ABN 18 153 578 735

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NTH QLD AUSTRALIA

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Version: 1, Version Date: 15/02/2023





physical entry of the workers into the paddock, it would not prevent the spread of the disease.

In addition, whilst we understand from the development application that the block is of a sufficient size to adhere to the planning regulations, it does not provide sufficient recreational area for the workers. Our concern with this, is that it will force workers to move beyond the bounds of the property, towards our banana plantation, again increasing the bio-security risk to our farm.

Finally, as has been done for the past 20 years, our Lady Finger bananas are sprayed by aerial spraying each fortnight with fungicide and insecticide. Whilst our operators take every precaution and adhere to strict rules and regulations, given the close proximity of the proposed development to the banana crop, it would only take a small wind change to cause drift across the property. There have been a few occasions where residents of Wylandra Estate (over 150m to nearest house from rear boundary) have complained about aerial spraying. Additionally, we feel there is an insufficient buffer zone between the proposed accommodation and the existing banana trees. In addition to aerial spraying, regular ground spraying is conducted across the farm. Given most spraying is done out of regular work hours, we feel that this could cause potentially catastrophic consequences and poses an unacceptable risk to the workers' health and wellbeing.

In conclusion, we applaud the developer's commitment to attempting to address a major concern in our industry however we feel that the block, due to its size and position, is not suitable for the proposed development. We feel that this development poses unacceptable risks to the industry both through an inability to sufficiently negate bio-security hazards and to its essential workforce's health and wellbeing. We feel that there are far more suitable blocks situated across the Mareeba Shire. We request that the Mareeba Shire Council please consider our objection to the proposed development.

Kind Regards,

Peter & Chelley Howe  
Directors

**Rock Ridge Farming Pty Ltd**

**Directors** Peter & Chelley Howe

**Main Office**

07 4093 3552

admin@rockridgefarming.com

**Banana Farm**

07 4093 3035

banana\_admin@rockridgefarming.com

ABN 18 153 578 735

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NTH QLD AUSTRALIA

Document Set ID: 4193525  
Version: 1, Version Date: 15/02/2023



**8.6 DEVELOPMENT AND GOVERNANCE QUARTERLY REPORT - JANUARY TO MARCH 2023**

**Date Prepared:** 27 March 2023

**Author:** Manager Development and Governance

**Attachments:** Nil

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**EXECUTIVE SUMMARY**

This report presents the key activities of the Development and Governance Group for the January to March 2023 quarter.

**RECOMMENDATION**

That Council That Council receives the quarterly report of the Development and Governance Group for the January to March 2023 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 January to March 2023 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).

On 15 March 2023, Council resolved to support progression of Consent determination actions under s 87 of the *Native Title Act 1993* (Cth) relevant to the Wakaman People #3, Wakaman People #4 and Wakaman People #5 claims which are set for determination by the Court on 18 August 2023.

**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 issued a Native Title and Cultural Heritage Consultation Notice to the Muluridji People under the terms of the ILUA to initiate consultation relevant to the Bicentennial Lakes project scheduled for commencement in June 2023.

### **Land Tenure Instruments**

Council negotiated the following land tenure instruments during the period:

- one (1) new community group Trustee Lease relevant to the whole of Lot 20 SP254825, Egan Street Mareeba
- one (1) new Agistment Permit issued under Council's *Use of Council Land for Agistment Purposes Policy* relevant to the eastern portion of Lot 539 SP146295, Bowers Street Mareeba.
- One (1) renewal community group User Agreement relevant to shared use of Council facilities located upon reserve land at Lot 53 SP105907, Geraghty Park Road Julatten

### **Mareeba Industrial Park**

Council recorded one (1) new land sale settlement during the period relevant to the disposal of Lot 221 SP312807, 23 Effley Street Mareeba.

Currently, there remain 14 lots available for sale. Work on a new Master Plan for future development has commenced with the engagement of a consultant and this project is managed by Manager Technical Services.

### **Other Land Sales**

Council recorded nil sales of other freehold land interests during the quarter.

### **Notifiable Breaches - internal**

Council recorded nil (0) notifiable policy related breaches during the period.

### **Right to Information and Information Privacy**

Council recorded receipt of three (3) 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 one (1) new cautionary notice action undertaken during the period under Council's *Unreasonable Complainant Conduct Policy*.

This incident led to the installation of posters in public areas reminding customers to treat Council Officers with courtesy and respect.

### Administrative Action Complaints

Details of complaints received/processed during the period ending 31 March 2023 are displayed in the following table as aligned with the same period in 2022:

	Jan - Mar 2022	Jan – Mar 2023
Complaints carried over from previous period	2	2
Complaints carried over from previous period finalised during this reporting period	2	2
Complaints lodged during reporting period	20	11
Complaints finalised during reporting period	13	8
Complaints still in process (not finalised) during reporting period	7	3

### 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 January 2023	8
Completed	1
Cancelled	0
Current applications as of 31 March 2023	7

#### Plumbing Applications

The below table provides information on plumbing approvals that are the responsibility of the Council:

Current applications as at 1 January 2023	311
New Applications	25
Completed	18
Cancelled	0
Current applications as of 31 March 2022	317

## Trade Waste

The 2022 / 2023 Trade Waste inspection program for Mareeba will commence in late April early May in conjunction with Plumbing Inspections.

## Regulatory

Building, Plumbing, and Trade Waste Services had 91 customer requests this quarter of which 67 were resolved. In comparison to the same quarter in 2022, Council received 113 customer requests.

## Compliance

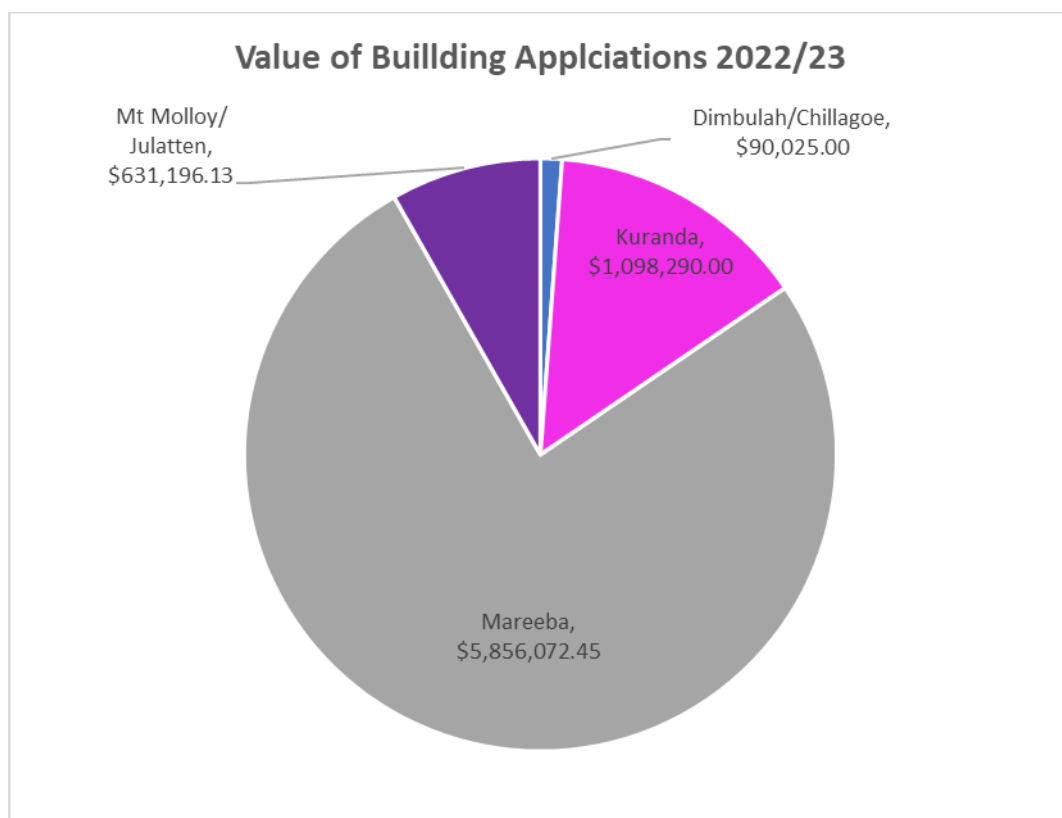
Council continues to progress 48 escalated building and plumbing compliance enforcement actions for unapproved structures relevant to 29 properties across the jurisdiction.

A strategic risk management approach to responding to non-compliance complaints was adopted in September 2022. A workshop on this approach to managing low, medium and high risk compliance matters and the outcomes achieved was presented to Councillors this quarter.

## Building

Council's dwelling and commercial approvals have decreased 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	Jan - Mar 2023		Jan - Mar 2022	
	\$	A	\$	A
<b>Total</b>	\$7,675,583.58	59	\$12,682,494.68	87



**REGIONAL LAND USE PLANNING****New Development Applications**

9 development applications were lodged in the March quarter 2023 compared to 6 lodged in the March quarter 2022.

Development applications received/approved during the March quarter 2023 as compared to the YTD comparisons are as follows:

	<b>Jan - Mar 2023</b>	<b>2022/23 YTD</b>	<b>2021/22 YTD</b>
New Development Applications lodged	9	31	36
Decision Notices issued under delegated authority	5	22	25
Negotiated Decision Notices issued under delegated authority	0	0	0
Decision Notices issued (from Council Minutes)	6	11	14
Negotiated Decision Notices issued (from Council Minutes)	0	0	0
Extensions to relevant period issued		1	2
Extensions to relevant period issued (from Council Minutes)	0	0	0
Change to existing Development Approval issued	1	0	2
Referral Agency Response approvals issued under delegated authority	4	23	19
Survey Plans endorsed	7	17	26
Notices issued under Planning Act	0	0	0
Planning Appeals and other Court proceedings	0	0	2

**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**

	Jan - Mar 2023	Jan - Mar 2022	Jan - Mar 2021
Barking Complaints	36	40	28
Council traps	39	37	23
Cruelty	2	4	1
Dangerous Aggressive Dogs	36	39	33
Enquiries, Unregistered, Hygiene, unleashed *	99	150	99
Missing/Lost/Found	19	22	19
Restrained for Collection	47	25	47
Straying Animals	117	121	117
Too many animals	6	12	6
<b>Total</b>	<b>401</b>	<b>450</b>	<b>393</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 31 March 2023, Council has a registered population of 4282 dogs in the shire with 88 dog renewals outstanding. The 88 outstanding renewals are for animal owners failing to renew their dog registrations for the current financial year, which includes failure to advise Council of their change in circumstances (dog deceased or left the area). These owners have been issued with infringements and will remain outstanding until the new renewal period begins on 1 July 2023. Animal registration renewals for 2023/24 will be issued in May 2023.

	Jan - Mar 2023	Jan - Mar 2022	Jan - Mar 2021
Deceased	54	6	6
Left the area	32	8	3
New registrations	156	169	167

There was a large increase in deceased dogs and left the area in this reporting period. This could be the result of animal owners notifying Council of their animal's circumstances.



**Other Areas**

	Jan - Mar 2023	Jan - Mar 2022	Jan - Mar 2021
Abandoned Vehicles	55	31	55
Commercial Use of Roads	9	13	9
Illegal Camping	7	6	7
Illegal Signs	3	5	0
Obstruction of Footpath	2	3	2
Overgrown	49	59	49
Parking, illegal parking	22	23	22
Other	13	11	13
<b>Total</b>	<b>160</b>	<b>151</b>	<b>157</b>

**Environmental Health**

The Environmental Health section responded to a total of 98 enquiries, complaints and service requests for the quarter relating to the following matters:

	Jan - Mar 2023	Jan - Mar 2022	Jan - Mar 2021
Flying Foxes	1	3	0
Food Complaints	2	1	2
Food Enquiry	25	37	25
Food General	10	3	10
General Service Enquiry	14	13	14
Health Enquiry	4	17	4
Illegal Dumping	14	14	14
Other	8	10	8
Pollution	18	14	18
Public Health Complaint/enquiry	3	1	3
<b>Total</b>	<b>98</b>	<b>113</b>	<b>98</b>

**Notices Issued, Inspections Carried Out, Applications Processed**

	Jan - Mar 2023	Jan - Mar 2022	Jan - Mar 2021
Animal Management infringements issued	15	14	15
Animals Impounded	104	146	104
Compliance Notices Issued	24	25	24
Food Inspections Undertaken	49	60	49
Local Laws infringements issued	15	25	15
Regulated Parking infringements issued	69	70	69
Warning letters issued	60	69	60

*There is also a general decrease in animal impounded compared to 2022 and 2021 quarters. This could be attributed to general compliance in animal owners ensure their animals are not wandering at large.*

In the last quarter (1 January 2023 to 31 March 2023) the following impounds were recorded for dogs:

- Animal returned to owner 1st occasion for free (dog was wandering but was registered): 9 dogs.
- Animal caught wandering (not registered or registered and previously returned to owner): 104 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 May 2023. The new process will make the issuing of parking tickets much quicker and more efficient.

Food licence renewals and local law permit renewals will be issued in April 2023.

49 Food licence inspections were conducted this quarter with 3 show cause notices and 2 penalty infringement notices issued.

**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.

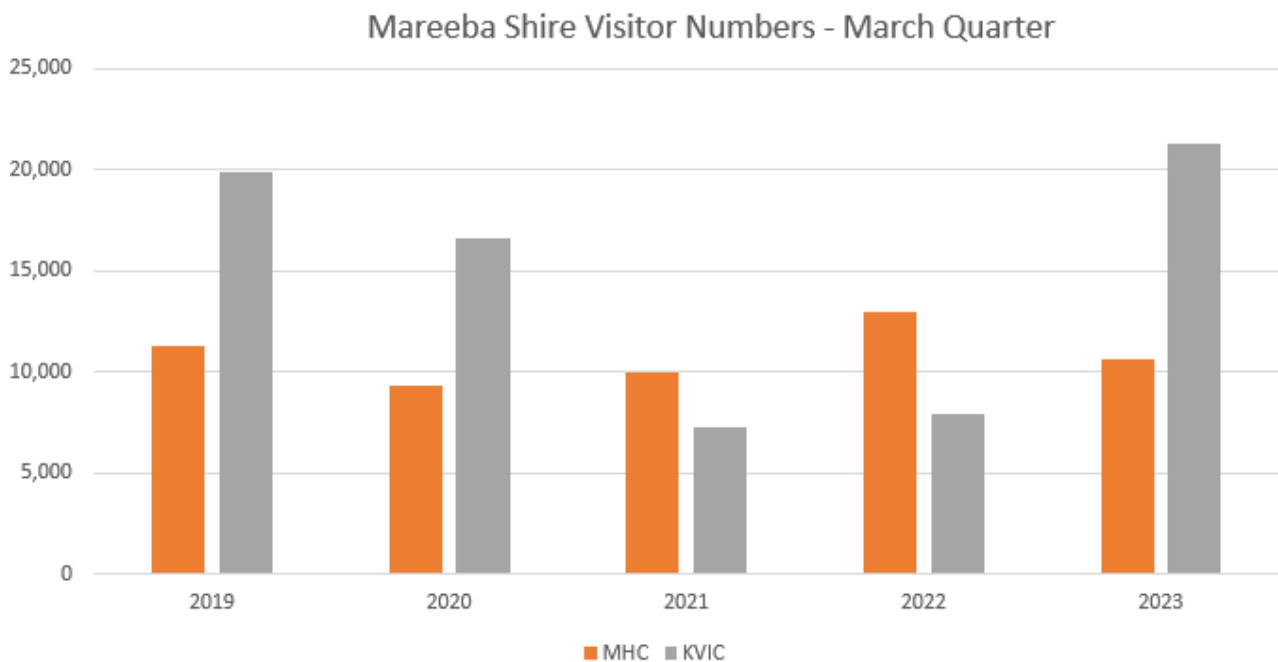
Approval has been received from the Department of Communities, Housing and Digital Economy to construct a new two x two bedroom duplex in Mareeba with government funding. Construction should commence in the second half of the year.

**TOURISM and ECONOMIC DEVELOPMENT****1. Mareeba Shire Local Tourism Organisation (LTO)**

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 held a launch event at The Billabong in Kuranda in February, followed by a tourism think tank in Mareeba in March. The feedback gathered by industry stakeholders at these events will be used to develop a twelve-month strategic plan for the organisation.



## 2. 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.

## 3. Shire Destination Marketing - Digital

Search volumes slowed across January and February, but significantly increased across March in a promising lead up to the school holidays. The biggest drivers of the increase in campaign activity were searches around 'things to do', 'Cairns tourist attractions', 'self drive', 'adventure holiday, and 'cairns day tours', which is an excellent mix of search behaviour piggy backing off Cairns, and the more direct searches related to experiences in the Mareeba Shire.


This was reflected in the Google Ads campaign with the increase in year-on-year search volumes leading to a 200% increase in ad impressions and clicks.

### Search Engine Marketing (SEM) Campaign Performance: (Mid June 2021 – March 2023)

Total Impressions:	341,613 with Social Media Marketing (SMM) in addition to this
Total Clicks:	31,876
Click Thru Rate:	11.85%
Average Cost Per Click:	\$0.51

Along with Google Ads, a school holiday campaign across Facebook and Instagram was scheduled to start in April.





Great Inland Way

**Intro**

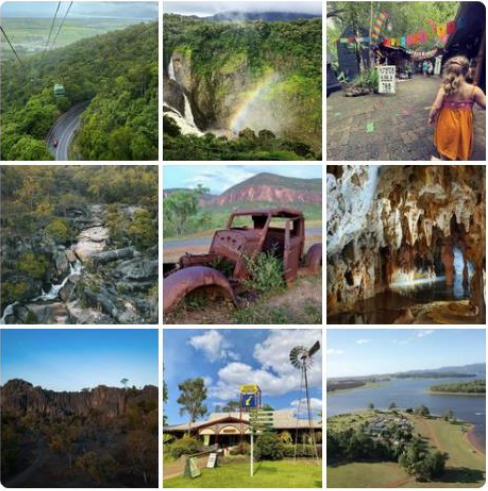
The Great Inland Way is the Ultimate Aussie Road Trip covering 3000kms from Orange/NSW to Cooktown/QL

Page · Regional Website


[greatinlandway.com.au](http://greatinlandway.com.au)

**Photos**

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Great Inland Way is at Barron Falls Lookout.

March 24 at 12:30 PM · Kuranda ·

Be sure to explore the #barrongorge national park near #kuranda on the [Discover Atherton Tablelands](#) 🌿 Walk along the boardwalk 🚶 suspended high above the forest floor winding through the lush, rainforest canopy 🌿 and learn about the nature 🌿 and culture of the #barronfalls and the #barrongorge area 🌈 on your way to the stunning #dindinbarronfallslookout 🌧 and then on to the #barronfallsrailwayplatform 🚂 [Tropical North Queensland](#) sure knows how to turn on that natural magic 🌟


See more



You and 5 others

1 comment 1 share

Like Comment Share



Great Inland Way is at Original Kuranda Rainforest Market.

March 21 at 5:00 PM · Kuranda ·

There truly is something 'magical' for everyone 🌟 in #kuranda on the [Discover Atherton](#)

#### 4. Shire Destination Marketing - Print

Print promotional material was produced for the following publications:

- One page advert and editorial in Autumn edition of Caravanning Australia magazine

##### FEATURED TRAVEL



#### Kuranda – the village in the rainforest

If you are planning a holiday in Tropical North Queensland, be sure to visit Kuranda. The naturally air-conditioned village sits within World Heritage-listed Wet Tropics – the world's oldest continually surviving rainforest!

**K**uranda, located in the Mareeba Shire, has been far North Queensland's favourite retreat since the early 1900s. Just 27 kilometres from Cairns and at an altitude of about 390 metres, Kuranda's cool mountain climate makes for an ideal escape from the heat of the tropical coast. The gateway to the Atherton Tablelands, Cape York and the Gulf of Carpentaria, Kuranda attracts visitors seeking iconic rainforest attractions to complement their visit to the heart of the Great Barrier Reef.

Kuranda is the home of the Djabugay and Bulwari people, the traditional owners of this area. For tens of thousands of years, they made use of the permanent water and abundance of bush foods in the rainforest. They welcome visitors to their Country and ask that you 'Walk one track' – take only photographs and leave only footprints.

Gating to Kuranda is an extraordinary journey through World Heritage-listed rainforest – whether you drive up the mountain range, skim above the canopy on Skyrail Rainforest Cableway, or wind through the Barron Gorge on the world-famous Kuranda Scenic Railway.

The rainforest setting of Kuranda has been, and continues to be, an inspiration for artists, authors and writers who reside in or near the village. Their work can be found in shops and in street art throughout Kuranda. Kuranda has many restaurants and cafes, where outdoor dining is one of the joys of the cooler mountain climate. Visitors will find a delightful mix of quirky surprises, colourful characters and natural beauty. The markets and shops offer fashion and handicrafts, as well as locally made indigenous arts and crafts.

Well-maintained walking tracks give visitors the opportunity to take a cool rainforest walk. There is also a network of historic trails through the Barron Gorge National Park, close to the

Barron Falls – one of the most visited and spectacular waterfalls in Tropical North Queensland. A selection of self-guided walking maps are available from the Kuranda Visitor Information Centre. Visitors can enjoy a rainforest riverboat cruise on the Barron River, or be more adventurous with a quad bike or army duck tour. The wildlife encounters with Australian native animals at the various parks are also not to be missed.

With so many exciting attractions to experience in Kuranda, it makes sense to spend at least a few days enjoying life in the Mareeba Shire. Kuranda offers many tempting retreats to choose from.


Visitors are encouraged to slow down, breathe in the fresh rainforest air and immerse themselves in this unique rainforest village.

'Gulu Bulmba Djabugay' – this is Djabugay Country.  
'Gulun Gulun Gulu' – go safely.  
'Ngandu-Mayin' – be joyful!



Mareeba & Outback

Stay Explore Discover



**Kuranda Visitor Information Centre**  
Phone: (07) 4093 9311  
[www.kuranda.org](http://www.kuranda.org)

**Mareeba Heritage Museum & Visitor Centre**  
Phone: (07) 4092 5674  
[www.mareebaheritagecentre.com.au](http://www.mareebaheritagecentre.com.au)

**Mareeba Shire Council**



- One page advert in PakMag targeting the Cairns and Townsville markets



## 5. Queensland Small Business Commissioner visit

The QLD Small Business Commissioner, Dominique Lamb, spent a few hours in the Mareeba Shire as part of her FNQ tour in March. During her visit, she met with Council and small business operators to discuss small businesses challenges and opportunities they are currently facing.

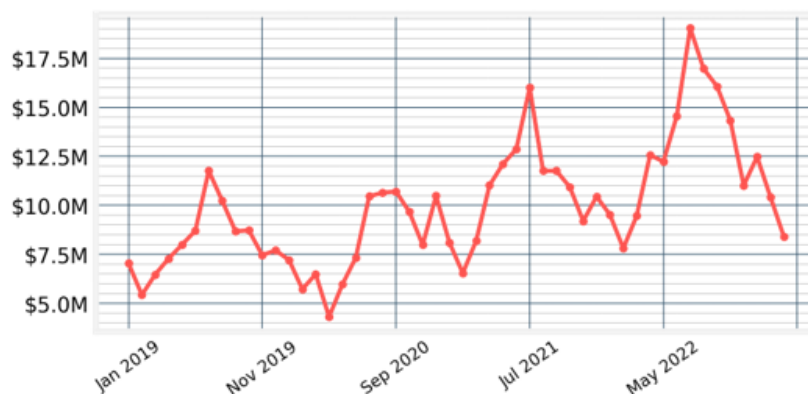


## 6. Visitor and Online Spending Trends



### Visitor Local Spend

The amount spent by non-residents and non-local businesses with merchants inside the Mareeba Shire Council LGA.



### Resident Online Spend

The amount spent by Mareeba Shire Council LGA residents and local businesses with online merchants.



### 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





**8.7 OPERATIONAL PLAN 2022/23 PROGRESS REPORT JANUARY TO MARCH 2023**

**Date Prepared:** 5 April 2023

**Author:** Manager Development and Governance

**Attachments:** 1. Operational Plan Progress Report January to March 2023 [↓](#)

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**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 January to March 2023.

**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.

**IMPLEMENTATION/COMMUNICATION**

Nil.

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 Jan to March 2023	Progress: • Not commenced • In Progress • Completed
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>	<ul style="list-style-type: none"> <li>Review of Capital Program Proposals for 2023-24 to ensure alignment with the LTAMP, LTFP and LGIP.</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>Data Collection is progress for drainage however a comprehensive revaluation has been deferred due to resourcing.</li> <li>K&amp;C comprehensive valuation draft report received. Currently reviewing</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 as requested is available</li> </ul>	Completed  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 Jan to March 2023	Progress:	Not commenced In Progress Completed
Technology One enhancements	<b>FIN 3</b>	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>The rollout of Project Lifecycle Management (PLM) has commenced. Initial kick off and data migration training has been delivered.</li> </ul>	In Progress	
Mareeba Industrial Estate Development	<b>FIN 3</b>	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 by MPO progressing well</li> <li>One block sold this quarter with interest expressed in several others</li> <li>Master Plan for future development is progressing well</li> </ul>	In Progress  In Progress  In Progress	
Tom Gilmore Mareeba Aviation Industrial Precinct	<b>FIN 3</b>	Effective business management	Development & Governance	<ul style="list-style-type: none"> <li>Implement Promotional Strategy</li> </ul>	<ul style="list-style-type: none"> <li>Negotiations underway for lease of the re-fuelling site</li> <li>New signage for tenants installed</li> </ul>	In Progress  Completed	

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 Jan to March 2023	Progress:	<ul style="list-style-type: none"> <li>Not commenced</li> <li>In Progress</li> <li>Completed</li> </ul>
Customer Service Standards and Process	<b>FIN 3</b>	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 including new processes</li> </ul>	In Progress	
ICT Strategy implementation: <ul style="list-style-type: none"> <li>PABX replacement</li> <li>SharePoint Online</li> </ul>	<b>FIN2</b> <b>FIN 3</b>	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>Continued evaluation of contact centre software. Planning for trial of CC4Teams solution has commenced.</li> </ul>	In Progress	
Sustainable Workforce	<b>FIN 4</b>	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>Training delivery being implemented in accordance with budget.</li> <li>All mandatory and compliance training completed based upon identified training and development needs</li> </ul>	In Progress  Completed	

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 Jan to March 2023	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 Jan to March 2023	Progress: • Not commenced • In Progress • Completed
Council Website enhancements	<b>COM 1</b>	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>Focus has been on taking over management of 'The Great Wheelbarrow Race' and 'Mareeba Multicultural Festival' domains.</li> </ul>	In Progress
Sustainable Community Housing for Seniors	<b>COM 1</b>  <b>FIN 3</b>	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>Community Housing annual rent review endorsed by Council</li> <li>Mareeba Community Housing Company gave annual presentation to Council</li> <li>Grant funding approved by Dept Communities, Housing and Digital Economy for construction of 2 x 2 bedroom duplex for seniors in Mareeba</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 Jan to March 2023	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>Review of Capital Program Proposals for 2023-24 to completed to ensure alignment with the LTAMP, LTFP and LGIP</li> </ul>	Completed
	<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>Facility condition assessments underway</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>		

Transport and Council Infrastructure “The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles”						
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Actions Taken Jan to March 2023	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>Awaiting input from the State regarding proposed LGIP amendments ahead of 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>Planned construction continuing.</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 Jan to March 2023	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>Material Change of Use approved January</li> <li>Detailed design of new facility 95% complete. Tender documentation being prepared.</li> </ul>	In Progress

## Economy and Environment

**“A resilient economy that promotes and supports the shire’s natural assets and local industry and encourages investment while preserving and future proofing for generations to come”**

Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Actions Taken Jan to March 2023	Progress: • Not commenced • In Progress • Completed
Waste Management Services Strategy	<b>EAE 1</b>	Environmentally responsible and efficient waste and wastewater management	Water & Waste	<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>ARUP have prepared a draft Regional Resource Recovery Plan in conjunction with a Summary Overview which will be presented to the FNQROC Board early April</li> </ul>	In Progress
	<b>TCI 1</b>	Sustainable Infrastructure for the future	Finance			
Planning Scheme Review	<b>EAE 2</b>	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>Review to commence July 2024 after new FNQ Regional Plan is available. Council is providing input to the development of the new regional plan.</li> </ul>	Not Commenced
Temporary Local Planning Instrument (TLPI)	<b>EAE 2</b>	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

<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 Jan to March 2023	Progress: Not commenced In Progress Completed
Compliance Review	GOV 2	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 is on track for completion June 2023</li> <li>Environmental Health compliance review of water and waste issues identified for commencement next quarter</li> </ul>	In Progress   Not Commenced
Cybersecurity Enhancements	GOV2	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>	<ul style="list-style-type: none"> <li>Continued implementation of ACSC Essential 8 mitigation strategies.</li> </ul>	In Progress
Governance of Infrastructure Approvals Process Review	GOV 1 GOV 2 EAE2	Ethical, accountable, transparent and affordable decision making  Strong focus on compliance and enterprise risk A Sustainable Planning Scheme	Technical Services  Development & Governance	<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>Review of Planning Scheme to commence July 2024 once FNQ Regional Plan completed</li> </ul>	Not Commenced

<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 Jan to March 2023	Progress: Not commenced In Progress Completed
				feedback on the impacts of developments and operational works on council infrastructure		

**8.8 ACQUISITION OF LOT 13 CP861033 - DOYLE STREET MAREEBA**

**Date Prepared:** 21 March 2023

**Author:** Senior Compliance Officer

**Attachments:**

1. Smart Map - Lot 13 CP861033 [↓](#)
2. Department of Resources offer letter [↓](#)
3. Agreement to offer [↓](#)

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**EXECUTIVE SUMMARY**

This report seeks approval for the acquisition of Lot 13 CP861033, Doyle Street Mareeba via conversion of Special Lease to Deed of Grant in accordance with the provisions contained in Chapter 4, Part 3, Division 3 of the *Land Act 1994* (Qld).

**RECOMMENDATION**

That Council:

1. endorse the acceptance of the offer from the State Department of Resources to purchase in full with a subsequent Deed of Grant issuing, of Lot 13 on Crown Plan 861033; and
2. authorise the Chief Executive Officer to execute all documents necessary to give effect to the acquisition of Lot 13 on Crown Plan 861033.

**BACKGROUND**

Council currently holds lease tenure over Lot 13 CP861033 ("Lot 13") via Special Lease 9/52926 which is set for expiry on 21 November 2023 (see aerial image of Lot 13 attached). Lot 13 is 9498m<sup>2</sup> in size and holds an underlying tenure of Reserve with a gazetted purpose of Sporting Purposes (football). The lease area covers the whole of Lot 13 and contains improvements to include a Mareeba Leagues Club building, car park, grandstand, undercover bar area, toilet block and other ancillary facilities. The Mareeba Leagues Club hold a Sub-Lease with Council over Lot 13 which is due for expiry on 20 November 2023.

On 22 June 2021, the Department of Resources (DoR) wrote to Council providing advanced notice of the impending lease expiry and sought to understand Council's intentions for the land beyond lease expiry by way of either renewal of the lease for a further term or conversion of the lease to freehold tenure. Council provided response on 10 August 2021 seeking provision by DoR of pre-lodgement advice accompanied by an indicative purchase price for Lot 13. Response was provided by DoR on 7 September 2021 to provide a preliminary purchase price range of \$600,000 to \$700,000 along with an outline of requirements for addressing native title considerations.

**Application to the State**

On date of 10 October 2022 Council lodged formal application to DoR for conversion of Special Lease 9/52926 to Deed of Grant in freehold interest. On date of 31 January 2023, Council received from DoR a formal valuation purchase price for Lot 13 of \$797,753.77 inclusive of GST, Stamp Duty and Deed fee.

**Offer and acceptance**

On date of 13 March 2023, Council received from DoR a notice of *Offer to convert a lease under Land Act 1994 – Conditions and notification of acceptance of offer* (“the offer documents”) for Council’s consideration (copies attached). The offer documents provided two options of which Council must select only one as follows:

1. Payment of the purchase price for Lot 13 in full with a subsequent Deed of Grant issuing; or
2. Payment of the purchase price by way of instalments over a term of thirty (30) years with the issuing of a Freeholding Lease.

The offer documents necessitated that Council provide first line response by no later than 11 April 2023 to include payment of the required deposit amount relevant to the selected option with failure to respond by 11 April 2023 resulting in expiry of the offer. Council has provided initial response, under delegation, to DoR to ensure the 11 April 2023 response deadline is met.

**Funding**

Council has lodged application with the Queensland Treasury for loan funds and the expenditure has been provided for in Council’s 2022/2023 Capital Budget.

**FINANCIAL AND RESOURCE IMPLICATIONS****Capital**

The cost to Council of the acquisition is \$700,000 exclusive of GST, and conveyance/stamp duties.

***Is the expenditure noted above included in the current budget?***

Yes – provided for under the 22/23 Capital Budget – item CP00901. Acquisition in Freehold title of this land will remove the annual leasing obligation currently in place between Council and the State of Queensland.

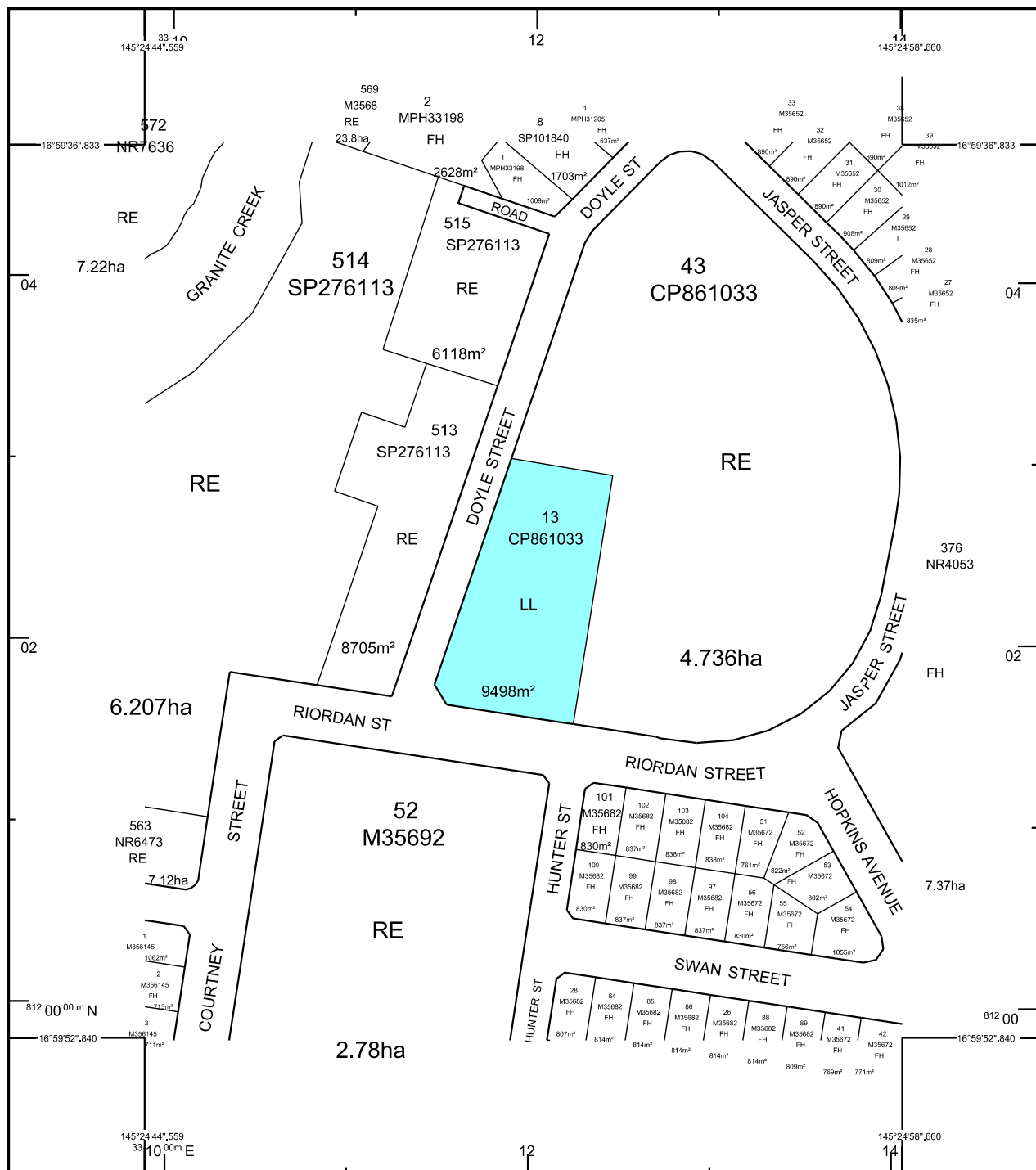
**LINK TO CORPORATE PLAN**

**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.

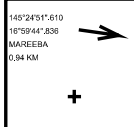
**Economy and Environment:** A resilient economy that promotes and supports the shire’s natural assets and local industry and encourages investment while preserving and future proofing for generations to come.

**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.



STANDARD MAP NUMBER  
7964-22323

MAP WINDOW POSITION &  
NEAREST LOCATION



#### SUBJECT PARCEL DESCRIPTION

DCDB  
Lot/Plan 13/CP861033  
Area/Volume 9498m²  
Tenure LANDS LEASE  
Local Government MAREEBA SHIRE  
Locality MAREEBA  
Segment/Parcel 9049/5

#### CLIENT SERVICE STANDARDS

PRINTED (dd/mm/yyyy) 30/04/2021  
For additional information regarding this SmartMap see page 2.  
Shading Rules have been applied.

OCDB 29/04/2021

Users of the information recorded in this document (the Information) accept all responsibility and risk associated with the use of the Information and should seek independent professional advice in relation to dealings with property.

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**SmartMap**

An External Product of  
SmartMap Information Services

Based upon an extraction from the  
Digital Cadastral Data Base



**Queensland  
Government**

(c) The State of Queensland,  
(Department of  
Natural Resources,  
Mines and Energy) 2021.

## Additional Information Page

### Shading Rules

 Lot Number = 13 and Plan Number = CP861033



File / Ref number: 2022/002823

13 March 2023

The Chief Executive Officer  
Mareeba Shire Council  
PO Box 154  
Mareeba Qld 4880

Attn: Mike Schuck  
Email: [MikeS@msc.qld.gov.au](mailto:MikeS@msc.qld.gov.au)



Department of Resources

Dear Mr Schuck

**Application for renewal of Special Lease 9/52926 described as Lot 13 on Crown Plan 861033.**

Reference is made to previous correspondence regarding your application dated 1 November 2022 for the renewal of Special Lease 52923 over Lot 13 on CP861033 which will expire on 21 November 2023.

It is advised that approval will be sought for the issue of either a Deed of Grant or Freeholding Lease over Lot 13 on Crown Plan 861033, subject to the terms and conditions as set out in the attached **Offer to convert a lease under the *Land Act 1994*, Conditions and notification of acceptance of offer form** and compliance with the requirements of that offer.

If you wish to proceed with the conversion of Special Lease 9/52926, you will have the option to pay the purchase price either:-

1. in full with a subsequent Deed of Grant issuing or;
2. by way of instalments over a term of thirty (30) years with the issue of a Feeholding Lease.

The attached form duly signed, together with payment of deposit of monies being the amount of \$37,753.77 for issue of a deed of grant or \$62,753.77 for the issue of a freeholding lease, must be returned to the Department by close of business on **11 April 2023**, otherwise this offer lapses.

All other conditions of this offer, including payment of the balance amount on the offer account (less the deposit paid), being the amount of \$690,000.00 for the issue of a deed of grant, must be satisfied by close of business on **13 June 2023** otherwise this offer lapses.

If you believe you will be unable to comply with **any** of the conditions of this offer by the specified dates, you should apply in writing for an extension of time. Any application for an extension of time should be made **before** the offer lapses and must address the following –

- what action you have taken to comply with the offer conditions; AND
- why the conditions cannot be complied with by the due date; AND
- the time for which the extension is requested, including reasons for the amount of time required.

**Postal Address:**  
Resources Innisfail  
PO Box 5318  
Townsville  
4810 QLD

**Telephone:** (07) 4016 1901

If you **do not apply** for an extension of time and **the offer lapses**, a new application and application fee will be required. If you do make a new application, the matter will be re-investigated and a new decision will be made that will include re-assessment of the land value and all conditions and requirements applicable to the dealing. This re-assessment may also result in the application being refused.

The purchase price of \$700,000.00 [exclusive of GST], is subject to the appeal provisions outlined in section 19 of the Land Regulation 2020. Should you wish to appeal the chief executive's determined purchase price, you must advise the Resource Innisfail office, by way of submitting a completed Form LA14 – Application for an Internal review of an original decision, no later than 9 May 2023. The initial review of the purchase price (an internal review) is a pre-requisite to your proceedings to the Land Court at a later date if you determine to do so.

Should the offer lapse, all monies paid in relation to the offer account will be refunded.

If you wish to discuss other matters in this letter please contact Dallas Crawford on (07) 4016 1910.

All future correspondence relative to this matter is to be referred to the contact Officer at the address below or by email to [LASSLSTeam1enq@resources.qld.gov.au](mailto:LASSLSTeam1enq@resources.qld.gov.au). Any hard copy correspondence received will be electronically scanned and filed. For this reason, it is recommended that any attached plans, sketches or maps be no larger than A3-sized.

It is recommended that you seek independent legal advice with regard to this offer.

Please quote reference number 2022/002823 in any future correspondence.

Yours sincerely



Signed for and on behalf of  
Joslyn Vyner  
Senior Land Officer  
a duly authorised delegate of the Chief Executive under the current Land Act

Attached:  
Offer a Conversion/Freeholding Lease – conditions and notification of acceptance of offer.  
Offer Accounts no. 641536 and no. 641535  
Conditions report 2022/002823



Queensland  
Government

Department of Resources

## Offer to convert a lease under *Land Act 1994* – Conditions and notification of acceptance of offer

The department's reference number: 2022/002823

### 1. OVERVIEW

Subject to compliance with the conditions of the offer as set out in Part 2 below, the chief executive makes this offer to convert the Special Lease 9/52926 over Lot 13 on Plan Crown Plan 861033 to a Deed of Grant, in accordance with the provisions contained in Chapter 4, Part 3, Division 3 of the *Land Act 1994* (Land Act).

If you accept this offer you have the option for a Deed of Grant or, as an interim step, a Freeholding Lease before the Deed of Grant is issued.

#### **OPTION 1 – Deed of grant**

By way of a single payment of the purchase price, to enable a Deed of Grant to issue.

#### **OPTION 2 – Freeholding lease**

By way of instalments over a term of thirty (30 years) with the issue of a Freeholding Lease.

Your completion and return of this form which contains the offer to convert the lease in accordance with the provisions of the Land Act ('the offer') together with payment of the attached account no **641536** or **641535** within the offer period will for the purposes of the Land Act constitute acceptance of:

- (i) the offer; and
- (ii) the subsequent issue of tenure on the terms and conditions stated in this form,  
(refer to section 165A of the Land Act).

#### **Definitions and interpretation:**

"offer period" means the length of time stated in this form, or if no time is stated, 3 months (see section 441A of the Land Act).

Indigenous land use agreement (Agreement).

"NNTT" means the National Native Title Tribunal.

Terms or phrases used in this form may be defined in the Land Act.

ALL of the conditions contained in Part 2 (both Parts A and B) below **MUST** be complied with before the offer period ends otherwise this offer will lapse (see section 441A of the Land Act).

**Note** - the Governor's approval for the issue of a Deed of Grant will be sought only if you decide to accept and comply with all conditions of the offer.

### 2. CONDITIONS OF OFFER

Subject to the provisions of the Land Act, this offer will be deemed accepted by you once you comply with the conditions below (both Part A and Part B) (see section 171 of the Land Act).

The following payments must be made by the specified time, with the Resources Innisfail office or to PO Box 94, Innisfail Qld 4860-

Any other documentation (eg. The signed Offer – Conditions and notification of acceptance of offer form etc) must be sent to Resources Innisfail Office or to PO Box 94, Innisfail Qld 4860.



Offer to convert a lease

**OPTION 1 – DEED OF GRANT****PART A - Payments**

The following payments must be made by the specified time, with the DoR Innisfail Office –

PAYMENT REQUIREMENTS – Offer account 641536		DUE BY
Payment of deposit (exclusive of the GST withholding amount)	<b>\$37,753.77</b>	<b>11 April 2023</b>
Payment of balance amount * (exclusive of the GST withholding amount)	<b>\$690,000.00</b>	<b>13 June 2023</b>
GST withholding amount	<b>\$70,000.00</b>	<b>+++see note</b>

+++Note: The Australian Tax Office (ATO) requires the GST amount to be paid directly to the ATO as outlined on the ATO's website: <https://www.ato.gov.au/Business/GST/In-detail/Your-industry/Property/GST-at-settlement>. This payment should be made no later than the date you have satisfied all of the offer conditions listed in both Part A and Part B of this form.

**A copy of the account should be returned to the department along with your payment**

The following must also be satisfied and returned along with the payment of the deposit as detailed above to the department by close of business on **11 April 2023**, otherwise this offer will lapse –

- (i) completion of this form by all current registered tenure holders and return of this completed form to the department.
- (ii) Payment of all overdue land rent and further rent up to the date all conditions of this offer are satisfied must be paid.

**OR****OPTION 2 – FREEHOLDING LEASE****PART A - Payments**

The following payments must be made by the specified time, with the DoR office, Innisfail –

PAYMENT REQUIREMENTS – Offer account 641535		DUE BY
Payment of offer account (exclusive of the GST withholding amount)	<b>\$62,753.77</b>	<b>11 April 2023</b>
GST withholding amount	<b>\$70,000.00</b>	<b>+++see note</b>

+++Note: The Australian Tax Office (ATO) requires the GST amount to be paid directly to the ATO as outlined on the ATO's website: <https://www.ato.gov.au/Business/GST/In-detail/Your-industry/Property/GST-at-settlement>. This payment should be made no later than the date you have satisfied all of the offer conditions listed in both Part A and Part B of this form.

**A copy of the account should be returned to the department along with your payment**

The following must also be satisfied and returned along with the payment of the deposit as detailed above to the department by close of business on, **11 April 2023** otherwise this offer will lapse –

- (i) completion of this form by all current registered tenure holders and return of this completed form to the department.

Offer to convert a lease

### **Part B – All remaining conditions of the offer**

The following conditions of this offer to convert the lease must be completed by close of business on 13 June 2023 otherwise this offer lapses –

1. Payment of balance amount, being \$690,000.00. A copy of the account should be returned to this department along with your payment.

All conditions of this offer must be satisfied by close of business on **13 June 2023**, otherwise this offer lapses.

If you believe you will be unable to comply with **any** of the conditions of this offer to convert by the due dates, you should apply in writing for an extension of time. Any applications for extension of time should be made **before** the offer lapses and must address the following -

- what action you have taken to comply with the offer conditions; **AND**
- why the condition/s cannot be complied with by the due dates; **AND**
- the time for which the extension is requested, including reasons for the amount of time required.

**Note –** If you fail to apply for an extension of time and this offer lapses, you may apply to extend the time only within 42 days after the time has passed. An extension will only be granted where exceptional circumstances exist. If an extension of time is granted the department has discretion to amend the offer in respect of the purchase price in the way provided by the Land Regulation 2020 (see s.442 of the Land Act).

Outside of the 42 day timeframe a fresh application and fee will be required and will be treated by the department as a new application, requiring re-investigation and assessment of the purchase price, conditions etc.

Please note: Once the offer has been accepted, no further documents will be able to be lodged for registration on that title until the freehold title has issued.

### **3. PARTICULARS OF LAND**

**Description -** Lot 13 on Crown Plan 861033

**Area (ha) -** 0.949800 Ha.

**Note –** this description relates to the area being converted and may include and/or exclude area from the original tenure.

### **4. TENANCY DETAILS**

The holders of the Lease being converted will be recorded as the holders of the Deed of Grant [or perpetual lease].

The holders of the current Lease are:-

Mareeba Shire Council

**POSTAL ADDRESS** of person or company to whom correspondence is to be addressed

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**Town/City:**

**State:**

**Postcode:**

**Note –** if these particulars are not correct please advise.

## 5. PURCHASE PRICE

The purchase price comprises the following –

<b>Unimproved value of land</b>	<b>\$700,000.00</b>
<b>Market value of commercial timber</b>	<b>\$Nil</b>

- unimproved value of the land being offered, as if it were fee simple; and
- market value of any commercial timber that is the property of the State on the land.

The purchase price is subject to the appeal provisions outlined in section 19 of the Land Regulation 2020. Should you wish to appeal, you must submit a completed **Form LA14 – Application for an Internal review of an original decision** (with the relevant application fee) to the Department of Resources, no later than the [Insert date 42 days from date of this offer]. The internal review process is a pre-requisite to your appeal proceeding to the Land Court if you determine to do so.

Land tax is calculated on the combined statutory land value of freehold land owned in Queensland. Please refer to the Queensland Revenue Office land tax information at <https://www.treasury.qld.gov.au/budget-and-financial-management/revenue-and-taxation/> for more information about land tax rates and available exemptions.

## 6. GOODS AND SERVICES TAX

Goods and services tax (GST) is payable on all land transactions in accordance with *A New Tax System (Goods and Services Tax) Act 1999* unless it is an input taxed supply under Division 40 or specifically exempted from GST under Division 38 of that Act.

GST Withholding requirements may apply to the transaction. If GST Withholding requirements applies to your application please contact the Australian Tax Office on 13 28 65 or visit their website: [GST at settlement | Australian Taxation Office](#) for more information.

## 7. TAX INVOICE

A tax invoice for obtaining a Deed of Grant will be issued to the registered owner/lessee within 28 days of the date of the issue of the deed.

## 8. RENT FOR EXISTING LEASE

Please note that pursuant to section 48 of the Land Regulation 2020, rent is still payable on the lease pending the outcome of the conversion process. Rental will continue to be owed to the State until this offer is accepted and all the conditions of this offer have been complied with. After the new tenure has been issued, the balance (if any) of rental credit will be refunded.

## 9. FREEHOLDING LEASE

If you choose the option of a Freeholding Lease it will be subject to the purpose and conditions as attached on the 'draft conditions' report.

The term of the freeholding lease is for a maximum of thirty (30) years.

Annual payment will be **\$50,134.50**

Offer to convert a lease

## 10. FOREIGN OWNERSHIP

Your attention is drawn to the requirements of the Foreign Ownership of Land Register Act 1988 that a foreign person, as defined in that Act or a trustee of a foreign person, must lodge a notification for each interest acquired. Notification is by lodging a Form 25 – Foreign Ownership Information form in Titles Queensland. No fee is payable and further enquiries can be directed to Titles Queensland, phone (07) 3497 3479.

You can also contact the Queensland Revenue Office for more information concerning Foreign Ownership on 1300 300 734.

If you are a permanent resident of Australia, and Australian Citizen or wholly owned Australian Company, there is no need for you to take further action regarding Foreign Ownership.

## 11. ABORIGINAL OR TORRES STRAIT ISLANDER CULTURAL HERITAGE

The main purpose of the *Aboriginal Cultural Heritage Acts 2003* and the *Torres Strait Islander Cultural Heritage Act 2003* is to provide effective recognition, protection and conservation of Aboriginal and Torres Strait Islander cultural heritage. These Acts also require anyone who carries out land use activities to exercise a duty of care.

The duty of care guidelines has been developed to assist land users assessing reasonable and practicable measures for meeting the cultural heritage duty of care. The guideline and other information is available at the web site <https://www.dsdsatsip.qld.gov.au/our-work/aboriginal-torres-strait-islander-partnerships/culture/aboriginal-torres-strait-islander-cultural-heritage>.

Any enquiries should be directed to the Cultural Heritage Unit on 1300 378 401 or email [cultural.heritage@dsdsatsip.qld.gov.au](mailto:cultural.heritage@dsdsatsip.qld.gov.au).

## 12. DECLARATION

The information provided in this form and any attachments is authorised under the *Land Act 1994* and is being used to process your application. The department will endeavour to maintain the confidentiality of information relating to your application. However, consideration of your application may involve consultation with other parties and if so, details of your application may be disclosed to third parties. This information will not otherwise be disclosed to the department unless required or authorised by law such as under the *Right to Information Act 2009*. If the proposed tenure issues, the details of the tenure, including the registered owner/lessees will be registered in the Land Registry which is available to the public to search.

- ☐ **OPTION 1 Deed of Grant** I/We accept the conditions of the offer and the purchase price and note that this acceptance shall not be effective until I/we have fulfilled the conditions of the offer within the time specified (see section 171 of the Land Act) OR
- ☐ **OPTION 1 Deed of Grant** I/We accept the conditions of offer but I/we intend to appeal against the purchase price. I/We acknowledge that this acceptance shall not be effective until I/we have fulfilled the conditions of the offer within the time specified (see section 171 of the Land Act)  
Form **LA14 - Application for internal review of an original decision** will be lodged with the department within 42 days of date of the offer. OR
- ☐ **OPTION 2 Freeholding Lease** I/We accept the conditions of the offer including the purchase price. I/We understand that this acceptance shall not be effective until I/we have fulfilled the conditions of the offer within the time specified (see section 171 of the Land Act)
- ☐ **OPTION 2 Freeholding Lease** I/We accept the conditions of offer but I/we intend to appeal against the purchase price. I/We acknowledge that this acceptance shall not be effective until I/we have fulfilled the conditions of the offer within the time specified (see section 171 of the Land Act)  
Form **LA14 - Application for internal review of an original decision** will be lodged with the department within 42 days of date of the offer.

Offer to convert a lease

# DECLARATION BY A CORPORATION

Executed for and on behalf of:

**Corporation name**

Mareeba Shire Council

If a Corporation then record ☐ ACN ☐ ARBN ☐ ABN.

In accordance with section 127 of the *Corporations Act 2001*,

**Name and Signature of authorised person/s**

**Dated**

**day of**

**Year**

## Note: Execution –

**Corporation** - Be signed by two persons, both of whom are authorised officers of the corporation; or be signed by one person who is the sole director and the sole secretary (or other authorised officer) of the corporation. The signatories must show their designation(s) typed or printed legibly adjacent to their signature(s).

**Attorney** - Where an attorney or other agent executes this form on behalf of a corporation or individual/person, the form of the execution must indicate the source of this authority and a certified copy of the authority must be provided to the department. A witness is only required for an attorney or other agent where the source of the authority requires a witness.

**Organisations** and Incorporated Associations - see the [Qld Land Title Practice Manual](#) at [Titles Queensland](#) for execution requirements.

**In relation to this form containing the terms of the offer to convert a lease, it is recommended you seek independent legal advice.**

## Postal :

Resources Innisfail  
PO Box 5318  
Townsville  
4810 QLD

## Email:

[Lasslsteam1enq@resources.qld.gov.au](mailto:Lasslsteam1enq@resources.qld.gov.au)  
Telephone : (07) 4016 1901

**END OF DOCUMENT**



**8.9 FINANCIAL STATEMENTS PERIOD ENDING 31 MARCH 2023****Date Prepared:** 31 March 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 March 2023.

**RECOMMENDATION**

That Council receives the Financial Report for the period ending 31 March 2023.

**BACKGROUND**

Each month, year to date financial statements are prepared in order to monitor actual performance against budgets.

For the month ending 31 March 2023, 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 or concerns to highlight at this stage.

<i>March 2023 - Snapshot</i>	Actuals YTD	Budget YTD
Total Operating Income	\$ 55,690,117	43,013,351
Total Operating Expenditure	\$ 40,978,907	34,263,790
Operating Surplus/(Deficit)	\$ 14,711,210	8,749,561
Total Capital Income (grants, developer contributions)	\$ 6,567,759	135,000
<b>Net Result - Surplus/(Deficit)</b>	<b>\$ 21,278,969</b>	<b>8,884,561</b>

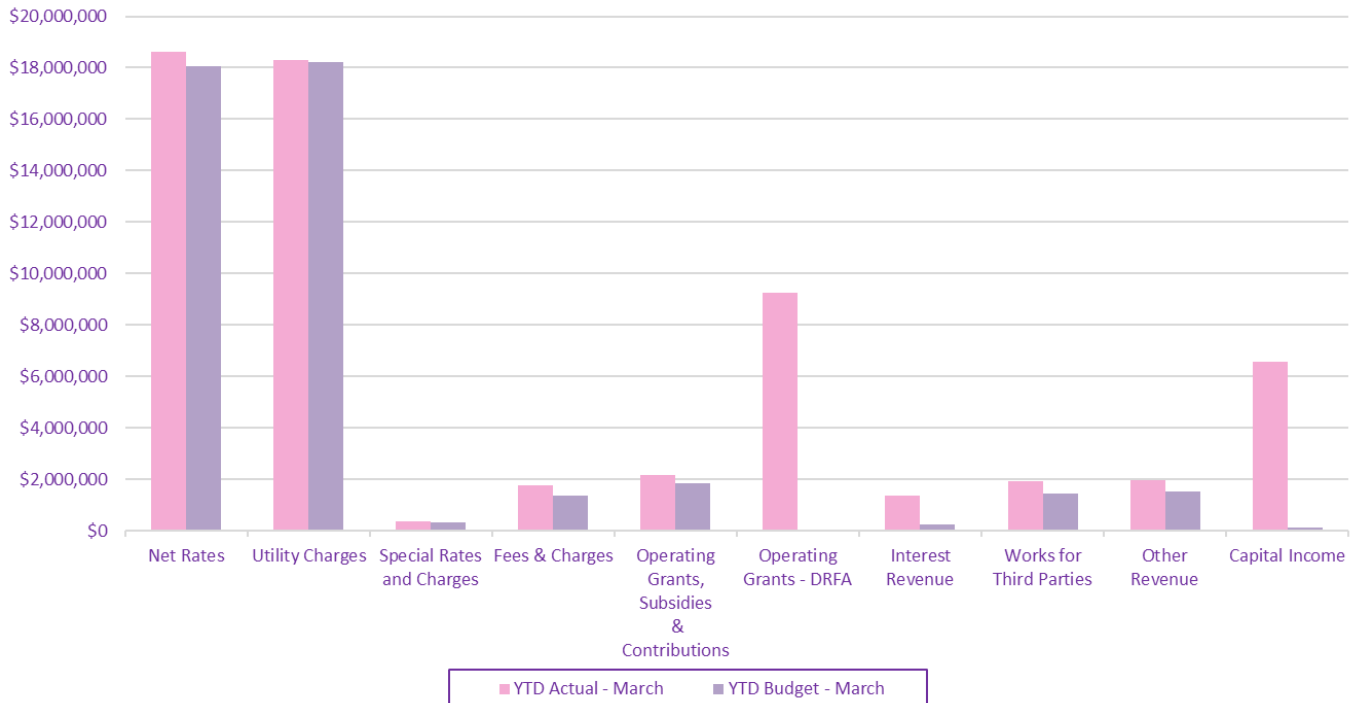
The operating surplus shown above is due to the Rates Notices for the period ending 30 June 2023 being issued in February 2023.

Income Analysis

Total income (inclusive of capital income of \$6,567,759) for the period ending 31 March 2023 is \$62,257,876 compared to the YTD budget of \$43,148,351.

The graph below shows actual income against budget for the period ending 31 March 2023.

### Actual Income V Budget Income



	Actual YTD	Budget YTD	Note
Net Rates	18,623,680	18,056,865	1
Utility Charges	18,289,970	18,218,352	1
Special Rates and Charges	346,757	324,060	1
Fees & Charges	1,760,135	1,370,595	2
Operating Grants, Subsidies & Contributions	2,155,043	1,854,876	
Operating Grants, Subsidies - DRFA	9,236,703	-	3
Interest Received	1,380,886	223,500	4
Works for Third Parties	1,919,222	1,459,469	5
Other Revenue	1,977,721	1,505,634	6
Capital Income	6,567,759	135,000	7

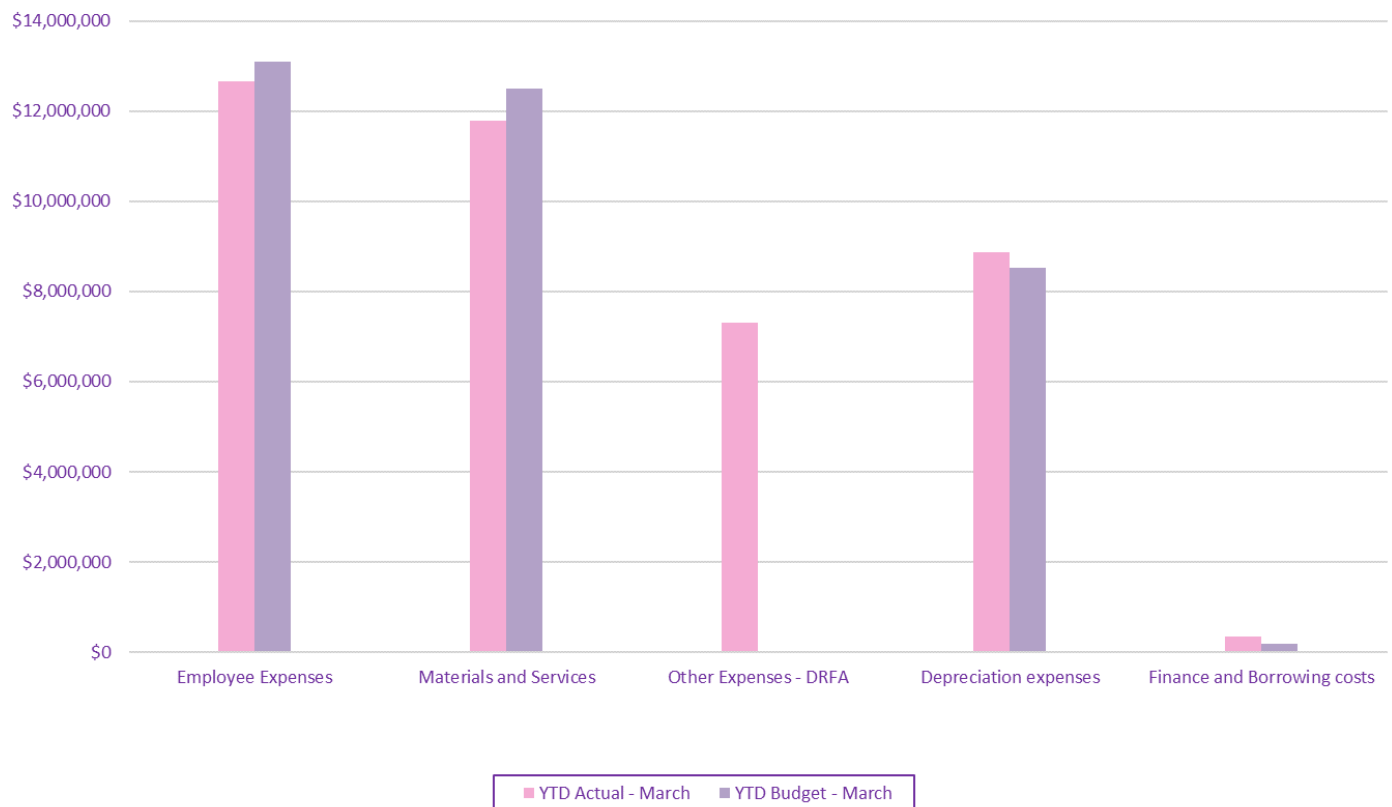
#### Notes:

1. The Rate Notices for the period ending 30 June 2023 were issued 13 February 2023 with the discount due date being 17 March 2023.
2. Favourable variance due to fees and charges trending higher than anticipated, such as cemetery fees, building and plumbing, animal management fines and permits and waste fees.
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. This interest will be allocated between constrained reserves (developer contributions), waste, water and wastewater funds.
5. Favourable result due to third party works not being budgeted for. The associated costs form part of the operational expenses which are 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 (MIP), year to date gross sales are \$1.036M. These proceeds will go into the MIP reserve to fund future development.
7. Year to date capital funding reflects monies received for the DTMR Bridge Renewal Program John Doyle Bridge, Roads to Recovery for 2022/23, LRCIP phases 1 – 3 progressive funding received, QRA funding for the Chillagoe Bore and Water Main construction, FNQ Monsoon Trough, Works for Queensland funding for Round 4 and Round 1 funding received from Department of Tourism, Innovation and Sport for the Swimming Pool Heating system.

#### Expenditure Analysis

Total expenses for the period ending 31 March 2023 is \$40,978,907 compared to the YTD budget of \$34,263,790. The graph below shows actual expenditure against budget for the period ending 31 March 2023.

### Actual Expenditure V Budget Expenditure



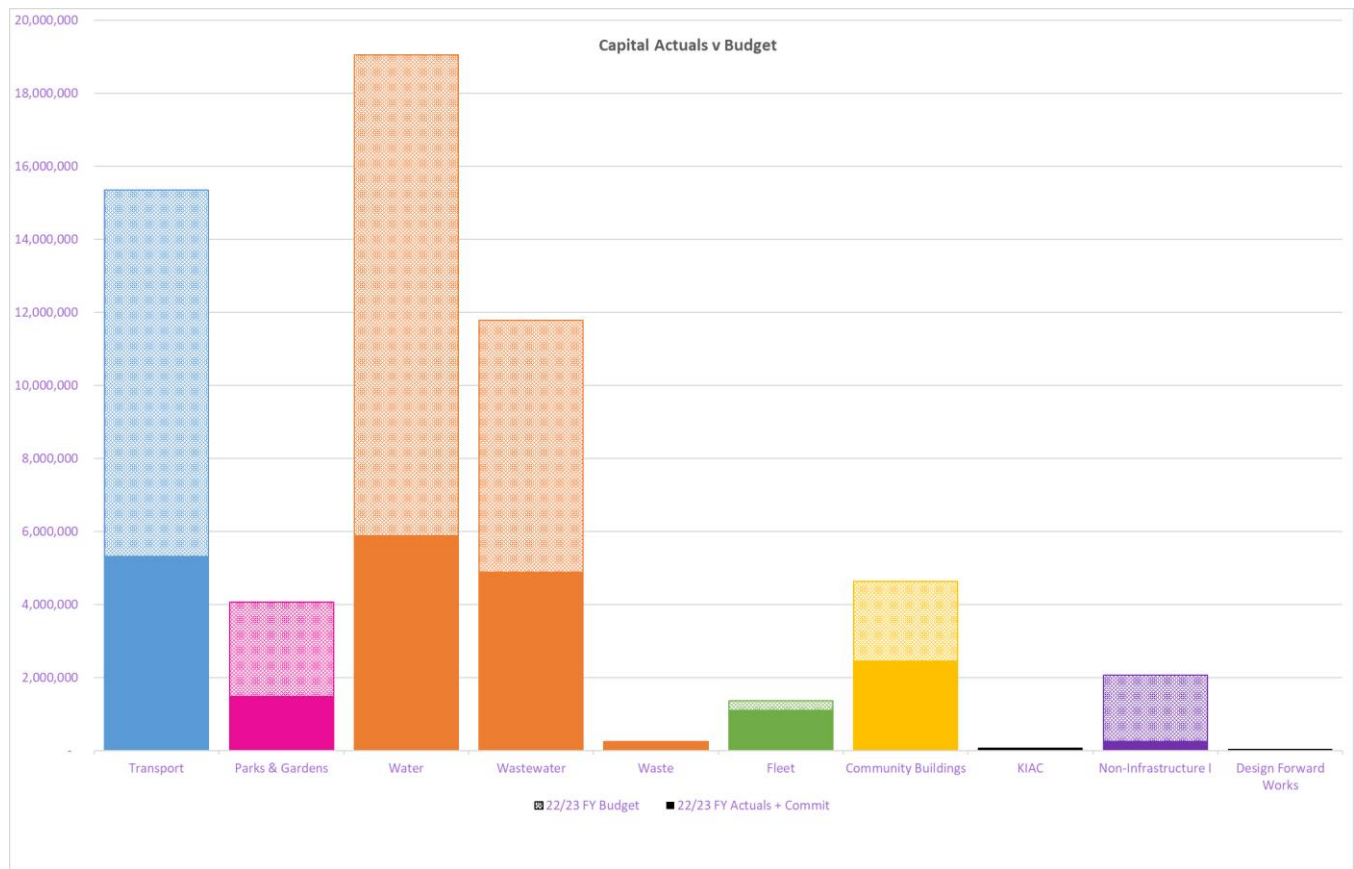
	Actual YTD	Budget YTD	Note
Employee expenses	12,668,031	13,037,989	
Materials & Services	11,783,959	12,497,903	<b>1</b>
Other Expenses - DFRA	7,305,881	-	<b>2</b>
Depreciation expenses	8,871,947	8,534,847	
Finance & Borrowing costs	349,089	193,051	<b>3</b>

#### Notes:

1. There are no significant issues to report. The reason for the variance is mainly a timing issue between budget allocation and actual expenditure trend. The variance is forecasted to even out as 30 June approaches.
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 \$21,795,394 (including commitments) has been spent for the period ending 31 March 2023 against the 2022/23 adjusted annual capital budget of \$58,634,763.



### Loan Borrowings

Council's loan balance is \$6,959,833

## Rates and Sundry Debtors Analysis

### Rates and Charges

The total rates and charges payable as at 31 March 2023 are \$3,640,250 which is broken down as follows:

Status	31 March 2023		31 March 2022	
	No. of properties	Amount	No. of properties	Amount
Valueless land	4	76,471	10	405,499
Payment Arrangement	184	257,827	148	219,237
Collection House	147	1,085,998	197	1,263,455
Exhausted – awaiting sale of land	6	47,552	9	60,713
Sale of Land	61*	939,462	2	62,046
Other <i>(includes current rate notices)</i>	931	1,232,940	905	1,114,231
<b>TOTAL</b>	<b>1,333</b>	<b>3,640,250</b>	<b>1,271</b>	<b>3,125,181</b>

\* This includes the 57 Kuranda Resort properties that are currently up for Sale of Land, this process is being managed by Collection House.

The Rate Notices for the period ending 30 June 2023 were issued 13 February 2023 with total rates and charges amounting to \$20,875,091, and a due date of 17 March 2023.

On 27 March 2023, 1,292 first reminder notices were generated with a total value of \$3,671,563.

Collection House collected \$43,582 for the month of March 2023.

### Sundry Debtors

The total outstanding for Sundry Debtors as at 31 March 2023 is \$266,096 which is made up of the following:

Current	30 days	60 days	90 + days
\$218,527	\$9,540	\$8,101	\$29,928
82%	4%	3%	11%

### **Procurement**

There were no emergency purchase orders for the month.

## 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.	26.41%	0 - 10%	<input checked="" type="checkbox"/>	10.72%
<b><i>*This ratio is significantly high due to the rates for the 6-month period January to June all recognised in February. 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>					
<b>Asset sustainability ratio</b>	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.  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.	N/A	>90%	<input checked="" type="checkbox"/>	160.23%
<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>					

## 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	39,421,968	38,664,277	38,664,277
Less Discounts and Pensioner Remissions	(2,161,561)	(2,065,000)	(2,065,000)
<b>Net Rates and Utility Charges</b>	<b>37,260,407</b>	<b>36,599,277</b>	<b>36,599,277</b>
Fees and Charges	1,760,135	1,370,595	1,750,903
Operating Grants and Subsidies	2,103,992	1,803,825	7,940,750
Operating Grants and Subsidies - DRFA	9,236,703	-	-
Operating Contributions	51,051	51,051	51,051
Interest Revenue	1,380,886	223,500	298,000
Works for Third Parties	1,919,222	1,459,469	1,945,825
Other Revenue	1,977,721	1,505,634	1,998,605
<b>Total Operating Revenue</b>	<b>55,690,117</b>	<b>43,013,351</b>	<b>50,584,412</b>
<b>Expenditure</b>			
Employee Expenses	12,668,031	13,037,989	18,386,475
Materials and Services	11,783,959	12,497,903	15,123,472
Other Expenses - DRFA	7,305,881	-	-
Depreciation expense	8,871,947	8,534,847	11,379,827
Finance and Borrowing costs	349,089	193,051	257,402
<b>Total Operating Expenses</b>	<b>40,978,907</b>	<b>34,263,790</b>	<b>45,147,177</b>
<b>Operating Surplus/(Deficit)</b>	<b>14,711,210</b>	<b>8,749,561</b>	<b>5,437,235</b>
<b>Capital Income</b>			
Capital Contributions	88,702	-	-
Capital Grants and Subsidies	6,148,546	-	13,094,510
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	330,511	135,000	180,000
<b>Total Capital Income</b>	<b>6,567,759</b>	<b>135,000</b>	<b>13,274,510</b>
<b>Net Result</b>	<b>21,278,969</b>	<b>8,884,561</b>	<b>18,711,745</b>

<b>Budgeted Income Statement by Fund 2022/23 Budget</b>			
<b>General</b>			
	<b>Actual YTD</b>	<b>Budget YTD</b>	<b>2023/23</b>
<b>Revenue</b>			
Rates and utility charges	21,009,595	20,326,133	20,326,133
Less Discounts and Pensioner Remissions	(2,161,561)	(2,065,000)	(2,065,000)
<b>Net Rates and Utility Charges</b>	<b>18,848,034</b>	<b>18,261,133</b>	<b>18,261,133</b>
Fees and Charges	1,044,569	997,095	1,252,903
Operating Grants and Subsidies	2,021,045	1,803,825	7,940,750
Operating Grants and Subsidies - DRFA	9,236,703	-	-
Operating Contributions		-	-
Interest Revenue	670,655	156,000	208,000
Works for Third Parties	1,827,037	1,459,469	1,945,825
Other Revenue	1,940,078	1,480,634	1,973,605
<b>Total Operating Revenue</b>	<b>35,588,121</b>	<b>24,158,156</b>	<b>31,582,217</b>
<b>Expenditure</b>			
Employee Expenses	11,856,014	12,030,333	17,038,416
Materials and Services	4,779,434	5,326,378	5,659,886
Other Expenses - DRFA	7,305,881	-	-
Depreciation expense	6,328,481	6,008,444	8,011,290
Finance and Borrowing costs	291,500	108,339	144,453
<b>Total Operating Expenses</b>	<b>30,561,310</b>	<b>23,473,494</b>	<b>30,854,044</b>
<b>Operating Surplus/(Deficit)</b>	<b>5,026,811</b>	<b>684,662</b>	<b>728,172</b>
<b>Capital Income</b>			
Capital Contributions	65,081	-	-
Capital Grants and Subsidies	4,455,604	-	5,291,665
Donated Assets		-	-
Profit/(Loss) on Sale of Asset	333,138	135,000	180,000
<b>Total Capital Income</b>	<b>4,853,823</b>	<b>135,000</b>	<b>5,471,665</b>
<b>Net Result</b>	<b>9,880,634</b>	<b>819,662</b>	<b>6,199,837</b>

<b>Budgeted Income Statement by Fund 2022/23 Budget</b>			
<b><u>Waste</u></b>			
	<b>Actual YTD</b>	<b>Budget YTD</b>	<b>2022/23</b>
<b>Revenue</b>			
Rates and utility charges	4,369,847	4,323,553	4,323,553
Less Discounts and Pensioner Remissions	-	-	-
<b>Net Rates and Utility Charges</b>	<b>4,369,847</b>	<b>4,323,553</b>	<b>4,323,553</b>
Fees and Charges	562,432	330,000	440,000
Operating Grants and Subsidies	-	-	-
Operating Grants and Subsidies - DRFA	-	-	-
Operating Contributions	51,051	51,051	51,051
Interest Revenue	98,336	15,000	20,000
Works for Third Parties	19,636	-	-
Other Revenue	-	-	-
<b>Total Operating Revenue</b>	<b>5,101,302</b>	<b>4,719,604</b>	<b>4,834,604</b>
<b>Expenditure</b>			
Employee Expenses	18,171	-	-
Materials and Services	3,500,918	3,478,029	4,618,095
Other Expenses - DRFA	-	-	-
Depreciation expense	135,785	134,370	179,159
Finance and Borrowing costs	-	-	-
<b>Total Operating Expenses</b>	<b>3,654,874</b>	<b>3,612,399</b>	<b>4,797,254</b>
<b>Operating Surplus/(Deficit)</b>	<b>1,446,428</b>	<b>1,107,205</b>	<b>37,350</b>
<b>Capital Income</b>			
Capital Contributions	-	-	-
Capital Grants and Subsidies	-	-	-
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	(2,627)	-	-
<b>Total Capital Income</b>	<b>(2,627)</b>	<b>-</b>	<b>-</b>
<b>Net Result</b>	<b>1,443,801</b>	<b>1,107,205</b>	<b>37,350</b>

<b>Budgeted Income Statement by Fund 2022/23 Budget</b>			
<b><u>Wastewater</u></b>			
	<b>Actual YTD</b>	<b>Budget YTD</b>	<b>2022/23</b>
<b>Revenue</b>			
Rates and utility charges	5,911,708	5,849,205	5,849,205
Less Discounts and Pensioner Remissions	-	-	-
<b>Net Rates and Utility Charges</b>	<b>5,911,708</b>	<b>5,849,205</b>	<b>5,849,205</b>
Fees and Charges	51,340	37,500	50,000
Operating Grants and Subsidies	-	-	-
Operating Grants and Subsidies - DRFA	-	-	-
Operating Contributions	-	-	-
Interest Revenue	290,627	37,500	50,000
Works for Third Parties	37,482	-	-
Other Revenue	-	-	-
<b>Total Operating Revenue</b>	<b>6,291,157</b>	<b>5,924,205</b>	<b>5,949,205</b>
<b>Expenditure</b>			
Employee Expenses	277,345	406,729	543,149
Materials and Services	1,188,986	1,240,824	1,621,915
Other Expenses - DRFA	-	-	-
Depreciation expense	1,292,199	1,202,861	1,603,815
Finance and Borrowing costs	57,589	84,712	112,950
<b>Total Operating Expenses</b>	<b>2,816,119</b>	<b>2,935,126</b>	<b>3,881,828</b>
<b>Operating Surplus/(Deficit)</b>	<b>3,475,038</b>	<b>2,989,079</b>	<b>2,067,377</b>
<b>Capital Income</b>			
Capital Contributions	11,952	-	-
Capital Grants and Subsidies	430,285	-	3,140,000
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	-	-	-
<b>Total Capital Income</b>	<b>442,237</b>	<b>-</b>	<b>3,140,000</b>
<b>Net Result</b>	<b>3,917,275</b>	<b>2,989,079</b>	<b>5,207,377</b>

<b>Budgeted Income Statement by Fund 2022/23 Budget</b>			
<b><u>Water</u></b>			
	<b>Actual YTD</b>	<b>Budget YTD</b>	<b>2022/23</b>
<b>Revenue</b>			
Rates and utility charges	8,009,915	8,045,594	8,045,594
Less Discounts and Pensioner Remissions	-	-	-
<b>Net Rates and Utility Charges</b>	<b>8,009,915</b>	<b>8,045,594</b>	<b>8,045,594</b>
Fees and Charges	101,794	6,000	8,000
Operating Grants and Subsidies	82,947	-	-
Operating Grants and Subsidies - DRFA	-	-	-
Operating Contributions	-	-	-
Interest Revenue	193,072	15,000	20,000
Works for Third Parties	35,067	-	-
Other Revenue	37,643	25,000	25,000
<b>Total Operating Revenue</b>	<b>8,460,438</b>	<b>8,091,594</b>	<b>8,098,594</b>
<b>Expenditure</b>			
Employee Expenses	511,443	600,927	804,911
Materials and Services	2,243,048	2,406,150	3,175,454
Other Expenses - DRFA	-	-	-
Depreciation expense	1,071,980	1,118,481	1,491,308
Finance and Borrowing costs	-	-	-
<b>Total Operating Expenses</b>	<b>3,826,471</b>	<b>4,125,558</b>	<b>5,471,673</b>
<b>Operating Surplus/(Deficit)</b>	<b>4,633,967</b>	<b>3,966,036</b>	<b>2,626,921</b>
<b>Capital Income</b>			
Capital Contributions	11,669	-	-
Capital Grants and Subsidies	1,262,657	-	4,662,845
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	-	-	-
<b>Total Capital Income</b>	<b>1,274,326</b>	<b>-</b>	<b>4,662,845</b>
<b>Net Result</b>	<b>5,908,293</b>	<b>3,966,036</b>	<b>7,289,766</b>

<b>Budgeted Income Statement by Fund 2022/23 Budget</b>			
<b><u>Benefited Area</u></b>			
	<b>Actual YTD</b>	<b>Budget YTD</b>	<b>2022/23</b>
<b>Revenue</b>			
Rates and utility charges	120,903	119,792	119,792
Less Discounts and Pensioner Remissions	-	-	-
<b>Net Rates and Utility Charges</b>	<b>120,903</b>	<b>119,792</b>	<b>119,792</b>
Fees and Charges	-	-	-
Operating Grants and Subsidies	-	-	-
Operating Grants and Subsidies - DRFA	-	-	-
Operating Contributions	-	-	-
Interest Revenue	128,196	-	-
Works for Third Parties	-	-	-
Other Revenue	-	-	-
<b>Total Operating Revenue</b>	<b>249,099</b>	<b>119,792</b>	<b>119,792</b>
<b>Expenditure</b>			
Employee Expenses	5,058	-	-
Materials and Services	71,573	46,522	48,122
Other Expenses - DRFA	-	-	-
Depreciation expense	43,502	70,691	94,255
Finance and Borrowing costs	-	-	-
<b>Total Operating Expenses</b>	<b>120,133</b>	<b>117,213</b>	<b>142,377</b>
<b>Operating Surplus/(Deficit)</b>	<b>128,966</b>	<b>2,579</b>	<b>(22,585)</b>
<b>Capital Income</b>			
Capital Contributions	-	-	-
Capital Grants and Subsidies	-	-	-
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	-	-	-
<b>Total Capital Income</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Net Result</b>	<b>128,966</b>	<b>2,579</b>	<b>(22,585)</b>

**8.10 CEMETERIES FEES AND CHARGES 2023/2024**

**Date Prepared:** 17 March 2023

**Author:** Manager Customer and Community Services

**Attachments:** 1. Cemeteries Fees and Charges 2023/2024 [↓](#)

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**EXECUTIVE SUMMARY**

This report details the proposed Cemeteries Fees and Charges for 2023/2024.

**RECOMMENDATION**

That Council adopts the Cemeteries Fees and Charges 2023/2024.

**BACKGROUND**

Council, as part of its budgetary process and under the legislation of the Local Government Act, is required to adopt a Schedule of Fees and Charges.

Section 97 of *Local Government Act 2009* prescribes the circumstances where a Local Government may set a cost-recovery fee. This section also prescribes that a cost-recovery fee must not be more than the cost to the local government of taking the action for which the fee is charged.

Costs for services are reviewed annually. The fees and charges have been recommended on either full cost recovery or discounted community service obligation by direction of Council.

The 2023/2024 fees for cemeteries services have generally increased by 2.5%, which is in line with Council's Long-term Financial Plan.

**RISK IMPLICATIONS****LEGAL/COMPLIANCE/POLICY IMPLICATIONS**

Nil.

**FINANCIAL AND RESOURCE IMPLICATIONS*****Capital***

Nil.

***Operating***

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.

**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 fees and charges detailed in this report will be included in the Register of Fees and Charges, published on Council's website and provided to relevant funeral directors and stonemasons.





Fees & Charges

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Mareeba Shire Council

Name	Cost Recovery	Unit	Year 23/24 Fee (incl. GST if applic.)	Legislation
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## Mareeba Shire Council

Council as part of its budgetary process and under the legislation of the Local Government Act is required to adopt a Schedule of Fees and Charges each year.

Section 97 of Local Government Act 2009 prescribes the circumstances where a Local Government may set a cost-recovery fee. This section also prescribes that a cost-recovery fee must not be more than the cost to the local government of taking the action for which the fee is charged. Costs for services are reviewed annually, with the full cost recovery model applied wherever possible. The cost recovery fees represent the cost recovery fees set by Council at the date of the budget resolution. Council may alter any of the cost recovery fees in this booklet by resolution at any time prior to the next budget resolution. The cost recovery fees in this resolution have been set by reference to specified exemptions from GST determined by the Federal Government under Division 81 of the GST legislation. Council reserves the right to alter the GST status of any cost recovery fee in accordance with any changes made to the Division 81 list. All cost-recovery fees detailed are fixed in accordance with relevant State Government legislation, Council's Local Laws and Council policies.

## Cemeteries

### Interment

- Interment Fees and Charges are in addition to the reservation fee.
- Second and subsequent interments in the same plot do not incur a reservation fee.

Interment – Grave	N/A	plot	\$1,836.00	
Interment Child – Grave (Less than 9 years old)	N/A	plot	\$918.00	
Above Ground Vault, Mausoleum Wall, Mausoleum Free Standing	N/A	plot	\$634.00	
Ashes (Niche; includes installation of plaque)	N/A	niche	\$476.00	
Ashes (In ground)	N/A	plot	\$476.00	

### Interment Surcharge

Weekends and public holidays, Grave	N/A	interment	\$1,326.00	
Weekends and public holidays, Above Ground vaults, Mausoleum Wall, Mausoleum Free Standing, Ashes Niche and Ground	N/A	interment	\$870.00	

### Shelter and Chair Hire

Hire of shelter and chairs	N/A	1 shelter/10 chairs	\$120.00	
Hire of additional shelter and chairs	N/A	1 shelter/10 chairs	\$41.00	

## Plaque

Cost of plaque including freight	N/A	plaque	POA	
Plaque installation – Lawn Cemetery	N/A	plaque	\$184.00	
Plaque installation – Niche (if not installed at interment)	N/A	plaque	\$184.00	
Cost of plaque restoration including freight	N/A	plaque	POA	
Plaque renovation – Remove, arrange restore, re-install	N/A	per request	\$226.00	

## Reservation

Grave, Above Ground Vault	N/A	plot	\$614.00	
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Name	Cost Recovery	Unit	Year 23/24 Fee (incl. GST if applic.)	Legislation
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### Reservation [continued]

Child – Grave, Above Ground Vault (less than 9 years old)	N/A	plot	\$308.00	
Mausoleum Wall	N/A	plot	\$8,100.00	
Mausoleum Free Standing	N/A	plot	\$4,085.00	
Niche (Single)	N/A	niche	\$396.00	
Niche (Double)	N/A	niche	\$460.00	

### Miscellaneous

Construction of a memorial	N/A	plot	\$332.00	
Exhumation	N/A	plot	Cost	
Removal of slab or headstone	N/A	plot	Cost	
Concrete Pillars	N/A	pillar	\$283.00	



**8.11 HALL HIRE FEES AND CHARGES 2023/2024**

**Date Prepared:** 17 March 2023

**Author:** Manager Customer and Community Services

**Attachments:** 1. Hall Hire Fees and Charges 2023/2024 [↓](#)

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**EXECUTIVE SUMMARY**

This report details the proposed Hall Hire Fees and Charges for 2023/2024.

**RECOMMENDATION**

That Council adopts the Hall Hire Fees and Charges for 2023/2024.

**BACKGROUND**

Council, as part of its budgetary process and under the legislation of the Local Government Act, is required to adopt a Schedule of Fees and Charges.

Section 97 of Local Government Act 2009 prescribes the circumstances where a Local Government may set a cost-recovery fee. This section also prescribes that a cost-recovery fee must not be more than the cost to the local government of taking the action for which the fee is charged.

Costs for services are reviewed annually. The fees and charges have been recommended on a discounted community service obligation by direction of Council.

The 2023/2024 fees for hall hire have generally increased by 2.5%, which is in line with Council's Long-term Financial Plan.

**RISK IMPLICATIONS****LEGAL/COMPLIANCE/POLICY IMPLICATIONS**

Nil.

**FINANCIAL AND RESOURCE IMPLICATIONS*****Capital***

Nil.

***Operating***

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.

**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 fees and charges detailed in this report will be included in the Register of Fees and Charges published on Council's website.



Fees & Charges

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Mareeba Shire Council

Name	Cost Recovery	Unit	Year 23/24 Fee (incl. GST if applic.)	Legislation
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## Mareeba Shire Council

Council as part of its budgetary process and under the legislation of the Local Government Act is required to adopt a Schedule of Fees and Charges each year.

Section 97 of Local Government Act 2009 prescribes the circumstances where a Local Government may set a cost-recovery fee. This section also prescribes that a cost- recovery fee must not be more than the cost to the local government of taking the action for which the fee is charged. Costs for services are reviewed annually, with the full cost recovery model applied wherever possible. The cost recovery fees represent the cost recovery fees set by Council at the date of the budget resolution. Council may alter any of the cost recovery fees in this booklet by resolution at any time prior to the next budget resolution. The cost recovery fees in this resolution have been set by reference to specified exemptions from GST determined by the Federal Government under Division 81 of the GST legislation. Council reserves the right to alter the GST status of any cost recovery fee in accordance with any changes made to the Division 81 list. All cost-recovery fees detailed are fixed in accordance with relevant State Government legislation, Council's Local Laws and Council policies.



Name	Cost Recovery	Unit	Year 23/24 Fee (incl. GST if applic.)	Legislation
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## Facility Hire

### (a) Standard Fees

Apply to an organisation, group, individual and event that:

- Operates for profit with high commerciality or corporate sponsorship; or
- Receives State or Federal funding and is holding an event which is within the scope of their funding.

### (b) Concession Fees

Apply to events/activities with considerable community benefits, but there may be some limited commerciality regarding the hirer, or the event/activity as follows:

- Benefits individuals such as a private event/function eg. birthday party, wake.
- Sporting, social or cultural events/games that primarily benefit club or group members rather than the general public that is not run for profit and only charge a 'break even' entry fee eg. regional sporting carnival, basketball competition, special school event, arts masterclasses.
- Community organisation fundraising activities. Council support must be acknowledged in any publicity by the hirer.

### (c) Community Benefit Fees

Apply to not-for-profit hirers relying on volunteers for events/activities that deliver widespread community benefit and have free or low cost (\$5 max) entry. The hirer must meet the following conditions:

1. Is a community group that:
  - Is a not for profit, incorporated association or group of persons or individuals with the primary aim of conducting activities and providing services for community benefit; and
  - Relies predominantly on volunteer labour, community fundraising, membership fees and donations; and
  - Does not receive state or federal government operational grants and does not have a fee for service model. OR
2. Is a religious group holding an activity/event for which no entry fee is charged and is open to the general public including gatherings for worship. OR
3. Is a government funded not-for-profit community service operating an activity or event that is outside the scope of its funding agreement. Council support must be acknowledged in any publicity by the hirer.

### Alcohol on Premises

Council will not authorise 'alcohol on premise' for all locations, additional conditions may be required prior to approval, if given.

### Assistance in Booking Process

For additional Information or assistance in making a booking, please contact Council.

### Conditions of Hire

Please see facility hire application kit for a full list of "Conditions of Hire"

### Minimum Hall Hire

Users should consider required time to setup, packup and cleanup venue in their hire times. Minimum hire hours are developed to give users time to meet their base requirements.

### Noise Control

The playing of pre-recorded or live amplified music is not to exceed the sound levels specified in the Environmental Protection Regulation 1988. Should the noise level exceed that specified in the Environmental Protection Regulation 1988, the bond will be forfeited to Council.

Name	Cost Recovery	Unit	Year 23/24 Fee (incl. GST if applic.)	Legislation
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## Penalties

Key Return Policy – lost/not returned – broken locks etc

N/A

As advised

Council may request payment to cover any costs incurred for replacement items, including keys, locks etc

## Bond – All hires

Alcohol on Premises - Bond refundable (refer to Conditions of Hire)

N/A

occurrence

\$500.00

Bond required when alcohol will be available/served on premises

## Cedric Davies Community Hub

- Full day hire is from 7 am to midnight
- Hourly Rate is a minimum of 2 hours

Standard (a) - Full Day Hire	N/A	day	\$615.00	
Standard (a) - Hourly Rate	N/A	hour	\$92.00	
Concession (b) - Full Day Hire	N/A	day	\$308.00	
Concession (b) - Hourly Rate	N/A	hour	\$46.00	
Community Benefit (c) - Full Day Hire	N/A	day	\$102.00	
Community Benefit (c) - Hourly Rate	N/A	hour	\$12.00	

## Community Halls

- Full day hire is from 7 am to midnight
- Hourly Rate is a minimum of 2 hours

Standard (a) - Full Day Hire	N/A	day	\$190.00	
Standard (a) - Hourly Rate	N/A	hour	\$23.00	
Concession (b) - Full Day Hire	N/A	day	\$92.00	
Concession (b) - Hourly Rate	N/A	hour	\$8.00	
Community Benefit (c) - Full Day Hire	N/A	day	\$41.00	
Community Benefit (c) - Hourly Rate	N/A	hour	\$5.00	

## Park light hire

Minimum 4 hours

N/A

hour

\$15.00

## Circus

Hire

N/A

occurrence

POA

Contact Council for application

Security Bond

N/A

occurrence

POA

Deposit or part thereof of bond may be refunded depending upon condition which grounds are left in

**8.12 LIBRARY SERVICE FEES AND CHARGES 2023/2024**

**Date Prepared:** 6 April 2023

**Author:** Manager Customer and Community Services

**Attachments:** 1. Library Service Fees and Charges 2023/2024 [↓](#)

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**EXECUTIVE SUMMARY**

This report details the proposed Library Service Fees and Charges for 2023/24.

**RECOMMENDATION**

That Council adopts the Library Service Fees and Charges 2023/2024.

**BACKGROUND**

Council, as part of its budgetary process and under the legislation of the Local Government Act, is required to adopt a Schedule of Fees and Charges.

Section 97 of *Local Government Act 2009* prescribes the circumstances where a Local Government may set a cost-recovery fee. This section also prescribes that a cost-recovery fee must not be more than the cost to the local government of taking the action for which the fee is charged.

Costs for services are reviewed annually. The fees and charges have been recommended on either full cost recovery, discounted community service obligation by direction of Council or in accordance with the Long Term Financial Plan.

**RISK IMPLICATIONS****LEGAL/COMPLIANCE/POLICY IMPLICATIONS**

Nil.

**FINANCIAL AND RESOURCE IMPLICATIONS*****Capital***

Nil.

***Operating***

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.

**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 fees and charges detailed in this report will be included in the Register of Fees and Charges, published on Council's Website. They will also be updated in Library Management Systems and on Library promotional materials.



Fees & Charges

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Mareeba Shire Council

Name	Cost Recovery	Unit	Year 23/24 Fee (incl. GST if applic.)	Legislation
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## Mareeba Shire Council

Council as part of its budgetary process and under the legislation of the Local Government Act is required to adopt a Schedule of Fees and Charges each year.

Section 97 of Local Government Act 2009 prescribes the circumstances where a Local Government may set a cost-recovery fee. This section also prescribes that a cost-recovery fee must not be more than the cost to the local government of taking the action for which the fee is charged. Costs for services are reviewed annually, with the full cost recovery model applied wherever possible. The cost recovery fees represent the cost recovery fees set by Council at the date of the budget resolution. Council may alter any of the cost recovery fees in this booklet by resolution at any time prior to the next budget resolution. The cost recovery fees in this resolution have been set by reference to specified exemptions from GST determined by the Federal Government under Division 81 of the GST legislation. Council reserves the right to alter the GST status of any cost recovery fee in accordance with any changes made to the Division 81 list. All cost-recovery fees detailed are fixed in accordance with relevant State Government legislation, Council's Local Laws and Council policies.

## Libraries

### Charges

Lost charge – Cost value of item plus notice charge & administration fee	N/A	item	Cost + \$31.00	
Overdue notice fee	N/A	Item	\$2.50	
Damaged item charges – items deemed unusable	N/A	item	Cost + \$15.50	
The damaged item must be returned or the charge will be processed as a "Lost Copy" with the applicable charges applying				
Visitor membership fee	N/A	Item	No charge	
No fee charged to encourage visits to the Shire and extend the visitor stay				
Replacement CD/DVD cover/cases	N/A	item	\$0.00	
Replacement membership card	N/A	card	\$6.00	

### Inter Library Loan (ILL)

University Loan charge	N/A	university library	\$28.50	
Processing Charge for uncollected Inter Library Loans	N/A	uncollected item	\$16.00	
Replacement Inter Library Loan wrapper	N/A	item label	\$6.00	
Freight	N/A	item	\$2.50	

### Full PC Use

No cost for the first hour, with fees to apply thereafter depending on availability.

Library member, additional time per 1/2 hour or part thereof	N/A	30 min	\$2.00	
Library member + Concession Card (Seniors, Veterans, Health Care), additional time per 1/2 hour or part thereof	N/A	30 min	\$1.00	
Non-Library members, additional time per 1/2 hour or part thereof	N/A	30 min	\$3.00	
Non-Library members, additional time per hour or part thereof	N/A	60 min	\$6.00	

### Internet

National & State Library online databases	N/A	hour	No charge	
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Name	Cost Recovery	Unit	Year 23/24 Fee (incl. GST if applic.)	Legislation
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## Internet [continued]

USB Stick	N/A	item	\$5.00	
WIFI	N/A	hour	No charge	

## Sales

Library Coordinator has delegated authority to vary the cost of sale of library collections items at any time for operational reasons.

Coffee sales	N/A	cup	\$3.50	
Library bags	N/A	bag	\$8.00	
Sale of Library Collection Items – Magazines	N/A	unit	\$0.50	
Sale of Library Collection Items	N/A	unit	\$2.00	

## Photocopying and Printing

Photocopying - A4 per side - Black & White only	N/A	A4 page	\$0.30	
Photocopying - A3 per side - Black & White	N/A	A3 page	\$0.60	
Photocopying - A3 per side - Colour	N/A	A3 page	\$2.00	
Printing - A4 page - Black & White	N/A	A4 page	\$0.30	
Printing - A4 page - Colour	N/A	A4 page	\$1.00	





**8.13 CAIRNS ITALIAN FESTIVAL**

**Date Prepared:** 16 March 2023  
**Author:** Senior Community Engagement Officer  
**Attachments:** Nil

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**EXECUTIVE SUMMARY**

The Cairns Italian Festival has events that encompasses the entire North Queensland region from Cairns, Atherton, Dimbulah, Edmonton, Gordonvale, Innisfail, Mareeba, Mossman, Mutchilba, Port Douglas, Silkwood, Tully and Yungaburra. The event is a celebration rich in Italian history, culture, food, wine, song and dance.

The purpose of this report is to seek Council's endorsement of assistance to the Cairns Italian Festival under the Community Partnerships Program.

**RECOMMENDATION**

That Council provides a one-off cash donation of \$2,500 to the Cairns Italian Festival towards the cost of delivering the Mareeba Salami and Sausage Competition.

**BACKGROUND**

The Shire last year hosted the inaugural Mareeba Salami and Sausage Competition as part of the Cairns Italian festival schedule of events.

Last year's event was extremely successful and sold-out weeks in advance with people from right across North Queensland attending, providing an economic boost to towns and communities involved.

The event will once again be held in 2023, however, the dates are yet to be finalised.

Apart from the Mareeba Salami and Sausage Competition, organisers this year are adding an event to host a soccer tournament in Mareeba as part of a weekend of festivities.

The tournament will be called the Marconi - Bomben tournament celebrating two Italian pioneers in the region that did so much for the sport.

**RISK IMPLICATIONS**

Nil.

**LEGAL/COMPLIANCE/POLICY IMPLICATIONS**

Nil.

**FINANCIAL AND RESOURCE IMPLICATIONS*****Operating***

The \$2,500 one-off cash donation is to be allocated from the 2022/2023 Community Partnership Program budget.

**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.

**IMPLEMENTATION/COMMUNICATION**

Notify the Cairns Italian Festival of outcome of request for assistance.

**8.14 REGIONAL ARTS DEVELOPMENT FUND (RADF) 2022/23 COMMUNITY GRANT ROUND**

**Date Prepared:** 6 April 2023  
**Author:** Senior Community Services Officer  
**Attachments:** Nil

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**EXECUTIVE SUMMARY**

This report presents for Council approval, the projects recommended for funding under the Regional Arts Development Fund (RADF) 2022/23 Community Grant Round. A summary of RADF Program outcomes from previously funded activities is also provided.

**RECOMMENDATION**

That Council approves for funding four (4) community grant applications outlined in this report with a total value of \$10,117.

**BACKGROUND****1. RADF 2022/23 Community Grant Round**

The RADF 2022/23 Community Grant Round closed on 28 February 2023 after promotion across the Shire. The RADF Advisory Committee reviewed the applications according to set assessment criteria. The following four (4) projects are recommended for funding at a total value of \$10,117. The recommended applications represent a geographic spread of applicants and activities in Chillagoe, Julatten / Mt Molloy and Kuranda.

**Applications Recommended for Funding****Centre for Australasian Theatre – Avatar in the Multiverse Youth Performance \$3,000**

Centre for Australasian Theatre will facilitate the creative development and presentation of a new contemporary performance by young people from the Julatten and Mt Molloy area. Over three (3) weekend workshops, youth will create and rehearse a new, non-text-based performance that encourages youth to build awareness of their life and tell their stories. Participation will enhance wellbeing of youth in this remote location. The RADF grant will contribute to the director, artist and project management fees and advertising costs.

**Gulf Savannah NRM – Earth & Country Indigenous Art Celebration \$3,000**

In partnership with traditional owner groups, Gulf Savannah NRM will host a family oriented, reconciliation event; a weekend of information sharing and celebration of traditional, Indigenous arts and culture. Activities will include traditional owner discussions and ceremony, sharing space, participatory traditional weaving, painting and storytelling workshops, children's activities and music. The RADF grant will contribute to facilitator fees to run weaving, painting and storytelling workshops.

**Kate Prynne – Advanced Glass Masterclass \$1,500**

Kuranda based silversmith and glass artist, Kate Prynne, will undertake a five (5) day, one-on-one advanced glass art masterclass in the United Kingdom. This professional development will provide skills in advanced surface manipulation and decorative finishes and help to raise the artist's profile to become one of the leading glass artists in North Queensland. The RADF grant will contribute to the cost of the course fees.

**Kuranda Neighbourhood Centre – Paint the Nest \$2,617**

A local First Nations artist will work alongside youth to paint a unique artwork featuring local birds on the front of "The Nest" a well-used, community space located at the Kuranda Neighbourhood Centre. The artwork will help to promote the space as a safe, user-friendly facility for all and enhance youth connection and pride in the community. The RADF grant will contribute to the artist fee, paint and equipment.

**2. RADF Program Outcomes**

RADF promotes the role and value of arts, culture and heritage as key drivers of diverse and inclusive communities and strong regions. RADF invests in local arts and cultural priorities, as determined by local communities across Queensland. Each year Council invests in a combination of Council-led and community-led activities that build local cultural capacity, cultural innovation and community well-being.

In 2021, Council approved 13 community-led arts and cultural activities, totalling an investment of \$39,670. This included: Four (4) art skills development workshops, three placemaking (public mural) projects, two cultural tourism initiatives, two professional development activities, one performance and one publication project. Overall, these projects have resulted in the following outcomes:

- active participation of more than 225 residents in arts and cultural activities;
- approximately 90 attendees at launches or exhibitions;
- contributed to the employment of 25 arts and cultural workers;
- activated 44 volunteers in arts and cultural projects;
- leveraged over \$76,000 in cash and in-kind contributions from other sources.

Implemented as a Council-led, RADF initiative, the Public Mural Action Plan 2022-25, will deliver 11 public art works throughout the Shire. The Plan aims to enhance town beautification and encourage cultural tourism. The first public mural completed, the Biboohra Water Tanks mural "Earth and Fire" has been included in the online Australian Silo Art Trail, a website designed to encourage self-drive tourists to visit regional and rural towns.

**RISK IMPLICATIONS****LEGAL/COMPLIANCE/POLICY IMPLICATIONS**

Nil

**FINANCIAL AND RESOURCE IMPLICATIONS*****Operating***

An allocation for community grants is included in the 2022/23 RADF budget.

***Is the expenditure noted above included in the current budget?***

Yes

**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**

Applicants will be notified of the outcome after 19 April 2023. Public promotion of RADF project outcomes occur as projects are completed.



**8.15 COMMUNITY HOUSING ASSET MANAGEMENT PLAN**

**Date Prepared:** 6 April 2023

**Author:** Senior Community Services Officer

**Attachments:** 1. Community Housing Asset Management Plan 2024 - 2029 [↓](#)

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**EXECUTIVE SUMMARY**

The revised Community Housing Asset Management Plan (CHAMP) is presented for Council endorsement.

**RECOMMENDATION**

That Council endorses the *Community Housing Asset Management Plan 2023/24 – 2028/29*.

**BACKGROUND**

The *Housing Regulation 2015 (Queensland)* requires all community housing providers to keep and implement an asset management plan.

Council's current Community Housing Asset Management Plan has been revised and updated to reflect (a) the new tenancy and property management arrangements with Mareeba Community Housing Company; and (b) data from condition assessments conducted in September 2022 for 67 properties.

The asset management plan is focussed on addressing priority defects to ensure that all community housing properties meet the standards set by Department Communities, Housing and Digital Economy.

Developed in accordance with Council's Long-Term Asset Management Plan and principles, the CHAMP will guide effective asset management of the community housing portfolio.

**RISK IMPLICATIONS****Financial**

The community housing service is fully self-funding. There are no predicted budget shortfalls for the delivery of the asset management plan, which will be funded through the operational budget and the Community Housing Reserve, pending resourcing and capacity.

**Infrastructure and Assets**

The Community Housing Asset Management Plan includes strategies to effectively manage the lifecycle of the housing assets. Through continuation of scheduled inspection programs and maintenance planning as well as the implementation of a formal condition assessment cycle, Council can plan to ensure that the assets are functional, safe and sustainable.

**Political and Reputational**

Appropriate management of the housing assets contributes to the continuation of the positive reputation that Council has developed within the community.

**Legal and Compliance**

Council's Community Housing Asset Management Plan addresses the requirements under the *Local Government Act 2009*, *Local Government Regulation 2012*, *Housing Act 2003*, *Queensland State Regulatory Code 2021*, Department Communities, Housing and Digital Economy funding agreements and Maintenance Management Framework.

**Health and Safety**

The inspection schedule, condition assessments and maintenance and capital works which may be undertaken through the Community Housing Asset Management Plan implementation, will ensure that Council addresses various health and safety requirements, under legislation.

**LEGAL/COMPLIANCE/POLICY IMPLICATIONS**

The review of the Community Housing Asset Management Plan ensures that Council addresses the compliance requirements of the Department Communities, Housing and Digital Economy and the Office of the Registrar.

**FINANCIAL AND RESOURCE IMPLICATIONS*****Capital***

The Community Housing Asset Management Plan includes future capital works.

***Is the expenditure noted above included in the current budget?***

Yes

**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.

**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 endorsed Community Housing Asset Management Plan will be provided to the Department of Communities, Housing and Digital Economy as required for three (3) yearly service review.





# Community Housing Asset Management Plan

LONG-TERM COMMUNITY HOUSING PROVIDER

**Version 3.0 – March 2023**

**For period 2023/24 - 2028/29**

## Community Housing Asset Management Plan 2024 - 2029

## Table of Contents

1	Organisational Purpose and Overview .....	3
1.1	Asset Management Plan Purpose .....	3
1.2	Organisation's Mission, Strategic Goals and Asset Management Goals .....	3
1.3	Asset Management Obligations and Methodology .....	5
1.4	Timeframes .....	6
1.5	Asset Management Governance.....	7
1.6	Subcontracting Arrangements .....	7
2	Property Portfolio Details .....	7
2.1	Portfolio Overview .....	7
2.2	Property Register .....	10
2.3	Property Condition Data .....	10
3	Maintenance .....	11
3.1	Service Level guidelines for building components.....	11
3.2	Maintenance Planning Process .....	14
3.2.1	Proactive Asset Management .....	14
3.3	Responsive Maintenance .....	15
3.4	Statutory and Cyclical Maintenance .....	15
3.4.1	Smoke Alarms .....	15
3.4.2	Safety Switches .....	16
3.4.3	Hot Water System servicing.....	16
3.5	Planned Maintenance .....	16
3.6	Vacant Maintenance .....	<b>Error! Bookmark not defined.</b>
3.7	Contractor Engagement.....	17
4	Maintenance Budgets and Forecast Summary .....	18
4.1	Budget Forecast Overview .....	18
4.2	Budget Development .....	18
4.3	Budget Review .....	18
4.4	Funding future maintenance liabilities .....	18
5	Life Cycle Management.....	18
5.1	Major Projects or planned refurbishments .....	18

**Community Housing Asset Management Plan 2024 - 2029**

6	Risk management.....	18
7	Key performance indicators, reporting and record keeping .....	19
7.1	External reporting requirements: .....	20
7.2	Record keeping .....	21
8	Appendices.....	21
8.1	Appendix 1: Legislation & Guidelines .....	21
8.2	Appendix 2: Schedule of condition assessments .....	23
8.3	Appendix 3: Component Definitions.....	26
8.4	Appendix 4: Community Housing Asset Management Plan - Process Map.....	27

**Version Control**

Version	Date	Status	Key changes made	Author/s	Approval
1.0	March 2018	Initial release	-	Jacqueline Perkowicz Glenys Pilat Amy Phillips Cristina Aloia	Approved by CEO 4 April 2018
1.1	June 2018	For Council adoption	Updated Corporate Plan references and updated graphs.	Jacqueline Perkowicz Glenys Pilat Amy Phillips Cristina Aloia	Adopted by Council 20/06/2018
2.0	July 2020 to March 2021	For review	Clarification of service levels and data management; updated condition data and graphs.	Glenys Pilat Amy Braes Cristina Aloia	
3.0	March 2023	For Council adoption	Update to reflect tenancy and asset management arrangements in service deed with MCHC.	Shellie Buckle Amy Braes Julia Shepherd Jane Hollins	

***Date of next review: 2029***

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**Community Housing Asset Management Plan 2024 - 2029**

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## 1 Organisational Purpose and Overview

### 1.1 Asset Management Plan Purpose

The purpose of this Plan is to set out Council's approach to the effective asset management of its large rental property portfolio for the period of 2024-2029. The Plan will guide Council's asset management and maintenance activities for the 108 residential properties and will be provided to appropriate external stakeholders such as funders and regulators to satisfy their requirements.

### 1.2 Organisation's Mission, Strategic Goals and Asset Management Goals

Mareeba Shire Council is a community housing provider offering affordable rental accommodation to eligible persons who are receiving the Age pension or people over 55 years of age on a Disability Support pension. In partnership with the State Government, Council has ownership of 108 properties spread throughout the towns of Mareeba, Mount Molloy, Dimbulah and Kuranda. Mareeba Shire Council is the second largest community housing provider in Far North Queensland and the largest local government provider of community housing in the region. This asset management plan is prepared under the direction of Mareeba Shire Council's Corporate Plan 2021-2025, long term asset management plan and long term financial management plan.

**Our vision is:**

A growing, confident and sustainable Shire.

**Our mission is:**

Provide cost-effective services, foster collaborative partnerships and maintain accountable governance to promote the prosperity and liveability of the Shire.

**Our Strategic Priorities are:**

*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."

Community Housing Asset Management Plan 2024 - 2029

The Community Housing Asset Management Plan (CHAMP) is developed in accordance with Council's Long Term Asset Management Plan (LTAMP) 2023-2032 which establishes the following asset management principles:

Council aims to strike an optimal balance between affordability, levels of service and risk management to maintain our financial and infrastructure capital over the long term and support Council's Vision of "A growing, confident and sustainable Shire".

Where possible, funding will provide some flexibility for Council to assess and plan priority projects. However, where there are funding constraints, statutory obligations for safety across each asset class should take precedence.

Our principal focus areas for asset management are:

1. Understand the risk profile associated with Mareeba Shire Council's asset portfolio;
2. Correlate agreed service levels with available funds to justify planned expenditure to the community and government stakeholders;
3. Affordability for the whole community;

so that Council can:

4. Ensure infrastructure and financial capital sustainability by:
  - o Understanding the business consequences of reducing capital or maintenance budgets over a ten-year period; and
  - o Facilitating appropriate project prioritisation and deferral to meet budget constraints

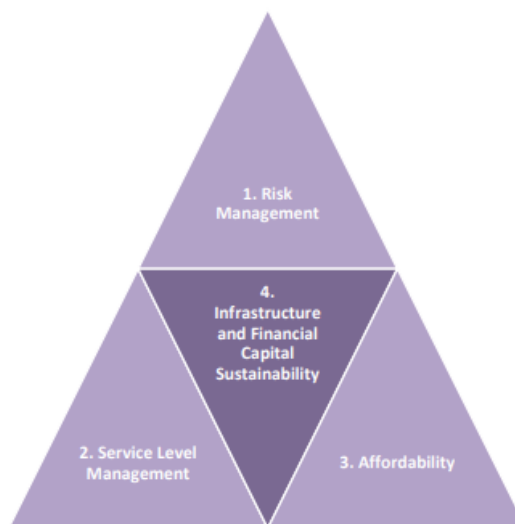


Figure 1 Long Term Asset Management Plan 2023-2032<sup>1</sup>

This asset management plan addresses 36 identified risks that are specific to the Community Housing asset portfolio and has been developed under the Enterprise Risk Management system to

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**Community Housing Asset Management Plan 2024 - 2029**

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manage the four enterprise level risks. As more information comes to hand, and maintenance is completed, the risks are reviewed.

### 1.3 Asset Management Obligations and Methodology

Mareeba Shire Council's Community Housing portfolio consists of 108 purpose-built residences across the townships of Mareeba, Mt Molloy, Dimbulah and Kuranda. Of the 108 properties, 84 have received various levels of funding from the former Department of Housing and Public Works (the Department) and 24 are funded by Mareeba Shire Council. The Mareeba Shire Council funded properties are in Mareeba and Mount Molloy. After the state election in late 2020, the State Government started the process of moving the functions of the Housing Department to the Department of Communities, Housing and Digital Economy.

The properties which have received capital and upgrade funding from the Department are located in Mareeba, Dimbulah, Kuranda and Mt Molloy. These properties were funded under various agreements ranging in date from 1978 to 2014. The funding agreements include Housing Accommodation Assistance Scheme Agreements (HAAS), Local Government and Community Housing Provider Agreements (LGCHP), Capital Assistance Agreements (CAA) and Capital Funding Agreements (CFA). Over time, several Variations have been made to many of the original Agreements, with all properties now subject to the modern agreement.

As a funded housing provider, Mareeba Shire Council delivers the service in accordance with Queensland State Regulatory Code, which outlines the performance outcomes and performance requirements that registered local government community housing providers must comply with under the [Housing Act 2003 Qld](#). This includes requirements under The QLD State Regulatory Code, Section 2 Housing Assets:

#### *2 Housing assets*

*The local government manages its community housing assets in a way that ensures suitable properties are available now, and in the future, particularly in relation to:*

- determining changing housing needs and plans asset acquisitions, disposals and reconfiguration to effectively respond (strategic asset management)*
- setting and meeting relevant property condition standards*
- planning and undertaking responsive, cyclical and life-cycle maintenance to maintain property conditions (asset maintenance).*

The [Housing Regulation 2015 QLD](#) establishes the need for community housing providers to keep and implement an asset management plan in section 12:

#### *12 Asset management plans*

*(1) A funded provider must keep, and implement, a management plan (an asset management plan) for each of the provider's funded property.*

*(2) The purpose of an asset management plan is to—*

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**Community Housing Asset Management Plan 2024 - 2029**

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*(a) maintain the long-term viability, and value, of the funded property; and*

*(b) ensure the funded property is appropriate for—*

*(i) the type of housing service the funded provider provides; and*

*(ii) the needs of people using the housing service; and*

*(iii) the circumstances in which the funded provider provides the housing service.*

*(3) An asset management plan must include financial strategies for the plan's implementation.*

*(4) If the chief executive requests a copy of an asset management plan, the funded provider must comply with the request.*

Mareeba Shire Council has conducted a risk assessment and identified potential mitigating strategies and maintenance plans. The actions noted in this Asset Management Plan are a guide and the implementation will be determined in consideration of:

1. Impact of the potential risk associated with the defect or maintenance required;
2. The Community Housing budget and long-term financial forecast; and
3. Staff capacity to complete works.

**This Asset Management Plan is contingent on the availability of funding and where possible the plan is adhered to, but may be revised as required.**

The Asset Management Plan includes the actions that Council is taking to meet the Department's Key Performance Indicators and to continue to improve confidence levels in the available data and, consequently, the effectiveness of planning for maintenance and capital works.

The Asset Management Plan is informed by detailed condition assessments conducted by a suitably qualified person. These condition assessments are scheduled to take place on a 3-yearly rolling schedule. The defects noted in these condition assessments are reviewed, risk assessed and prioritised to develop the asset management plan.

## 1.4 Timeframes

The first CHAMP was implemented from April 2018, with an initial desktop review conducted in 2019. As confidence in the validity of the condition data has increased significantly, the updated plan will be reviewed every 5 years or when required, with the maintenance and capital works planning component reviewed annually.

This Plan is presented in conjunction with the following attachments:-

- Attachment A - Community Housing Risk Management Plan
- Attachment B - 10-year Maintenance and Capital Renewals Plan

The *Community Housing Condition Assessment Schedule* indicates the proposed timeframe to conduct condition assessments on all properties in accordance with the 3-yearly cycle. [Refer to Appendix 2.](#)

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**Community Housing Asset Management Plan 2024 - 2029**

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## 1.5 Asset Management Governance

Mareeba Shire Council's *Long Term Asset Management Plan 2023 - 2032* states, "Asset Management is an issue for everyone across Council. A team approach reduces the risk of silos being created and ensures that specialist skills are brought together effectively."

A multi-disciplinary asset management team has been established which includes senior representatives from across Council. This team meets regularly to identify gaps in the asset management process and assign responsibility for improving on Mareeba Shire's asset management practices.

## 1.6 Subcontracting Arrangements

In July 2021, Mareeba Shire Council entered into a Service Deed for the delivery of the long-term community housing service for seniors with Mareeba Community Housing Company. The Service Deed outlines the responsibilities of both parties for service delivery, including tenancy, asset and financial management. A phased approach to transferring the key service processes from Council to the Mareeba Community Housing Company was adopted. The current Service Deed is the current phase, negotiated in July 2022 places the responsibility for asset management, including condition assessments on the subcontractor, with collaborative arrangements for CHAMP review, property valuations and property insurance.

## 2 Property Portfolio Details

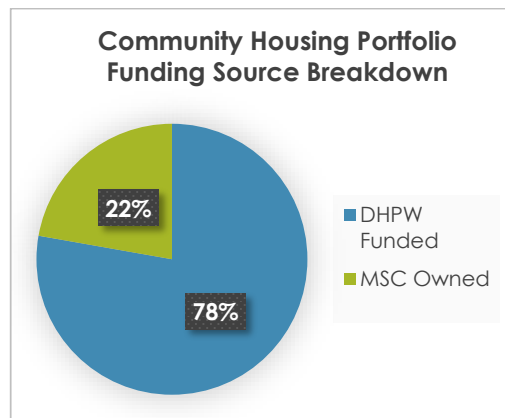
This section provides an overview of Council's property portfolio, including data captured for each property asset as well as outlining how Council manages its key portfolio data to keep it complete, timely and accurate.

### 2.1 Portfolio Overview

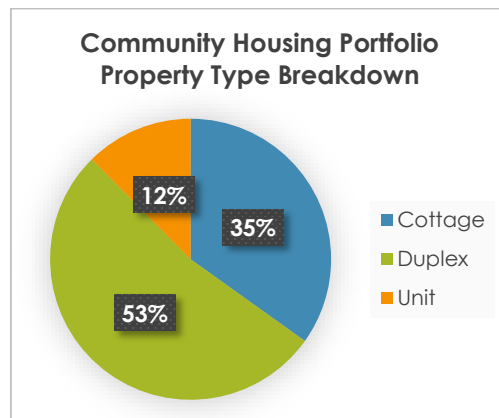
Mareeba Shire Council's Community Housing portfolio consists of 108 purpose-built units across the townships of Mareeba, Mt Molloy, Dimbulah and Kuranda. The properties are all long-term accommodation for which Mareeba Shire Council holds all maintenance responsibilities which includes works that are planned, responsive and structural. Mareeba Shire Council's long-term community housing portfolio consists of 84 properties which are fully or partially funded by the Department of Housing and Public Works and 24 which are unfunded (Council funded). The Council funded units are in the townships of Mt Molloy and Mareeba. The following graphs summarise the asset register and condition assessment information.



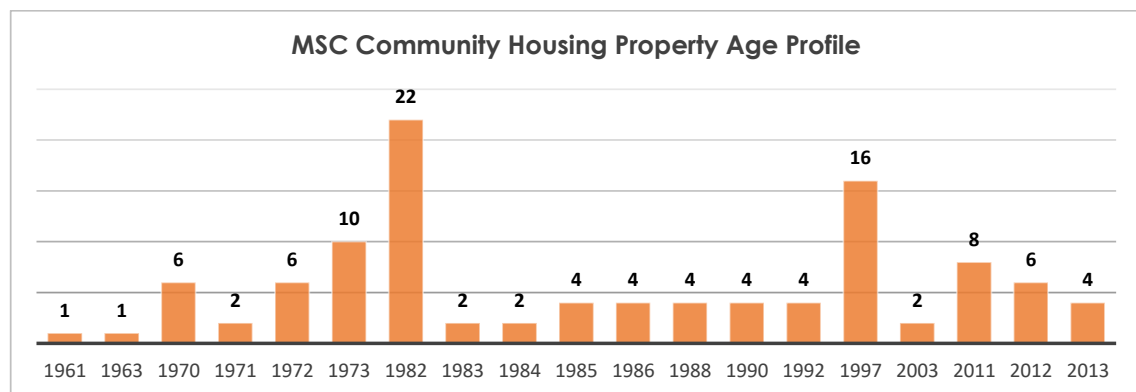
Community Housing Asset Management Plan 2024 - 2029



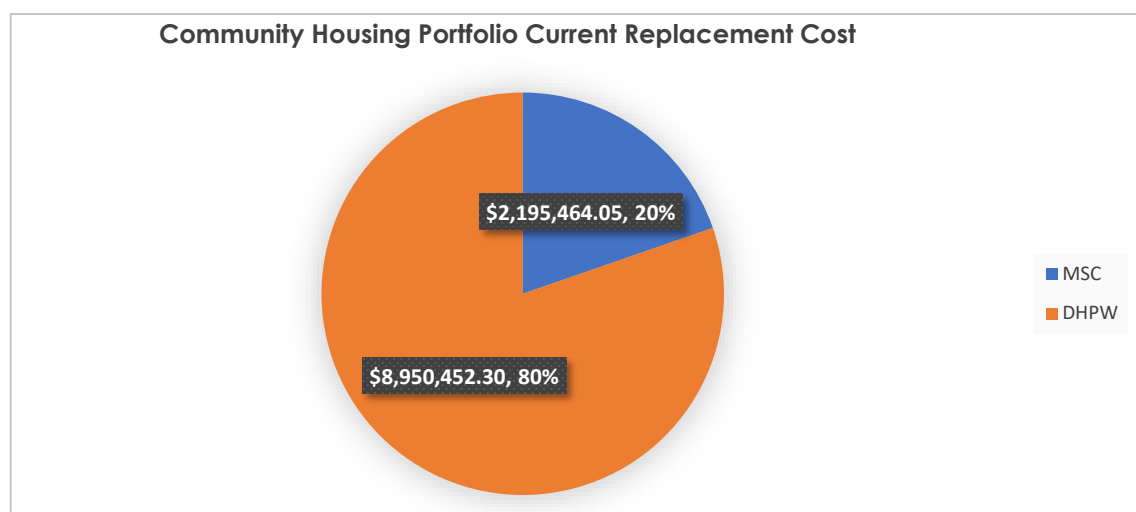
**Graph 1: Funded vs unfunded properties**



**Graph 2: Property type**

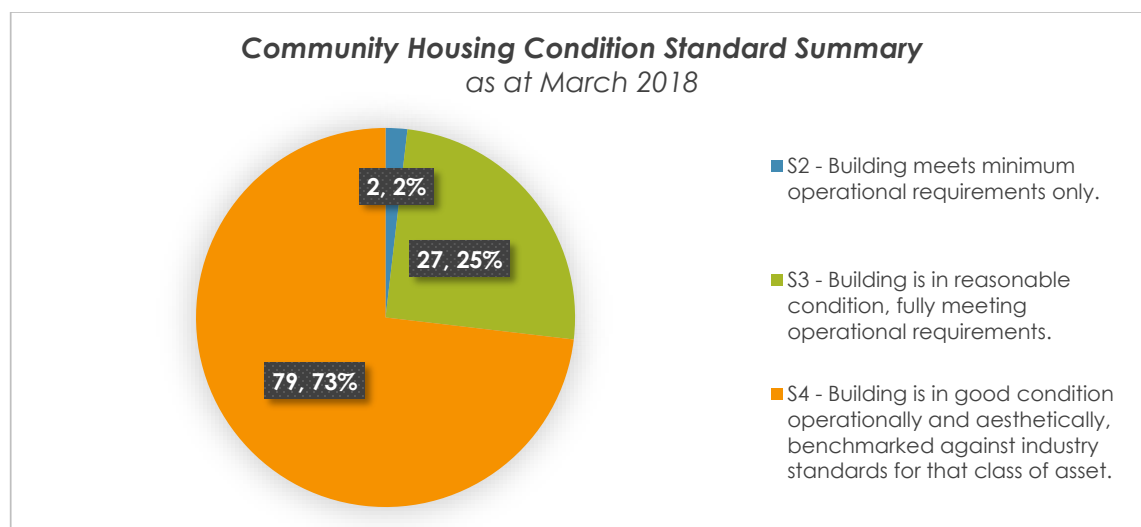


**Graph 3: Year of construction**

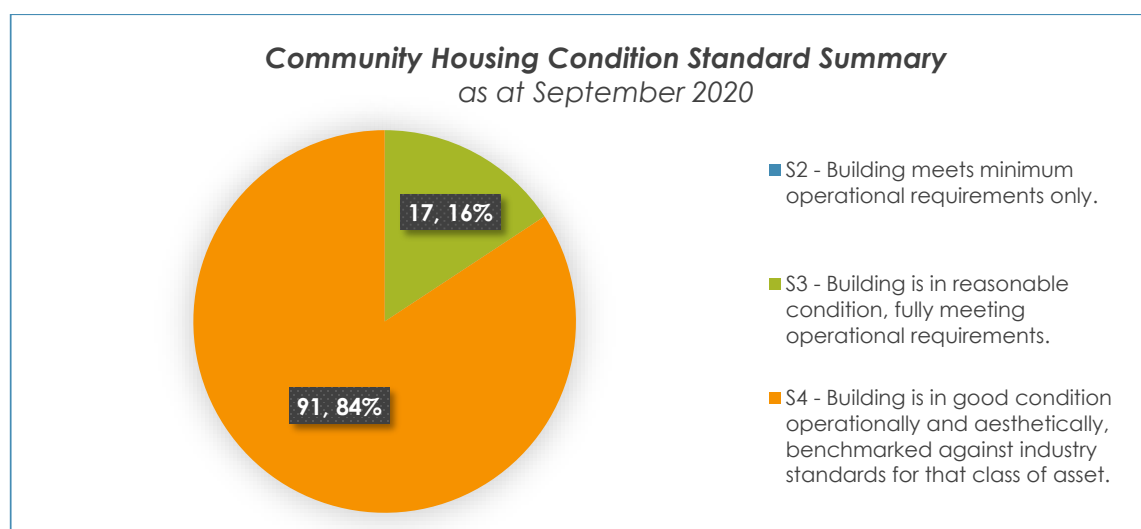


**Graph 4: Current replacement cost as at September 2020**

Community Housing Asset Management Plan 2024 - 2029

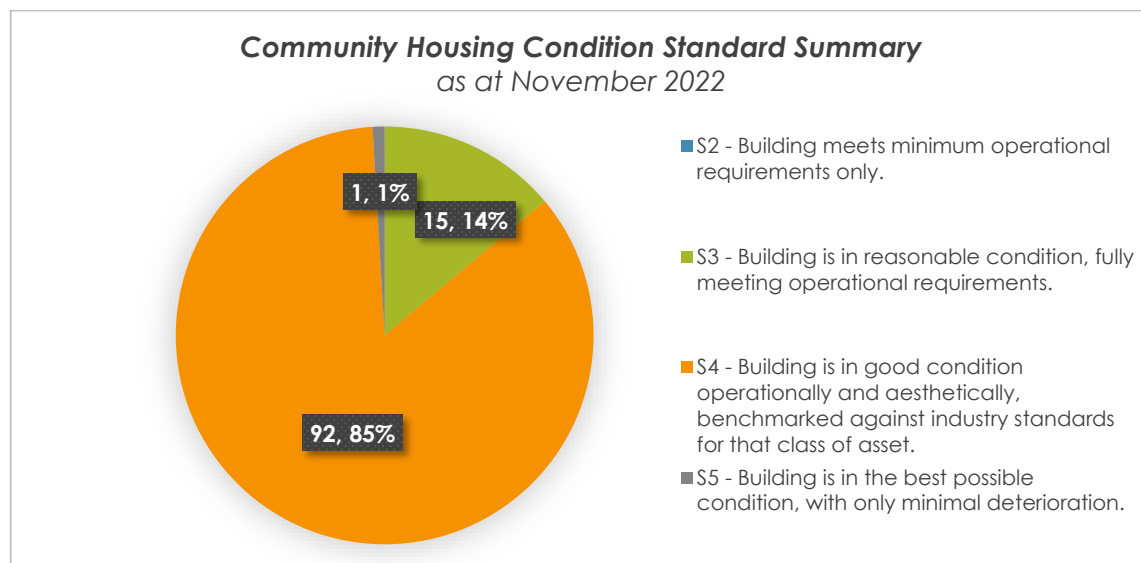


**Graph 5: Community Housing Portfolio Condition Standard Summary as at March 2018**



**Graph 6: Community Housing Portfolio Condition Standard Summary as at September 2020**

Community Housing Asset Management Plan 2024 - 2029



**Graph 7: Community Housing Portfolio Condition Standard Summary as at November 2022**

These graphs represent the improvement in the condition of properties across the portfolio since the implementation of the first Community Housing Asset Management Plan.

## 2.2 Property Register

Mareeba Shire Council uses Technology One to store and manage asset and financial data. Council currently has well developed asset registers including most core asset data such as asset ID, description (address), useful life, remaining life, replacement cost, current depreciation and other essential financial reporting information. Council's Property Modification spreadsheet is also utilised to store data on certain internal and external components such as, ovens, hot water systems, painting status, floor covering, kitchen and bathroom replacements and smoke alarms.

The Asset Register is maintained by Council's Finance Department using condition and defect data provided by the Mareeba Community Housing Company, as well as property valuations and condition data provided in formal condition inspections.

Examples of this building attribute data includes Disability Access, Gross Square Meterage, Floor Type, Wall Type, Roof Type, Condition, Insured value and Replacement Value.

## 2.3 Property Condition Data

The Technology One software package includes asset management modules for property component defect data capture as well as an overall condition score.

Defect data will be prioritised and transferred to Works Order for prioritisation and scheduling. Mareeba Community Housing Company will address defects as soon as practicable after they are identified.

The Community Housing Maintenance and Capital Renewals Plan captures the requirement to have all buildings comprehensively inspected within a three-year period. A qualified person or a person

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**Community Housing Asset Management Plan 2024 - 2029**


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who is trained by a qualified person will be responsible for carrying out the comprehensive 3 yearly inspections.

Annual inspections of each property are carried out by tenancy management staff and identified maintenance works are recorded and prioritised for completion by Mareeba Community Housing Company

The condition data is currently stored in the Technology One Asset Register using Council's rating system where 1 is Very Good, 2 is Good, 3 is Fair, 4 is Poor, 5 is Very Poor. This is the reverse of the standard rating system used by the Department where 5 is Excellent and 1 is Very Poor.

### 3 Maintenance

#### 3.1 Service Level guidelines for building components

Housing assets are componentised in the Asset Register as follows, with a remaining useful life attributed to each component. This will vary according to the building type, materials used and building standards at the time the asset was constructed.

Below is a list highlighting the range in years of the useful life currently recorded in the Asset register for each of the 6 components. Components can be broken down further for the purposes of planning maintenance. For example, 'Fittings' include kitchens and vanities which are often replaced at the same time as these works are generally completed by a cabinetmaker.

Component	Range of Useful life
Substructure	97 - 142 years
Superstructure	81 - 129 years
Roof	75 - 88 years
Fittings	43 - 60 years
Finishes	16 - 33 years
Services	15 - 57 years

**Table 1: Range of Useful life from MSC Asset Register**

The community housing assets are also further componentised for the purpose of the condition assessments, in accordance with guidelines published by the *Institute of Public Works Engineering Australasia (IPWEA)*. When planning maintenance, the condition rating of the component is considered along with the estimated useful life.

Age-condition based risk analysis is used to predict the timing of future replacements or renewals of building components. The following table highlights a number of key component groups and the base useful life for each component which will assist with planning long term maintenance.

The base life estimate is the expected minimum the component should last under average conditions. The useful life can be extended in some circumstances e.g. low impact of external environment, or reduced e.g. wear and tear to kitchens has been accelerated by tenants who do not take as much care with cleaning and/or allowing water to sit on benches.

Community Housing Asset Management Plan 2024 - 2029

Component descriptions			
Component Group	Component Type	Component	Base life
External Fabric	External Walls	Block walls	75 years
	Roof	Metal Roofing	30 years
	Windows & Doors	Aluminium Windows	55 years
		Timber Entrance Door	55 years
Electrical Services	Lighting	Security lights	18 years
		Flood Lights	18 years
		Fluorescent Lights	25 years
Fire Services	Smoke alarms	Photoelectric smoke alarms	10 years
Water Services	Sanitary Plumbing	Handbasin	40 years
		Tap	20 years
		Toilet - China Bowl/Cistern	35 years
Interior Finishes	Ceiling Finishes	Gyprock Lining	50 years
		Interior Paint Finish	12 years
		Plaster Finish	50 years
	Fixtures & Fittings	Joinery Fittings - Built-In	40 years
		Kitchen bench and joinery	25 years
	Floor Finishes	Carpet	15 years
		Ceramic Tiles	50 years
		Vinyl	15 years
	Interior Doors	Doors - Hollow-Core	35 years
		Doors - Solid	50 years
Exterior Finishes	Wall Finishes	Exterior Paint Finish	12 years

**Table 2: Component replacement planning - based on useful life**

## Community Housing Asset Management Plan 2024 - 2029

The condition rating of a component can indicate how much of the useful life has been consumed.

Component	Very good Up to 45%	Good Between 45% and 90%	Moderate Between 45% and 90%	Poor Between 45% and 90%	Very Poor Up to 90%
Structure	Sound structure.	Functionally sound structure.	Adequate structure, some evidence of foundation movement, minor cracking.	Structure functioning but with problems due to foundation movement. Some significant cracking.	Structure has serious problems and concern is held for the integrity of the structure.
External	Fabric constructed with sound materials, true to line and level. No evidence of deterioration or discolouration.	Showing minor wear and tear and minor deterioration of surfaces.	Appearance affected by minor cracking, staining, or minor leakage. Indications of breaches of weatherproofing. Minor damage to coatings.	Fabric damaged, weakened or displaced. Appearance affected by cracking, staining, overflows, or breakages. Breaches of waterproofing evident. Coatings in need of heavy maintenance or renewal.	Fabric is badly damaged or weakened. Appearance affected by cracking, staining, overflows, leakage, or wilful damage. Breaches of waterproofing. Coatings badly damaged or non-existent.
Internal			Appearance affected by minor cracking, staining, or minor leakage, some dampness or mildew. Minor damage to wall/ceiling finishes.	Fabric damaged, weakened or displaced. Appearance affected by cracking, staining, dampness, leakage, or breakages. Breaches of waterproofing evident. Finishes of poor quality and in need of replacement.	Fabric badly damaged or weakened. Appearance affected by cracking, staining, leakage, or wilful damage. Breaches of waterproofing. Finishes badly damaged, marked and in need of replacement.
Services	All components operable and well maintained.	All components operable.	Occasional outages, breakdowns or blockages. Increased maintenance required.	Failures of plumbing, electrical and mechanical components are commonplace.	Plumbing, electrical and mechanical components are unsafe or inoperable.
Fittings	Well secured and operational, sound of function and appearance.	Operational and functional, minor wear and tear.	Generally operational. Minor breakage.	Fittings of poor quality and appearance, often inoperable and damaged.	Most are inoperable or damaged.
Maintenance	Well maintained and clean.	Increased maintenance inspection required.	Regular and programmed maintenance inspections essential.	Frequent maintenance inspections essential. Short term element replacement rehabilitation.	Minimum life expectancy, requiring urgent rehabilitation or replacement.
Customers	No customer concerns.	Deterioration causes minimal influence on occupational uses. Occasional customer concerns.	Some deterioration beginning to be reflected in minor restrictions on operational uses. Customer concerns.	Regular customer complaints.	Generally not suitable for use by customers.

**Table 3: Component replacement planning - based on consumption of useful life<sup>1</sup>**

<sup>1</sup> Peter Way PSM Institute of Public Works Engineering Australasia, **Buildings Condition and Performance Assessment Guidelines Practice Note 3 - Buildings** (IPWEA: 2015), 48.

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**Community Housing Asset Management Plan 2024 - 2029**

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**Important notes**

- Immediate maintenance - refers to small items of maintenance which if repaired in the short term will restore the element to a higher condition grade.
- Very good condition - some assessors are reluctant to assess an element as grade 1 (S5), opting for the "conservative" assessment of Good condition (grade 2 or S4). This is a poor practice as it artificially brings forward predictions of future expenditure on that element. As a guide, an element will generally remain in grade 1 (S5) for 35-50% of its useful life.
- Services relate to all plumbing, electrical and mechanical components.

### 3.2 Maintenance Planning Process

[Refer to Appendix 4 - Community Housing Asset Management Plan Process map](#)

Maintenance is prioritised by considering various factors:

- Defects data collected from Annual Property inspections
- Defects data collected from 3 yearly condition assessments
- The current cost of the Asset
- The expected life of the Asset and for individual components
- Funding source - operational or capital works
- Type of maintenance - responsive or planned
- Statutory maintenance obligations e.g. annual smoke alarm testing
- Feedback from tenants
- Statutory service levels for types of maintenance e.g. 4 hour response for no lights or power
- Risk assessment - Health and Safety, Financial, Legal, Reputational, Service delivery
- The needs of the tenants who are mainly seniors
- Safety concerns and/or risks to the tenants
- The overall condition of the property i.e. if it is fair or good (i.e. S3 or S4)
- The cost and impact on future maintenance
- RTA legislation and special conditions listed in the tenancy agreement; and
- Lessor / tenant responsibilities regarding fixtures installed by tenants. This has varied over time so consideration is given to the most recent tenancy agreement in place, where applicable.

Generally, a component is due to be replaced or repaired when it has deteriorated significantly and is considered being in Poor or Very poor condition. Other factors are given consideration such as appearance, functionality, future maintenance costs and optimal timing to conduct maintenance. Examples include internal painting, kitchen and flooring replacements which are best conducted when a property is vacant.

#### 3.2.1 Proactive Asset Management

An effective pro-active maintenance management regime can prolong the life of the building fabric of an asset.

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**Community Housing Asset Management Plan 2024 - 2029**

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When analysing condition assessment data, the following issues are considered:

- Effectiveness of the current maintenance policies and regimes by analysing the condition and performance of the assets.
- A comparison of the operational maintenance costs expended through the year to the capital expenditure to renew or replace and compare to the current asset status.
- How the current maintenance is undertaken - it may be internally sourced or externally sourced to a contractor. Investigate options to reduce costs and improve the quality of maintenance.
- Whether the asset or component should be considered for ongoing maintenance or if it will need to be replaced as a capital renewal.
- Whether maintenance should be categorised as reactive or planned maintenance - ensuring that the works plan is updated to assist with budget planning.

### 3.3 Responsive Maintenance

Prior to entering into the Service Deed with Mareeba Community Housing Company to deliver the housing service, all maintenance requests were recorded and managed through a Customer Request Management Software module with the Technology One product which allowed for communication with the tenant, response timeframes and actions taken to resolve issues to be recorded. From July 2021, Mareeba Community Housing Company has been responsible for responding to all maintenance requests.

### 3.4 Statutory and Cyclical Maintenance

Under the Service Deed to deliver the housing service, Mareeba Community Housing Company is responsible for scheduling, requesting and recording completion of statutory and cyclical maintenance.

#### 3.4.1 Smoke Alarms

Smoke alarms are tested annually and batteries are replaced annually. Any faulty alarms are replaced with photoelectric alarms.

During financial years 2018/19, 2019/20 and in 2020/21, Council implemented a plan to become compliant with the new smoke alarm legislation. All properties now have smoke alarms that are photoelectric and comply with Australian Standard (AS) 3786-2014 as well as being hardwired and connected to all other alarms in the building. In addition, the alarms will be connected to a safety switch in line with current electrical guidelines.

Reference - [\*QFES Information Sheet on New Smoke Alarm Legislation Ver 02/2017\*](#).



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**Community Housing Asset Management Plan 2024 - 2029**

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**3.4.2 Safety Switches**

Safety Switches, also known as Residual Current Devices (RCDs), are tested annually. Any faulty RCDs are repaired as a matter of urgency.

**3.4.3 Hot Water System Servicing**

Properties with hot water systems that have a tempering valve or thermostatic mixing valve (TMV) are serviced annually by qualified plumbers.

**3.5 Planned Maintenance**

An Annual Maintenance and Asset Renewal Plan is developed using data sets from qualified building inspectors who provide Condition Assessments and Defect Identification Reports. Condition Assessments were undertaken on 41 properties in 2019 and 67 properties in 2022.

Data from Condition Assessments and Defect identification Reports are collated and used to prepare an up to date, portfolio level Risk Management Plan (CHAMP Attachment A). In this plan, data is available for all 108 properties. The risk assessment was completed using the Mareeba Shire Council Enterprise Risk Management methodology following ISO 31000 Risk Management standards. Unmitigated (Raw) Risk Scores were captured and proposed mitigation strategies developed. A current residual risk score is kept and will be updated as risk mitigation programs are implemented.

The Maintenance and Capital Renewals Plan (CHAMP Attachment B) has been developed using a risk-based approach at a portfolio and property level, with specifically identified defects also captured and initially prioritised for repair or replacement. Maintenance activities are prioritised using a combination of risk and defect scores as well as considering regular operational activities and resource constraints.

Capital renewals are prioritised using a multi-criteria analysis and a risk score, which is captured in Council's Project Prioritisation Tool.

The types of planned maintenance captured within the Maintenance and Capital Renewals Plan include:

- Tenant requests received by Mareeba Community Housing Company
- Pest Control - annual treatment for ants, spiders and cockroaches
- Pest Control - annual inspection for termites (report provided)
- Hot Water Systems - annual servicing of tempering valves and thermostatic mixing valves (TMV)
- Mowing of common areas e.g. Lawson St Mareeba units, gardens and paths at 2 Barang St Kuranda units
- Cleaning of solar panels for hot water systems (responsive)
- Trimming of trees in Kuranda, Mareeba, Dimbulah and Mt Molloy

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**Community Housing Asset Management Plan 2024 - 2029**

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- Cleaning of gutters in Mt Molloy properties (annually)
- Cleaning of gutters in Kuranda units (annually or biannually if required)
- Cleaning of gutters in various Mareeba units (as required)
- Air conditioners - in the rare instance that a tenant is not responsible for the maintenance of their air conditioner, the filters are checked as part of annual maintenance inspection. If the filters are dusty, then they are cleaned and re-installed.

Vacant maintenance is managed as per the guidelines of the Queensland Government's *Social Housing Program Specifications*. The aim is to limit the amount of time a property is vacant to ensure prompt turnaround of tenancies. This property is inspected at the end of each tenancy and any urgent or prioritized planned maintenance is arranged. This may also include rectifying damage to the property by the tenants. Internal painting and kitchen replacements are often arranged when the property is vacant to mitigate the inconvenience to tenants.

### 3.6 Contractor Engagement

Mareeba Community Housing Company engage contractors in accordance with the MCHC *Procurement Policy*. This policy was reviewed in 2020 and was found to meet the requirements of Mareeba Shire Council's Policy. In the unlikely event that MSC was to arrange a contractor, they are engaged in accordance with the Mareeba Shire Council *Procurement Policy*<sup>2</sup> and Pre-Qualified Supplier list. All Council employees responsible for purchasing goods and services of any kind must comply with this Procurement Policy.

Council employees must undertake procurement activities in accordance with their delegated authority. Failure to comply with the substance and intention of the Act or Regulation may constitute a significant breach of Council's Code of Conduct and could carry significant consequences. Employees are responsible for familiarising themselves with Council's policies, guidelines and procedures, as a failure to do so may be accepted as grounds for a breach. Some of these include:

- Procurement Policy
- Guideline for Calling Tenders and Administering Contracts
- Guideline for Engagement of Consultants
- Petty Cash procedures
- Non-Current Asset Policy
- Gift and Interests Register
- Code of Conduct

These Guidelines determine how all contractors are engaged to complete works including repairs and maintenance works.

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<sup>2</sup> Mareeba Shire Council, [\*Procurement Policy\*](#) (Mareeba: 2022).

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## 4 Maintenance Budgets and Forecast Summary

### 4.1 Budget Forecast Overview

A 10-year budget forecast has been prepared as part of the Community Housing Maintenance and Capital Renewals Plan in Attachment B. Confidence levels are lower for the more distant year plans. This plan is based on condition assessments for all 108 properties.

### 4.2 Budget Development

Mareeba Community Housing Company is responsible for developing and submitting to Council an annual operating budget and providing monthly operational reports and an annual presentation. The annual budget inclusions are specified in the Service Deed.

The operational budget is informed by historical costs of delivering the service, increases in CPI and property rates and the anticipated costs of upcoming maintenance works as identified in the annual maintenance inspections, condition assessments or by tenant request and prioritised accordingly. Typically, operational budgets are only increased by CPI and there is a limited amount of capital funding available, so it is important to prioritise maintenance, operational and capital expenditure carefully.

### 4.3 Budget Review

The monthly operational reports submitted by Mareeba Community Housing Company are reviewed by Council Officers against the Operational Budget, the annual report and CHAMP.

### 4.4 Funding Future Maintenance Liabilities

Depreciation is funded across the Community Housing Portfolio and is calculated according to condition and remaining useful life.

## 5 Life Cycle Management

### 5.1 Major Projects or planned refurbishments

Major projects and planned refurbishments are flagged for consideration in the Asset Maintenance and Capital Renewals Plan, but these are dependent on structural engineering reports and the remainder of the 3-yearly building inspections being completed. Where possible, works would be completed as tenants vacate the properties identified for refurbishment or major works.

## 6 Risk management

35 current risks have been identified in a portfolio level Risk Management Plan (Attachment A), which was developed using the certified building inspection condition assessments and analysing risk broadly across the Community Housing portfolio. This has been prepared to be consistent and

#### Community Housing Asset Management Plan 2024 - 2029

referencing the *MSC Enterprise Risk Management Policy*<sup>3</sup> and *Enterprise Risk Management Procedure*<sup>4</sup> in accordance with ISO31000:2009.

Accordingly, the Community Housing Maintenance and Capital Renewals Plan (Attachment B) is a risk-based management plan, and inherent (unmitigated) risk scores are referenced within the Maintenance and Capital Renewals Plan.

## 7 Key performance indicators, reporting and record keeping

Council has a number of processes in place to assist with meeting asset management financial goals. The following table contains example goals and KPIs:

Asset Mgt Goal	Key Performance Indicators	Target	Reporting to	Method of reporting
Annual budget	<ul style="list-style-type: none"> <li>Budget agreed prior to financial year</li> <li>Budget and forecast based on property condition data</li> </ul>	Budget and forecast agreed in advance of reporting period	Executive Management Team	As per budget setting process (e.g. monthly management reports)
Performance against budget	Actuals within budget	+/- 10% budget variance	Executive Management Team	MCHC monthly reports against budget
Schedule of planned maintenance works is adhered to	Planned maintenance works performed as per schedule (subject to staff availability and budget)	Schedule is reviewed to ensure priority works are completed.	Executive Management Team	MCHC monthly reports
Quality of service - Repairs responded to on time	As per State Government requirements and Council's Customer Service Charter.	<ul style="list-style-type: none"> <li>100 % faults are responded to within timeframes specified by the State government.</li> </ul>	Executive Management Team	MCHC quarterly reports
Quality of service - Tenant feedback	Tenant feedback	<ul style="list-style-type: none"> <li>75% tenants satisfied with condition of property</li> <li>75% tenants satisfied with maintenance of property</li> </ul>	Executive Management Team	MCHC annual report from biennial tenant survey

**Table 4: Internal Key Performance Indicators**

<sup>3</sup> Mareeba Shire Council, [Enterprise Risk Management Policy](#) (Mareeba: 2022).

<sup>4</sup> Mareeba Shire Council, [Enterprise Risk Management Process](#) (Mareeba: 2022).

Community Housing Asset Management Plan 2024 - 2029

## 7.1 External reporting requirements:

The [Social Housing Program Specifications](#) provides details of Asset Management outputs for all funded properties. Below is a summary of reporting obligations related to asset management of funded properties.

Reporting to	Report	KPIs/metrics	Target	Method of reporting
Department of Housing	Quarterly reports	Funded department-owned properties inspected meet the S4 ratings	95%	As per State Department reporting template
		Immediate faults are responded to within 1 hour	100%	
		Urgent faults are responded to within four hours	100%	
	Annual Community Housing Annual Financial Return (CHAFR)	3 years planned maintenance forecast		Annual CHAFR return
		Five year Capital upgrades forecast		
	Additional reporting (as required)	Improvements (changes) to properties are advised to the Department	100%	Email to DCHDE Regional office.
Office of the Registrar	Compliance Return	Performance Outcomes (PO) 1 - 7: 1. Tenancy Management 2. Housing Assets 3. Community Engagement 4. Governance 5. Probity 6. Management 7. Financial Viability <i>Note: PO 3 does not require evidence.</i>	<ul style="list-style-type: none"> <li>Targets are stipulated in CHRIS portal for each performance outcome</li> <li>Explanatory notes are provided when KPIs have not been met</li> <li>Annual submission of Minimum Data Set</li> <li>Evidence documents are uploaded</li> </ul>	Online via CHRIS portal
		Properties meeting condition S4 (good)	<ul style="list-style-type: none"> <li>At least 70% of all funded community housing assets meet S4 standard or equivalent</li> <li>Number of properties brought to standard</li> </ul>	
		Average time to complete vacant maintenance	11 days	

## Community Housing Asset Management Plan 2024 - 2029

Reporting to	Report	KPIs/metrics	Target	Method of reporting
		Tenant satisfaction	At least 75% tenants satisfied with housing service	

**Table 5: External Key Performance Indicators**

## 7.2 Record keeping

MCHC is responsible for recording maintenance and works completed under the Service Deed. Council uses an integrated record management system provided by Technology One. In the instance that MSC arranges a Capital Works project, this information is recorded in Technology One..

## 8 Appendices

### 8.1 Appendix 1: Legislation & Guidelines

As a Long-Term Community Housing Provider, Council's assets are managed in accordance with relevant legislation, guidelines and contractual arrangements including, but not limited to:

<b>Department of Housing and Public Works Guidelines</b>	<a href="#"><i>Queensland State Regulatory System for Community Housing Providers</i></a>
	<a href="#"><i>Maintenance Management Framework</i></a>
	<a href="#"><i>Allowable Expenditure &amp; Surplus Funds Policy</i></a>
	<a href="#"><i>Social Housing Program Specifications</i></a>
	Funding Agreements
<b>Legislation</b>	<a href="#"><i>Housing Act 2003</i></a>
	<a href="#"><i>Housing Regulation 2015</i></a>
	<a href="#"><i>Residential Tenancies and Rooming Accommodation Act 2008</i></a>
	<i>Building Fire Safety Regulation 2008</i>
	<a href="#"><i>Building Fire Safety Regulation 2008</i></a>
	<a href="#"><i>Fire and Emergency Services Act 1990</i></a>
	<a href="#"><i>Fire and Emergency Services (Domestic Smoke Alarms) Amendment Act 2016 QLD</i></a>
	<i>Electrical Safety Act 2002 - safety switches (annual maintenance)</i>
<b>Standards</b>	<i>Australian Standards AS/NZS 4032.1-2005 Valves for the control of heated Water Supply</i>
	<i>Australian Standards AS/NZS 3500.4:2015 Heated Water Services (previously AS/NZS 3500.4:2003)</i>
	<i>Australian Standards AS/MZS 2845.1:2010 Water supply Backflow prevention devices</i>
<b>Asbestos</b>	Asbestos is managed and controlled in Queensland by 10 main statutes and two codes of practice. These are administered by state government agencies and local Councils. Work health and safety legislation regulates the management, control and removal of asbestos in the workplace (including residential premises which are a 'workplace' when work is undertaken by a contractor).

Community Housing Asset Management Plan 2024 - 2029

	<a href="#"><u>Work Health and Safety Act 2011</u></a> (WHS Act)
	<a href="#"><u>Work Health and Safety Regulation 2011</u></a> (WHS Regulation)
	<a href="#"><u>Code of Practice: How to Safely Remove Asbestos</u></a>
	<a href="#"><u>Code of Practice: How to Manage and Control Asbestos in the Workplace</u></a>
	<p><b>Public health legislation</b> applies to asbestos-related activities carried out at non-workplaces settings (i.e. by homeowners at domestic premises).</p> <p><a href="#"><u>Public Health Act 2005</u></a> (PH Act)  <a href="#"><u>Public Health Regulation 2005</u></a> (PH Regulation).</p> <p>The management of asbestos in non-workplaces is the responsibility of local governments under public health legislation. <a href="#"><u>Queensland Health</u></a> provides information and advice to the general public on asbestos and its health risks and works in partnership with other government agencies in response to incidents involving asbestos.</p>
<b>Asbestos (continued)</b>	<p><b>environmental protection and waste legislation</b> regulate the transportation of commercial and industrial waste; the licensing of disposal facilities (such as landfills); and notification and remediation of contaminated land.</p> <p><a href="#"><u>Environmental Protection Act 1994</u></a> (EP Act)  <a href="#"><u>Environmental Protection Regulation 2008</u></a> (EP Regulation)  <a href="#"><u>Environmental Protection (Waste Management) Regulation 2000</u></a> (EP Waste Regulation).</p> <p>The <a href="#"><u>Department of Environment and Science</u></a> (DES) maintains a public register of contaminated land (including land contaminated by asbestos). It also regulates the transportation and disposal of asbestos waste.</p> <p>Some of the DEHP powers are delegated or devolved to local Councils. For example, while the DEHP is responsible for licensing disposal facilities, Councils are responsible for the management of landfills and transfer stations where asbestos is accepted.</p> <p>Councils are also responsible for cleaning up the illegal dumping of asbestos material under the <a href="#"><u>Environmental Protection Act 1994</u></a> (EP Act) and the <a href="#"><u>Work Health and Safety Act 2011</u></a> (WHS Act) (where Council officers are undertaking any clean-up) and any relevant local laws.</p>

## Community Housing Asset Management Plan 2024 - 2029

## 8.2 Appendix 2: Schedule of condition assessments

Address	Town	Funding Status	Condition Assessment Completed	Condition Assessment Due
1/1 Wirramo Street	Kuranda	Funded	2019	2022
1/12 Harriman Street	Kuranda	Funded	2019	2022
2/12 Harriman Street	Kuranda	Funded	2019	2022
2/14 Thooree Street	Kuranda	Funded	2019	2022
2A Barang Street	Kuranda	Funded	2019	2022
2B Barang Street	Kuranda	Funded	2019	2022
2D Barang Street	Kuranda	Funded	2019	2022
2E Barang Street	Kuranda	Funded	2019	2022
6A Barang Street	Kuranda	Funded	2019	2022
6B Barang Street	Kuranda	Funded	2019	2022
3 Dickenson Close	Mareeba	Council	2019	2022
5 Dickenson Close	Mareeba	Council	2019	2022
54 Doyle Street	Mareeba	Council	2019	2022
56 Doyle Street	Mareeba	Council	2019	2022
58 Doyle Street	Mareeba	Council	2019	2022
64 Doyle Street	Mareeba	Council	2019	2022
5 Fuelling Street	Mareeba	Council	2019	2022
2 Fuelling Street	Mareeba	Council	2019	2022
14/27 Lawson Street	Mareeba	Funded	2019	2022
3/23 Lawson Street	Mareeba	Funded	2019	2022
4 Dempster Street	Mareeba	Funded	2019	2022
4/23 Lawson Street	Mareeba	Funded	2019	2022
5 Dempster Street	Mareeba	Funded	2019	2022
5/23 Lawson Street	Mareeba	Funded	2019	2022
6 Dempster Street	Mareeba	Funded	2019	2022
6/23 Lawson Street	Mareeba	Funded	2019	2022
7 Dempster Street	Mareeba	Funded	2019	2022
7/23 Lawson Street	Mareeba	Funded	2019	2022
8/25 Lawson Street	Mareeba	Funded	2019	2022
9/25 Lawson Street	Mareeba	Funded	2019	2022
5 Close Avenue	Mareeba	Funded	2019	2022
4 Dickenson Close	Mareeba	Funded	2019	2022
2/10 Lyons Street	Mareeba	Funded	2019	2022
1/18 Lyons Street	Mareeba	Funded	2019	2022
2/18 Lyons Street	Mareeba	Funded	2019	2022
3A Lyons Street	Mareeba	Funded	2019	2022
3B Lyons Street	Mareeba	Funded	2019	2022
4A James Street	Mareeba	Funded	2019	2022
5B Lyons Street	Mareeba	Funded	2019	2022
13/27 Lawson Street	Mareeba	Funded	2019	2022



## Community Housing Asset Management Plan 2024 - 2029

2 Wilkes Street	Mareeba	Funded	2019	2022
1/4 Hay Street	Dimbulah	Funded	2022	2025
1/44 Stephens Street	Dimbulah	Funded	2022	2025
1/6 Hay Street	Dimbulah	Funded	2022	2025
2/4 Hay Street	Dimbulah	Funded	2022	2025
2/44 Stephens Street	Dimbulah	Funded	2022	2025
2/6 Hay Street	Dimbulah	Funded	2022	2025
1/14 Thooree Street	Kuranda	Funded	2022	2025
2/1 Wirramo Street	Kuranda	Funded	2022	2025
2C Barang Street	Kuranda	Funded	2022	2025
2F Barang Street	Kuranda	Funded	2022	2025
1 Dempster Street	Mareeba	Council	2022	2025
1 Fuelling Street	Mareeba	Council	2022	2025
10 Close Avenue	Mareeba	Council	2022	2025
12 Close Avenue	Mareeba	Council	2022	2025
14 Lyons Street	Mareeba	Council	2022	2025
15 Close Avenue	Mareeba	Council	2022	2025
16 Close Avenue	Mareeba	Council	2022	2025
16 Lyons Street	Mareeba	Council	2022	2025
2 Dickenson Close	Mareeba	Council	2022	2025
2E James Street	Mareeba	Council	2022	2025
2F James Street	Mareeba	Council	2022	2025
3 Fuelling Street	Mareeba	Council	2022	2025
4 Fuelling Street	Mareeba	Council	2022	2025
6 Colquhoun Street	Mareeba	Council	2022	2025
7 Close Avenue	Mareeba	Council	2022	2025
1 Close Avenue	Mareeba	Funded	2022	2025
1 Dickenson Close	Mareeba	Funded	2022	2025
1 Wilkes Street	Mareeba	Funded	2022	2025
1/10 Lyons Street	Mareeba	Funded	2022	2025
10 Colquhoun Street	Mareeba	Funded	2022	2025
10/25 Lawson Street	Mareeba	Funded	2022	2025
11 Close Avenue	Mareeba	Funded	2022	2025
11/25 Lawson Street	Mareeba	Funded	2022	2025
12 Colquhoun Street	Mareeba	Funded	2022	2025
12/27 Lawson Street	Mareeba	Funded	2022	2025
13 Close Avenue	Mareeba	Funded	2022	2025
14 Close Avenue	Mareeba	Funded	2022	2025
14 Colquhoun Street	Mareeba	Funded	2022	2025
15/27 Lawson Street	Mareeba	Funded	2022	2025
16 Colquhoun Street	Mareeba	Funded	2022	2025
16/27 Lawson Street	Mareeba	Funded	2022	2025
17 Close Avenue	Mareeba	Funded	2022	2025
18 Colquhoun Street	Mareeba	Funded	2022	2025
2 Close Avenue	Mareeba	Funded	2022	2025

Community Housing Asset Management Plan 2024 - 2029

2 Dempster Street	Mareeba	Funded	2022	2025
20 Colquhoun Street	Mareeba	Funded	2022	2025
2C James Street	Mareeba	Funded	2022	2025
2D James Street	Mareeba	Funded	2022	2025
3 Close Avenue	Mareeba	Funded	2022	2025
3 Colquhoun Street	Mareeba	Funded	2022	2025
3 Dempster Street	Mareeba	Funded	2022	2025
3 Wilkes Street	Mareeba	Funded	2022	2025
4 Close Avenue	Mareeba	Funded	2022	2025
4B James Street	Mareeba	Funded	2022	2025
5 Colquhoun Street	Mareeba	Funded	2022	2025
5A Lyons Street	Mareeba	Funded	2022	2025
6 Close Avenue	Mareeba	Funded	2022	2025
7 Lyons Street	Mareeba	Funded	2022	2025
8 Close Avenue	Mareeba	Funded	2022	2025
8 Colquhoun Street	Mareeba	Funded	2022	2025
9 Close Avenue	Mareeba	Funded	2022	2025
9 Lyons St	Mareeba	Funded	2022	2025
1/2 Main Street	Mt Molloy	Council	2022	2025
2/2 Main Street	Mt Molloy	Funded	2022	2025
3 Buck Street	Mt Molloy	Funded	2022	2025
4 Buck Street	Mt Molloy	Funded	2022	2025
5 Buck Street	Mt Molloy	Funded	2022	2025

*Note: Condition assessments due in 2022 are delayed due to COVID impacts and contractor availability. These condition assessments are scheduled to occur prior to the end of the 2022/23 financial year.*

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**Community Housing Asset Management Plan 2024 - 2029**

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### 8.3 Appendix 3: Component Definitions

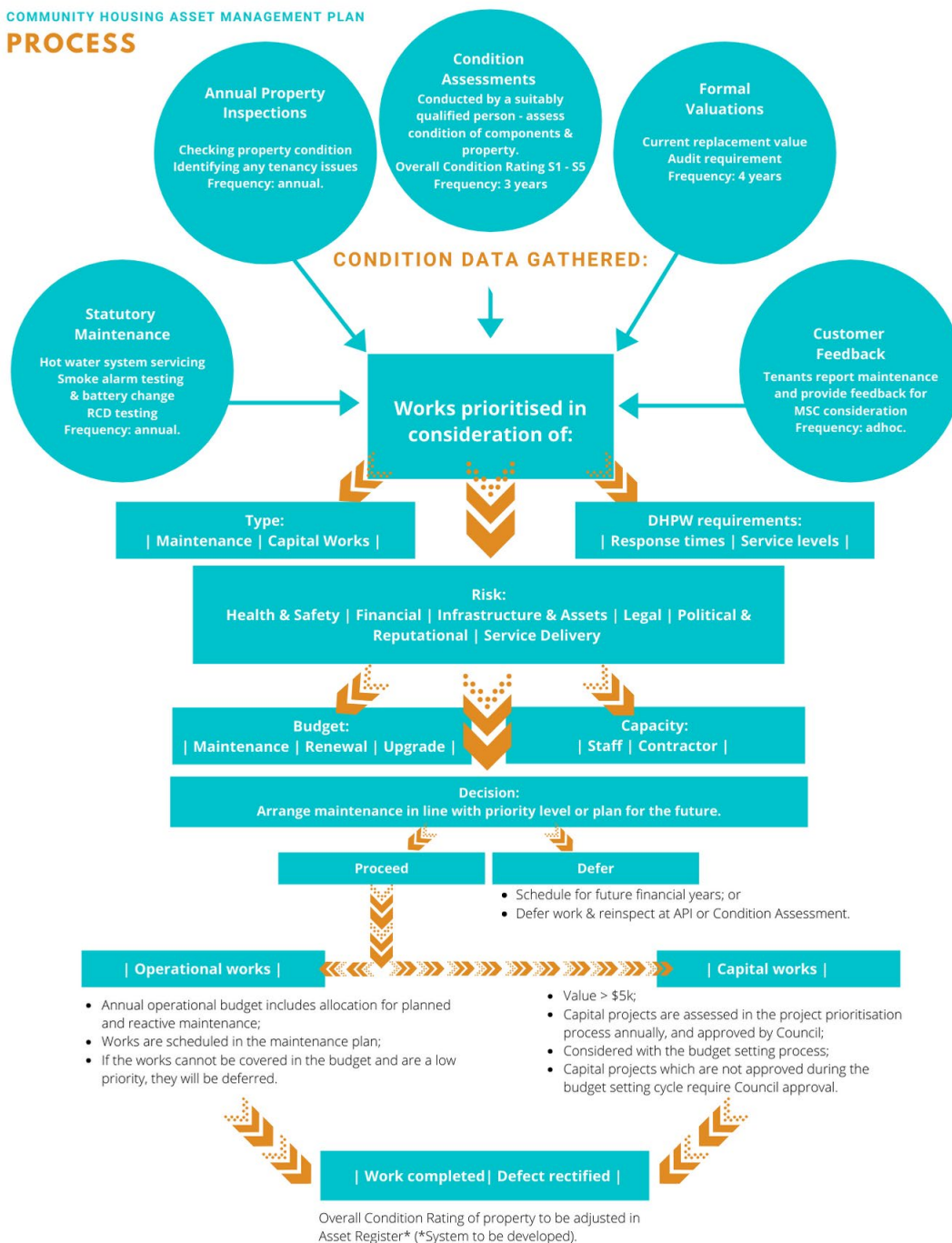
Component: each building asset is made up of components which are defined below.

Component	Definition
Substructure	Represents the structurally sound and watertight base upon which to build (foundation excavation, footings, entrance steps/ramps)
Superstructure	Represents the part of the building which is constructed above the ground level
Roof	Represents a structurally sound and watertight covering over the building
Fittings	Represents the fit out of the building with built-up fitments and fixed items (benches, cupboards, shelving, mirrors, windows, security screens, sinks/tubs, WC suites)
Finishes	Represents finish types for internal/external walls, floor finishes and ceiling finishes
Services	Represents electrical (lights/power), fire, gas, hydraulic (plumbing pipework, water storage tanks), mechanical (lifts, hoists)

## 8.4 Appendix 4: Community Housing Asset Management Plan - Process Map

### COMMUNITY HOUSING ASSET MANAGEMENT PLAN

### PROCESS



#### Asset Management KPIs

1. Funded properties inspected every 3 years;
  2. 6-monthly reporting - 95% of properties inspected are S4;
  3. Annual reporting - 70% of properties are S4;
  4. Immediate faults are responded to within 1 hour;
  5. Urgent faults are responded to within 4 hours;
  6. 100% of changes to properties are advised to the Department;
  7. 75% of tenants are satisfied with the repairs service.
- Requirement: QSRSC & Housing Regulation 2015

**8.16 MAREEBA AIRPORT FUTURE OPTIONS UPDATE**

**Date Prepared:** 20 March 2023  
**Author:** Development Officer  
**Attachments:** Nil

**EXECUTIVE SUMMARY**

In January 2023, Mareeba Shire Council invited Expressions of Interest (EOI) from potential operators to help drive the economic opportunity and future development of the Mareeba airport.

After a submission period of seven (7) weeks, the Mareeba Airport EOI opportunity closed on Wednesday, 15<sup>th</sup> March 2023.

Three (3) Expressions of Interest were received in total, however the submissions received did not address the mandatory EOI requirements and therefore all are classed as non-conforming and are unsuitable for further evaluation.

**RECOMMENDATION**

That Council does not proceed any further with the Expressions of Interest (EOI) process for the Mareeba Airport.

**BACKGROUND**

In January 2023, Council invited Expressions of Interest (EOI) from suitably qualified Respondents for the commercial operation and development of its airport aviation industrial park infrastructure assets and to operate and maintain Mareeba aerodrome under long-term lease arrangements. Following the completion of major airport infrastructure upgrades in 2019, Council considered it an opportune time to explore opportunities to maximise the economic potential of the Mareeba Airport to assist in the economic development in the Shire.

A comprehensive EOI Pack was developed with the assistance of an independent aviation expert. The EOI opportunity was marketed via VendorPanel, Council's recognised procurement platform, as well as newspaper and online advertising.

Interested Respondents were required to provide the following information in their EOI submission by completing the mandatory requirements information as summarised below:

Requirements	
1.	A EOI form (in the form of a covering letter) confirming the interest of the Respondent, dated, and signed by the company's authorised personnel.
2.	A description of the Respondent's registered business entity details, conflict of interests, legal matters, ownership structure/company structure, brief history of the organisation, core business activities and areas of sector expertise, and financial position. In compliance with this, Respondents shall include the last year financial statement. Where if in the case of more than one Respondent with consortium structure is involved, details are to be provided by each Respondent formed under the consortium.

3.	A brief statement outlining previous and current relevant experience, containing a description of the nature and size of past relevant projects of similar profile and characteristics.
4.	Brief biography of key management personnel to be associated with the proposed business and current role within the Respondent.
5.	A statement of the proposed commercial business model contemplated by the Respondent, including the following: <ul style="list-style-type: none"> <li>Proposed nature of business operations to be conducted at the Airport utilising Aviation Industrial Park,</li> <li>Level and purpose of investment contemplated in the first 15 years of operations,</li> <li>Likely employment to be generated in the Mareeba and other economic benefits to the region.</li> </ul>
6.	Statement acknowledging the Respondent's awareness of and commitment to observing the local and state Environmental Planning and Development Requirements including adopting sound Environmental Social Governance (ESG) framework in the future
7.	Respondent commentary for their preferred key head terms of the leasing agreement

After a submission period of seven weeks, the Mareeba Airport Expressions of Interest (EOI) opportunity closed on Wednesday, 15<sup>th</sup> March 2023.

Three Expressions of Interest were received in total, however the submissions received did not address the mandatory EOI requirements and therefore all are classed as non-conforming and are unsuitable for further evaluation.

Consequently, it recommended that Council does not proceed any further with the Expressions of Interest (EOI) process for the Mareeba Airport.

## **RISK IMPLICATIONS**

### **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 are 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**

A communication plan will be implemented to ensure all stakeholders are informed and understand the outcome of the Expression of Interest (EOI) process.





## 9 INFRASTRUCTURE SERVICES

### 9.1 TRAFFIC ADVISORY COMMITTEE - MINUTES OF MEETING HELD 21 MARCH 2023

**Date Prepared:** 24 March 2023

**Author:** Director Infrastructure Services

**Attachments:** 1. Traffic Advisory Committee - Minutes of Meeting Held 21 March 2023 [↓](#)

#### EXECUTIVE SUMMARY

The purpose of this report is to present the Minutes of the Mareeba Shire Council Traffic Advisory Committee Meeting held on Tuesday 21 March 2023.

#### RECOMMENDATION

That Council receives the minutes of the Traffic Advisory Committee Meeting held Tuesday, 21 March 2023.

#### 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)

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**MINUTES**  
**TRAFFIC ADVISORY COMMITTEE**

Tuesday 21 March 2023  
Commenced at 9:30am

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**Members Present:**

Scott Adamson	Queensland Police (QPS) - Proxy for Sgt John Ridgway
Michael Ringer	Transport & Main Roads (Principal Engineer)
Mo Abdelrahman	Transport & Main Roads (Operations) – Proxy for Sid Amarille
Kevin Davies (Chair)	Mareeba Shire Council (MSC) – Councillor
Mario Mlikota	Mareeba Shire Council (MSC) – Councillor – Proxy for Cr Lenore Wyatt
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
Marita Stecko	Transport & Main Roads (Senior Advisor - Road Safety)
Josh Musumeci	Mareeba Chamber of Commerce

**1. WELCOME**

Meeting opened by the Chair at 9:30am welcoming all and thanking everyone for their participation. Those present were advised TMR had been delayed but the meeting would proceed considering council related matters until TMR had joined the meeting.

Due to internal departmental changes with roles/responsibilities, TMR advised the following personnel will represent TMR on the committee replacing David Hamilton and John Gillespie.

- Sid Amarille, Senior Engineer (Primary contact)
- Michael Ringer, Principal Engineer (Secondary contact)

Mareeba Shire Council accepted the above membership nominations received from the Department of Transport and Main Roads noting Sid's apology for this meeting.

**APOLOGIES**

John Ridgway	Queensland Police (QPS) - Sergeant
Lenore Wyatt	Mareeba Shire Council (MSC) - Councillor
Mary Graham	Mareeba Shire Council (MSC) - Councillor
Sid Amarille	Transport & Main Roads (TMR) Senior Engineer
Derek Garner	Queensland Police (QPS) – Senior Sergeant

**2. MINUTES OF THE PREVIOUS MEETING**

Minutes of the meeting held 6 December 2022 received as true and correct.

**Moved by Cr Mario Mlikota**

**Seconded by Cr Kevin Davies**

**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 complete 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.
- MSC to raise Customer Request for inspection of trees obscuring visibility and respond to heavy vehicle operator raising issues.
- Trimming of trees at Oakey Creek Bridge scheduled to be completed by end of March 2023.
- Springmount Road is a LRRS designated road and listed for continual improvements, current programmed works delayed due to recent rainfall event.
- No further action required by the committee, item to be removed from the agenda.

**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.
- MSC confirmed two projects identified; Stage 1: Pedestrian crossing & intersection improvement works (through TMR STIP application; and Stage 2: Parking and traffic movements
- STIP Nomination form being completed for Stage 1 with MSC working in conjunction with CathEd; currently being designed to align with grant funding
- MSC advised Stage 1 detailed design will be completed by 30 June 2023, with construction dependent on successful grant funding.
- Timeframe for Stage 2 design to be provided at next TAC Meeting; currently no funding allocation for construction.

**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.
  - Phase 2 of the design process underway; consultants on track with completion of the preliminary design anticipated mid 2023; detailed design to follow; water main replacement to be undertaken as part of the project before any traffic works, construction proposed post wet season 2024. MSC to ensure emergency services notified of works when construction is undertaken.
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**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 develop 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.
- Emergency Services and TMR to be consulted during future LATM processes.
- LATM Plan for Precinct 7 adopted by Council on 15 February 2023; budget estimates for works identified as highest priority will be prepared and included for future capital works.
- Short-term actions and maintenance issues identified in the adopted plan are due for completion by June 2023; asphalt works included in 2023-24 asphalt programme.
- No further action required by the committee, item to be removed from the agenda.

TMR joined the meeting at 9:51am

**3.5 TMR Mareeba Southern Approach**

- 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
- TMR followed up after the meeting and advised:
  - **Mareeba Bypass** – TMR is progressing with the Preliminary Evaluation (Options development) phase. MSC will continue to be involved in planning discussions. More information can be found at [Mareeba - Dimbulah Road, Mareeba Bypass | Department of Transport and Main Roads \(tmr.qld.gov.au\)](https://www.tmr.qld.gov.au/mareeba-dimbulah-road-mareeba-bypass)
  - **Mareeba Jackaroo Hotel** – TMR is meeting with Motel Proprietor on 31 March 2023 to agree on actions to better manage dust and HV parking in the vicinity of his hotel and the Mareeba Heritage Centre.

**3.6 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.
  - 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.
  - TMR to provide MSC with an update of any changes if proposed
  - TMR confirmed no further changes are proposed
  - No further action required by the committee, item to be removed from the agenda.
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**3.7 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.
- Heavy vehicle stopping facility constructed at the top of the Rex Range near Nile Mile Road (Mossman-Mt Molloy Road). MSC seeking an update on other locations on the northern and southern approaches to Mareeba and Springs Road.
- TMR followed up after the meeting and advised Tablelands Heavy Vehicle Management Strategy is current and it is being updated at this stage. The implementation (construction) of changes / additional HV rest areas is currently unfunded.

**3.8 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 land opposite current site on Mulligan Highway requesting TMR investigate this option.
- MSC will continue advocating for the location north of Barrett Street Intersection as a potential site for a heavy vehicle pullover area.
- This matter to be consolidated with Item 3.7 *Tablelands Heavy Vehicle Management Strategy*.

**3.9 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.
- TMR followed up after the meeting and advised the Department has engaged an electrical designer to look at the following intersections; Gilmore Road; Windy Hollow Road Ch 18.08; Top Rock Quarry Access Ch 18.55 and Emerald Creek Service Station Ch 42.58.

**3.10 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.
- TMR followed up after the meeting and advised the current intersection geometry includes a widened sealed pavement for the left turn and a right turn lane of sufficient length and width for the right turn into Kay Road. The intersection is lit. Any upgrade to this intersection is unfunded and is a lower priority against other state priorities.

**3.11 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.
- Ongoing testing and monitoring program continues to ensure the bridge remains safe; TMR progressing a planning study to investigate long-term solutions. Inspections will be carried out every 3 months with rehabilitation works being carried out where necessary.

**3.12 32A Kennedy Highway (Cairns-Mareeba) – Signage condition**

- State-controlled road signage on the Kennedy Highway between the intersection of Fallon Road and Myola Road are moldy; there are also several trees leaning / overhanging the road which have potential to create issues on the highway between Mareeba and Kuranda.
  - TMR followed up after the meeting and advised signage audit complete between Ch 0 and Ch 19.7 with various recommendations such as cleaning, replacement, depending on condition, TMR sent to RoadTek for action in the coming weeks/months.
  - This matter to be consolidated with Item 3.9 *32A Kennedy Highway (Cairns-Mareeba) - TMR Night Audit*
-

**3.13 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.
- TMR followed up after meeting and advised no existing signage located and that a new sign will be installed in a location west of Fallon Road as agreed to by TMR / MSC.

**3.14 32B Kennedy Highway (Mareeba-Atherton) – Request for overtaking lanes**

- QPS enquired 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.
- MSC raised concerns of the right turn into Yuruga Nursery from the passing lane heading south.
- TMR followed up after the meeting and advised Kennedy Highway (Mareeba–Ravenshoe) / Mareeba Shire – An overtaking lane project is funded in QTRIP \$3m starting in 2024/25. Location has not been finalised yet.

**3.15 32B Kennedy Highway (Mareeba-Atherton) 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
- Signage reinstated at Walkamin.
- No further action required by the committee, item to be removed from the agenda.

**3.16 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
- MSC and TMR followed up after meeting and TMR identified locations of new repetitive signage approving MSC to install under RMPC.

**3.17 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.
- TMR to follow up on advanced warning signage for HV's to be located on Vaughan Street.

**3.18 Mulligan Highway - reduction of speed limit at Bibiohra 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 Bibiohra.
- TMR advise discussions underway with MSC and the adjoining property owner; TMR intend to contract MSC to complete works once design finalised.
- TMR advised installation of lighting by Ergon scheduled for April / May 2023, works will commence following installation of light
- Bilwon Road intersection upgrade plans received from TMR.
- MSC advised it has no capacity to provide pricing and to undertake works in the timeframe indicated in the tender due to the delivery of its capital works programme. MSC advised TMR it has no issue with RoadTek undertaking the works.
- No further action required by the committee, item to be removed from the agenda.

**3.19 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.
- Photos of existing crossing signage forwarded to TMR.
- TMR followed up after the meeting providing design plan for replacement railway crossing signage approving MSC to install under RMPC

**3.20 BDR – Request for flood camera at Trimble’s Crossing**

- 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
- TMR advised as funding becomes available cameras will be rolled out at other locations; TMR have completed and prioritized a list of locations for future camera locations
- TMR followed up after the meeting and advised they plan to install a camera at Trimble’s Crossing later in 2023, before the next wet season.

**3.21 Herberton-Irvinebank Road - Request to upgrade to a single coat seal**

- Complaints received 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
- Due to numerous engineering constraints TMR does not support dust sealing of gravel resheeted roads, general issues involve non-compliant material specifications, geometric design constraints etc

**4. NEW REQUESTS / CORRESPONDENCE**

**4.1 32B Kennedy Highway (Mareeba-Atherton) – Right turn from passing lane into Yuruga Nursery**

- Cr Lenore Wyatt raised concerns with regard to the right hand turn from the passing lane into Yuruga Nursery
- This matter to be consolidated with Item 3.14 *32B Kennedy Highway (Mareeba-Atherton) – Request for overtaking lanes as discussed above*

**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**

**6.1 Wylandra Estate – Noise Complaint from Motorbikes**

- Cr Mary Graham advised she has been contacted by a Wylandra resident complaining of noise from motorbikes going back and forth near the Rail Trail after school and on weekends and noise from a truck reversing at 7:30am
- QPS aware of the issue and are monitoring

**6.2 Groves Creek Bridge, Speewah (Cr Angela Toppin)**

- The bridge at the entrance to Speewah renamed 'Bob Madden' Bridge
- Bob Madden Bridge opening took place on Monday 20 March 2023

**6.3 Walking Network Plan (Glenda Kirk)**

- Council adopted the Walking Network Plan - Priority Works Program for both Mareeba and Kuranda on 15 March 2023
- Queensland Walking Strategy is a new Queensland Government initiative intended to provide a future Master Plan of the area's 'Walking Network'

**6.4 Kennedy Highway – Gilmore Road Intersection (Josh Musumeci)**

- There is no road lighting at the intersection of Gilmore Road and the Kennedy Highway
- Lighting requested to delineate the intersection due to high heavy vehicle traffic volumes

**6.5 Burke Developmental Road (Glenda Kirk)**

- Ootann Road has a 5t load limit until future notice, mine trucks are running from Mungana to Chillagoe, with no load limit.
- MSC has sustained substantial damage due to recent rain with emergent works being carried out.
- TMR advised they have contacted the mine and Chillagoe Police with TMR looking to limiting road activity and discussing load limits.
- TMR advised if more resheeting funding required MSC need to raise this through RMPC .

**6.6 Byrnes / Rankin Street Drainage (Glenda Kirk)**

- MSC raised with TMR the issue of stormwater drainage at the corner of Byrnes / Rankin Street intersection which has resulted in inundation of footpaths, particularly on the western side of Byrnes Street north of the intersection and east of the intersection (near McDonald's and in the Coles car park).
- MSC advised there has been notable change since the traffic lights were installed in 2019/20 seeking a joint approach between TMR and Council to determine what can be done to alleviate some of the issues in the short term and requesting some priority be given around this issue.
- MSC information and sketches were provided to TMR on 14 February 2023.
- TMR to inspect the area with MSC officers following this meeting of 21 March 2023.

**6.7 Byrnes Street, Mareeba – Through Traffic Keep Right (Cr Mlikota)**

- Community seeks a bigger "Through Traffic Keep Right" sign on the north side of Byrnes Street.
- Suggesting the sign is similar in size to the current *Mareeba Traffic Area P2* sign located in the centre median near the raised pedestrian crossing near Llyod Street.

**6.8 Vaughan Street, Mareeba – Dust Issue (Cr Mlikota)**

- Residents seek to have the gravel section sealed at the intersection of Dillon / Vaughan Streets.
- HV's use this section as a pull-over area creating a dust issue for residents.
- TMR followed up after the meeting and advised they are responsible for the sealing of the traffic lanes and shoulders, whilst Council is responsible for sealing areas used for local parking in built up areas. In this case, Mareeba – Dimbulah Road / Vaughan Street has sealed traffic lanes and a sealed road shoulder. The edge of the trafficked surface is delineated. TMR is not prepared to allocate state funds for sealing the area beyond this.

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**7. NEXT MEETING**

9:30am Tuesday 20 June 2023

2023 meeting dates:

9:30am Tuesday 19 September 2023

9:30am Tuesday 12 December 2023

**8. CLOSURE**

There being no further business to discuss, the chair thanked everyone for their attendance and contribution and closed the meeting at 10:57AM.

**9.2 INFRASTRUCTURE SERVICES, CAPITAL WORKS MONTHLY REPORT - MARCH 2023**

**Date Prepared:** 15 March 2023

**Author:** Manager Assets and Projects

**Attachments:** 1. Capital Works Highlights - March 2023 [↓](#)  
2. Capital Works Summary - March 2023 [↓](#)

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**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 March 2023.

**RECOMMENDATION**

That Council receives the Infrastructure Services Capital Works Monthly Report for the month of March 2023.

**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.

**IMPLEMENTATION/COMMUNICATION**

## Infrastructure Services Capital Works Report

### Project Highlights – March 2023



**Project Name: Euluma Creek Road – Widen and Seal CH 9.35-10.13**

**Program: Rural Roads**

#### Background

Euluma Creek Road is classed as a Local Road of Regional Significance (LRRS) under the Roads and Transport Alliance and is eligible for a maximum of 50% funding from the Transport and Infrastructure Development Scheme (TIDS).

Several projects are currently listed in the FNQROC TIDS Program for the widening of sections of Euluma Creek Road between Black Mountain Road and McLeans Bridge Road to cater for increasing heavy traffic and to address ongoing defects, edge wear and edge drop.

#### Scope of Works

The existing 5m wide bitumen section is to be realigned and widened to a sealed width of 8m with drainage infrastructure extended accordingly.

#### Progress Update

Clear and grubbing of batters and drains has been complete and site preparation is underway to replace damaged culverts and extend existing culverts.



*Euluma Creek Road Before Clearing and Grubbing*



*Euluma Creek Road After Clear and Grubbing*



*Euluma Creek Road Drain Reestablishment*



*Euluma Creek Road Batter Cleaning*



## Infrastructure Services Capital Works Report Project Highlights – March 2023



**Project Name: 2022/23 Gravel Re-Sheeting Program**

**Program: Rural Roads**

### Background

Council has an extensive road network and is responsible for 1,639km of unsealed roads. An annual allocation has been provided to undertake re-sheeting of gravel roads throughout the Shire.

### Scope of Works

Works consist of reshaping the existing roads, reprofile drainage systems and covering with a suitable gravel at 100mm thick to withstand the wet and dry conditions.

### Progress Update

Riley Road, Bump Track and Black Mountain Road in Julatten were re-sheeted on various sections along the roads. Conditions have been challenging with the minor rainfall in the area during the work.



*Black Mountain Road Gravel Re-Sheet*



*Black Mountain Road Gravel Re-Sheet*



*Riley Road Gravel Re-Sheet*



*Bump Track Gravel Re-Sheet*

## Infrastructure Services Capital Works Report

### Project Highlights – March 2023



**Project Name:** AC Pipe Renewal Water Main Upgrade Program – Anzac Avenue

**Program:** Water

#### Background

An allocation in the Capital Works Program has been provided in the 2022-2023 Capital Works Program to replace the failed existing asbestos cement (AC) water mains. Works are now concentrated along Anzac Avenue to maintain ongoing water supply for properties. This section of water main was identified for replacement following the numerous main breaks occurring in the past few years and in conjunction with Council's water strategy.

#### Scope of Works

The scope of works included replacement of the existing water main with 300mm PVC Supermain and Ductile iron (DICT) on road crossings, in addition to new service connections, valving and hydrants are being installed.

#### Progress Update

Works have now recommenced after a monsoon rain interrupted the scheduled program. The continuation of newly installed pipe work and associated fittings is progressing with the stage of works to start at Elisa Street back toward Ferretti Close.



*Anzac Avenue installation of the new 300mm diameter PVC Supermain water main*



## Infrastructure Services Capital Works Report

### Project Highlights – March 2023



**Project Name:** Mareeba Splash Park and Pool Heating

**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 – March 2023



#### Progress Update

The aquatic centre footprint has been extended to accommodate the splash park with the installation of a new retaining wall and perimeter fence. The contractor has undertaken demolition, removal and the reinstatement of old existing concrete aprons that were in poor condition. Electrical connections have been established and installation of the substantial underground pipework network required to service the splash park is continuing. Installation of the 50m pool and children's pool heating has been progressing in conjunction with the splash park construction project.



*Children's Pool and Splash Park Western*



*Plumbing and Play Equipment Preparation*



## Infrastructure Services Capital Works Report

### Project Highlights – March 2023



**Project Name: Riverside Caravan Park, Mareeba. Amenities Block Upgrade**

**Program: Facilities**

#### Background

The Riverside Amenities Block has reached the end of its useful life and functionality and safety issues were identified. A condition assessment determined that refurbishment was unviable, and a full replacement is required.

#### Scope of Work

This project will deliver a new concrete block amenities block suitable for a caravan park with epoxy coated concrete floors. The design layout will be equivalent to the existing ablution block and is to include seven (7) single shower cubicles, one (1) disable bathroom and a laundry room. The project includes the provision of a temporary amenities block for the duration of the works.

#### Progress Update

The roof and external painting are complete and the waterproofing to the wet areas are complete. Project completion is expected in mid-2023.



*Riverside Caravan Park Base Construction*

## Infrastructure Services Capital Works Report Project Highlights – March 2023



*Riverside Caravan Park Amenities Construction*



*Riverside Caravan Park Amenities External Paint*



Project Description	Project Stage	Comments
<b>Program: 01 Rural and Urban Roads Reseal Program (Renewal)</b>		
22/23 Reseal & Asphalt Program	Construction	Latest advice from RPQ is that they will be returning to complete reseals in early May, weather permitting.
BETTERMENT Co-Contribution	Procurement	Tenders released, QRA Market Rate approvals will need to be sought prior to award.
<b>Program: 02 Gravel Resheet</b>		
22/23 Gravel Resheet Program	Construction	Riley Road and Bump Track completed. Black Mountain Road commenced. Further works to be programmed to commence after wet season.
<b>Program: 03 Urban Streets</b>		
TIDS Rankin/Walsh St Roundabout	Design	Concept design underway. Construction programmed for 2024.
<b>Program: 04 Rural Roads</b>		
TIDS Euluma Ck Rd Ch7.01-9.325 Rehab	Completed	2nd coat seal completed in February. Line marking completed in March.
TIDS Euluma Ck Rd Ch 9.350-10.130 Rehab	Construction	Clearing and grubbing commenced. Drainage work will commence and crew will then relocate to Springmount Road project , which has a TIDS funding component that will need to be acquitted by 2023 F/Y end. Crew is expected to return to continue this project mid-2023.
TIDS Ootann Rd Section 1&2 Widen & Seal	Design	Stage 1 design complete, Stage 2 design in progress. Construction programmed for 2024.
TIDS Springmount Rd Widen & Seal	Construction	Clearing and grubbing commenced from late 2023. Crew is working on Euluma Creek Road project while awaiting conditions to dry out enough to continue on this project.
R2R Bilwon Rd Rehab & Culverts	Design	Draft design completed late March for review.
R2R Wolfram Rd Stage 3 Priority Sections	Procurement	Works will commence in early April.
<b>Program: 05 Bridges</b>		
Granite Ck Mba Replace Footbridge Deck	Procurement	Project will be commence after current wet season.
Palm Cl Mba Replace Footbridge Boards	Procurement	Project will be programmed for after current wet season.
Bicentennial Lakes F/bridge Safety Upgr	Procurement	Project will be programmed for after the current wet season.
Bullaburrah Ck Rd C'way Relieving Slab	Planning	Programmed for April 2023, weather permitting.
Clohesy River Barron St Inspect & Design	Planning	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	Planning	Programmed for April 2023, weather permitting.
<b>Program: 06 Drainage</b>		
22/23 Minor Culvert & C/ways Renewal	Construction	Culvert repairs on McGrath Road, Donlen Street & Mason Street completed. 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 and options for repair being prepared
<b>Program: 07 Traffic Facilities</b>		
Mareeba Aerodrome Signage	Completed	Completed March 2023.
<b>Program: 08 Parking</b>		
Borzi Park Mba Carparking Masterplan	Planning	Design to be completed prior end of financial year - June 23.
MBA Heritage Centre Carpark Extension	Design	Concept options have been prepared for review
<b>Program: 09 Footpaths</b>		
MBA Walking Network Plan	Completed	Priority Works Program adopted in March 2023.
KDA Walking Network Plan	Completed	Priority Works Program adopted in March 2023.
22/23 Shire Wide Footpath Renewal Prog	Planning	Program being developed in conjunction with the walking network plans.
22/23 Walking Network Upgrade Program	Planning	Program being developed in conjunction with the walking network plans.
<b>Program: 10 Parks and Gardens</b>		
LRCIP2 Mba Byrnes Street Medians	Construction	Replacement of street litter bins to be underkaen mid-2023 in conjunction with Anzac Park upgrade.



Project Description	Project Stage	Comments
DIM Parks Refresh	Planning	Preparation of options being prepared And costed based on community feedback received in late 2022.
KDA Centenary Park Playground Upgrade	Construction	Construction of playground complete. New park seating has been ordered. Refurbishment of stonework and pathways is currently being planned.
MBA Bicentennial Lakes (Southern) D&C	Design	Survey and community engagement commenced.
MBA Byrnes St Medians	Not Commenced	To be programmed after wet season.
MBA Anzac Memorial Pk L'scaping & Safety	Design	Construction to commence from early May. Community notification commencing from early April.
MBA Byrnes St Traffic Islands (BP)	Not Commenced	To be programmed after wet season.
MBA Connection Rd/Byrnes St Intersection	Not Commenced	To be programmed after wet season.
MBA Costin St Medians	Not Commenced	Work will be programmed for the second half of the current financial year.
KDA Anzac Park Landscaping	Design	Concept options have been prepared for review
KDA Coondoo Street Upper Refurb	Design	Aurecon have submitted the application to Ergon for a price to upgrade Lower Coondoo St to LED lights. Aurecon have supplied the specification for Council to request quotes for the upgrade of Upper Coondoo St.
KDA CBD Planter Boxes & Gardens	Not Commenced	Planning to commence after Coondoo St lighting and hardscaping refurbishments are completed.
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	Preparing information for stakeholder and community engagement.
MBA Eastern Catchment Park Amaroo St1	Construction	Construction of playground complete. Master planning of future stages to commence from mid-2023.
Roscommon Park -Renew Exercise Equipment	Planning	Project being scoped in preparation for inviting of quotations.
<b>Program: 11 Water</b>		
Mba WTP Study for Upgrade of WW System	Construction	Works progressing well and now scheduled for completion this financial year.
BOR6 MWTP Filtration Upgrade	Procurement	Project tenders received and assessed with a report on recommendation to award the project to go to council 19 April.
MBA Clear Water Booster Pump Station	Procurement	Project is currently out to tender with some reasonable interest shown from prospective contractors.
22/23 Water Pipe Renewal Program	Construction	Works have now recommenced on Anzac Avenue now that the inclement weather has gone and project is scheduled to be completed mid-May.
22/23 Water Telemetry/SCADA Upgrades	Construction	Works progressing well with integrator on site completed and some minor offsiteworks required to complete project.
KDA WTP Auto Backwash on 3 Filter Cells	Planning	Treatment operations staff to liaise with suitably qualified person for the implementation works.
22/23 Smart Meters Replacement	Construction	Works programmed to be completed by end of June.
22/23 Hydrant Renewal Program	Construction	Works programmed to be completed by end of June.
MBA WTP Raw Water Pumps & Electrics	Procurement	Project currently out to tender with contractors showing some interest in the project.
22/23 Valve Replacement Program (Retic)	Construction	Majority of work was done in the latter part of 2022 with remainder of works to be completed prior to end of June.
BOR6 22/23 Water Forward Design Program	Design	Works commenced with trials on alternate methods of dosing equipment and chemicals underway. Once the results of the trials are conclusive a formal report will be generated as per grant funding guidelines.
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 surge vessels at the treatment plant and centenary park booster station.
MBA Decommission Basalt St Elevated Tank	Planning	Project cannot commence until the new water booster station project has been commissioned and suggest this project will need to be carried forward to the 2023-2024 capital program.





Project Description	Project Stage	Comments
MBA Decommission Granite Ck Pump Station	Planning	Project cannot commence until the new water booster station project has been commissioned and suggest this project will need to be carried forward to the 2023-2024 capital program.
WTP Minor Infrastructure Replacements	Construction	Works held up by inclement weather and will recommence when weather and site conditions permit.
MBA WTP Clarifier Infra Process Improv.	Design	Works commenced with trials on alternate methods of dosing equipment and chemicals underway.
MBA/KDA/DIM WTP Inst. Chloring Analysers	Construction	Works are substantially complete.
<b>Program: 12 Wastewater</b>		
New Sewer Pump Stn Standby Generators x2	Construction	Electrical contractor currently working to complete the electrical installation works. Once completed commissioning will be finalized.
Granite Ck Mba Sewerage Pump Stn Refurb	Completed	Commissioning of the upgraded pump station completed early March.
MBA Bi-Lakes Sewer Main Capacity	Construction	Project tender has been awarded with pre-start meeting scheduled for mid-April and construction to commence soon afterwards.
22/23 WW Telemetry/SCADA Upgrades	Construction	Works have been progressing well with integrator completing site works during January, some minor works are required to finalize works.
22/23 New Standby Generator Program	Construction	Amaroo SPS electrically connected and the Dural CI SPS Elec works underway, once completed the telemetry works will commence
22/23 MBA Sewer CCTV & Relining	Construction	Works are well underway now that the inclement weather has cleared and contractor should complete works within the allocated program schedule within amended time frames.
KDA TP RAS System Submersible Pumps	Procurement	Quotes were sourced for new pumps but the existing pumps can be overhauled and the first of the two pumps to be overhauled is scheduled for early April.
Minor WW Pump Station Refurbishments	On Hold	Project to be carried forward to 2023-2024 capital Program.
22/23 WW Forward Works Design Program	Design	Design works are underway and should be completed by end of June.
<b>Program: 13 Waste</b>		
MWF Construct New Landfill Cells	Design	Design documents received with the electrical design still to come and works will be completed by June.
MBA Transfer Station New Baler	Completed	New baler arrived, installed and commissioned.
MBA/KDA Transfer Station Security Improv	Construction	Contractor has advised they are waiting on delivery of goods, once the goods arrive the works will be finalized.
<b>Program: 15 Fleet</b>		
GPS Vehicle Management System	Planning	On hold pending review of Fleet Program.
Fleet Refurb Truck Mounted Water Tank	Planning	Business Case being developed.
Fleet Replace #621 Single Cab Tipper	Procurement	Purchase order raised July 2022. Awaiting delivery.
Fleet Replace #675 Crew Cab Tipper	Procurement	Purchase order raised July 2022. Awaiting delivery.
Fleet Replace #623 Crew Cab Tipper	Procurement	Purchase order raised July 2022. Awaiting delivery.
Fleet Replace #5006 Tractor	Completed	New Tractor Delivered February 2023 - Project completed.
Fleet Replace #6253 Road Broom	Planning	Unit ordered pending delivery - possible June/July.
Fleet Replace #1304 Landcruiser	Completed	Vehicle delivered March 2023 - vehicle in service.
Fleet Replace #1305 Landcruiser	Completed	New Vehicle delivered - Project Complete Vehicle in service.
Fleet Replace #1323 Triton	Completed	New Vehicle delivered - Project Complete Vehicle in service.
Fleet Replace #1337 Triton	Procurement	Delivered late March 2023.
Fleet Replace #1229 Hilux	Procurement	Delivered early April 2023.
Fleet Replace #2052 Triton	Completed	New Vehicle delivered Feb 2023 - Vehicle in service, Project complete.
Fleet Replace #1315 Landcruiser	Completed	Vehicle delivered Feb 2023 - Vehicle in service Project Complete.



Project Description	Project Stage	Comments
Fleet Replace #1328 Triton Trayback	Completed	Vehicle delivered Feb 2023 - Vehicle in service Project Complete.
<b>Program: 16 Depots and Council Offices</b>		
Rankin St MSC Admin Office Refurb	Completed	Works completed with minor items to be finalised.
Kowa St MSC Depot Emergency Generator	Design	Options being prepared.
<b>Program: 17 Community Buildings</b>		
Koah Tennis Court Replace Timber Poles	Completed	Installation complete.
Aquatic Facility Upgrades & Splash Park	Construction	Construction continuing as per schedule. Pressure testing of plumbing commenced in preparation for concrete pour of the splash pad. Variations have been requested for internal fence.
Dimb/Mba/Kda Pools Chloring Dosing Impr	Planning	Facilities working with current Facility manager to confirm works required.
Mba PCYC Shire Hall Part Roof Replacem	Completed	Defects have been rectified and awaiting invoice.
MBA Women's Restroom Refurb	Planning	Council resolved to engage MPO to assist with finding tenants for structure. Held over contacting MPO until Tender for Post Office Carpark resolved. Will seek engagement of MPO by 30 March 2023.
MBA Riverside CPark Amenities Replace	Construction	Roof is complete. External painting completed. Waterproofing to the wet area's completed.
22/23 Shire Toilet Facility Repl Program	Construction	Carpentry and plumbing works to be done internally to save on cost.
MBA Community Hub Signage & Seating	Design	Concept design under assessment.
DIM CPark Shower Septic Modifications	Construction	Trench work commenced. Further delays due to wet weather. Works to be completed 7/04/2023.
MBA New CBD Toilet Facilities	Construction	Contract awarded to Karl Srhoj Building. Works to commence mid April.
22/23 Facilities Refurbishment Program	Planning	Initial Meetings with Projects Team commenced, Facilities and Project team to work through scope of works and define a potential timeline for delivery.
MBA Aquatic Cnt Entrance Upgrade & Paint	Construction	Pathway complete. Planning for landscaping and signage is underway.
KDA Community Prec. Toilet Refurb	Construction	Plumbing and Carpentry works commenced internally. Painting works out to RFQ.
KDA Aquatic Cnt 25m Pool Auto Fillers	Planning	Facilities working with current Facility manager to confirm works required.
KDA Aquatic Cnt 25m Pool Cleaner	Planning	Facilities working with current Facility manager to confirm works required.
KDA Aquatic Cnt 25m Pool Aquaris Upgrade	Planning	Facilities working with current Facility manager to confirm works required.
22/23 MBA Roof Replacement Program	Construction	Wilkes and Lyons St roofs completed.
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 Program	Construction	Works to be completed internally by Council tradesman.
22/23 DIM Town Hall A/C/Solar/Lighting	Planning	Scoping commenced.
<b>Program: 18 Non-Infrastructure Items</b>		
Kuranda New Cemetery	Design	Detailed design 99% complete, will seek Tenders mid March 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	Preliminary documentation for Masterplan has been received and reviewed for comment. Next stage of documentation due mid April.
<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.

**9.3 PARKS AND OPEN SPACES ACTION PLAN PROGRESS REPORT DECEMBER 2022 TO MARCH 2023.**

**Date Prepared:** 31 March 2023

**Author:** Manager Assets and Projects

**Attachments:** 1. Parks and Open Spaces Progress December 2022 - March 2023 [↓](#)

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**EXECUTIVE SUMMARY**

The purpose of this report is to provide an update on projects being delivered under the Parks and Open Spaces Three-Year Action Plan during the months of December 2022 – March 2023.

**RECOMMENDATION**

That Council receives the Parks and Open Spaces Action Plan Progress Report for the months of December 2022 – March 2023.

**BACKGROUND**

Council adopted its Parks and Open Spaces Strategy and Three-Year Action Plan in February 2022.

The Parks and Open Spaces Strategy 2022-2031 has been developed to achieve Council's vision to enhance the Shire's liveability and visual appeal, and to encourage active communities and economic development. The Strategy was developed using a structured community engagement and internal consultation process.

Alongside the Strategy, a Three-Year Action Plan was developed for implementation of initial priority projects, with monthly updates provided to Council on the progress of the action plan, with each project presented to Council in detail prior to construction.

The format of the information on project status has been updated and information is provided in the legend within the attached progress report.

**FINANCIAL AND RESOURCE IMPLICATIONS*****Capital***

The Three-Year Action Plan is fully funded at no additional cost to ratepayers.

***Is the expenditure noted above included in the current budget?***

Yes

***Operating***

The Three-Year Action Plan has been developed with an objective of no increase to the operational budget.

***Is the expenditure noted above included in the current budget?***

Yes

**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.

**IMPLEMENTATION/COMMUNICATION**

Updates will be provided to Council monthly, with targeted engagement to be undertaken on specific projects.



**Parks and Open Spaces 3 Year Action Plan - Project Update – December 2022 – March 2023**

**Legend**

	Project scheduled
	Project scheduled but not yet started
	Project in planning stage
	Project started
	Project complete
	Project Updated in this Report
	Project Not Updated in this Report

Project	2022	2023	2024	Monthly Update to Council
<b>RAIL TRAIL</b>				
Mareeba Rail Trail Stage 1 (Mareeba to Airport)				Works Complete
<b>BETTER PLAYGROUNDS</b>				
Geraghty Park (Julatten)				Not commenced. Design to commence in 2023. Grant funding application for funding under Community Gambling Benefit Fund for partial funding not successful.
Pat Kinnear Memorial Park (Chillagoe Town Hall)				In planning.
Dimbulah Parks Revitalisation				Currently reviewing options for park upgrades in Dimbulah.
Kuranda Community Precinct				Not commenced. Design to commence in mid-2023.
General Playground and Fitness Equipment Renewals - Various Locations				Quotes are being sort for Roscommon Park, Speewah.
<b>IMPROVE BICENTENNIAL LAKES</b>				
Bicentennial Lakes (Southern) Upgrade				Design for Bicentennial Lakes Southern and Northern Upgrades is well progressed. Grant funding has been received for under Local Government Grants and Subsidies Program for the project design. Community engagement underway.
Bicentennial Lakes (Northern) Upgrade				Refer to comments within the Southern Stage. Construction of the Northern Stage upgrades will commence from 2024.
<b>IMPROVE PARKS AND OPEN SPACES</b>				
New Mareeba East Park – Hastie Road				Playground and carpark construction complete. A Master Plan for the broader reserve area will be developed in consultation with the community from mid-2023.
Mareeba Town Walking Trails Upgrades				The Walking Network Plan has been adopted by Council and a Priority Works Program is being developed. This project was funded by the Department of Transport and Main Roads.
Gregory Terrace (Kuranda) Park Upgrade				Not commenced. Design to commence in 2023.
Kuranda Town Walking Trails Upgrades				Council has been granted funding under the Walking Local Government Grants program and a Walking Network Plan and a Priority Works Program have been adopted by Council.

**Parks and Open Spaces 3 Year Action Plan - Project Update – December 2022 – March 2023**

<b>Kuranda Tourism Parks and Open Space Upgrades*</b>				<p>Centenary Park Kuranda – Playground construction is complete. Further works to refresh the surrounding stone retaining walls and footpaths are in the planning stages.</p> <p>Coondoo Street - Electrical Design Consultant has been and a Street Lighting Plan is being developed. An application to Ergon has been submitted to upgrade the lighting in Lower Coondoo St.</p>
<b>Bill Newburn Park (Irvinebank) Upgrade</b>				Initial discussions have taken place at the Community forum in Irvinebank. Draft proposal will be prepared in early 2023.
<b>Anzac Park (Mareeba) Revitalisation</b>				Contract has been awarded. A computer-generated impression of the project has been prepared for public information. Works to commence from early May and be completed in August.
<b>Toilet Facilities Improvements - Various Locations</b>				Centenary Park Mareeba toilet refurbishment has been completed. Mareeba Aerodrome, Mareeba Cemetery, Mt Molloy Vains Park project planning has commenced.
<b>Footpaths Improvements - Various Locations</b>				Footpaths renewed along Rankin St and Basalt Gully (Stewart St), Mareeba. Pedestrian bridge improvements for Basalt Gully (Stewart St) and Granite Creek (Eales Park to Ward St) under design. Walking Network Priority Works Programs have been developed and adopted for Kuranda and Mareeba.
<b>Park Entrance Signage Improvements - Various Locations</b>				10 park entrance signs have been replaced in February 2022. Funding for this project has been fully expended.
<b>WATER PARK</b>				
<b>New Mareeba Water Splash Park</b>				<p>The aquatic centre footprint has been extended to accommodate the splash park with the installation of a new retaining wall and perimeter fence. The contractor has undertaken demolition, removal and the reinstatement of old existing concrete aprons that were in poor condition. Electrical connections have been established and installation of the substantial underground pipework network required to service the splash park is continuing. Installation of the 50m pool and children's pool heating has been progressing in conjunction with the splash park construction project.</p> <p>Project funded by the Queensland Government.</p>

\*Tourism projects in Kuranda to be funded by the Kuranda Infrastructure Levy

**9.4 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES OPERATIONS REPORT - MARCH 2023**

**Date Prepared:** 15 March 2023  
**Author:** Manager Technical Services  
**Attachments:** Nil

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**EXECUTIVE SUMMARY**

The purpose of this report is to outline Council's Fleet, Design, Soils Lab, Survey, Quality, GIS, Facilities and Investigation Services activities undertaken by Infrastructure Services during the month of March 2023.

**RECOMMENDATION**

That Council receives the Infrastructure Services, Technical Services Operations Report for March 2023.

**BACKGROUND****Technical Services**Design, quality and investigations:

Investigation activities undertaken in March included:

Activity	Current Requests	Closed Requests
Road Infrastructure Review	60	15
Drainage Investigations	28	8
NHVR Permit Applications	0	8
Traffic Count Surveys	0	0
Parks Investigations	3	0
Miscellaneous <i>e.g.</i> Planning; Local Laws	21	6
Before You Dig Requests	62	62

Soil Laboratory:

Council's Soil Laboratory provides NATA-accredited soil and material testing for internal and external services. Testing undertaken on internal Council projects includes Ootann Road, Bilwon Road, Euluma Creek Road, Wolfram Road and Springmount Roads.

The laboratory continues to seek further External Clients, with capacity for additional external works being available. Although the construction businesses that use Council's soil testing services are returning to work, ongoing wet weather has reduced demand for services during March.

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 GIS 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
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)

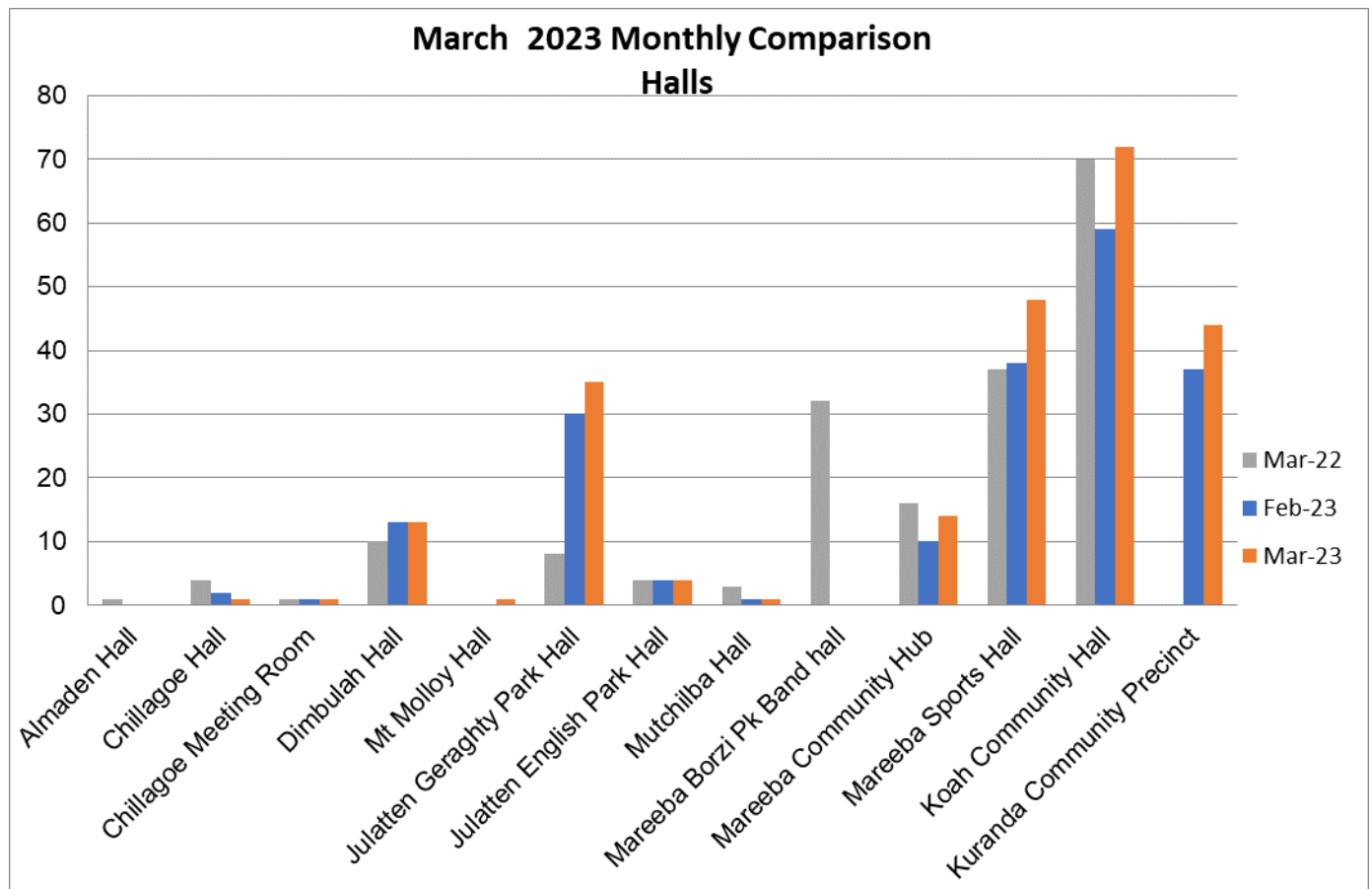
The DRFA is jointly funded by the Commonwealth and Queensland governments to help alleviate the costs of relief and recovery activities undertaken in disaster-affected communities by delivering recovery activities to return affected eligible assets back to pre-event condition. The status of declared 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. Tenders have been received and are under evaluation for the delivery of works after the wet season.
2022 Betterment	Tenders have been received and are under evaluation for the delivery of works after the wet season.
2023 DRFA	Activation for DRFA assistance occurred for the Northern and Central Queensland Monsoon and Flooding Event, 20 December 2022 – March 2023. Emergent response activities continue, further information on activities completed is provided in the Infrastructure Services – Works Section Activity Report.

**Facilities**Community Halls:

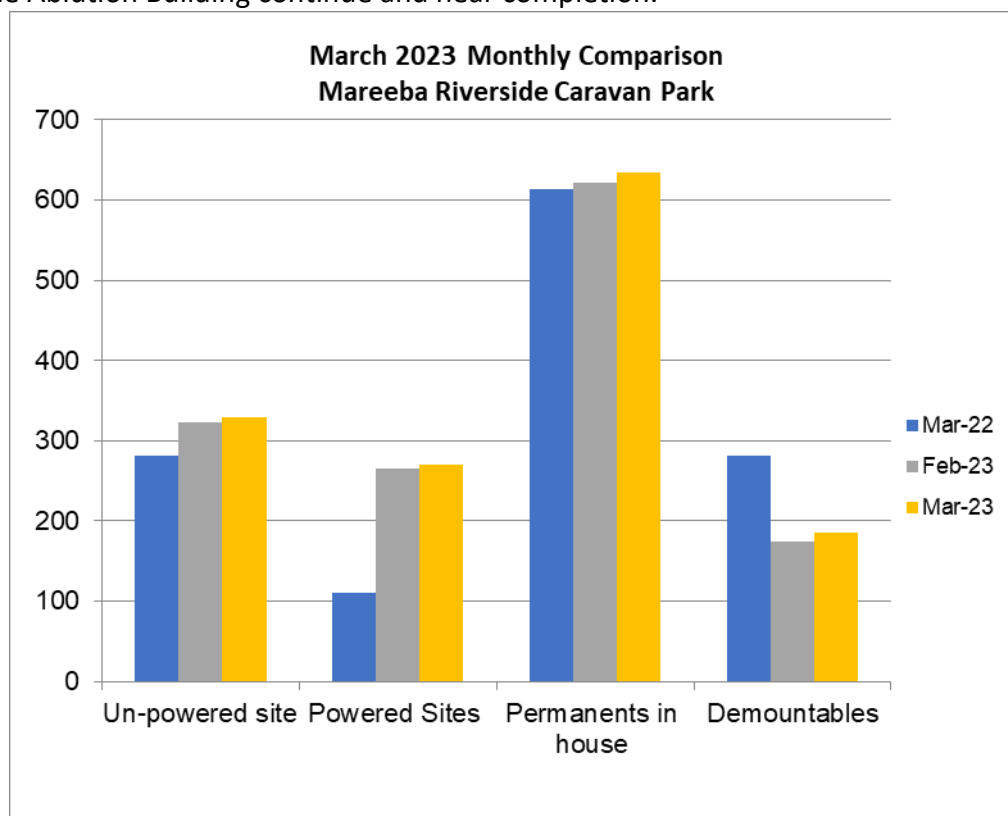
Maintaining safe and efficient access to Council's Community Halls is recognised as an important aspect for the community's ongoing wellbeing.

March hall usage has shown strong improvements against both the previous month and year's utilisation.

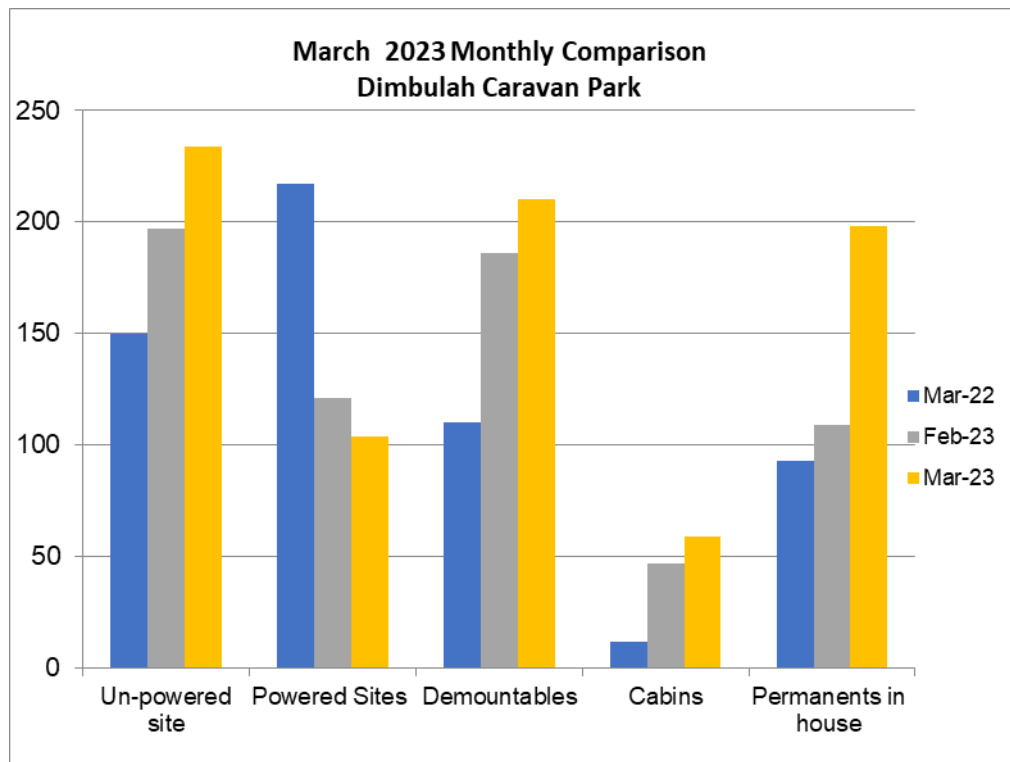


#### Caravan Parks:

Mareeba Riverside Caravan Park tenant numbers have remained strong across all sectors. Works to replace the Ablution Building continue and near completion.



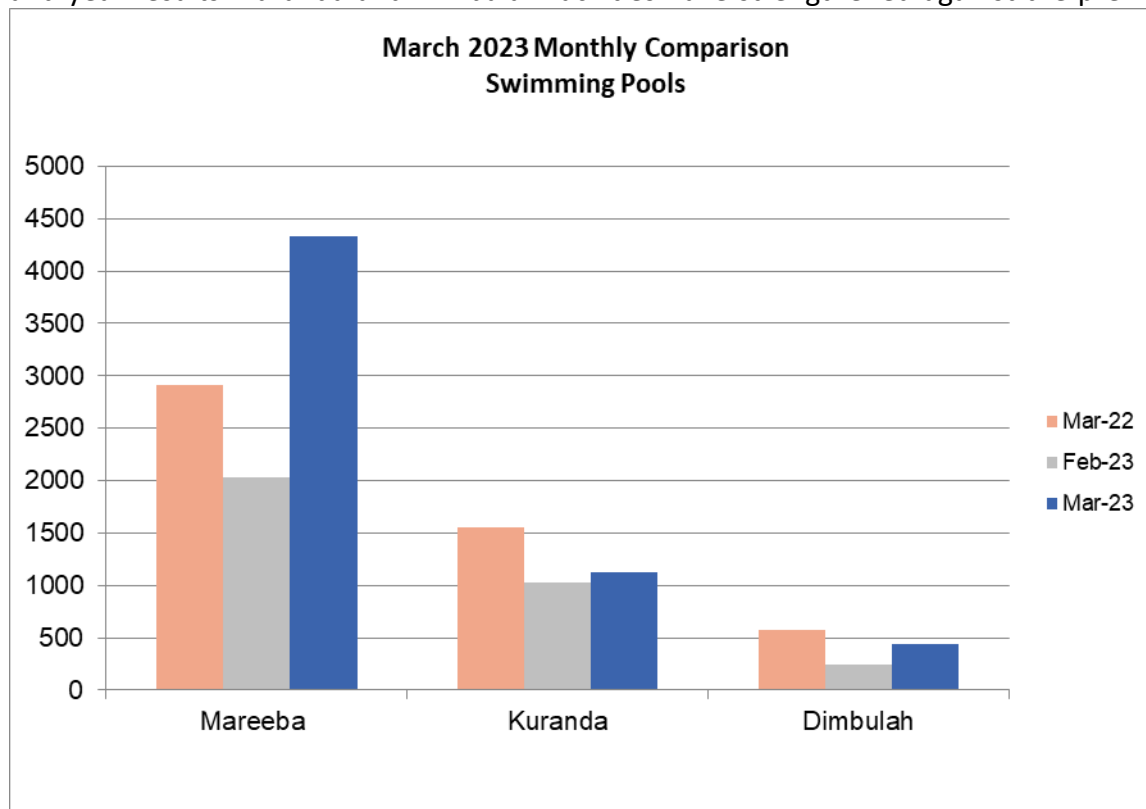
Dimbulah Caravan Park tenant numbers have improved across all sectors (except powered sites) and total numbers have strengthened.



#### Aquatic Centres

Council continues with the process to establish a long-term arrangement for the Operation of the Aquatic Facilities, to be established 1 July 2023.

Mareeba Aquatic Centre has experienced significant increases to patronage against previous month and year results. Kuranda and Dimbulah facilities have strengthened against the previous month.



**Vandalism & Graffiti:**

During March, nine (9) reports of vandalism/graffiti were recorded for Council facilities, with annual costs provided below;

Financial Year	Actuals	Comments – March 2023
2015/16	\$ 2,134.00	• Mareeba Davies Park Toilets – Vandalism x 1
2016/17	\$ 16,546.00	• Mareeba Rankin Street Office – Graffiti x 2
2017/18	\$ 23,948.00	• Mareeba Rankin Street Office - Vandalism x 1
2018/19	\$ 14,851.00	• Mareeba Arnold Park toilets - Vandalism x1
2019/20	\$ 14,211.18	• Mareeba CWA Toilets – Vandalism x 2
2020/21	\$ 62,199.62	• Mareeba Arnold Park Skate Park - Vandalism x 1
2021/22	\$ 48,301.12	• Mareeba Theatre Hall – Vandalism x 1
2022/23	\$24,983.23	

*Note - actuals for vandalism/graffiti do not reflect costs to repairs during that period. Incoming expenses for repairs carry over until works are completed.*

**FINANCIAL AND RESOURCE IMPLICATIONS*****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.





**9.5 REEF GUARDIAN COUNCIL - 2022/23 ACTION PLAN**

**Date Prepared:** 11 April 2023

**Author:** Manager Technical Services

**Attachments:** 1. Reef Guardian Action Plan - Amended [↓](#)

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**EXECUTIVE SUMMARY**

The purpose of this report is to seek endorsement from Council for the amended Mareeba Shire Council Reef Guardian Action Plan 2022/23, to include the Bicentennial Lakes upgrade as a land-based run off strategy.

**RECOMMENDATION**

That Council endorse the amended Mareeba Shire Council Reef Action Plan 2022/23.

**BACKGROUND**

The Great Barrier Reef Marine Park Authority (GBRMPA) has announced that the Australian Government (Department of Climate Change, Energy, the Environment and Water) has an investment package for the Reef Guardian Councils to participate in a grant opportunity.

Council has been advised that the grant opportunity opens in May 2023. It is proposed that Council could apply for funding towards upgrade of the northern section of Bicentennial Lakes. To ensure this project is eligible, a minor amendment to the Reef Guardian Action Plan is proposed to include these works (refer page 6 of *Attachment 1*).

**Grant Purpose and Objectives**

- Support local Reef Guardian Councils to deliver shovel ready projects and activities as identified in respective local action plans.
- Contributing to the delivery of the Reef 2050 Long-Term Sustainability Plan, identified projects and activities are expected to bring immediate benefits to the environment and to local economies.
- Activities to be designed to increase community stewardship and strengthen coordination of delivery of Reef protection activities by local communities.
- Activities to align with Reef conservation strategic objectives.

**Strategic Alignment and Project Scope**

In support of the Plan's vision for the Reef in 2050, that the Great Barrier Reef is sustained as a living natural and cultural wonder of the world, activities will contribute to the 5 priority work areas for action:

- Limit the impacts of climate change.
- Reduce impacts from land-based activities.
- Reduce impacts from water-based activities.
- Influence the reduction of international sources of impact.

- Protect, rehabilitate, and restore Reef habitat, species, and heritage sites.

#### **Mareeba Shire Council Reef Guardian Action Plan**

- The 2022/23 MSC Reef Guardian Action Plan was adopted in October 2022.

An amended action plan has been prepared for Council's consideration using the standard annual plan template provided by the Authority.

#### **Mareeba Shire Council Reef Guardian Action Plan**

It is proposed for Council to endorse the action plan:

- for the remainder of this financial year to reflect Council's capital and operational planning timeframes,
- using the standard annual plan template provided by the Authority, and
- to outline the proposed actions in response to each key threat to the reef.

#### **RISK IMPLICATIONS**

##### **Environmental**

The Bicentennial Lakes project will result in significant improvements to Water Quality, aquatic liveability within the network and aesthetic appeal.

#### **FINANCIAL AND RESOURCE IMPLICATIONS**

##### ***Capital***

Nil.

##### ***Operating***

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.

**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**

Endorsement of the plan clearly shows Council ongoing commitment to achieving the principles of the Reef Guardian Action Plan initiatives.



[www.gbrmpa.gov.au](http://www.gbrmpa.gov.au)





## Reef Guardian Council program

The Reef Guardian Council program (RGC program) is a collaborative stewardship arrangement between local government in the Great Barrier Reef catchment and the Authority, which recognises that local and regional approaches are central to protecting and managing the Reef and the communities it supports.

The RGC program was first launched in 2007 and in 2020 has grown to include 19 member councils covering an area of 300 000 square kilometres and a population of more than one million people.

Whether Reef Guardian Councils and their communities are large or small, they are making continuous improvements to help the Reef.

## Action plans

This Action Plan records the diversity of council actions and projects that contribute to Reef health. It aligns with Queensland and Australian Government objectives to improve the long-term outlook for the Reef.

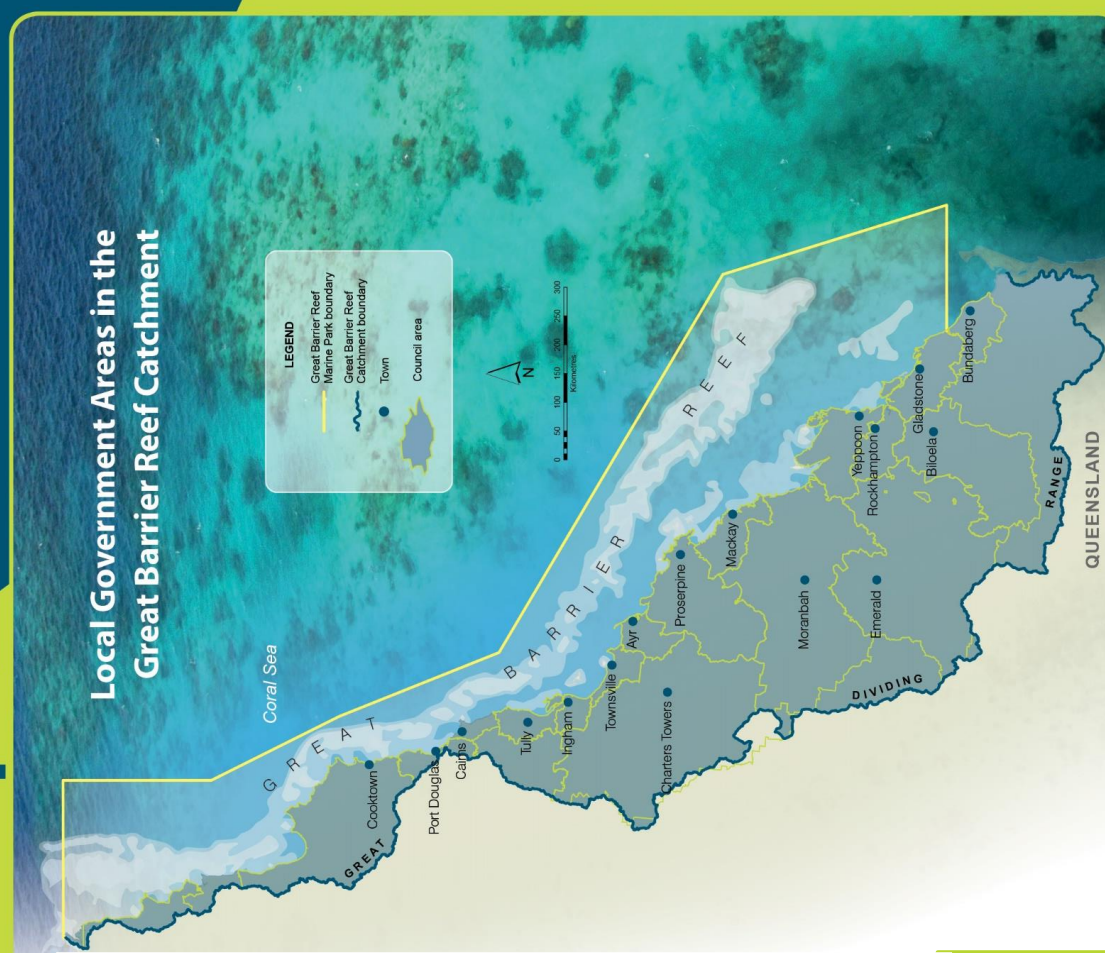
Actions are scalable reflecting each council's financial and technical capacities. To be a member, councils with a population of less than 50,000 residents must commit to at least one action for each item (climate change, coastal development, land-based run-off, direct use, heritage values), while councils with greater than 50,000 residents must commit to at least three actions per item. Examples of actions are provided in Table 1 of the Reef Guardian Council program Terms of Reference, however the program empowers councils to drive change and deliver innovative solutions to help the Reef by identifying other actions beyond those provided.

## Endorsement

The council recognises the importance of the Reef Guardian partnership and values the contributions made by staff and the community 'working together today for a healthier Reef tomorrow'.

**Period of Action Plan:** July 2022 to June 2023

Endorsed: ..... /..... /.....  
Council signatory



## Climate change

Action	Description	Financial/Resource Commitment	Partnerships	Responsible department/position	Project Status
Fire Management	Implementation of fire management plans including cool burns to reduce risk of wildfire through organic load management.	Operational	QRFS	Infrastructure Services	Ongoing
Energy consumption auditing	Council to conduct energy consumption audits and identifying opportunities for improved energy efficiency and supply.	Operational	Nil	Corporate Services	Annual
Vehicle exhaust emission design standards.	Council will meet and exceed where economically viable, legislated exhaust emission design standards to reduce pollution and greenhouse warming gases in its fleet.	Capital / Operational	Nil	Infrastructure Services	Ongoing
Drinking water planning	Council will continue to strategically plan for drinking water schemes including water security, treatment, and reticulation for climate resilience.	Capital / Operational	FNQROC	Infrastructure Services	Ongoing
GhG Emissions	Establish an emissions inventory, to record yearly data and track Council's carbon footprint	Operational	FNQROC and Ironbark	Infrastructure Services	Commenced 2022

## Catchment development

Action	Description	Financial/Resource Commitment	Partnerships	Responsible department/position	Project Status
Ongoing sewer renewal programs	Sewer relining and manhole rehabilitation and replacement program	Capital budget	FNQROC	Infrastructure Services	Ongoing.
Statutory Compliance	<p>Mareeba Shire Council endeavors to comply with all environmental protection statutory approvals including:</p> <ul style="list-style-type: none"> <li>• Environmental Authority issued for the Council activities of Water and Waste Treatment,</li> <li>• Protected Flora Permits and Vegetation Management Permits,</li> <li>• Wet Tropics Infrastructure Maintenance Permit.</li> </ul>	Operational	Nil	Infrastructure Services	Ongoing
Planning Scheme	Integrate environmental values of Mareeba Shire's diverse environment through planning and development assessments.	Operational	Nil	Corporate Services	Ongoing
Biosecurity Management	Implementation of the Mareeba Shire Community Biosecurity Plan	Operational	NRM bodies, indigenous corporations, landholders, state government, FNQROC.	Infrastructure Services	Ongoing
Environmental Management Plans	Identification and consideration of risks for Council projects	Operational	Nil	Infrastructure Services	Ongoing.
Renewal program	Culvert and causeway work	Capital Works	Nil	Infrastructure Services	Commence 2022/2023
River (water quality)	Upgrade to the Granit Creek Pump Station	Operational	Nil	Infrastructure Services	Commence 2022
Rehabilitation program	Concrete pipe replacements, Mareeba	Capital Works	Nil	Infrastructure Services	Commence 2022/2023
Refurbishments	Minor Wastewater Pump Station	Capital budget	Nil	Infrastructure Services	Commence 2022/2023

## Land-based run-off

Action	Description	Financial/Resource Commitment	Partnerships	Responsible department/position	Project Status
Buy Back Shop	Mareeba Shire Council's first buy back shop located at Mareeba Waste Transfer Station is now open to promote the diversion of resources into the circular economy, encourages dialogue about minimizing waste generation. Prevents landfilling and production of harmful leachate.	Capital budget.	Nil	Infrastructure Services	Ongoing.
Illegal dumping, environmental pollution	When deemed necessary Council will investigate and exercise its regulatory power to facilitate environmental protection.	Operational	Nil	Corporate Services & Infrastructure Services	Ongoing
Waste Management	Environmentally sustainable and responsible waste and wastewater management. Council will pursue cost effective strategies to minimise waste, realise circular economy opportunities and reduce littering and illegal dumping through the implementation of its <i>Waste Management Services Strategy 2018 - 2027</i> .	Capital / Operational	FNQROC - Regional Waste Strategic Framework.	Infrastructure Services	Ongoing
Drainage	Upgrades to water drains	Capital Works	Nil	Infrastructure Services	Commence 2022/2023
Mareeba WTP.	Construct bunded area for chemical storage and dosing.	Capital Works	Nil	Infrastructure Services	Commence 2022/2023
Bicentennial Lakes	Sewer Main Capacity Upgrade	Capital Works	Nil	Infrastructure Services	Commence 2022/2023

## Land-based run-off - Continued

Action	Description	Financial/Resource Commitment	Partnerships	Responsible department/position	Project Status
Bicentennial Lakes	Bicentennial lakes, is part of the Parks and Open Space Strategy, this project aims to improve water quality and parklands. Encouraging expansion of habitat and ecological connectivity and restoration of terrestrial and aquatic ecosystems.				Ongoing.
This is an important project for the Shire, as the lakes flow into the Granite Creek which then merges into the Barron River. The Barron River catchment provides extraordinary biodiversity through the landscape which includes dry Savannah plains, World Heritage Wet Tropic Rainforest, and is also important for agriculture as well as conservation, recreational and cultural heritage values. The catchment has a large diversity of habitats which contributes to high species of flora and fauna. The Barron plunges down the Barron Falls and enters the floodplains in Cairns and out to the Reef.					



## Direct use

Project Name	Description	Financial/Resource Commitment	Partnerships	Responsible department/position	Project Status
Grade 5 Mareeba State School Project	Sustainability - minimizing waste - recycling, composting	Operational	Mareeba State Primary School	Infrastructure Services	Commenced 2022
Field Days	Best practice - Biosecurity	Operational	Mareeba Shire Council Landholders NRM Groupe	Infrastructure Services	Ongoing
Amazon Frogbit	Proposed Field Day in the dry season	Operational	TRC, DAF, FNQROC	Infrastructure Services	Ongoing
Reef Themed Virtual Learning Sessions	Learning sessions held over the Easter School Holidays at Kuranda and Mareeba Libraries	Operational	Reef Guardian Program and MSC	Libraries	Small project
Community engagement - use of social media platforms	Fact sheets developed on several topics ranging from, composting to recycling, caring for catchments	Operational	Rivers to Reef Climate Resilience	Infrastructure Services	Commence 2022
Proposed Kuranda State College	Drain stenciling project	Operational	Kuranda State College, GBRMPA, MSC	Infrastructure Services	Commence 2022

## Reef heritage and social values

Action	Description	Financial/Resource Commitment	Partnerships	Responsible department/position	Project Status
Parks and Open Spaces Strategy	Mareeba Shire Council is developing a Parks and Open Space Strategy that will feature actions that provide open space for aesthetic appeal, connection to nature, green corridors, climate change resilience and improve environmental health	Capital Budget	Nil	Infrastructure Services	Commenced.
Splash Park	Community wellbeing and social values	Capital Budget	Nil	Infrastructure Services	2022/23
Environmental Awareness Training	Integrating the consideration of environmental protection into Council activities through raising awareness with employees.	Operational	Nil	Corporate Services	Ongoing.

**9.6 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - MARCH 2023****Date Prepared:** 15 March 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 March 2023.

**RECOMMENDATION**

That Council receives the Infrastructure Services, Works Progress Report for the month of March 2023.

**BACKGROUND****Transport Infrastructure**Emergent Works

Mareeba Shire Council is now eligible for DRFA funding following the activation of the shire under the Northern and Central Queensland Monsoon and Flooding 20 December 2022 to March 2023 event.

Works crews have been undertaking emergent work on the following roads within the shire in March;

Area	Road Name	Area	Road Name
All Areas	Pothole Patching	Watsonville	Eichblatt Road
Julatten	Black Mountain Road	Watsonville	Walsh River Road
Julatten	Euluma Creek Road	Watsonville	Bischoff Mill Road
Julatten	Riley Road	Watsonville	Charles Street
Julatten	Bump Track	Alamden	Ootann Road
Mt Molloy	Bakers Road	Dimbulah	Leafgold Weir Road
Irvinebank	Alice Street	Chillagoe	Torwood Road
Irvinebank	Ibis Dam Road	Chillagoe	Bolwarra Road
Irvinebank	James Street	Biboohra	Pickford Road
Irvinebank	Rubina Terrace	Biboohra	Shanty Creek Track North
Irvinebank	Hales Siding	Mareeba	Slape Road
Koah	Kanervo Road	Mareeba	Jennings Road
Koah	Spena Road	Mareeba	George Fabris Road
Watsonville	Shiffron Road	Mareeba	Emerald Falls Road
Watsonville	Walsh River Road	Mareeba	Cobra Road

Mareeba	Walsh Street	Mareeba	Peters Road
Mareeba	Robins Street	Mareeba	Adil Road

To date, 190 roads across the shire have been inspected and photographed and crews are working hard to undertake emergency repairs where required.

In the first three (3) months of the calendar year crews have used approximately 152 tonnes of blade mix and 3,000 litres of cationic bituminous emulsion for patching potholes that are occurring due to the persistent wet weather. Pothole patching is predominately being undertaken in the Mareeba and Dimbulah areas.

### General Maintenance

Activity	Location
Drain Cleaning	Black Mountain Road, Morrish Road, Clacherty Road, Schincariol Road, Boonmoo Road, West Dawson Road, Piemonte Road, Barron Falls Road, Thongon Street, Gregory Terrace, Salomone Drive, Coconut Grove, Butler Drive
Herbicide Spraying	Kuranda Area
Unsealed Road Maintenance Grading	Black Mountain Road
Slashing (MSC Staff)	Algoma Road, Cuzzubo Road, Wolfram Road, Bullaburra Road, Parise Road, Leedingham Creek Road, Dimbulah Airstrip, Raleigh Street, Koah Road, Speewah Road, Clacherty Road, Rainforest Drive, Highland Drive, Wetherby Road, Sides Road, McDougall Road, Jim Weir Road, Churchill Creek Road, McLeans Bridge Road, Euluma Creek Road, Cameron Court, Fraser Road
Slashing (Contract Round 1 – to end of February)	Pine Close, Bilwon Road, Bullock Creek Road, Rush Road, Rogers Road, Grigg Road, Vallyely Road, River Road, Coyle Road, Hume Road, Hodzic Road, Pin Road, Borzi Road, Tabacum Road, Barbetti Road, Shanty Creek Road, Pike Road, Srhoj Road, Kovacic Road, Gilmore Road, Kay Road, Adler Hill Road, Rollington Drive, Sabin East Road, Davies Creek Road, Spena Road, Brady Road, River Road

### Customer Requests

During the month of March, the Works Group received 82 Customer Requests (CRs) with 319 resolved (resolved requests include those received prior to March 2023). The table below shows the number of requests lodged per Works Section for the month.

Month	Roads	Parks and Gardens	Pest Management
March	46	22	14

At the time of reporting, the Works Group had 71 open requests.

### Bridges and Major Culverts

Bridges and major culverts on the following roads were inspected and cleared of debris as a result of the wet season rains.

- John Doyle Bridge Mareeba
- Kenneally Road, Mareeba
- Mutchilba Road, Mutchilba
- Selby Road, Mutchilba
- West Dawson Road, Mutchilba
- Pinnacle Road, Julatten
- Leadingham Creek Road, Dimbulah
- McLeans Bridge Road, Julatten
- Jeffery Road, Kuranda
- Hickory Road, Kuranda
- Fallon Road, Kuranda

### TMR Routine Maintenance Performance Contract (RMPC)

Wet weather callouts continued across the state-controlled network within Mareeba Shire. Emergent works were continued on the Burke Developmental and Herberton - Petford Roads when weather permitted.

Extensive pothole patching was undertaken on the Burke Developmental Road, Mulligan Highway and Mareeba-Dimbulah Roads. Herbicide spraying continued on the Kennedy Highway and Mareeba-Dimbulah Roads. Rural tractor slashing commenced on the Mareeba-Dimbulah Road.

A truck roll over was attended to on the Rex Range with large boulders causing major damage to the guardrail.

### Parks and Open Spaces

During March, as well as routine maintenance activities, Parks and Open Spaces staff undertook the following;

- Replaced swing seat Chillagoe
- Slash Rail Trail, Mareeba Airport, Eales Park, Mooraridgi Park and Shaban Park
- Mow and maintain Bibbohra Township
- Contractors – Mow and maintain Irvinebank township and Watsonville Cemetery
- Tree trimming Kennedy Street and The Edge Sound Barrier
- Mow and maintain Mareeba Cemetery and Pioneer Cemetery
- Burials
  - Mt Molloy x 1
  - Mareeba x 9

### Land Protection

**Parthenium Weed:** Inspections carried out on 13 sites. All landholders are complying with their biosecurity obligation. Land protection officers continue to monitor the sites.

**Multi Species Weeds-Emu Creek/Walsh River Catchment:** Work has started for the year along Emu Creek on the Wash River catchment targeting two (2) *Jatropha* species, Rubber vine and Siam weed.

**Frog Bit:** Sentinel sites on the Mitchell River catchment on the 2 Mile and Douglas Creeks have been inspected. This project is funded by Mitchell River catchment. All sites remain free of frog bit.



2 Mile Creek

**Leaf Cactus:** Leaf cactus has been found in two (2) locations in Mareeba Shire, one in Kuranda and one in Julatten. This invasive “vine” is extremely hard to control. It appears not to grow very well away from the coast but there is concern that once climatized it may spread. Bio Security NSW has been researching a bio control and recently visited the area to collect samples and are looking to release the bio control if suitable.

**Feral Pigs:** Feral pigs are an ongoing issue with numbers increasing. Several landholders have been given advice on baiting, trapping, and shooting. There is growing concern that foot and mouth or African swine fever could enter the country and spread through the feral pig population.

**Wild dogs:** Several landholders in the area have reported wild dogs in the Mareeba area unsuitable for baiting. Advice has been provided on trapping.

**Rabbits:** Calicivirus release done on one property in the Mutchilba area.

**Trap Ants (electric and yellow crazy):** Following a report from a community member of ant infestation in electrical pits at the Mareeba aerodrome, LPOs along with Bio Security QLD visited the Mareeba Aerodrome with ant samples taken for identification purposes. However, no electric or yellow crazy ants were detected.

## 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

**9.7 APPLICATION FOR SIMULTANEOUS ROAD CLOSURE AND OPENING - LOT 126 HG143 - RA 721 WOLFRAM ROAD DIMBULAH**

**Date Prepared:** 4 April 2023

**Author:** Technical Officer (Investigations)

**Attachments:** 1. Simultaneous Road Closure & Opening - Application [↓](#)  
2. Road Parcels - Wolfram Rd - Walsh Rv [↓](#)

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**EXECUTIVE SUMMARY**

Council is in receipt of an application for simultaneous road closure and opening, abutting Lot 126 on HG143 - rural address (RA) 721 Wolfram Road Dimbulah. The proposed closing and opening areas are each approximately 4508m<sup>2</sup> in size.

**RECOMMENDATION**

That Council as the Road Manager, advise the applicant and the Department of Resources that:

1. Council offers no objection to the proposed Simultaneous Road Closure and Opening as per the attached; Twine Surveyors Supplied Drawing - 9258-RC1-2022.12.24 RevA, subject to the following conditions:
  - Council requires a minimum 20 metre wide 'road' parcel to remain available as it may be needed for its intended use. Specifically regarding; Point 'C' in Drawing – 9258 RC1 2022.12.24 RevA.
  - The proponent is wholly responsible for all costs associated with finalising the process.
  - The subject parcel must be amalgamated into freehold Lot 126 on HG143.

**BACKGROUND**

As part of the Department of Resources (DoR) road closure application process, DoR requires a submission from the Road Manager (Council) prior to any decision being finalised.

Council is in receipt of an application for simultaneous road closure and opening (Attachment 1), abutting Lot 126 on HG143 - rural address (RA) 721 Wolfram Road Dimbulah. The proposed closing and opening areas are each approximately 4508m<sup>2</sup> in size and is sought to correct infrastructure encroachments within the Road Corridor being, a house and farming infrastructure.

There are numerous 'road' parcels bisecting properties between Wolfram Road and the Walsh River with each 'road' parcel being approximately forty (40) metres in width (Attachment 2).

A qualified surveyor has prepared the relevant Survey Plans detailing the amendments, which is included within the Attachment 1.

There is no Council infrastructure contained within the subject land. However, there is an existing small mango orchard within the subject land.

Correspondence between all parties has been maintained throughout the investigation process.

**INVESTIGATIVE MATTERS**

Council requires a minimum 20 metre wide 'Road' parcel to remain available as it may be needed for its intended use at some point in the future.

Upon inspection it was advised by the landowner, the encroachments within the subject land are; the landowners main residence and associated farming infrastructure. The provided Survey Plan confirmed the extent of encroachments.

Granting of Simultaneous Road Closure and Opening would correct the identified encroachments and maintain continuity of the road network.

**ASSESSMENT**

There is no Council infrastructure contained within the subject area and continuity of the road network is able to be maintained, subsequent to the proposed changes.

It is considered appropriate that the conditions outlined in the Recommendation be applied to achieve a suitable outcome for Council, the proponent and other stakeholders.

**RISK IMPLICATIONS****Infrastructure and Assets**

A suitable road reserve width is required to ensure continuity of the road network.

**Legal and Compliance**

Council is delegated with authority as Road Manager and is therefore required to consider the needs of the future transport network prior to DoR providing a final position to road closures.

**FINANCIAL AND RESOURCE IMPLICATIONS*****Capital***

Nil.

***Operating***

Nil.

**LINK TO CORPORATE PLAN**

**Transport and Council Infrastructure:** The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

**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**





Queensland  
Government

## Department of Resources

You can now lodge your application online via  
Part A Contact and Land Details.  
By July 2023 you will be able to apply for all *Land  
Act 1994* applications online.

### Part A – Form LA00

### Contact and Land Details

#### *Land Act 1994*

#### Requirements

1. **Part A:** Contact and land details is required when the applicant is wanting to submit a [Part B form](#) (application specific form). Part A – [Contact and land details](#) – you can apply online or via Part A – [Contact and land details \(PDF\)](#).
2. Payment of the prescribed [Application fee](#) for relevant Part B forms is per title reference. A refund of application fees will not be given. Details of fees are available on the [Department of Resources website](#) at <<https://www.resources.qld.gov.au>> or by contacting your nearest [business centre](#) or call 13 QGOV 13 74 68.
3. The appropriate application form Part B must be signed by the applicant or a legal practitioner on behalf of the applicant.
4. For your application to be processed, all parts of this application form must be completed and accurately, otherwise your application may be returned to you to complete or refused.

#### Important information

5. You are **strongly encouraged** to arrange a pre-lodgement meeting with us before you apply to ensure you have the information you need to apply correctly. You can do this by contacting your nearest business centre.
6. All applications will be processed having regard to the requirements of the [Land Act 1994](#) <<https://www.legislation.qld.gov.au/>> and related legislation, approved policies and procedures and the requirements of all other agencies with an interest in the land.
7. You can lodge your state land application online by completing the Part A online guide, or through the Part A – Contact and land details PDF and relevant Part B application form PDF. If you complete the PDF forms, you can submit the application via:  
  
8. **Email:** [SLAMlodgement@resources.qld.gov.au](mailto:SLAMlodgement@resources.qld.gov.au)
9. **Post:**  
Department of Resources  
PO Box 5318  
Townsville QLD 4810
10. In terms of the [Right to Information Act 2009](#) interested parties may seek access to the department's records and view relevant documents.
11. Information on this form, and any attachments, is being collected to process and assess your application under the [Land Act 1994](#). If required, we may need to consult with third parties such as relevant local or state agencies and adjoining property owners. Details provided to third parties will generally be limited to type of application, area applied for and intended use. Your personal information will not otherwise be disclosed unless authorised or required by law.
12. Please note that we may wish to contact you to seek your views on our service, to advise you of any legislative changes that might affect you or to seek your participation in surveys or programs relevant to your application type. Any participation will be voluntary and you may email [stateland@resources.qld.gov.au](mailto:stateland@resources.qld.gov.au) if you do not wish for the department to contact you.
13. The department may also compile or analyse statistics and conduct research. Any publication of findings will not involve the publication of identifying personal information.
14. For further privacy information click [Privacy](#) or go to <[www.resources.qld.gov.au/home/legal/privacy](http://www.resources.qld.gov.au/home/legal/privacy)>.

**Contact Details**

**Lodger Details and Mailing Address**

A lodger is only required when a legal practitioner, or consultant lodges the application on behalf of the applicant.

**Full Names**

Title	First Name	Surname
Mr	Rodger	Twine

**Company Name(s)**

TWINE SURVEYS PTY LTD

If a corporation then record:-



ACN



ARBN



ABN

109 476 422

**Contact Details**

**Postal Address:**

PO BOX 146 ATHERTON 4883

**Phone Number:**

40 911 303

**Mobile Number:**

**Email:**

info@twinesurveys.com.au

### Applicant(s) Details and Mailing Address

If the Applicant is a Corporation, either the Australian Company number, Australian Registered Body number or the Australian Business number must be shown.

Full Names		
Title	First Name	Surname
MR	FAUSTO	PARISE
MRS	DOLORES	PARISE

Company Name(s)	
<div style="border: 1px solid black; height: 30px; width: 100%;"></div>	
<p>If a corporation then record:-</p> <p> <input type="checkbox"/> ACN              <input type="checkbox"/> ARBN              <input type="checkbox"/> ABN              <div style="border: 1px solid black; width: 150px; height: 20px; display: inline-block;"></div> </p>	
<p><b>Note:</b> if the applicant is a Corporation, a requirement of the application is providing evidence (as at the date of application), that the Corporation is registered with the <a href="https://asic.gov.au/online-services/search-asic-s-registers/">Australian Securities and Investments Commission (ASIC)</a> at <a href="https://asic.gov.au/online-services/search-asic-s-registers/">https://asic.gov.au/online-services/search-asic-s-registers/</a> (company summary printout) and if applicable, also registered with the <a href="https://www.abr.business.gov.au">Australian Business Register (ABR)</a> at <a href="https://www.abr.business.gov.au">https://www.abr.business.gov.au</a> (ABN lookup record extract).</p>	

Contact Details	
<p><b>Postal Address:</b></p> <div style="border: 1px solid black; padding: 5px; min-height: 30px;">           PO Box 73 Dimbulah Qld 4872         </div>	
<p><b>Phone Number:</b></p> <div style="border: 1px solid black; padding: 5px; width: 150px;">           40936 137         </div>	<p><b>Mobile Number:</b></p> <div style="border: 1px solid black; padding: 5px; width: 150px;">           0427 936 137         </div>
<p><b>Email:</b></p> <div style="border: 1px solid black; padding: 5px; min-height: 20px;">           faustoparise@bigpond.com.au         </div>	

Future correspondence should be sent to:	
<input type="checkbox"/> Lodger	<input checked="" type="checkbox"/> Applicant

1. Are the applicants a foreign acquirer as defined by the Additional Foreign Acquirer Duty (AFAD)?	
<input type="checkbox"/> Yes	go to 2
<input checked="" type="checkbox"/> No	go to 4
<p><b>Note:</b> For further information refer to the Queensland Government website to determine if the applicant/s are a <u>foreign person</u> (acquirer) for AFAD.</p> <p>Government website to Types of foreign persons for additional foreign acquirer duty:-  <a href="https://www.business.qld.gov.au/industries/service-industries-professionals/professional-financial-services/transfer-duty/investors/afad/foreign-persons">https://www.business.qld.gov.au/industries/service-industries-professionals/professional-financial-services/transfer-duty/investors/afad/foreign-persons</a>.</p>	

2. Is the application related to the purchase of land, for example a permanent road closure, or conversion of a lease where the land is or will be used solely or primarily for residential purposes as defined for the Additional Foreign Acquirer Duty (AFAD) under the <u>Duties Act 2001</u> ?	
<input type="checkbox"/> Yes	go to 3
<input type="checkbox"/> No	go to 4
<p><b>Note:</b> Under the <u>Duties Act 2001</u> an additional amount of duty applies where the land is residential land and the applicant is a <u>foreign person</u> (acquirer) for AFAD.</p> <p>Government website for Additional Foreign Acquirer Duty:-  <a href="https://www.business.qld.gov.au/industries/service-industries-professionals/professional-financial-services/transfer-duty/investors/afad/foreign-persons">https://www.business.qld.gov.au/industries/service-industries-professionals/professional-financial-services/transfer-duty/investors/afad/foreign-persons</a>.</p>	

3. Enter full name/s of the foreign acquirer/s (If there is insufficient space, please lodge as an attachment)	
Full Names (If a Company, also provide a contact name)	Share Held
<div style="border: 1px solid black; height: 50px;"></div>	<div style="border: 1px solid black; height: 50px;"></div>
go to 4	

4. Are the Applicant/s registered for GST and acquiring the land for a creditable purpose?	
<input type="checkbox"/> Yes	
<input checked="" type="checkbox"/> No	go to 5
<p><b>Note:</b> Under the <u>Tax Administrator Act (Clh) 1953</u> certain purchasers of new residential premises or potential residential land are required to withhold the Goods and Services Tax (GST) amount from the price of the supply (purchase price) for payment directly to the Australian Taxation Office (ATO) as outlined on the ATO's website. The department is unable to provide further advice on the ATO's requirements. For further information contact the ATO on 13 28 65 or visit the ATO website <a href="https://www.ato.gov.au/business/gst/in-detail/your-industry/property/gst-property-settlement-online-forms-and-instructions/">https://www.ato.gov.au/business/gst/in-detail/your-industry/property/gst-property-settlement-online-forms-and-instructions/</a> or seek advice from a financial or legal expert.</p>	

**Details of land for which the application is being lodged**

5. Select the type of land for which the application is being lodged:

- ☐ Permit  
☐ Licence  
☐ Lease  
☐ Unallocated State Land (USL)  
☒ Road  
☐ Trust Land Reserve/ Deed of Grant in Trust (DOGIT)  
☐ Dealing Number (refer to Item 6)  
☐ Other

go to 6

6. Enter the description of the land for which the application is being lodged. If this application concerns a road, enter the description of the land adjoining the road.

**Schedule 1**

You must enter either the Lot on Plan or Title Reference of the land for which the application is being lodged

Lot	Plan	Title Reference
126	HG143	21361108

go to 7

The details of the land can be found on a current title. To check this you can purchase a title search by calling (07) 3497 3479, visiting the Titles Queensland website <https://www.titlesqld.com.au/> (and select 'Searches') Lot on Plan details are located on your rates notice or downloading the Queensland Globe <https://www.business.qld.gov.au/business/support-tools-grants/services/mapping-data-imagery/> to help access current Lot on Plan details. If insufficient space, please add additional description as an attachment.

7. Enter additional details of the land

Dealing number:

Tenure Type:  Tenure Number:

Local Government:

Other details of land location (optional)

go to 8

<b>8. Have you participated in a pre-lodgement meeting with the department (strongly encouraged)?</b>	
<input type="checkbox"/> Yes	<b>go to 9</b>
<input checked="" type="checkbox"/> No	
Please provide name of officer you spoke with and this department's associated reference.	
Department Contact Officer	Pre-lodgement ID (eLVAS CI Ref)
<input type="text"/>	<input type="text"/>

<b>9. Provide details of pre-lodgement meeting.</b> (If there is insufficient space, please lodge as an attachment)
<b>Note:</b> Departmental Officers contact details and any reference number should be included if known.

**THIS FORM MUST BE ACCOMPANIED BY THE RELEVANT PART B APPLICATION FORM**



**Queensland  
Government**

## Department of Resources

You can now lodge your application online via [Part A Contact and Land Details](#) and by July 2023 you will be able to apply for all State Land Act applications online.

### Part B – Form LA20

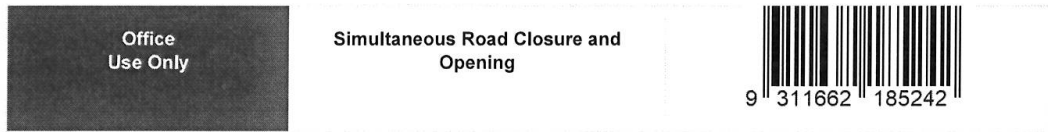
## Simultaneous Road Closure and Opening Application

### Requirements

1. This application is for a simultaneous road closure and opening.
2. Please read the respective Roads - [Applying for a simultaneous closure and opening of a road guide](#), which includes application restrictions.
3. Payment of the prescribed [Application fee](#) (per title reference), if relevant. A refund of application fees will not be given. (Details of fees are available on the [Department of Resources website](#) at <<https://www.resources.qld.gov.au>> or from a regional [department's business office](#) or call 13 QGOV 13 74 68).
4. **Part A - Form LA00: [Contact and land details](#)** will need to be completed and submitted with your application.
5. You must **attach a drawing** showing the required information which is detailed in the [guide](#) under the heading "Application Requirements".
6. Any additional information to support the application.
7. Your application will not be considered as having been properly made unless all parts of this application form have been completed accurately, otherwise your application may be returned to you to complete.
8. Prior to lodging your application, the Department **strongly encourages** the applicant to have a **pre-lodgement meeting** with a departmental officer who will provide additional information in relation to native title, expected timeframes, anticipated costs and to ensure the application will achieve your desired outcome.

### Important information

9. An application for simultaneous road closure and road opening can be made if a road is being opened in a lot and at the same time, a road is being closed (or for freehold land only, and adjoining lot) and the road to be opened is a replacement for the road being closed because of a realignment of the road network.
10. For freehold land, the simultaneous road closure and road opening can only occur in the following circumstances:
  - the road being opened must be a replacement for the road being closed because of a realignment of the road network; and
  - the road being opened and closed must be in the same lot or an adjoining lot held by the same registered owner.
11. You may be required to pay a purchase price for the simultaneous closing and opening of a road.
12. Information on this form, and any attachments, is being collected to process and assess your application under section 109A of the [Land Act 1994](#). If required, we may need to consult with third parties such as relevant local or state agencies and adjoining property owners. Details provided to third parties will generally be limited to type of application, area applied for and intended use. Your personal information will not otherwise be disclosed unless authorised or required by law.
13. Please note that we may wish to contact you to seek your views on our service, to advise you of any legislative changes that might affect you or to seek your participation in surveys or programs relevant to your application type. Any participation will be voluntary and you may email [stateland@resources.qld.gov.au](mailto:stateland@resources.qld.gov.au) if you do not wish for the department to contact you.
14. The department may also compile or analyse statistics and conduct research. Any publication of findings will not involve the publication of identifying personal information.
15. For further privacy information click [Privacy](#) or go to <[www.resources.qld.gov.au/home/legal/privacy](http://www.resources.qld.gov.au/home/legal/privacy)>.





<b>1. Are you the registered owner, lessee or trustee of the land subject to this simultaneous road closure and opening application?</b>
<div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input checked="" type="checkbox"/> Yes   <input type="checkbox"/> No                 </div> <div style="text-align: right;"> <p>go to 3</p>   <p>go to 2</p> </div> </div>
<b>2. Has the consent of the owner, lessee, licensee or trustee been obtained?</b>
<div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input checked="" type="checkbox"/> Yes   <input type="checkbox"/> No                 </div> <div style="text-align: right;"> <p>go to 3</p>   <p><b>Application cannot be considered</b></p> </div> </div>
Consent of the trustee, lessee or licensee must be attached to this application.
<b>3. If you are not the manager of the road as defined below, have you consulted with the road manager to determine if the road is still required?</b>
<div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input checked="" type="checkbox"/> Yes   <input type="checkbox"/> No                 </div> <div style="text-align: right;"> <p>go to 4</p>   <p>go to 4</p> </div> </div>
<p>Before submitting your application to the department, it is recommended that you discuss your proposal for closure of a local road with the local government responsible for its management, or the <a href="https://www.tmr.qld.gov.au/">Department of Transport and Main Roads</a> &lt;https://www.tmr.qld.gov.au/&gt; for a state controlled road managed under the <a href="#">Transport Infrastructure Act 1994</a>.</p> <p>This will assist you to plan your project and will help reduce the time required to assess your application. It will also provide you with an opportunity to address in your application any issues identified through discussion with the road manager.</p> <p>A signed 'Part C Form LA30 – Statement in relation to an application under the Land Act 1994 over State land' from the road manager must accompany this application.</p> <p>A road may be permanently closed under the <i>Land Act 1994</i> if the Minister is satisfied the road is not:</p> <ul style="list-style-type: none"> <li>a) the only dedicated access to a person's land;</li> <li>b) used regularly by the public as a road or stock route; or</li> <li>c) providing continuity to a road network.</li> </ul> <p>An application must be refused if the road is still needed in accordance with section 101(3) of the <i>Land Act 1994</i>.</p> <p><b>Note:</b> A road manager has the powers to authorise various uses on roads, however neither agency is able to permanently close the dedicated road and allocate the land for another use.</p> <p><b>Road Manager is:-</b></p> <ul style="list-style-type: none"> <li>• The local government for a road that is controlled by the local council;</li> <li>• For a state controlled road, the chief executive of the Queensland Government agency administering the <i>Transport Infrastructure Act 1994</i> such as the Department of Transport and Main Roads.</li> </ul>
<b>4. The application is for opening of road within:</b>
<div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Reserve   <input type="checkbox"/> Lease   <input checked="" type="checkbox"/> Freehold                 </div> <div style="text-align: right;"> <p>go to 5</p>   <p>go to 5</p>   <p>go to 5</p> </div> </div>
<b>5. Provide details of the reason the road closure and opening will provide a public benefit. (If there is insufficient space, please lodge as an attachment)</b>
<p>The simultaneous road opening and closure will resolve a historical encroachment of improvements placed on the road reserve and will provide an acceptable location for users of the new location of the road reserve</p>

<b>6. Have you made a previous application in this regard?</b>
<div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Yes             </div> <div style="text-align: right;">go to 7</div> </div> <div style="display: flex; justify-content: space-between; align-items: flex-start; margin-top: 10px;"> <div style="text-align: center;"> <input checked="" type="checkbox"/> No             </div> <div style="text-align: right;">go to 10</div> </div>
<b>7. Was this application refused?</b>
<div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Yes             </div> <div style="text-align: right;">go to 8</div> </div> <div style="display: flex; justify-content: space-between; align-items: flex-start; margin-top: 10px;"> <div style="text-align: center;"> <input type="checkbox"/> No             </div> <div style="text-align: right;">go to 10</div> </div>
<b>8. Has there been any change in circumstances from the previous application, which may lead to this application being accepted for further consideration?</b>
<div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Yes             </div> <div style="text-align: right;">go to 9</div> </div> <div style="display: flex; justify-content: space-between; align-items: flex-start; margin-top: 10px;"> <div style="text-align: center;"> <input type="checkbox"/> No             </div> <div style="text-align: right;">go to 10</div> </div>
The application maybe rejected without further consideration.
<b>9. Provide details of the change in circumstances from the previous application. (If there is insufficient space, please lodge as an attachment)</b>
go to 10
<b>10. Provide details of any additional information to support the application. (optional) (If there is insufficient space, please lodge as an attachment)</b>
go to 11

### Attachments

The following will need to be lodged with your application for it to be considered a properly made application. If all this information is not submitted, your application will be returned.

11. Tick the box to confirm the attachments form part of the application:


- ☒ Application Fee
- ☒ Part A – Form LA00 – Contact and Land details
- ☐ Signed Part C – Form LA30 – Statement from the road manager, if required
- ☒ A copy of a Dial before you dig enquiry detail page for the road area applied for
- ☒ A drawing showing the information listed in the 'Application Requirements' in the guide
- ☐ Consent of trustee, lessee, owner, if required

It is recommended that any attached drawings be A4 size. Your application will not be considered as having been properly made, unless all parts of this application form are completed accurately. In this instance your application may be returned to you for completion.

### Declaration

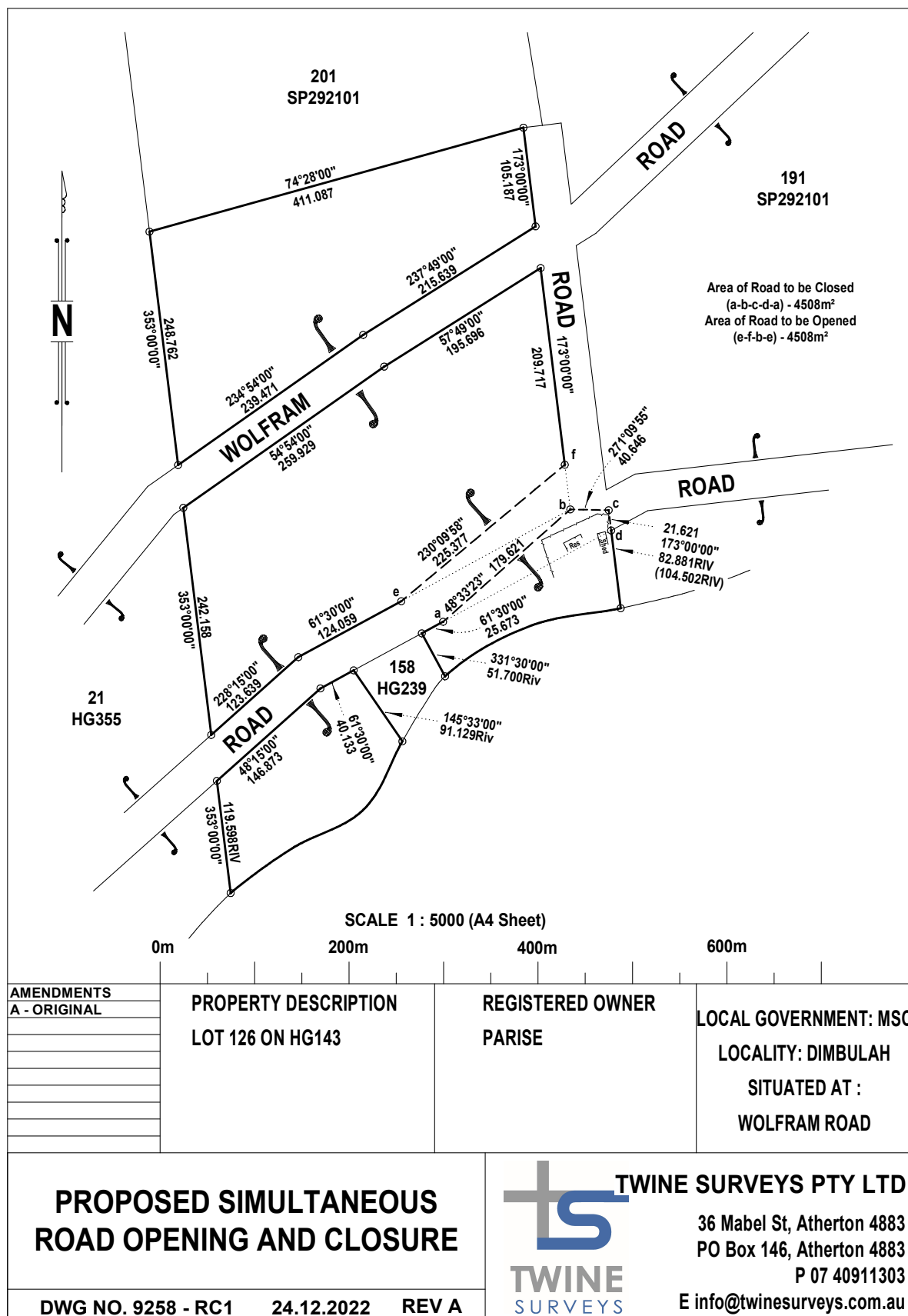
I certify that I have read the information, which forms part of this application and the information I have provided is true and accurate.

Signature of applicant (or their legal representative)

  
Rodger Twine

Date: 7/2/23

If applicant, section 142 of the Land Act 1994 states a person is eligible to apply for, buy or hold land under the Land Act 1994 if the person is an adult, that is, 18 years of age or over. If the legal representative of the applicant is signing as the applicant then the legal representative's full name must be printed immediately below the signature.









## Road Parcels - Wolfram Rd - Walsh Rv

© 2022 Mareeba Shire Council (MSC). Based on or contains data provided by MSC and The State of Queensland (Department of Resources) [2022]. In consideration of these agencies permitting use of this data you acknowledge and agree that these agencies give no warranty in relation to the data (including accuracy, reliability, completeness, currency or suitability) and accept 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.



**9.8 INFRASTRUCTURE SERVICES, WATER AND WASTE OPERATIONS REPORT - MARCH 2023**

**Date Prepared:** 15 March 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 March 2023.

**RECOMMENDATION**

That Council receives the Infrastructure Services, Water and Waste Operations Report for March 2023

**BACKGROUND****Water and Wastewater Treatment:**

All treatment plants are generally performing satisfactorily. Water demand was varied across all schemes. Rainfall in most catchments resulting in decreased consumption per connection.

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)	6,522	771	239	212	90
Number of Connections	4,385	982	157	272	137
Average daily water consumption per connection (L)	1,487	785	1,522	779	1,035

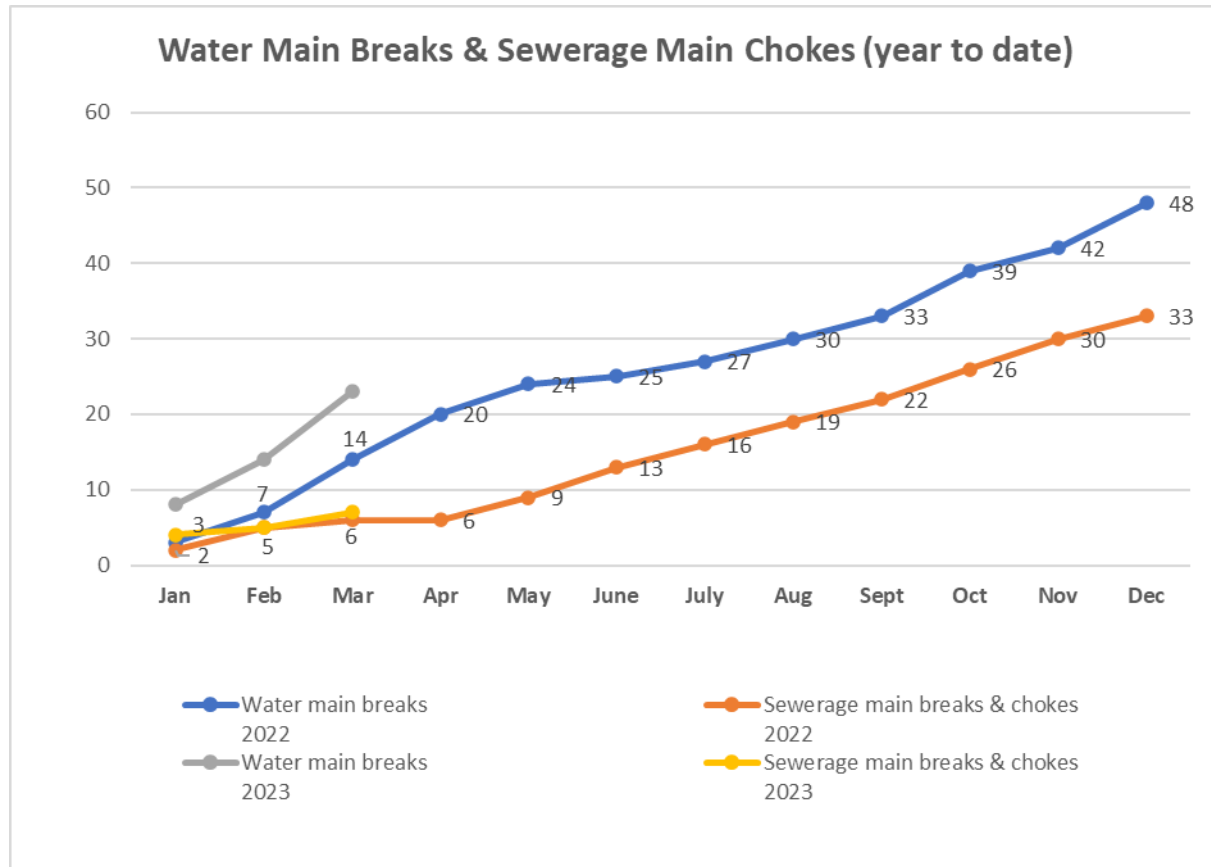
\* Mt Molloy is an untreated, non-potable water supply

Wastewater Treatment	Mareeba	Kuranda
Wastewater Plant average daily treatment (kL)	5,204	234
Number of Connections	3,424	346
Average daily inflow per connection (L)	1,520	676

### Water and Wastewater Reticulation:

Council's water reticulation crew attended to 23 water main breaks, and seven (7) 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:



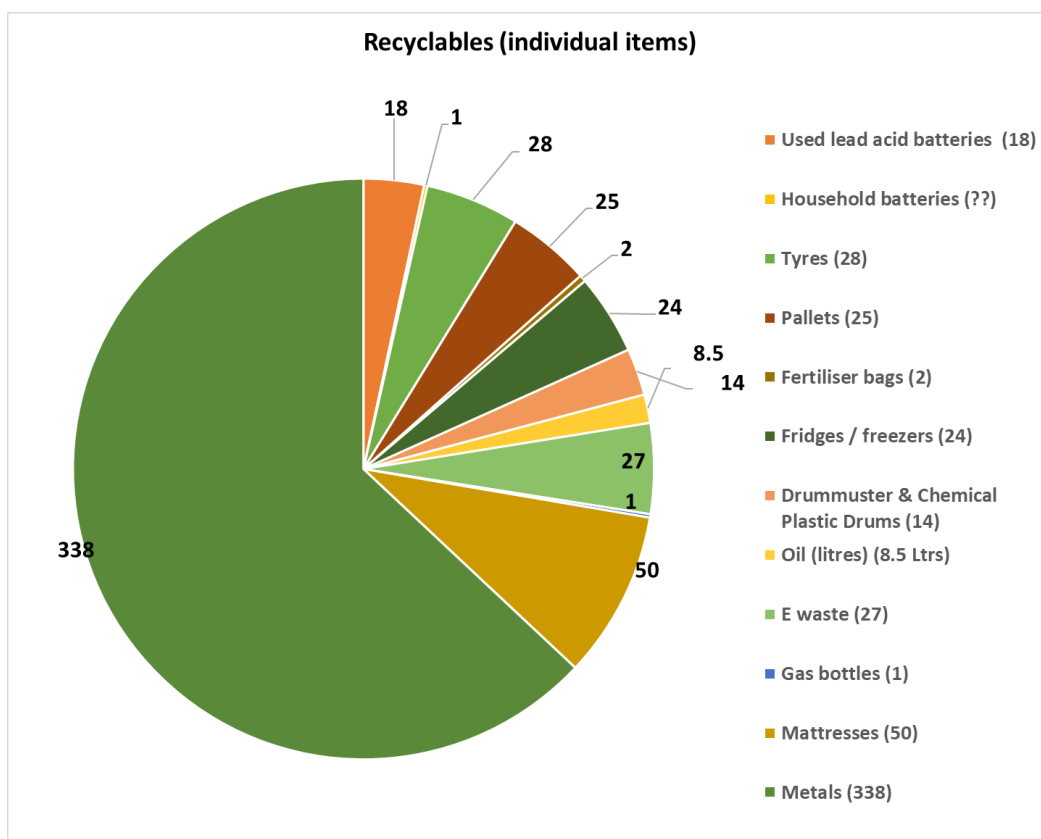
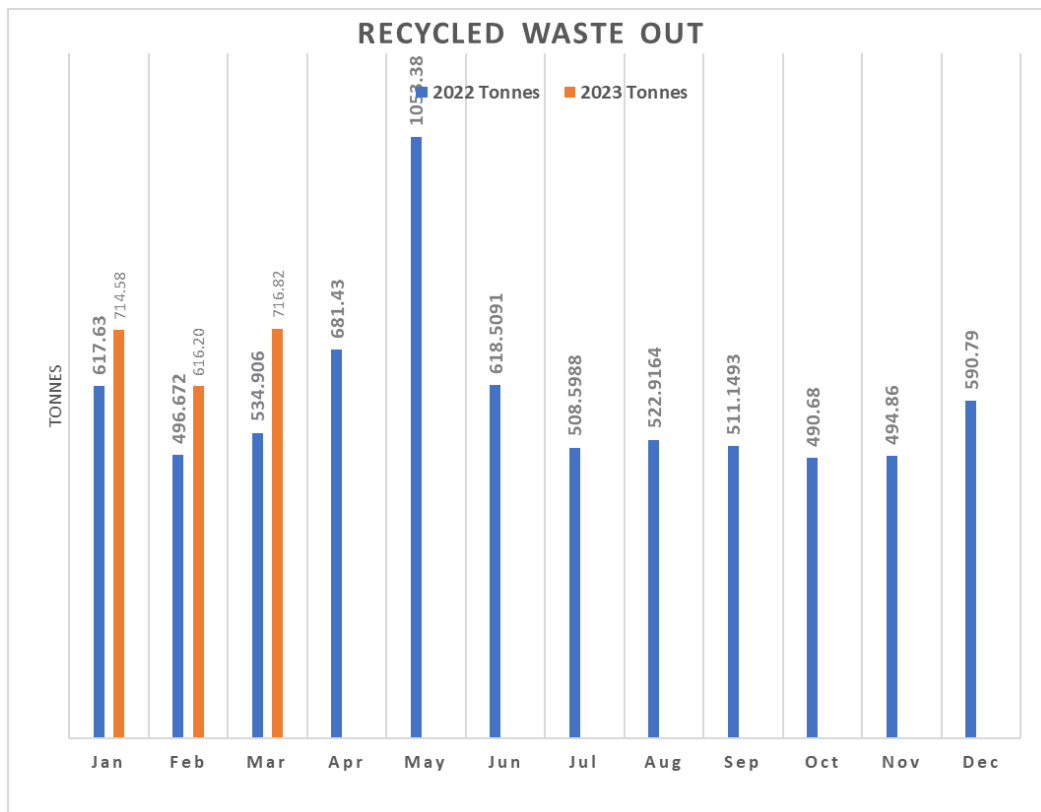
### Waste Operations:

ARUP's work on the Regional Resource Recovery Plan is complete to date with the draft to be presented to the FNQROC Board on 6 April.

### Recycling

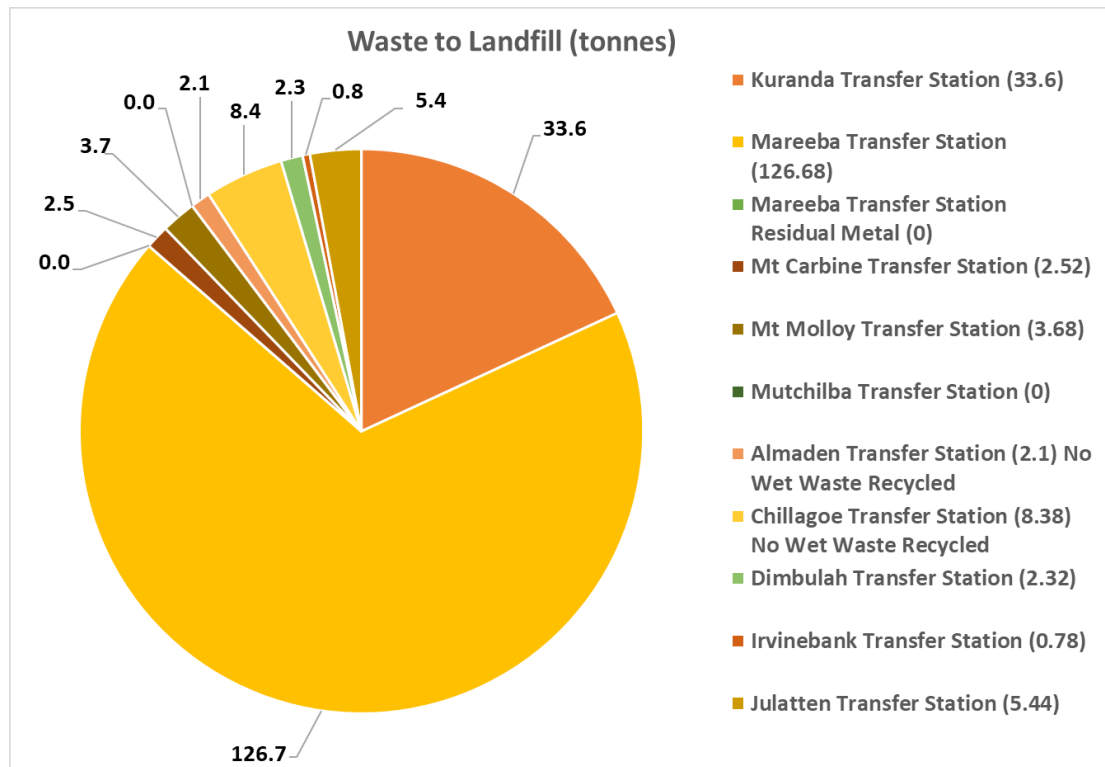
Waste material collected at each of the waste transfer stations are either deposited directly to the Springmount Waste Facility, recycled, or transported to the Veolia Advanced Resource Recovery Facility (ARRF) in Cairns for processing.





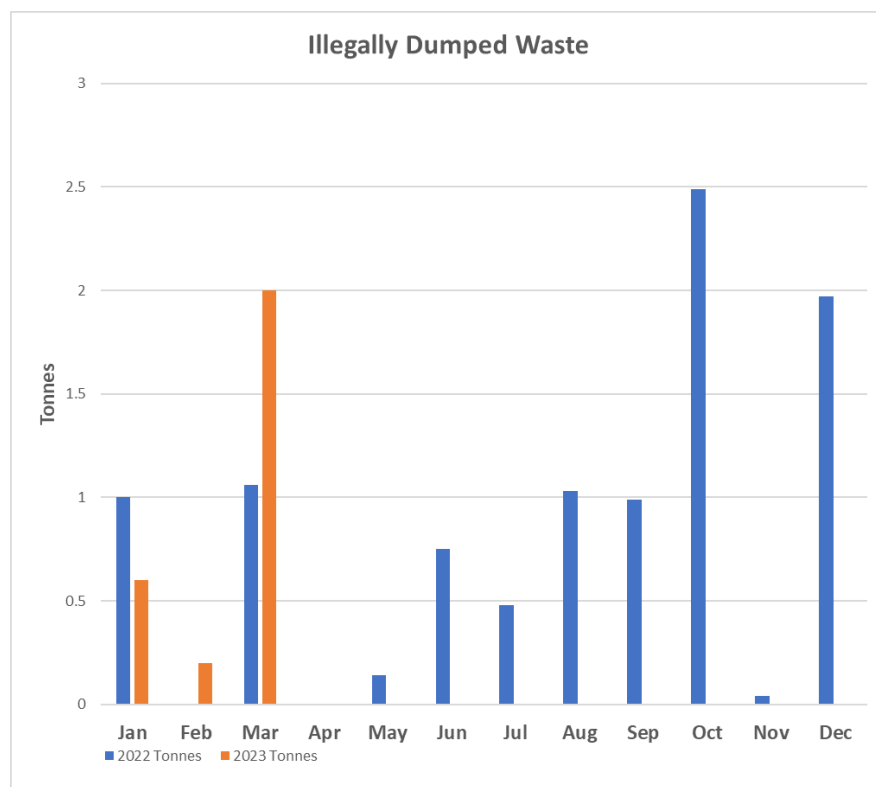
### Waste to Transfer Stations

Transfer Station dry waste is transported off site to the Springmount Waste Facility and for the month of March 186 tonnes was landfilled.



### **Illegally Dumped Waste**

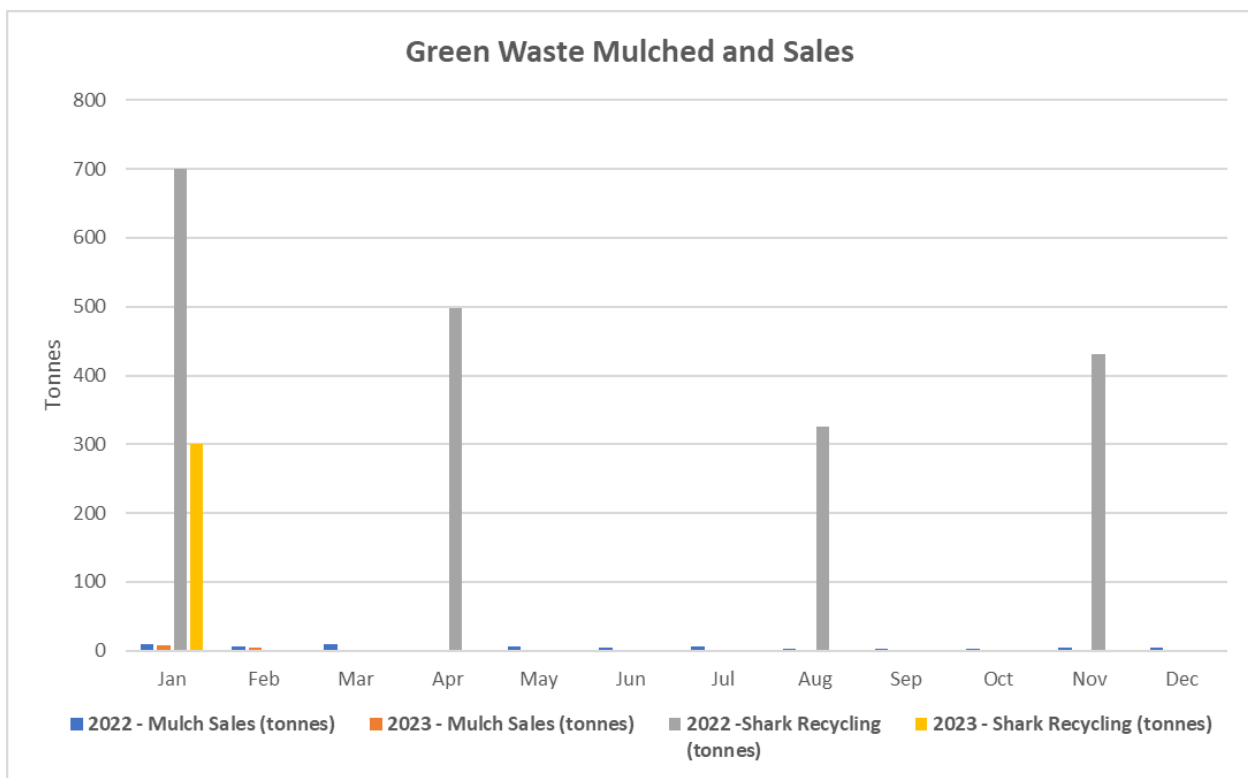
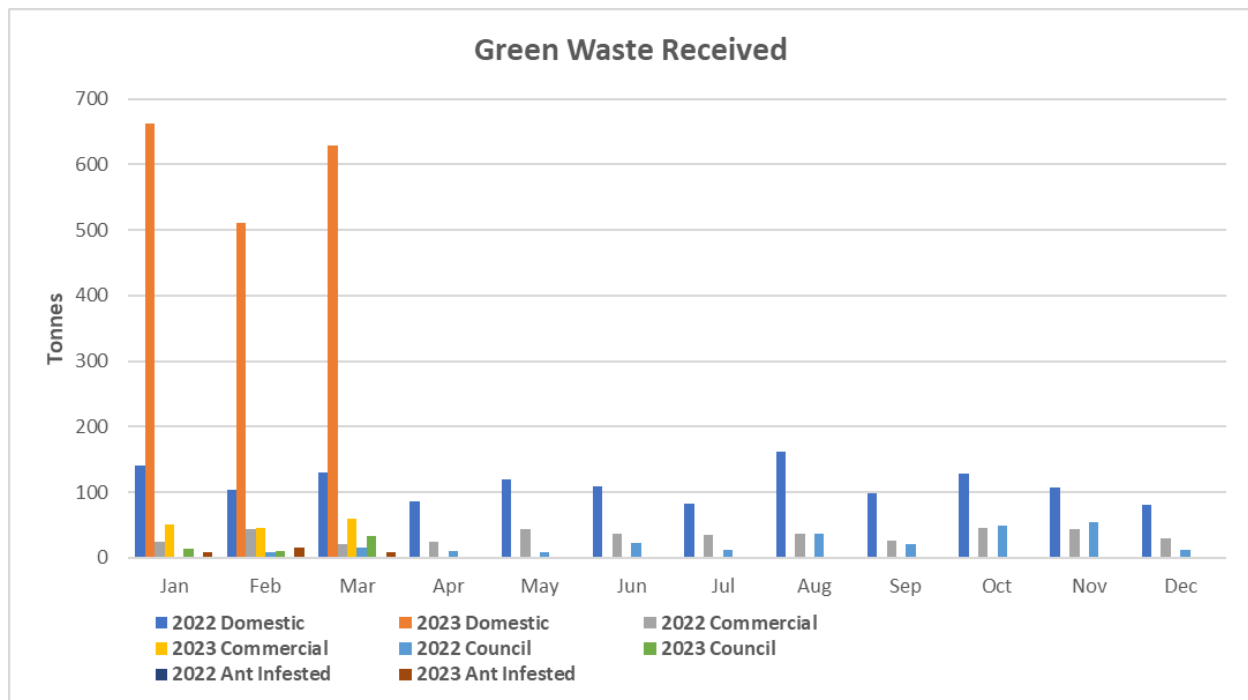
There were 2.0 tonnes of illegally dumped waste recorded through Waste Transfer Stations during the month of March. This does not include the illegal dumping on TMR Roads.



## Green Waste

During March, Council received a total of 730 tonnes of green waste with Kuranda recording 9 tonnes of Electric Ant contaminated green waste.

Free Green Domestic Waste days were run the weekend of 1 and 2 April with the Mareeba Waste Transfer Station receiving 334 loads of green waste, Kuranda 64, Chillagoe 9, Dimbulah 17, Irvinebank 6, Julatten 15 and Mt Molloy 6 loads of green waste.



**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*****Capital***

Nil

***Operating***

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

**9.9 T-MSC2023-02 MAREEBA WTP FILTRATION SYSTEM UPGRADE**

**Date Prepared:** 31 March 2023  
**Author:** Manager Water and Waste  
**Attachments:** Nil

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**EXECUTIVE SUMMARY**

The purpose of this report is to provide Council with an assessment of the tenders received for T-MSC2023-02 Mareeba Water Plant Filtration System Upgrade.

**RECOMMENDATION**

That the Council:

- a) awards Tender T-MSC2023-02 Mareeba Water Treatment Plant Filtration System Upgrade Tender to Strategic Builders Pty Ltd for the amount of \$7,875,844.24 (excluding GST).
- b) confirms Council has budgeted their financial contribution to this project, is committed to delivering this project and acknowledges responsibility for any funding shortfall if costs or other contributors change in accordance with the requirements of the Building Our Regions funding agreement.

**BACKGROUND**

Council has received \$2,000,000 in grant funding for towards upgrade of the Mareeba Water Plant Filtration System through the Queensland Government's Building Our Regions Round Six (BoR R6).

The scope of works includes:

- Construction of a new filtration system consisting of 6 dual media filters with inlet valve/penstock and magnetic flowmeter
- Construction of small new building to house backwashing system
- Construction of a new backwashing system consisting of backwash pumps, air scour blowers, float switches, backwash control valves, filter to waste capability, connection to existing wastewater handling system and associated pipework and valves.
- All necessary valve actuators, motors, drives and instrumentation for automated control of the filters and connection to existing electrical and SCADA control systems
- Modification of existing pipework to connect to new filters
- Earthworks and building approvals
- Commissioning and Testing
- Removal of redundant equipment

The works will be located within the confines of the water treatment plant on Kowa Street and will generally not affect the public.

Council has advised tenderers that the works are required to be practically complete by 31 May 2024.

**Tenders Received**

Tenders for T-MS2023-02 Mareeba Water Plant Filtration System Upgrade closed at 11:00am, Tuesday 14 March 2023.

Three (3) conforming submissions and two (2) non-conforming submissions were received as follows submissions were received. A summary of the tender prices at opening is provided in *Table 1* below;

*Table 1: Tendered Price at opening*

<b>Tenderer</b>	<b>Tendered Price (GST excl)</b>
Pensar Water Pty Ltd	\$9,720,798.00
SNG Engineering Pty Ltd	\$9,313,802.00
Strategic Builders Pty Ltd	\$7,875,844.24
Pensar Water Pty Ltd (Non-conforming)	\$7,402,009.00
Yokagawa Australia Pty Ltd (Non-conforming)	\$225,140.00

The non-conforming tenders from Pensar Water and Yokagawa Australia were deemed to have not satisfied the project requirements because:

- Pensar Water nominated a prefabricated 4 cell filter system which did not comply with the funding agreement from the Queensland State Government's Building Our Regions Round Six (BoR R6) program; and
- Yokagawa Australia's tender was for supply of sensors and analysers only.

Therefore, only the conforming tenders were considered further.

### **Tender Assessment**

Tenders were assessed in accordance with the evaluation criteria stated in the tender documentation and as provided in *Table 2* below;

*Table 2: Evaluation Criteria*

<b>Criteria</b>	<b>Weighting</b>
Tendered Price	40%
Relevant Experience	15%
Key Personnel Skills and Experience	15%
Tenderer's Resources	10%
Demonstrated Understanding	20%
<b>Total</b>	<b>100%</b>

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.

Table 3: Tender Evaluation Summary

Tenderer	Commentary	Score (100%)	Rank
Strategic Builders Pty Ltd	Price within budget allocation	62%	1
SNG Engineering Pty Ltd	Price exceeds budget allocation	46%	2
Pensar Water Pty Ltd	Critical non-conformances	N/A	N/A

Strategic Builders Pty Ltd

Strategic Builders received the highest score overall. Strategic Builders is a Cairns-based construction firm and has nominated Water Treatment Australia (WTA) as a subcontractor to deliver this project. WTA is a highly experienced engineering and construction contractor specialising in the design and installation of water treatment systems.

SNG Engineering Pty Ltd

SNG Engineering received the second highest score overall. SNG Engineering are an interstate construction company with limited demonstrated relevant experience. The on-site key personnel are limited to the site supervisor with no on-site project manager nominated.

Pensar Water Pty Ltd

Pensar Water was not scored because their tender submission contained an extensive list of qualifications/departures which sought to transfer unacceptable project and financial risk to Council. In addition, the submission explicitly omitted critical items such as the pre-filter hypochlorite dosing. The construction program also showed that Pensar Water was unable to reach Practical Completion by the nominated date of the 31 May 2024. It is for these reasons that Pensar Water's tender submission was not able to be scored.

**RISK IMPLICATIONS****Financial**

Council has allocated funding under the 2022/23 capital budget which is supplemented by a grant from the Queensland State Government.

**Infrastructure and Assets**

The existing water filter system at the Mareeba Water Treatment Plant is aging and inefficient by current standards. There is no redundancy in the current system which poses a significant risk to the water security of the Mareeba township if it is not upgraded.

**FINANCIAL AND RESOURCE IMPLICATIONS****Capital**

Yes.

***Is the expenditure noted above included in the current budget?***

Yes.

**Operating**

Yes.

***Is the expenditure noted above included in the current budget?***

yes.

**LINK TO CORPORATE PLAN**

**Community:** An engaged community which supports and encourages effective partnerships to enhance the liveability of the shire and the wellbeing of residents in communities which are resilient and prepared for unforeseen events.

**Economy and Environment:** A resilient economy that promotes and supports the shire's natural assets and local industry and encourages investment while preserving and future proofing for generations to come.

**Governance:** Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community.

**IMPLEMENTATION/COMMUNICATION**

Tenderers to be notified of the outcome of this report.



## 10 OFFICE OF THE CEO

### 10.1 COUNCILLOR ATTENDANCE AT THE DEVELOPING NORTHERN AUSTRALIA CONFERENCE

**Date Prepared:** 22 March 2023  
**Author:** Chief Executive Officer  
**Attachments:** Nil

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#### EXECUTIVE SUMMARY

The purpose of this report is to obtain Council approval for the attendance of Councillors at the Developing Northern Australia Conference to be held in Darwin 24 - 27 July 2023.

#### RECOMMENDATION

That Council approves the attendance of Cr Mlikota at the Developing Northern Australia Conference in Darwin 24 - 27 July 2023.

#### BACKGROUND

The Developing Northern Australia Conference provides a platform to unite leaders, decision makers, industry representatives and community members working to advance the northern regions.

#### RISK IMPLICATIONS

Nil

#### LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Nil

#### FINANCIAL AND RESOURCE IMPLICATIONS

##### **Capital**

Nil

##### **Operating**

Yes

##### ***Is the expenditure noted above included in the current budget?***

Yes

#### LINK TO CORPORATE PLAN

**Community:** An informed and engaged community which supports and encourages effective partnerships to enhance the liveability of the Shire.

**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**

N/A

**10.2 OFFICE CLOSURE FOR STAFF FUNCTION**

**Date Prepared:** 22 March 2023  
**Author:** Chief Executive Officer  
**Attachments:** Nil

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**EXECUTIVE SUMMARY**

This report is presented to Council seeking authorisation is sought to close service centres and libraries for a staff function.

**RECOMMENDATION**

That Council approves the closure of all Council offices and libraries from 12:30pm - 5pm on Wednesday 19 July 2023.

**BACKGROUND**

Council service centres are open to the public throughout the whole of the year, excluding public holidays. The two (2) service centres are Mareeba (65 Rankin Street) and Kuranda (18-22 Arara Street).

The management team have worked very closely with staff to maintain a positive culture and are recommending that service centres close at 12:30pm on Wednesday 19 July 2023 to allow all staff to attend the annual staff function.

Council's after-hours service will operate during the afternoon and staff will be available to deal with critical and emergency issues.

**RISK IMPLICATIONS**

Nil

**LEGAL/COMPLIANCE/POLICY IMPLICATIONS**

Nil

**FINANCIAL AND RESOURCE IMPLICATIONS*****Capital***

Nil

***Operating***

The cost of the function has been included in the budget.

**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**

If approved, communications will be provided both internally and externally advising of the closure period for the staff function.

**11 CONFIDENTIAL REPORTS**

Nil

**12 BUSINESS WITHOUT NOTICE**

**13 NEXT MEETING OF COUNCIL**



## **14 FOR INFORMATION**

<b>14.1 SUMMARY OF NEW PLANNING APPLICATIONS &amp; DELEGATED DECISIONS FOR THE MONTH OF MARCH 2023</b>
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**Date Prepared:** 4 April 2023

**Author:** Senior Planner

**Attachments:** Nil

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Please see below information.

**Summary of new Planning Development Applications and Delegated Decisions for March 2023**

<b>New Development Applications</b>					
Application #	Lodgement Date	Applicant/ Address	Property Description	Application Type	Status
MCU/23/0006	16/03/2023	Justin Smit C/- Emergent Building Approvals 35 Rankin Street, Mareeba	Lot 1 on MPH3466	MCU Dual Occupancy	Decision notice (approval) issued 29 March 2023
RAL/23/0003	9/03/2023	Roy A Gorry C/- Scope Town Planning 12 Barnwell Road, Kuranda	Lot 1 on SP218094	ROL (1 into 6 Lots)	In public notification stage

<b>Decision Notices issued under Delegated Authority</b>					
Application #	Date of Decision Notice	Applicant	Address	Property Description	Application Type
MCU/23/0005	15/03/2023	T Body C/-U&I TownPlan	58 Mason Street, Mareeba	Lot 2 on RP714911	MCU Dual Occupancy
MCU/23/0006	29/03/2023	Justin L Smit TTE C/- Emergent Building Approvals	35 Rankin Street, Mareeba	Lot 1 on MPH3466	MCU Dual Occupancy
RAL/23/0001	20/03/2023	D and K Graham C/- Scope Town Planning	9 Kenneally Road, Mareeba	Lot 1 on RP725088	ROL (1 into 3 lots)
RAL/22/0022	3/03/2023	MGA Investments Pty Ltd TTE C/- RPS AAP Consulting Pty Ltd	3609 Mulligan Highway, Mount Molloy	Lot 1 on SP223151	ROL (1 into 3 lots)

<b>Negotiated Decision Notices issued under Delegated Authority</b>					
Application #	Date of Decision Notice	Applicant	Address	Property Description	Application Type
Nil					

March 2023 (Regional Land Use Planning)



Change to Existing Development Approval issued					
Application #	Date of Decision	Applicant	Address	Property Description	Application Type
Nll					

Referral Agency Response Decision Notices issued under Delegated Authority					
Application #	Date of Decision	Applicant	Address	Property Description	Application Type
CAR/23/0003	28/03/2023	S & S Smith C/- Northern Building Approvals	Kennedy Highway, Mareeba	Lot 2 on SP248135	Building Work – Class 10a Shed GFA Dispensation

Extensions to Relevant Period issued					
Application #	Date of Decision	Applicant	Address	Property Description	Application Type
Nll					

Survey Plans endorsed					
Application #	Date	Applicant	Address	Property Description	No of Lots
RAL/21/0024	7/03/2023	Sibi Girgenti Holdings Pty Ltd	Tilse Street and McIver Road Mareeba	Lots 24 and 100 on SP366282 (Cancelling Lot 100 on SP276719)	1
REC/07/0052	23/03/2023	Hockey Machinery Sales Pty Ltd	Summer Street, Mareeba	Lots 56 and 100 on SP334788 (Cancelling Lot 100 on SP334762)	1

March 2023 (Regional Land Use Planning)