



# **AGENDA**

**Wednesday, 20 December 2023**

## **Ordinary Council Meeting**

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

**Date: Wednesday, 20 December 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>
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- 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**  
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- 6 BUSINESS ARISING OUT OF MINUTES OF PREVIOUS MEETING**
- 7 DEPUTATIONS AND DELEGATIONS**



## 8 CORPORATE AND COMMUNITY SERVICES

### 8.1 CONMAT NO 2 PTY LTD - RECONFIGURING A LOT - SUBDIVISION (1 LOT INTO 41 LOTS IN 4 STAGES) - LOT 1 ON RP747077 - RAY ROAD, MAREEBA - RAL/23/0009

**Date Prepared:** 21 September 2023

**Author:** Coordinator Planning Services

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

#### APPLICATION DETAILS

APPLICATION		PREMISES	
<b>APPLICANT</b>	Conmat No 2 Pty Ltd	<b>ADDRESS</b>	Ray Road, Mareeba
<b>DATE LODGED</b>	21 August 2023	<b>RPD</b>	Lot 1 on RP747077
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Reconfiguring a Lot – Subdivision (1 lot into 41 lots in 4 stages)		
<b>FILE NO</b>	RAL/23/0009	<b>AREA</b>	7.973 hectares
<b>LODGED BY</b>	Freshwater Planning Pty Ltd	<b>OWNER</b>	Conmat No 2 Pty Ltd
<b>PLANNING SCHEME</b>	Mareeba Shire Council Planning Scheme 2016		
<b>ZONE</b>	Low Density Residential zone		
<b>LEVEL OF ASSESSMENT</b>	Code Assessment		
<b>SUBMISSIONS</b>	n/a		

#### EXECUTIVE SUMMARY

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

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

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

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

#### OFFICER'S RECOMMENDATION

1. That in relation to the following development application:

APPLICATION		PREMISES	
<b>APPLICANT</b>	Conmat No 2 Pty Ltd	<b>ADDRESS</b>	Ray Road, Mareeba
<b>DATE LODGED</b>	21 August 2023	<b>RPD</b>	Lot 1 on RP747077
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Reconfiguring a Lot – Subdivision (1 lot into 41 lots in 4 stages)		

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

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

And

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

- (A) **APPROVED DEVELOPMENT:** Development Permit for Reconfiguring a Lot – Subdivision (1 lot into 41 lots in 4 stages)**APPROVED PLANS:**

Plan/Document Number	Plan/Document Title	Prepared by	Dated
9348-ROL1 Rev B	Sheet 1 of 3	Twine Surveys Pty Ltd	25.07.2023
9348-ROL1 Rev B	Sheet 2 of 3	Twine Surveys Pty Ltd	25.07.2023
9348-ROL1 Rev B	Sheet 3 of 3	Twine Surveys Pty Ltd	25.07.2023

- (B) **ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)**

- (a) Development assessable against the Planning Scheme

1. Development must be carried out generally in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, and subject to any alterations:
  - found necessary by the Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
  - to ensure compliance with the following conditions of approval.
2. Timing of Effect
  - 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the endorsement of the plan of survey for each stage of the development, or alternative documentation as approved by the Land Title Act, except where specified otherwise in these conditions of approval.
3. General

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

All outstanding rates, charges, and expenses pertaining to the land are to be paid in full.
- 3.7 Local Heritage Place – Heavy Anti Aircraft Gun Station 448

No aspect of this development shall interfere with or damage the heritage significance of Heavy Anti Aircraft Gun Station 448.
4. Infrastructure Services and Standards
  - 4.1 Stormwater Drainage
    - (a) The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.
    - (b) Prior to works commencing the applicant must submit a Stormwater Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual to the satisfaction of Council's delegated officer.

The Stormwater Management Plan and Report must also consider the existing condition of the downstream Easement A on RP733064 and make all necessary recommendations to ensure the long term stability and functioning of this drainage easement.

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

#### 4.2 Earthworks

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

#### 4.3 Roadworks/footpaths - Internal

- (a) The subdivision internal roads must be designed and constructed to Access Street standard in accordance with Council's FNQROC Development Manual, as detailed in Table D.1.1
- (b) Individual property access must be designed in accordance with the requirements of FNQROC Development Manual. Appropriate distances are required from intersections and tangent points in accordance with AS2890.1.

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

- (d) The diameter of the cul-de-sacs must be suitable for the largest refuse collection vehicle used throughout the shire to be able to turn around in a forward direction. Swept path diagrams must be submitted as part of the development application for Operational Works to demonstrate this requirement.
- (e) A temporary gravel vehicle turnaround at the end of all partially constructed roads must be provided of a sufficient size to turnaround a refuse collection vehicle, either in a continuous forward movement or by a three-point turn.
- (f) A second 4 metre wide road reserve connection must be provided along the common boundary of proposed Lots 11 & 12 (and ultimately proposed Lots 22 & 23) to allow for future pedestrian only connectivity between Ray Road and the proposed internal road.
- (g) Two (2) metre wide concrete pedestrian footpaths must be installed in the locations marked on the approved Footpath Plan, applicable to the relevant stage. The horizontal alignment of all footpaths must comply with the FNQROC development Manual (specifically Standard Drawing S1004A).

#### 4.4 Roadworks - External (Ray Road and Cater Road)

- (a) Prepare a design for Ray Road (between McIver Road and Cater Road) to a Major Collector Road standard as defined in Council's FNQROC Development Manual. The design must detail the alignment of all associated infrastructure including:
  - pavement
  - kerb and channel
  - footpath (western side)
  - street lighting
  - underground stormwater infrastructure

The design should also identify the extent of any land requirements on the subject lots to facilitate the road network, giving consideration to any localised widenings necessary to facilitate the construction/upgrade of the intersections.

- (b) Undertake road widening along the full Ray Road frontage of the site equivalent to half of a Major Collector Road, inclusive of pavement, kerb and channel, drainage infrastructure, footpath, landscaping, and street lighting. The arrangement must be compatible with the eventual full upgrade of Ray Road to Major Collector Road standard. Services are required to be installed in the location suitable for the future road upgrade of the eastern half of Ray Road.

- (c) Design Cater Road to a 10 metre wide bus route Access Street standard as defined in Council's FNQROC Development Manual, for the full frontage of proposed Lots 17 and 18.
- (d) Undertake road widening along Cater Road for the full frontage of proposed Lots 17 and 18 equivalent to half of a 10 metre wide bus route Access Street standard, inclusive of pavement, kerb and channel, drainage infrastructure, footpath, landscaping, and street lighting. Services are required to be installed in the location suitable for the future road upgrade of the western half of Cater Road.
- (e) Design and construct the new internal road intersection with Ray Road and upgrade of Ray Road/Cater Road intersection in accordance with Council's FNQROC Development Manual.
- (f) The design and construction of the interim arrangements must allow for all necessary work and adjustments to smoothly join the new works to the existing formation. Minor adjustment to levels may be necessary to achieve this.
- (g) Individual property access must be designed in accordance with the requirements of FNQROC Development Manual. Appropriate distances are required from intersections and tangent points in accordance with AS2890.1.

The access to all properties with two (2) road frontages (Lot 17 & Lot 18) must be from the lower order road being Cater Road.

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

#### 4.5 Water Supply

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

#### 4.6 Sewerage Connection

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



existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).

4.7 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 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

(a) The new intersection formed on Ray Road for the purpose of accessing the development and the intersection of Ray Road/ Cater Road must be provided with street lighting for a distance equivalent to at least two (2) spans either side of the intersection to the relevant Lighting Category.

(b) Prior to the issue of a development permit for Operational Works a Rate 2 lighting scheme is to be prepared by an Ergon Energy approved consultant and submitted to Council for approval. The Rate 2 lighting scheme is to be designed in accordance with the relevant Road Lighting Standard AS/NZS 1158 and the FNQROC Development Manual. The applicable lighting category is to be determined from the Road Hierarchy Table D1.1.

4.10 Street Trees

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

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

**Plans for the development works required under Conditions 4.1 - 4.10 must be submitted to Council for approval as part of a subsequent application for operational works.**

(C) ASSESSMENT MANAGER'S ADVICE

(a) An Adopted Infrastructure Charges Notice has been issued with respect to the approved development. The Adopted Infrastructure Charges Notice details the type of

infrastructure charge/s, the amount of the charge/s and when the charge/s are payable.

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

- (c) Easement Documents

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

- (d) Endorsement Fees

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

- (e) Compliance with applicable codes/policies

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

- (f) Environmental Protection and Biodiversity Conservation Act 1999

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

- (g) Cultural Heritage

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

- (h) Electric Ants

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

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

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

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

(D) RELEVANT PERIOD

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

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

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

- Development Permit for Operational Works

(F) OTHER APPROVALS REQUIRED FROM COUNCIL

- Nil

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

Development Type	Rate	Measure	Charge	Credit Detail	Balance
Residential	\$ per Lot	Lots		Lots	
Stage 1	\$20,768.00	10 Lots plus balance area	\$207,680.00	No charge applied to balance area	\$207,680.00
Stage 2	\$20,768.00	10 Lots plus balance area	\$207,680.00		\$207,680.00
Stage 3	\$20,768.00	10 Lots plus balance area	\$207,680.00		\$207,680.00
Stage 4	\$20,768.00	10 Lots plus balance area	\$207,680.00		\$207,680.00
TOTAL CURRENT AMOUNT OF CHARGE					\$830,720.00

**THE SITE**

The subject site is described as Lot 1 on RP747077 and is situated to the north of the intersection of Ray Road and Cater Road, Mareeba, extending approximately 600 metres further north of the intersection.

The site is triangular in shape, having an area of 7.973 hectares with frontages of approximately 575 metres to Ray Road and 625 metres to Cater Road.

Ray Road is formed to a six (6) metre wide bitumen sealed standard for the site's entire frontage. Cater Road is also formed to a bitumen standard for the site's entire frontage. The standard of Cater Road varies considerably from 7.5 metres to 4.5 metres.

There is no kerbing present along any of the site's frontages.

The site unused, being flat and largely cleared of native vegetation from previous agricultural use. The north-western corner of the site contains several World War 2 era ammunition bunkers and a gun mount.

The subject site is able to be serviced by the Mareeba reticulated town water supply and sewer. Reticulated electricity and telecommunication infrastructure is also established in the immediate vicinity.

Land to the north, west and east is zoned Low Density Residential under the Mareeba Shire Council Planning Scheme 2016.

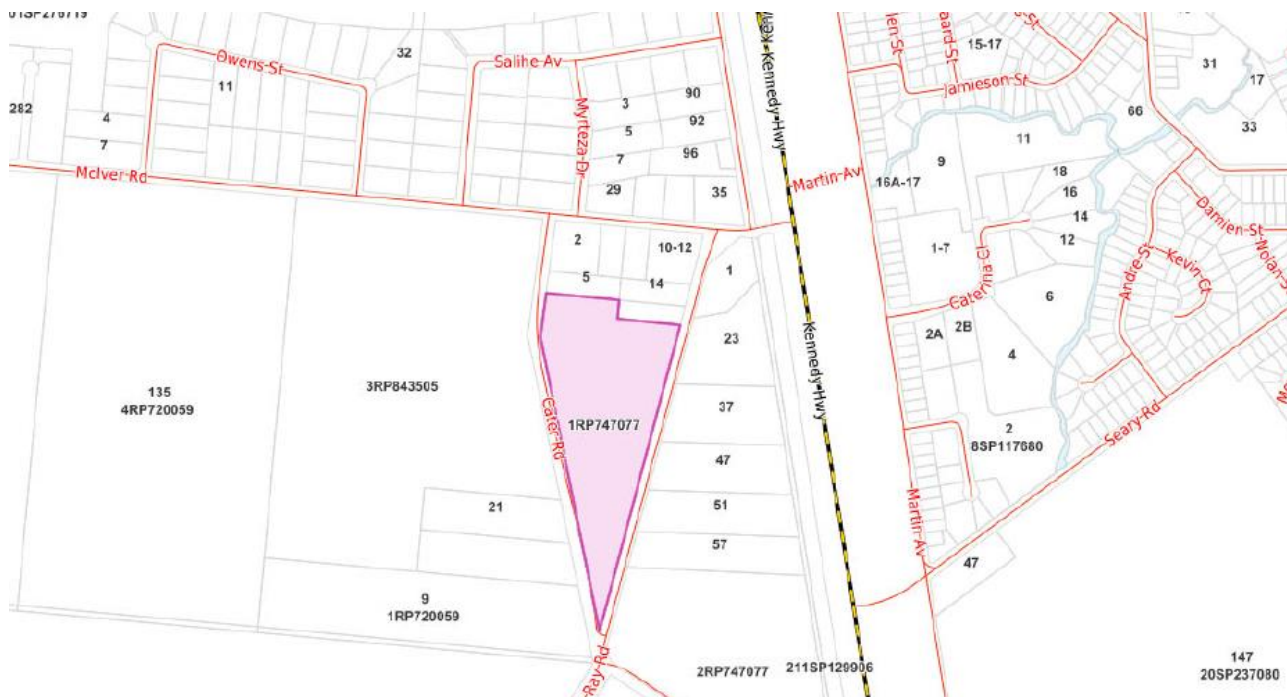
St Stephen's Catholic College is located immediately to the west of the site.



**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

The subject site contains part of the historic Mareeba Airfield Northern Heavy Anti-Aircraft Gun Station 448 (Station 448) which is designated as a Local Heritage Plan under the Mareeba Shire Council Planning Scheme 2016.

Specifically, the site contains one (1) octagonal gun emplacement and two (2) semi-underground magazines.

The gun emplacement and one (1) magazine will be located with the balance area lot under this application. The second magazine will be retained on proposed Lot 37. Proposed Lot 37 will have sufficient area to accommodate the magazine and a future dwelling house.

The other surviving features of Station 448 are found within the nearby school and several existing residential lots.

## PREVIOUS APPLICATIONS & APPROVALS

On 19 September 2006, Council approved the issue of Development Permit (RCL/06/0034) for Reconfiguring a Lot – Subdivision (1 lot into 70 lots) over Lot 1 on RP747077, situated at Ray Road, Mareeba.

Various operational works applications were submitted in 2008, however the development did not progress beyond this stage.

## DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Reconfiguring a Lot – Subdivision (1 lot into 41 lots in 4 stages) in accordance with the plans shown in **Attachment 1**.

The proposed stages are as follows:

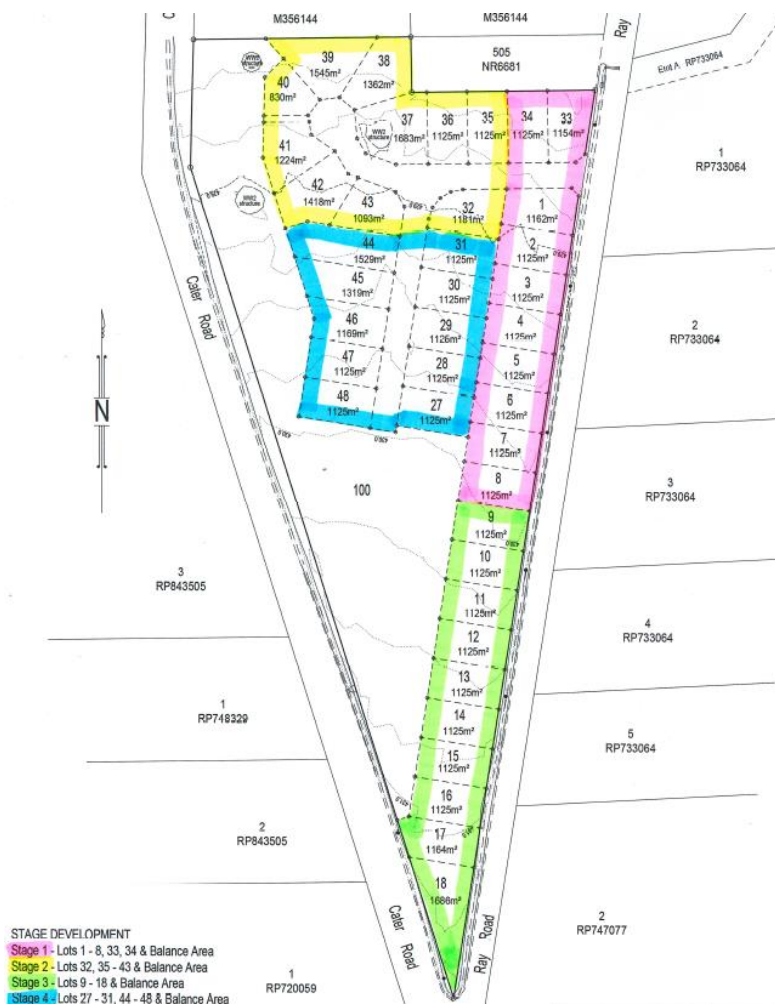
Stage 1 - 10 lots ranging in size from 1125m<sup>2</sup> to 1162m<sup>2</sup>;

Stage 2 - 10 lots ranging in size from 1125m<sup>2</sup> to 1686m<sup>2</sup>;

Stage 3 - 10 lots ranging in size from 830m<sup>2</sup> to 1683m<sup>2</sup>; and

Stage 4 – 10 lots ranging in size from 1125m<sup>2</sup> to 1529m<sup>2</sup>.

A plan of the four (4) stages is shown below:



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

The new residential lots will be connected to all urban services, with the balance area allotment (Lot 100) to be further developed under a separate application.

## 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>Local Collector Road</li> <li>Principal Cycle Network</li> </ul>
Zone:	Low Density Residential zone
Overlays:	Airport environs overlay Bushfire hazard overlay Environmental significance overlay Heritage overlay Transport infrastructure overlay

**RELEVANT PLANNING INSTRUMENTS**

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

**(A) Planning Regulation 2017 - Schedule 12A**

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

**4 Connectivity**

The reconfiguration provides connectivity for pedestrians by-

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

Comment

The proposed lot layout incorporates a 4 metre wide road reserve/pathway between the head of the new cul-de-sac and Cater Road.

A second 4 metre wide road reserve/pathway will be conditioned between Ray Road and the new internal road generally following the boundary between Lots 11 & 12 and Lots 22 & 23.

Footpaths will be conditioned along the new internal roads.

**5 Maximum length of particular blocks**

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

Comment

Subject to the conditioning of a second 4 metre wide road reserve/pathway between Ray Road and the new internal road (generally following the boundary between Lots 11 & 12 and Lots 22 & 23), the development will substantially comply.

**6 Street trees**

The reconfiguration provides shade for comfortable walking by -

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

Comment

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

**7 Footpaths**

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

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

Comment

A footpath will be conditioned on one side of each new internal road and pedestrian link.

The development has been appropriately conditioned to comply.



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

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

**Comment**

The land is reasonably proximate to the rail trail and Centenary Park. No further parkland will be conditioned.

Infrastructure charges will be payable towards open space infrastructure.

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

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

**(C) State Planning Policy**

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

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

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

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

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

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

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

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

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

**(F) Adopted Infrastructure Charges Notice**

In accordance with Council's Adopted Infrastructure Charges Resolution (No. 1) 2023, a charge of \$20,768.00 will apply to each additional residential allotment created.

The application proposes the creation of forty (40) additional residential lots and one (1) balance area lot to be further developed under a separate application.

\$20,768.00 x 40 (lots) = **\$830,720.00**

**REFERRAL AGENCY**

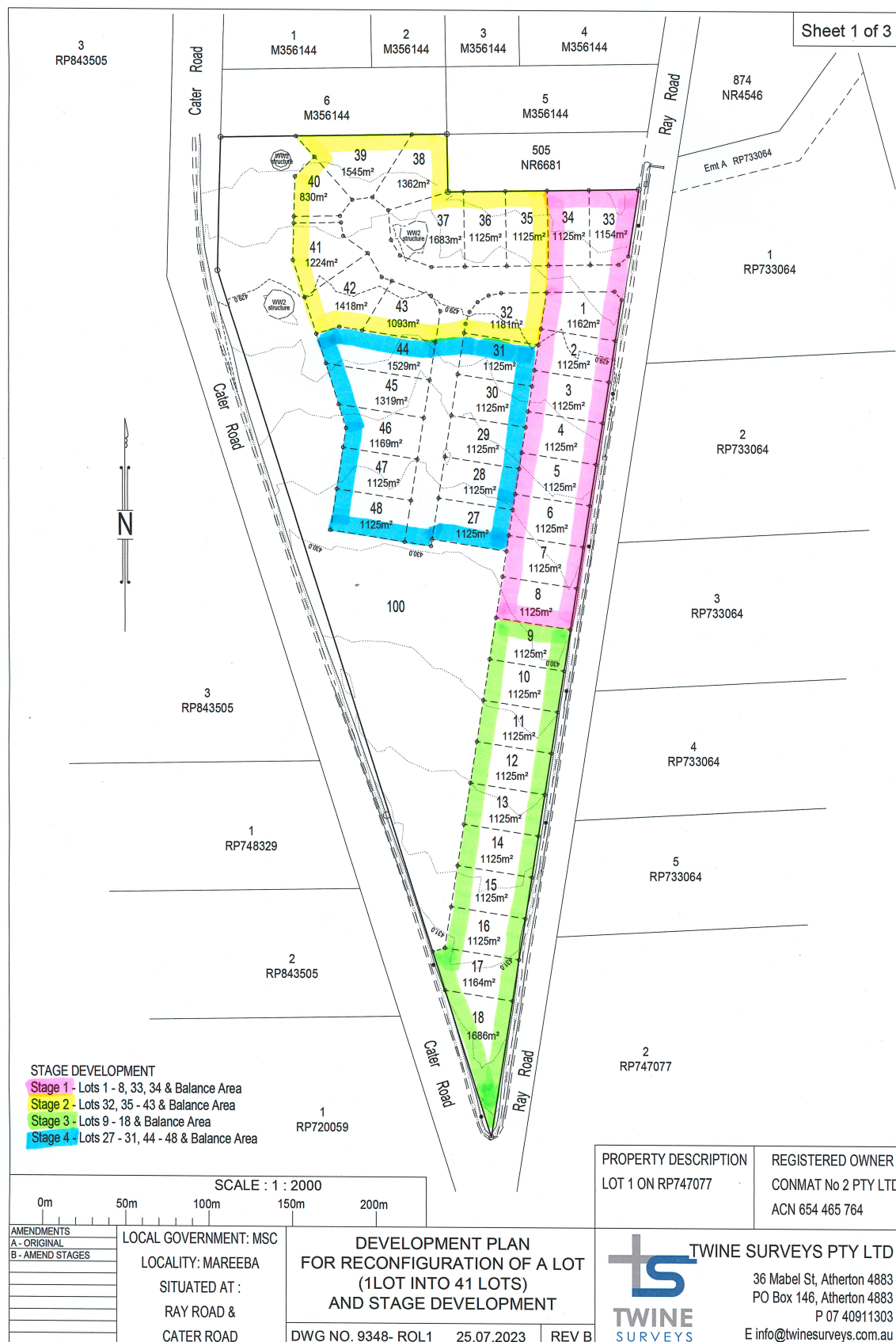
This application did not trigger referral to a Referral Agency.

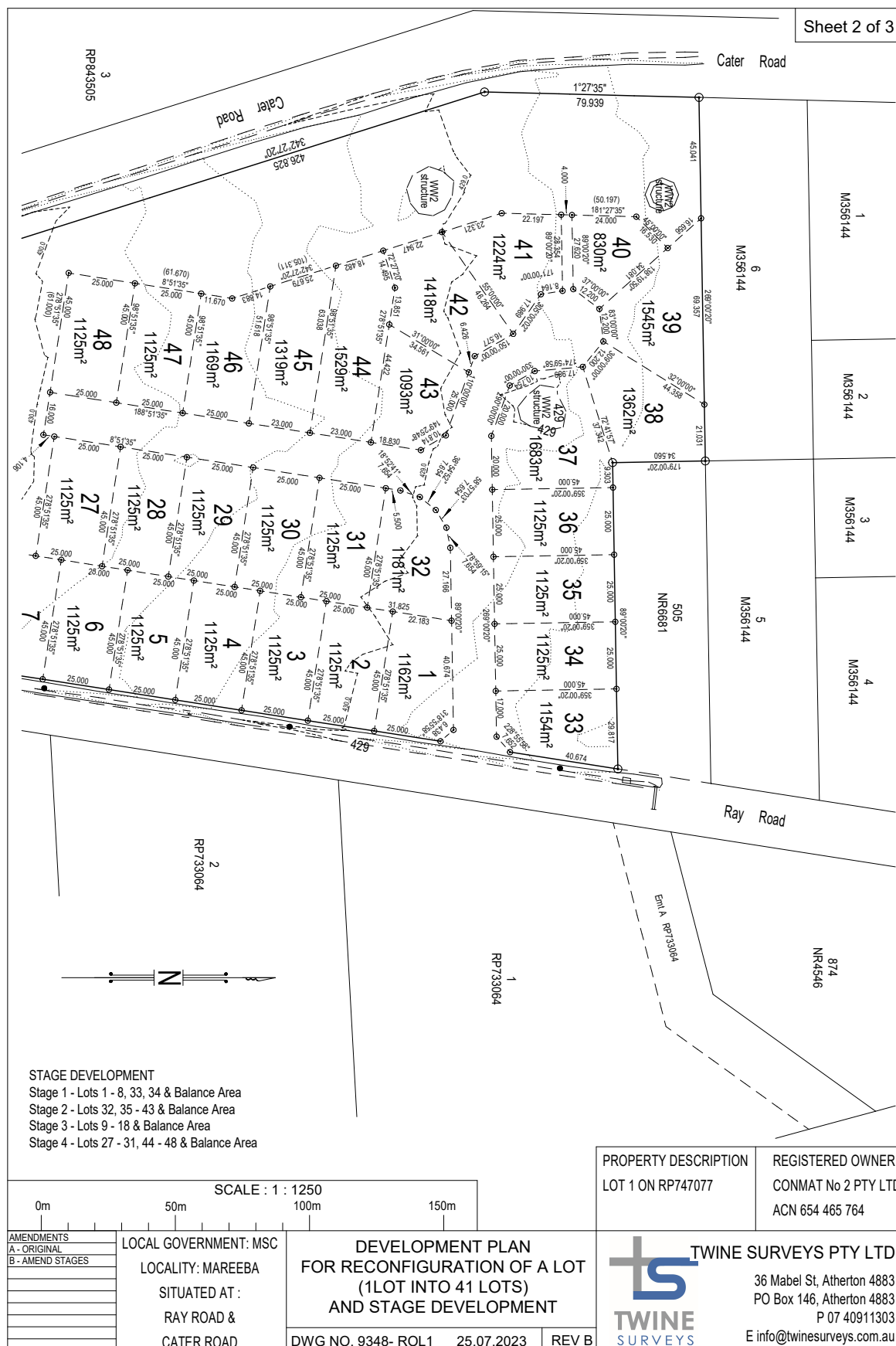
**Internal Consultation**

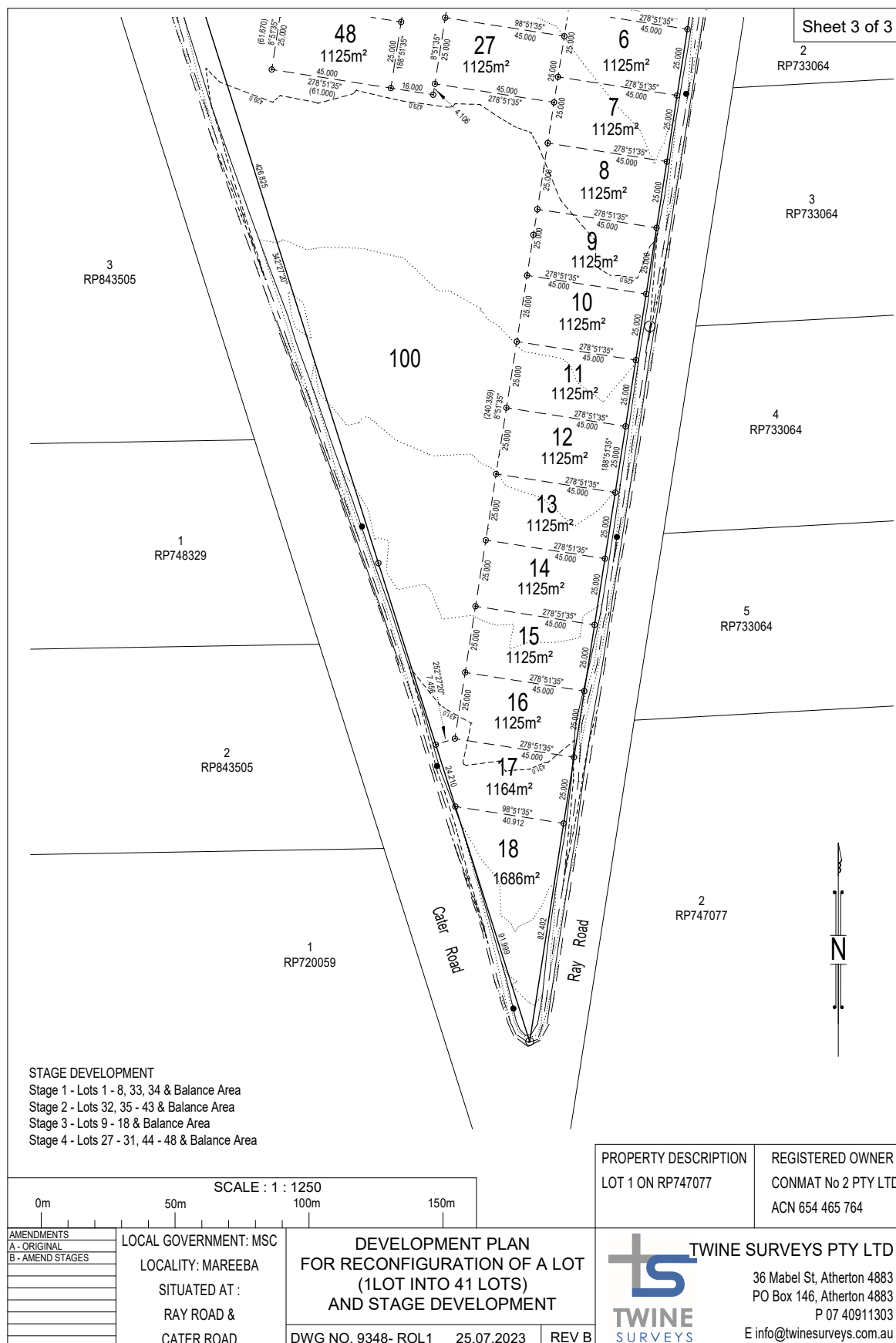
Technical Services.

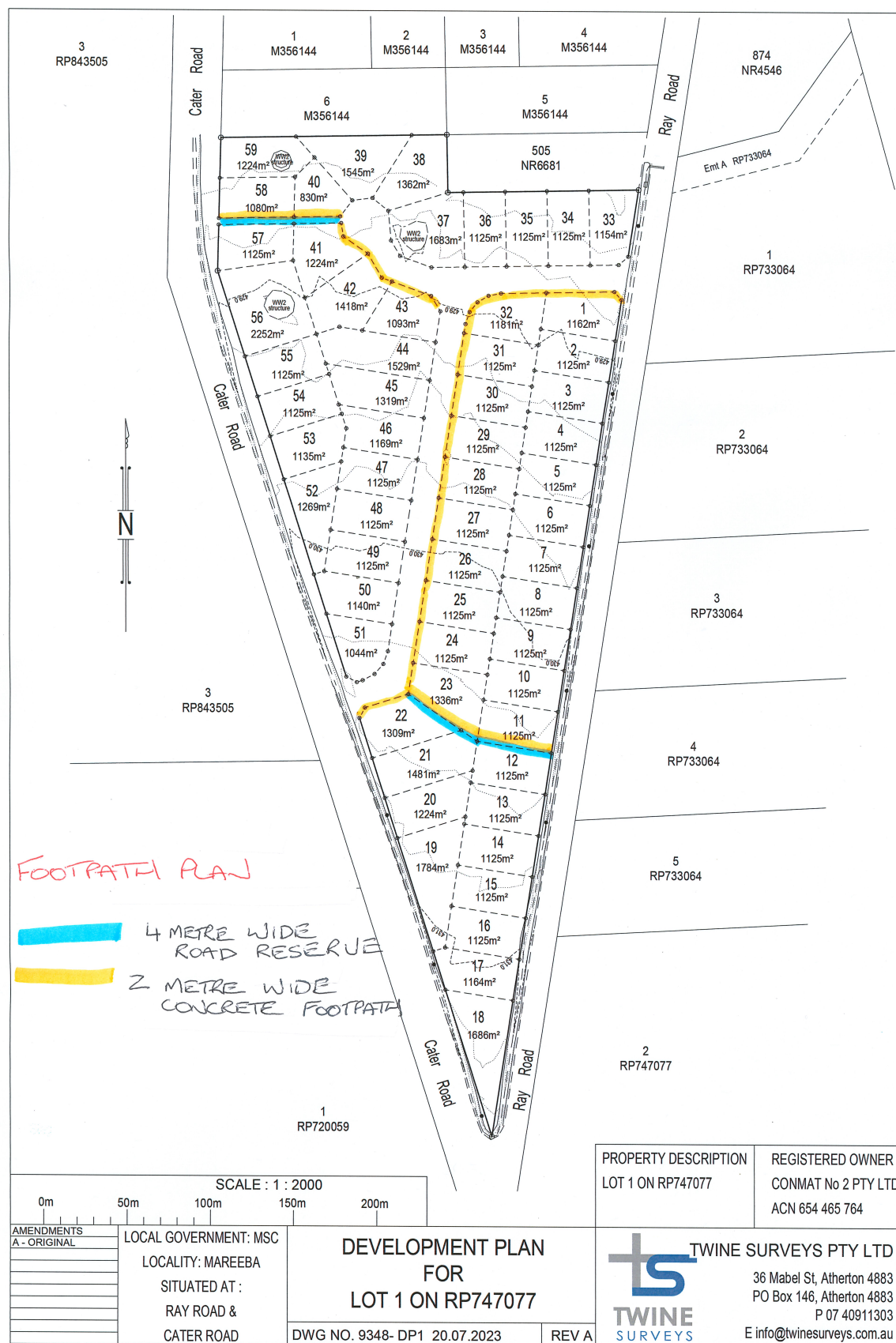
**PLANNING DISCUSSION**

Nil













## 8.2 J & C ELDRED - RECONFIGURING A LOT - BOUNDARY REALIGNMENT (OPENING OF ROAD RESERVE) - LOT 2 ON RP718600 - 397 SPEEWAH ROAD, SPEEWAH - RAL/23/0013

**Date Prepared:** 5 December 2023

**Author:** Senior Planner

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

### APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	Jan & Claire Eldred	ADDRESS	397 Speewah Road, Speewah
DATE LODGED	19 October 2023	RPD	Lot 2 on RP718600
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot – Boundary Realignment (Opening Road Reserve)		
FILE NO	RAL/23/0013	AREA	50.038 Ha
LODGED BY	Scope Town Planning	OWNER	Jan & Claire Eldred
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Rural		
LEVEL OF ASSESSMENT	Impact Assessment		
SUBMISSIONS	Nil		

### EXECUTIVE SUMMARY

Council is in receipt of an impact assessable development application described in the above application details. No submissions were received during the mandatory public notification period.

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.

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

### OFFICER'S RECOMMENDATION

(A) That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	Jan & Claire Eldred	ADDRESS	397 Speewah Road, Speewah
DATE LODGED	19 October 2023	RPD	Lot 2 on RP718600
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot – Boundary Realignment (Opening Road Reserve)		

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.

(B) APPROVED DEVELOPMENT: Development Permit for Reconfiguring a Lot – Boundary Realignment (Opening of Road Reserve)

(C) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
-	Proposed portion of land for Road Reserve dedication	Scope Town Planning	-

(D) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

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

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

## (E) ASSESSMENT MANAGER'S ADVICE

### (a) 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.

### (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) 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).

### (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.dsdsatsip.qld.gov.au](http://www.dsdsatsip.qld.gov.au).

### (e) Electric Ants

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

Certain restrictions and obligations are placed on persons dealing with electric ant carriers within the electric ant restricted zone. Movement restrictions apply in accordance with Sections 74–77 of the *Biosecurity Regulation 2016*. Penalties may be imposed on movement of electric ant carriers and electric ants in contravention of the

legislated restrictions. It is the responsibility of the applicant to check if the nominated property lies within a restricted zone.

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

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

(F) RELEVANT PERIOD

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

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

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

- Nil

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Nil

## THE SITE

The subject site is situated at 397 Speewah Road, Speewah and is described as Lot 2 on RP718600.

The site is irregular in shape with an area of 50.038 hectares and is zoned Rural under the Mareeba Shire Council Planning Scheme 2016.

The site contains approximately one (1) kilometre of frontage to Speewah Road and 720 metres of frontage to Stoney Creek Road. Both roads are constructed to rural bitumen sealed standard. Undeveloped road reserve encompasses the site to the south and east.

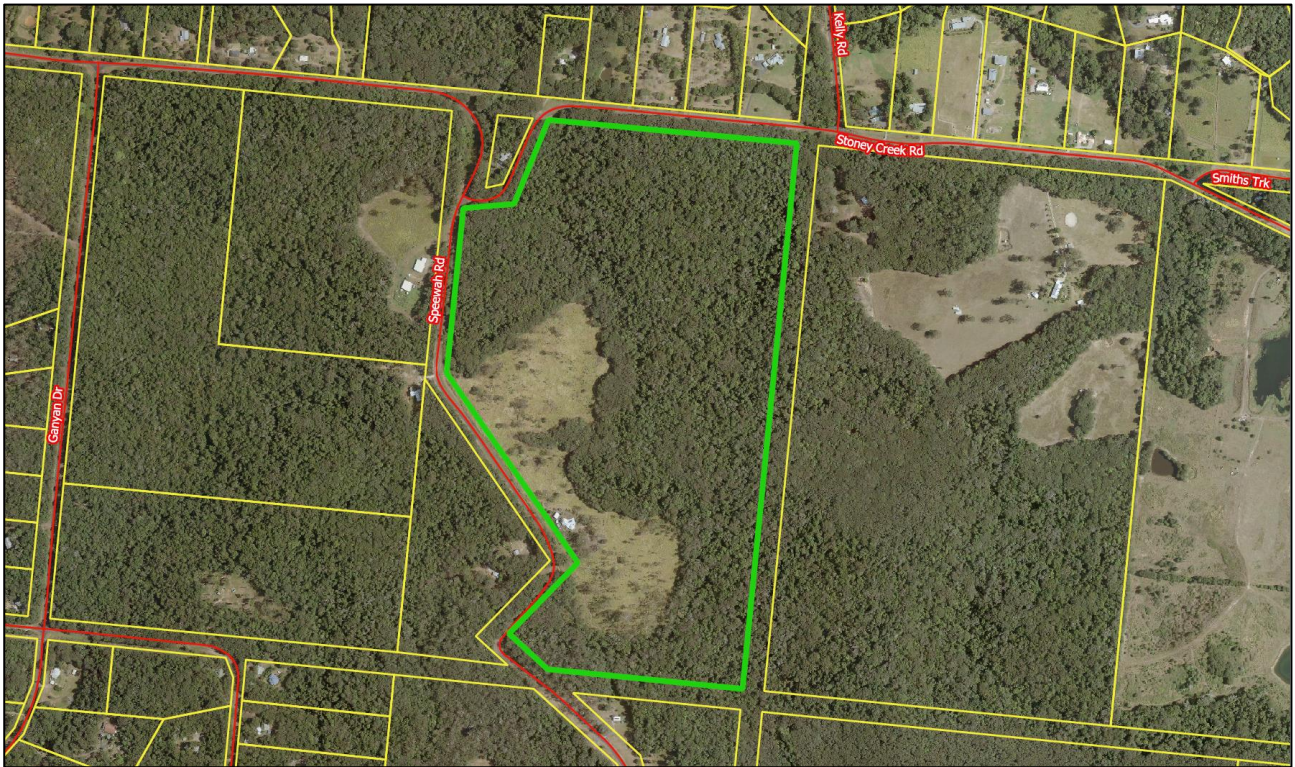
Access to the subject site is obtained via an existing crossover on the Speewah Road frontage. No access is available off the Stoney Creek Road frontage.

The site is improved by a dwelling house and outbuildings which are grouped together and located approximately 600 metres to the south of the Speewah Road/Stoney Creek Road intersection.

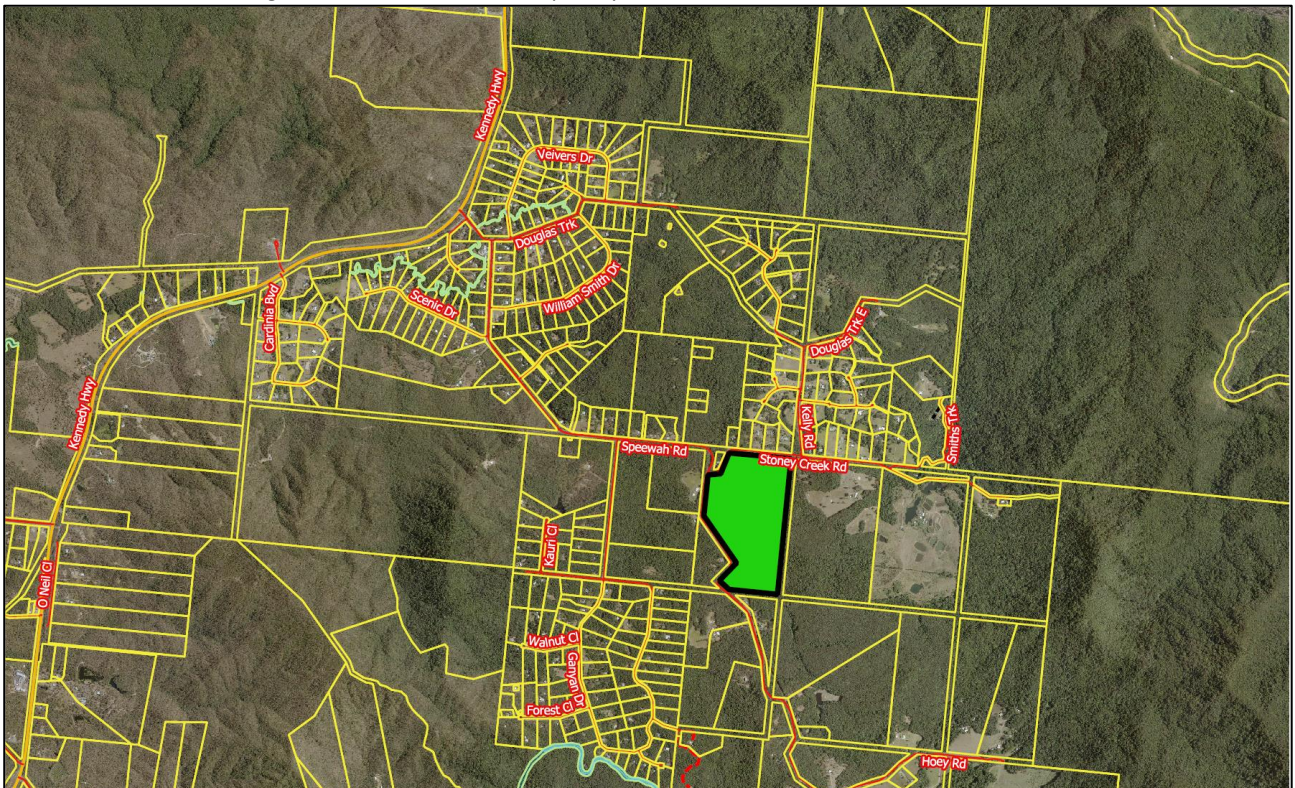
The subject site remains mostly vegetated, apart from a 10 hectare clearing around the dwelling house and fronting Speewah Road.

Surrounding properties are zoned rural or rural residential and are primarily used for rural living purposes.



**Map Disclaimer:**

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

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## BACKGROUND AND CONTEXT

Nil

## PREVIOUS APPLICATIONS & APPROVALS

### MCU/23/0007 – Animal Keeping (Equine Training Facility)

On 9 May 2023 Council, under delegated authority, approved an application made by J & C Eldred for Material Change of Use – Animal Keeping (Equine Training Facility) over land described as Lot 2 on RP718600, situated at 397 Stoney Creek Road, Speewah. To date, this approval has not been acted upon.

## DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Reconfiguring a Lot – Boundary Realignment (Opening of Road Reserve) in accordance with the plans shown in **Attachment 1**.

The proposed boundary realignment will transfer approximately 380m<sup>2</sup> of the site into the adjoining Speewah Road reserve. This section of Speewah Road (which includes a single lane bridge across Hurley Creek) comes within approximately two (2) metres of the site's boundary. The proposed boundary realignment will increase the width of the road reserve at this location which will provide a strategic benefit for Council should any upgrades be required to Speewah Road or the Hurley Creek bridge.

## REGIONAL PLAN DESIGNATION

The subject site is included within the Regional Landscape and Rural Production Area land use category in the Far North Queensland Regional Plan 2009-2031. The Regional Plan Map 3- 'Areas of Ecological Significance' also identifies the site as containing:

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

## PLANNING SCHEME DESIGNATIONS

Strategic Framework:	<b>Land Use Categories</b> <ul style="list-style-type: none"> <li>• Rural Area (Rural Other)</li> </ul> <b>Natural Environmental Elements</b> <ul style="list-style-type: none"> <li>• Biodiversity Areas</li> <li>• Habitat Linkage</li> </ul> <b>Transport Elements</b> <ul style="list-style-type: none"> <li>• Local Collector Road</li> </ul>
Zone:	- Rural
Overlays:	<ul style="list-style-type: none"> <li>- Bushfire Hazard Overlay</li> <li>- Environmental significance Overlay</li> <li>- Hill and Slope Overlay</li> <li>- Transport Infrastructure Overlay</li> </ul>

**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** (as amended by TLPI No. 01 of 2021)**3.3 Settlement Pattern and built environment****3.3.1 Strategic outcomes**

- (5) *Primary industries in Rural areas are not compromised or fragmented by incompatible and/or unsustainable development, including but not limited to subdivision that results in a detrimental impact on rural productivity or fragments large land holdings. The valued, relaxed rural character and scenic qualities of the rural area are preserved and enhanced. The rural area is largely maintained to its current extent, while accommodating development directly associated with or reliant on natural resources including rural activities and tourism. Rural areas protect the shire's agricultural area and ensure food security. Other rural areas predominantly remain agricultural grazing properties.*
- (6) *New subdivisions which propose lots less than the minimum lot size of 60ha are not supported within the Rural zone.*

**3.3.11 Element - Rural areas****3.3.11.1 Specific outcomes**

- (2) *Land in rural areas is maintained in large (60ha or greater) lot sizes to ensure that regional landscape and rural production values are not compromised by fragmentation, alienation or incompatible land uses. Subdivision of land is not supported on lots less than 60ha in the Rural zone.*
- (3) *Other rural areas will be largely maintained in their current configuration, only being subdivided where large land holdings of 60ha or greater can be achieved and the infrastructure base of rural operations including workers accommodation, airstrips and farm infrastructure is provided.*

**Comment**

The proposed development is for a boundary realignment only, so does not constitute a “subdivision” by definition. The site is not mapped as agricultural land and the 380m<sup>2</sup> portion of the site proposed to be amalgamated into the Speewah Road reserve is fully vegetated with mapped “wildlife habitat”.

The subject site is less than 60ha in size at present and a further reduction in size by 380m<sup>2</sup>, will not compromise the site in any way, nor impact on the ability of the sites existing cleared areas to be used for rural ventures and activities.

The development does not conflict with Strategic outcomes (5) and (6), or Specific outcomes (2) and (3).

### 3.6 Transport and infrastructure

#### 3.6.1 Strategic outcomes

- (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 the council's desired standards of service and supports a consolidated urban form to maximise return on investment. The ongoing operation of key infrastructure elements is not prejudiced by inappropriate development. Subdivision of land in the Rural zone to create lots less than 60ha is not consistent with facilitating appropriately sequenced and coordinated development.*

#### Comment

The proposed boundary realignment will have no impact on water, wastewater and stormwater infrastructure, and could only benefit Council’s transport infrastructure by providing additional width in the current road reserve to accommodate future road/bridge upgrades. The proposed development complies with Strategic outcome (6).

#### **Relevant Developments Codes** (as amended by TLPI No. 01 of 2021)

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

- 6.2.9 Rural zone code
- 8.2.3 Bushfire hazard overlay code
- 8.2.4 Environmental significance overlay code
- 8.2.8 Hill and slope overlay code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access code
- 9.4.4 Reconfiguring a lot code
- 9.4.5 Works, services and infrastructure code



The application included a planning report and assessment against the planning scheme. An officer assessment has found that the application satisfies the relevant acceptable solutions (or probable solutions/performance criteria where no acceptable solution applies) 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 conflicts with 6.2.9.2 Purpose (3) (a) of the code as proposed Lot 1 will be under 60 ha in size.</p> <p>Despite this conflict, it is considered that the proposed development complies with the higher order strategic/specific outcomes contained in the Planning Scheme's Strategic Framework. Refer to planning discussion section of report for commentary.</p>
Bushfire hazard overlay code	<p>The application either complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.</p>
Environmental significance overlay code	<p>The application either complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.</p>
Hill and slope overlay code	<p>The application either complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.</p>
Landscaping code	<p>The application either complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.</p>
Parking and access code	<p>The application either complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.</p>
Reconfiguring a lot code	<p>The application conflicts with the following performance outcomes:</p> <ul style="list-style-type: none"> <li>• PO1.1</li> </ul> <p>Despite conflicting with the abovementioned performance outcome, it is considered that the proposed development complies with the higher order strategic/specific outcomes contained in the Planning Scheme's Strategic Framework. Refer to planning discussion section of report for commentary.</p>
Works, services and infrastructure code	<p>The application either complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.</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 development works be designed and constructed in accordance with FNQROC Development Manual standards.

**REFERRAL AGENCY**

This application did not trigger referral to any Referral Agencies.

**Internal Consultation**

Not applicable.

**PUBLIC NOTIFICATION**

The development proposal was placed on public notification from 2 November 2023 to 22 November 2023. The applicant submitted the notice of compliance on 23 November 2023 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

No submissions were received.

**PLANNING DISCUSSION**

Non-compliance with assessment benchmarks contained within the Rural zone code and reconfiguring a lot code are discussed below:

**6.2.9 Rural zone code****6.2.9.2 Purpose**

- (3) (a) *Areas for use for primary production are conserved and new allotments below the minimum lot size identified in Table 9.4.4.3B is not supported.*

**Comment**

Table 9.4.4.3B dictates a minimum reconfiguring lot size of 60 hectares for land within the Rural zone. The site is not mapped as agricultural land and the 380m<sup>2</sup> portion of the site proposed to be amalgamated into the Speewah Road reserve is fully vegetated with mapped "wildlife habitat".

The subject site is less than 60ha in size at present and a further reduction in size by 380m<sup>2</sup>, will not compromise the site as a rural holding, nor impact on the ability of the sites existing cleared areas to be used for rural ventures and activities.

Despite not complying with Purpose (3)(a) of the Rural zone code, it is considered that the proposed boundary realignment meets the intent of the higher order Strategic Framework, in that the development will not further fragment, compromise or alienate rural land.

#### 9.4.4 Reconfiguring a lot code

##### ***Area and frontage of lots - Rural zone***

###### ***PO1.1***

*No lots are created with an area of less than 60 ha*

*Note: This also applies to applications for boundary realignment*

###### ***AO1.1***

*No acceptable outcome is provided.*

##### **Comment**

The proposed boundary realignment will transfer approximately 380m<sup>2</sup> of the site to the adjacent Speewah Road reserve (road opening). The site has an existing area of 50.038 Ha and will be reduced to an area of 50 Ha. The 380m<sup>2</sup> portion of the site to be transferred to the adjacent road reserve is covered in mature vegetation mapped as “wildlife habitat”, rendering it essentially unusable anyway.

The subject site is less than 60ha in size at present and a further reduction in size by 380m<sup>2</sup>, will not compromise the site as a rural holding, nor impact on the ability of the sites existing cleared areas to be used for rural ventures and activities. Despite not complying with PO1.1, it is considered that the proposed boundary realignment meets the intent of the higher order Strategic Framework, in that the development will not further fragment, compromise or alienate rural land.



Prepared by Scope Town Planning

2



23013 ROL – 397 Speedwah Road, Speedwah Qld. 4881

**Proposed portion of land for Road Reserve dedication. (Ald. Globe)**

**Dimensions on Boundary: 8m x 95m**

**Total Dedication Area: 380m²**

**8.3 APPLICATION FOR CONVERSION OF TERM LEASE TO FREEHOLD - LOT 470 ON HG650, LOCALITY OF DIMBULAH**

**Date Prepared:** 27 November 2023

**Author:** Coordinator Planning Services

**Attachments:** 1. Department of Resources letter dated 22 November 2023 [↓](#)

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**EXECUTIVE SUMMARY**

The Department of Resources (DoR) is considering an application for the conversion to freehold of Term Lease 241567 described as Lot 470 on Crown Plan HG650, situated at Boonmoo Road, Dimbulah.

Term Lease 241567 commenced on 21 May 2020 for a term of 20 years. The nominated purpose of the term lease is rural and residential living purposes.

DoR seeks Council's views on the conversion to freehold.

**RECOMMENDATION**

That Council advise the Department of Resources that Council has no objection to the conversion to freehold of Term Lease 241567 described as Lot 470 on Crown Plan HG650, situated at Boonmoo Road, Dimbulah.

**BACKGROUND**

DoR is considering an application for the conversion to freehold of Term Lease 241567 described as Lot 470 on Crown Plan HG650, situated at 457 Boonmoo Road, Dimbulah.

Lot 470 on Crown Plan HG650 has an area of 251 hectares and no direct frontage to road reserve. Access is obtained off Boonmoo Road, through Carbonate Creek and under the Qld Rail railway bridge.

Lot 470 is currently used for rural and residential living purposes and is improved by a dwelling house, numerous sheds, and a large dam. The majority of the land remains vegetated.

Council at its Ordinary Meeting of 4 February 2015 resolved to offer no objection to the conversion to freehold of the term lease over land described as Lot 470 on HG650, Parish of Masterton.

DoR again seeks Council's views on the conversion to freehold.





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.



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.

**RISK IMPLICATIONS****LEGAL/COMPLIANCE/POLICY IMPLICATIONS**

The subject land is zoned Rural under the Mareeba Shire Council Planning Scheme 2016 and is lawfully used for rural and residential living purposes.

There is no objection to the conversion of Lot 470 on Crown Plan HG650 to freehold.

**FINANCIAL AND RESOURCE IMPLICATIONS*****Capital***

Nil

***Operating***

Nil

**LINK TO CORPORATE PLAN**

**Economy and Environment:** A resilient economy that promotes and supports the shire's natural assets and local industry and encourages investment while preserving and future proofing for generations to come.

**IMPLEMENTATION/COMMUNICATION**

The Department of Resources will be informed of Council's decision by letter.



Author: Diana Vanderhaar

Department of Resources

22 November 2023

Mareeba Shire Council  
PO Box 154 Mareeba  
QLD 4880

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

Dear Sir/Madam

**Application for Proposed Conversion of Term Lease to Freehold, described as Lot 470 on HG650, locality of Dimbulah.**

The department has received the above application. The current and proposed use of the land is for Rural and Residential use.

Copies of documents supporting the application are enclosed for your information. The enclosed Smart map shows the subject land and the surrounding locality.

Please advise the Department of your views or requirements that the department should consider when assessing this application. Objections to the application, and any views or requirements that may affect the future use of the land should be received by close of business on 24 January 2024. If you offer an objection to the application, a full explanation stating the reason for the objection should be forwarded to this Office.

**Note** - If land is required for a public purpose, it can be acquired at any time by negotiation and where necessary acquisition.

If you wish to provide a response but are unable to do so before the due date, please contact the author before the due date to arrange a more suitable timeframe. If a response is not received by the due date and no alternative arrangements have been made, it will be assumed you have no objections or requirements in relation to this matter.

---

**Postal Address:**  
Resources Atherton  
PO Box 210  
Atherton Qld 4883

**Telephone:** (07) 3708 7108



This information has been provided to you in confidence for the purpose of seeking your views on this matter. It is not to be used for any other purpose, or distributed further to any person, company, or organisation, without the express written permission of the department unless required.

If you wish to discuss this matter, please contact Diana Vanderhaar on (07) 3708 7108.

All future correspondence relative to this matter is to be referred to the contact Officer at the address below or by email to [Lasslsteam1eng@resources.qld.gov.au](mailto:Lasslsteam1eng@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.

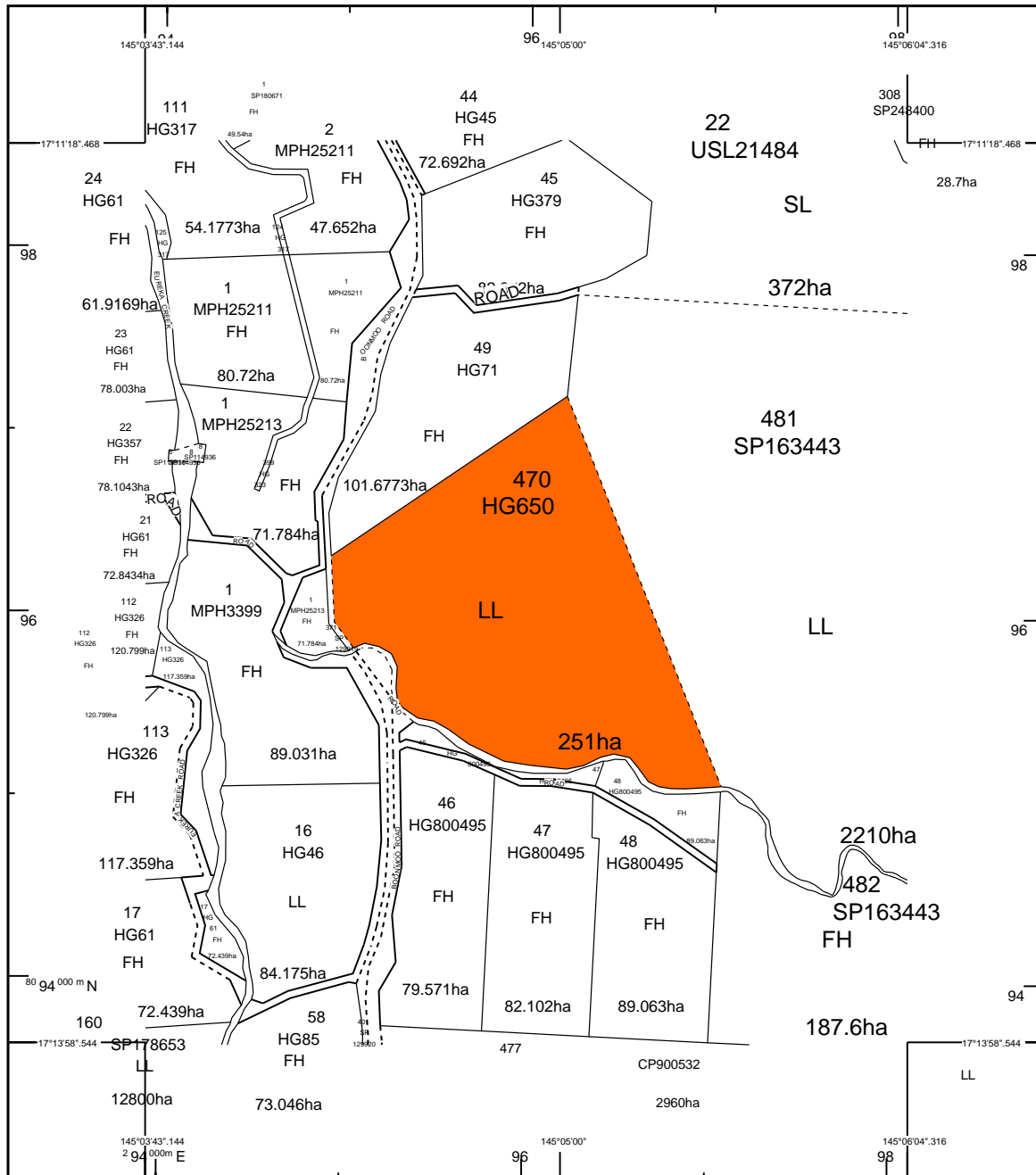
Please quote reference number 2022/001680 in any future correspondence.

Yours sincerely



Diana Vanderhaar

Land Officer, Land and Survey Services, Land and Surveying Services



STANDARD MAP NUMBER  
7963-43242

MAP WINDOW POSITION &  
NEAREST LOCATION



#### SUBJECT PARCEL DESCRIPTION

DCDB  
Lot/Plan 470/HG650  
Area/Volume 251ha  
Tenure LANDS LEASE  
Local Government MAREEBA SHIRE  
Locality DIMBULAH  
Segment/Parcel 21484/2

#### CLIENT SERVICE STANDARDS

PRINTED 22/11/2023  
For additional information regarding this SmartMap see page 2.  
Shading Rules have been applied.

DCDB 21/11/2023 (Lots with an area less than 1,000ha are not shown)

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An External Product of  
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Based upon an extraction from the  
Digital Cadastral Data Base



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## **Additional Information Page**

### Shading Rules

 Lot Number = 470 and Plan Number = HG650



**8.4 EXTENSION TO RELEVANT PERIOD - H TURNER & P CHELLIS - MATERIAL CHANGE OF USE - ANIMAL HUSBANDRY-INTENSIVE (DEVELOPMENT OF A 50 CAT CATTERY) - LOT 4 ON RP749637 - 131 BOYLES ROAD, KURANDA - MCU/07/0027**

**Date Prepared:** 27 November 2023

**Author:** Coordinator Planning Services

**Attachments:**

1. **Negotiated Decision Notice dated 10 December 2008** [↓](#)
2. **Applicant's request to extend relevant period dated 16 November 2023**  
[↓](#)

APPLICATION		PREMISES	
<b>APPLICANT</b>	H Turner & P Chellis	<b>ADDRESS</b>	131 Boyles Road, Kuranda
<b>DATE REQUEST FOR EXTENSION OF RELEVANT PERIOD LODGED</b>	16 November 2023	<b>RPD</b>	Lot 4 on RP749637
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use - Animal Husbandry-Intensive (expansion of dog kennel from 40 to 80 dogs and development of a 50 cat cattery)  Note: dog kennel expansion has been completed		
<b>FILE NO</b>	MCU/07/0027	<b>AREA</b>	15.64 hectares
<b>LODGED BY</b>	H Turner & P Chellis	<b>OWNER</b>	H Turner & P Chellis
<b>PLANNING SCHEME</b>	Mareeba Shire Planning Scheme 2004 (amendment no. 01 of 2007)		
<b>ZONE</b>	Myola zone		
<b>LEVEL OF ASSESSMENT</b>	Impact Assessment		
<b>SUBMISSIONS</b>	Twenty (20)		

## EXECUTIVE SUMMARY

Council approved a development application described in the above application details at its meeting held on 23 April 2008, subject to conditions. A subsequent request for a Negotiated Decision Notice was approved at its meeting held on 3 December 2008.

The application was impact assessable and 20 properly made submissions were received in response to public notification of the application.

The dog kennel expansion aspect of development approval MCU/07/0027 has been completed and is in use. The cattery aspect of development approval MCU/07/0027 has not commenced and will lapse unless a further extension to the relevant period is granted.

The applicant has subsequently lodged an application to extend the relevant period for a further twelve (12) months.

Due to the minor nature of the proposed development and the administration resources required to process each extension request, it is recommended that a two (2) year extension be approved, instead of the proposed twelve (12) month extension.

#### OFFICER'S RECOMMENDATION

1. "That in relation to the application to extend the relevant period for the following development approval:

APPLICATION		PREMISES	
APPLICANT	H Turner & P Chellis	ADDRESS	131 Boyles Road, Kuranda
DATE REQUEST FOR EXTENSION OF RELEVANT PERIOD LODGED	16 November 2023	RPD	Lot 4 on RP749637
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Animal Husbandry-Intensive (expansion of dog kennel from 40 to 80 dogs and development of a 50 cat cattery)		

and in accordance with the Planning Act 2016,

- (a) The relevant period be extended for two (2) years from 10 June 2024 to 10 June 2026.
2. A Notice of Council's decision be issued to the applicant advising of Council's decision".

#### THE SITE

The site is described as Lot 4 on RP749637 and is located at 131 Boyles Road, Kuranda, approximately 1.2 kilometres from the intersection of Oakforest Road and Boyles Road.

The site has an area of approximately 15.64 hectares and a frontage of approximately 380 metres onto Boyles Road.

The site is relatively flat with a gentle fall towards Owen Creek situated to the east. The site retains much of its natural vegetation cover. Two (2) dwelling houses and the 80 dog kennel exist on the subject land.

Vehicular access to the property is obtained solely off Boyles Road, which is bitumen sealed between Oakforest Road and the site access.

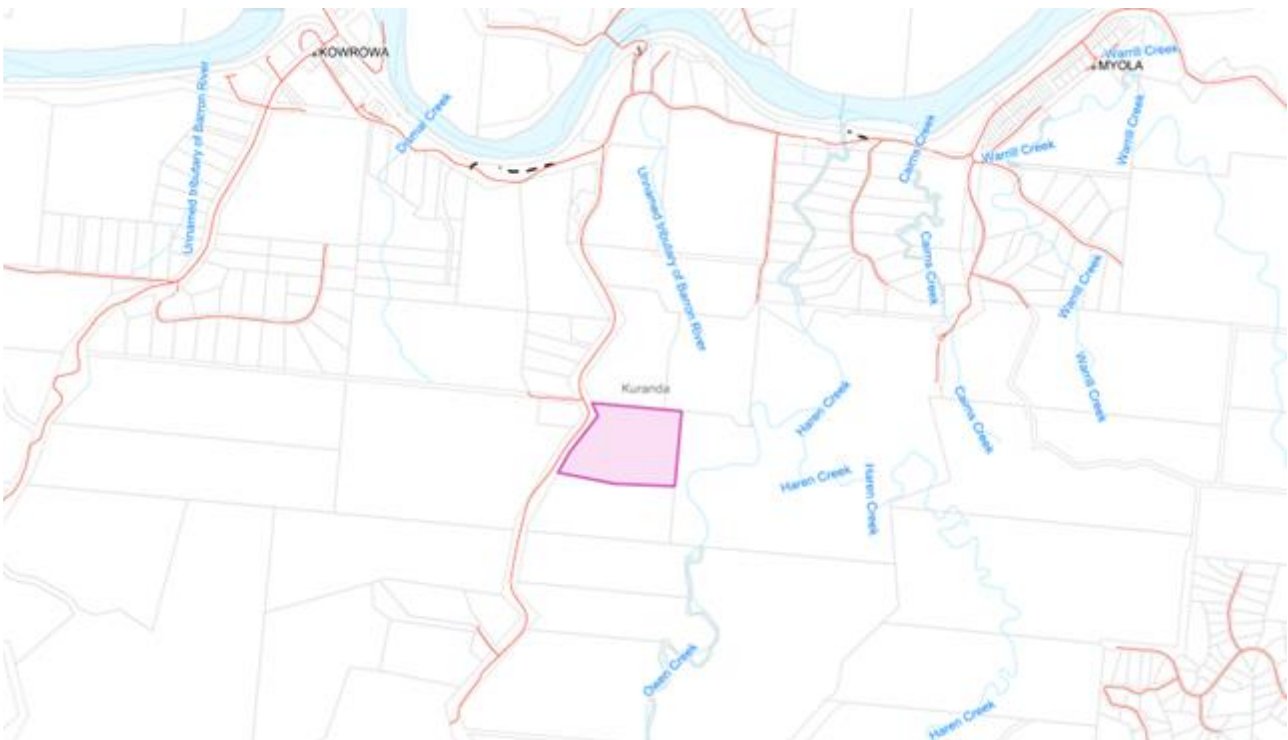
The subject land and immediately locality has a rural character.





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

Council at its Ordinary Meeting held on 23 April 2008 resolved to issue a Development Permit for the application made by D Ward and G Wright for the Material Change of Use of land described as Lot 4 on RP749637, Parish of Formartine, situated at 131 Boyles Road, Kuranda, for the purpose of expanding the established dog boarding kennel from 40 dogs to 80 dogs and development of a 50 cat cattery.

A decision notice was issued on 1 May 2008.

The applicants subsequently made representations to Council seeking the issue of a negotiated decision notice. Council at its Ordinary Meeting held on 3 December 2008 approved the issue of a negotiated decision notice.

A negotiated decision notice was issued on 10 December 2008 (**Attachment 1**).

Since 2008, Council has granted several extensions to the relevant period with the last extension ending on 10 June 2023.

The Queensland Government has applied a further automatic twelve (12) month extension to certain development approvals as part of the response to COVID19.

Accordingly, the relevant period for the uncompleted aspects of MCU/07/0027 will lapse on 10 June 2024.

The dog kennel expansion has been completed and has been in use for several years.

The applicants have lodged an application (**Attachment 2**) to extend the relevant period for a further twelve (12) months from 10 June 2024 to 10 June 2025.

Due to the minor nature of the proposed development and the administration resources required to process each extension request, it is recommended that a two (2) year extension be approved, instead of the proposed twelve (12) month extension.

## ASSESSMENT AND DECISION REQUIREMENTS

### Assessment Rules

Section 87(1) of the Planning Act 2016:

#### **87 Assessing and deciding extension applications**

1. *When assessing an extension application, the assessment manager may consider any matter that the assessment manager considers relevant, even if the matter was not relevant to assessing the development application.*

If a new application was lodged for this proposal it would be assessed under the Mareeba Shire Council Planning Scheme 2016.

The conditions of development approval MCU/07/0027 remain comprehensive and any new development approval would not be expected to have significantly different requirements.

The original development application was Impact Assessable and subject to public notification. 20 submissions were received, largely opposed to the dog kennel component of the development.

The Kuranda Pet Resort continues to operate on the subject land and the community's awareness of the development approval is considered high.



Complaints to Council about the operations of the dog kennel have been minimal over the past few years.

A further development application would be Impact Assessable and subject to public notification.

The dog kennel aspect of the current application attracted a considerable amount of community concern and opposition. This aspect of the current approval has commenced and will not lapse.

The potential lapsing only affects the cattery aspect of the development approval. If a further application was needed, it would be limited to the cattery aspect and as such, is not expected to attract the same level of community concern.

The original development application triggered referral to Council as a concurrence agency for a devolved environmentally relevant activity (ERA). This ERA has since been deleted from the *Environmental Protection Act 1994*.



TABLELANDS REGIONAL COUNCIL

File Ref: MCU/07/0027

Admin Ref: BJM:kc

Mr Brian Millard  
4043 4371

## Decision Notice Approval

*Integrated Planning Act 1997 S 3.5.15*

10 December 2008

D Ward & G Wright  
131 Boyles Road  
KURANDA QLD 4881

Dear Sir/Madam

**APPLICATION FOR A DEVELOPMENT PERMIT – MATERIAL CHANGE OF USE - ANIMAL HUSBANDRY  
– INTENSIVE (EXPANSION OF ESTABLISHED DOG BOARDING KENNEL FROM 40 TO 80 DOGS AND  
DEVELOPMENT OF A 50 CAT CATTERY)  
LOT 4 ON RP749637, PARISH OF FORMARTINE  
SITUATED AT 131 BOYLES ROAD, KURANDA**

I wish to advise that, on 3 December 2008, the above development application was -

- Approved in full with conditions.

The conditions relevant to this approval are detailed in section 4 of this notice. These conditions are clearly identified to indicate whether the Assessment Manager or a Concurrence Agency imposed them.

### 1. Details of the approval –

The application seeks a **Development Permit for Material Change of Use– Animal Husbandry-Intensive (Expansion of Established Dog Boarding Kennel from 40 to 80 Dogs and Development of a 50 Cat Cattery) made assessable by Mareeba Shire Planning Scheme 2004.**

Atherton Office  
PO Box 573  
ATHERTON QLD 4883

PH: 07 4091 0700  
FAX: 07 4091 4300

Eacham Office  
PO Box 3  
MALANDA QLD 4885

PH: 07 4096 5311  
FAX: 07 4096 5086

Herberton Office  
PO Box 41  
HERBERTON QLD 4887

PH: 07 4096 2244  
FAX: 07 4096 2689

Mareeba Office  
PO Box 154  
MAREEBA QLD 4880

PH: 07 4030 3900  
FAX: 07 4092 3323

Email: [info@trc.qld.gov.au](mailto:info@trc.qld.gov.au)Website: [www.trc.qld.gov.au](http://www.trc.qld.gov.au)

C:\Users\brianm\Downloads\ECM\_1511509\_v2\_Negotiated Decision Notice for Ward &amp; Wright (Kuranda Pet Resort) MCU 07 0027.doc

## DECISION NOTICE - APPROVAL

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**2. The relevant period for the approval -**

The relevant periods stated in section 3.5.21 of the *Integrated Planning Act 1997* (IPA) apply to each aspect of development in this approval, as outlined below—

- Material Change of Use – four (4) years;

If there is one (1) or more subsequent related approvals' for a development approval for a Material Change of Use or a reconfiguration, the relevant period for the approval will be taken to have started on the day the latest related approval takes effect.

**3. The approved plans -**

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

Plan / Document Number	Plan / Document Name	Date
	Proposed Dog Boarding Kennels (Site Plan)	25.03.2005
Sheet No 2	Proposed Dog Boarding Kennels (Floor Plan)	25.03.2005
Sheet No 13	Proposed Dog Boarding Kennels (Drainage Plan)	25.03.2005
	Plan of Buildings A, B & C (Side Elevation)	

**4. Conditions –****(A) DETAILS OF PREMISES AND APPROVED USE**

<b>LOCATION:</b>	131 Boyles Road, Kuranda
<b>PROPERTY DESCRIPTION:</b>	Lot 4 on RP749637, Parish of Formartine
<b>AREA OF LAND:</b>	15.64 hectares
<b>MATERIAL CHANGE OF USE:</b>	Animal Husbandry - Intensive (Expansion of established dog boarding kennel from 40 to 80 dogs and development of a 50 cat cattery)
<b>APPROVED PLANS:</b>	Site plan drawn by B Peach dated 25 March 2005.

**(B) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)****1. Proposal Plan**

Development of the site is to be substantially in accordance with the site plan drawn by B Peach dated 25 March 2005, subject to any alterations:

- found necessary by the Chief Executive 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. Access Works**

The applicant is to maintain the existing access onto Boyles Road to the Mareeba Shire Access Requirements of the FNQROC Development Manual and constructed to the satisfaction of the Development Engineer.

**3. All earthworks, access tracks, driveways, carparking areas and the like are to be gravel sealed so that the risk and consequences of erosion and dust are minimised. All earthworks are to be**

DECISION NOTICE - APPROVAL3

planted or otherwise protected from scour as soon as possible after works are carried out and to the satisfaction of the Manager Planning.

4. On site carparking is to be provided in accordance with the requirements of the Mareeba Shire Planning Scheme. Carparking shall be designed and constructed generally in accordance with the requirements of the Mareeba Shire Planning Scheme and to the satisfaction of the Manager Planning.
5. The applicant is to obtain Development Permits for Building and Plumbing Works prior to the construction or alteration of any building on site.
6. No sign other than a sign not exceeding one (1) square metre in area being displayed on the Boyles Road frontage of the subject site.
7. All animal wastes (except as in Item 8 below), including waste water from the animal enclosures are to be treated through an approved effluent disposal system. The effluent disposal system must have appropriate approvals to receive and treat effluent from intensive animal housing and be capable of adequately treating the daily load generated by the animals plus any other waste water resulting from cleaning the cattery. The applicant is required to monitor the performance of the effluent disposal system in accordance with the manufacturers instruction and shall keep records of such monitoring in regard to the quality of effluent disposed of, the quantity of effluent and the land suitability for effluent disposal to ensure the proper functioning of the effluent disposal system.
8. If animal faeces and other waste animal products are collected prior to cleaning of the animal housing areas, details of the method of disposal of the animal faeces must be provided to Council for approval. Untreated burial is not acceptable. Removal of any regulated waste from the premises must be by a suitably licensed waste removal operator.
9. No more than eighty (80) dogs and fifty (50) cats are to be housed overnight in the dog kennel and cattery at any one time.
10. A stormwater management plan will be provided to Council and maintained by the operator of the kennel/cattery. The plan will detail the control of stormwater entering and leaving the kennel/cattery or other areas where it may become contaminated with animal faecal matter, food or cleaning products so that the stormwater does not contaminate the surrounding soil, stormwater or waterways.
11. The floor and walls of the kennel/cattery which in the normal course of the operation of the kennel/cattery are likely to be contact surfaces for animals, animal faeces and urine and wash water, are to be constructed of an impervious surface and be properly drained to Council's satisfaction.
12. Wash water is not to be released to stormwater. It must be treated before disposal.
13. Exercising of dogs  
Dogs are to be exercised under supervision.
14. Storage and preparation of food  
All food is to be stored and prepared in a properly constructed building capable of being easily cleansed, maintained and kept free of vermin. All animal food must be stored in vermin proof containers.
15. Confinement of animals  
Animals shall at all times be kept within the confines of the kennels/cattery and exercise yards except during their receipt or release.

DECISION NOTICE - APPROVAL

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16. Acoustic Report

The applicant is to lodge an acoustic report prepared by a suitably qualified professional that addresses the potential noise impact from the proposed increased capacity kennels. The acoustic report must include, as a minimum:

- (i) Background noise measurements for a period of a week during the winter months when the influence of insect noise is minimised. The measurements must be made in accordance with the recommendations of the Queensland Environmental Protection Agency Noise Measurement Manual, and must exclude extraneous noise from the existing Kuranda Pet Resort, and other sources.
- (ii) Attended source noise measurements for individual dog barks, and semi-continuous noise levels from a group of dogs barking at the existing kennels, including frequency analysis. The measurements must note the number of dogs housed at the time, and estimate the number and type (or breed) of dog barking for the various source noise measurements.
- (iii) Noise modelling of the expected noise levels at the nearest receptors under a range of typical and worst case meteorological conditions must be completed, utilising the source noise data measured as per (ii).
- (iv) Results of the noise modelling must be compared to the assessment criterion for day, evening and night time periods to determine whether acoustic controls are required to achieve the acceptable noise levels.

17. Operational Noise Management Plan

The Applicant is required to submit for approval by Council an Operational Noise Management Plan containing best practice procedures that are to be implemented for minimising noise emissions from the premises.

- 18. Individual kennels and external exercise runs are to be visually shielded from all areas where other dogs are housed and from all areas where visitors and clients may arrive and depart. The visual shielding must be in place from the commencement of operations, and must comprise an opaque physical barrier or mature vegetation that is sufficiently dense to prevent visual contact between dogs in adjoining kennel units and adjoining exercise areas.
- 19. All buildings to be used for the housing of dogs are to be soundly constructed and soundproofed such that the measured noise levels at the nearest residential properties comply with the acoustic criteria defined in Condition 28.
- 20. The recommended noise controls as defined in the Acoustic Report referenced in Condition 16 must be implemented prior to commencement of operations, and maintained at all times thereafter.  
  
Four (4) acoustically treated kennels are to be provided prior to the commencement of operation. Should the five kennels prove insufficient to cater for the number of problem dogs that are recorded on the register, then the additional 6 isolation kennels are to be provided.
- 21. The approved Operational Noise Management Plan must be complied with at all times, and all records required to be maintained under the approved Operational Noise Management Plan must be available for inspection by Council on request.
- 22. Feeding of dogs is not to commence prior to 7 am or to occur after 6 pm.

DECISION NOTICE - APPROVAL

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23. Dogs are to be housed in individual kennels, except where they are habitually housed together and a shared kennel does not result in excessive barking or whining.
24. Public access to the premises is excluded outside of the hours of 7 am to 7 pm, including for the purposes of delivering and collecting animals and for deliveries of supplies.
25. The Operator of the facility must at, all times, actively manage noise from animals housed at the facility such that the occurrence of excessive noise is prevented. Excessive noise is noise that has the potential to breach the acoustic criteria defined in Condition 28.
26. Exercise in runs attached to individual kennels, or in the separate external exercise areas, is not to occur outside the hours of 7 am to 6 pm.
27. The operator must maintain a register of dogs that are known to bark excessively, or known to cause other kennelled dogs to bark excessively. If accepted for boarding, dogs on the register must be housed in the acoustic isolation kennels.
28. Noise from the operation of Kuranda Pet Resort shall be limited such that the adjusted average maximum noise level  $L_{Amax, adj, T}$  when measured at any adjacent noise sensitive place must not exceed:
  - (a) the background noise level + 5 dBA for daytime hours (7 am to 6 pm) and evening (6 pm to 10 pm);
  - (b) the background noise level + 3 dBA for night time hours (10 pm to 7 am);
 or, the noise limits specified in Table A, whichever is greater.

**Table A Noise Limits**

Period		Noise Limit $L_{Amax, adj, T}$	
		Area A <sup>1</sup>	Area B <sup>2</sup>
Day	7.00 am – 6.00 pm	35	33
Evening	6.00 pm – 10.00 pm	38	33
Night	10.00 pm – 7.00 am	36	30

NOTES: Area A – sites which adjoin clearings with extensive areas of moist, lank, grassland.  
Area B – dryer areas and forested sites.

For the purposes of the above noise limits the following procedures shall be used.

Measurement Procedures

1. Sound measurement instrumentation, measurement and reporting shall be in general accordance with the provisions of AS1055: Part 1-1997. Acoustics-Description and Measurement of Environmental Noise - Part 1: General Procedures.
2. The Background Noise Level
  - (i) The background noise level ( $L_{A90, T}$ ) during the relevant time period, T, refers to the average minimum A-weighted sound level in the absence of the noise under consideration.
  - (ii) When statistical analysis is used, the background noise level shall be taken as that noise level which is exceeded for 90 percent of the relevant time period, T (that is the  $L_{A90, T}$ ).

## DECISION NOTICE - APPROVAL

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## 3. The Measured Noise Level

The measured noise level shall be determined as the arithmetic average of the maximum instantaneous sound pressure levels in dB(A) due to noise from the subject site during the relevant time period, T.

## 4. Time and Place of Measurement

- (i) Noise from the subject site and the background noise level shall be measured in the vicinity of the relevant noise sensitive place at a distance of at least 3.5 m from the affected habitable building and any other building or sound reflecting structure.
- (ii) The microphone height shall be 1.5 m above local ground level except where this height would be insufficient to provide representative measurement of noise levels at habitable levels of the relevant building. In such cases the microphone height shall be equivalent to 1.5 m above the floor height of the highest habitable floor or at a height equivalent to the centre of the window of the most affected habitable room in the building, whichever is higher.
- (iii) A measurement interval of 15 minutes shall be used for noise measurements, except where this period is insufficient to provide a true representation of the characteristics of the noise under consideration. For noise due to dog barking, a minimum measurement period of 30 minutes is preferred.
- (iv) The noise from the subject site and the background noise level shall be measured at a time which is as close as practicable to the time of day that the noise from the subject site is alleged to be excessive.
- (v) Where it is not practically possible to measure the background level in the absence of the noise from the subject site, then the background level may be measured at another similar location where noise from the subject site is absent.

## 5. Adjustments to the Measured Noise Level

Where the noise from the subject site exhibits tonal or impulsive characteristics or is intermittent, the measured noise level shall be adjusted in accordance with Schedule A.

***Schedule A: Adjustments to the Measured Noise Level***

Characteristics of the noise			Adjustment dBA
Tonal components:	If the tonal components are just perceptible		2
	If the tonal components are readily perceptible		5
Impulse components:	If the impulse components are just perceptible		2
	If the impulse components are readily perceptible		5
Intermittency:	Duration (D) of the noise as a percentage of the relevant time period.	$D \geq 50\%$	0
		$50\% > D \geq 1\%$	$10 \log_{10} \left( \frac{D}{100} \right)$
		$1\% > D$	-20

## 6. The Adjusted Measured Noise Level or in situations where no adjustments are applied, the Measured Noise Level, shall be compared with the noise limits.

## 7. All other conditions remain as agreed to by Council on 23 April 2008.

**DECISION NOTICE - APPROVAL**

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8. In relation to Condition 17, the Operational Noise Management Plan be approved subject to the inclusion of the following clause:

19. A register of dogs that are known to bark excessively, or known to cause other kennelled dogs to bark excessively is to be maintained. If accepted for boarding, dogs on the register must be housed in the acoustic isolation kennels.

Note: The average maximum noise level is to be measured as the arithmetic average of the maximum instantaneous sound pressure levels in dB(A) of noise from activities at the Kuranda Pet Resort (such as barking dogs) measured over a 15 minute time period. During the measurement period, noise from the Kuranda Pet Resort must be representative of maximum noise levels (when dogs are barking intermittently or semi-continuously). Maximum noise levels from other sources are to be excluded from the measurements.

**(C) CONCURRENCE AGENCY RESPONSE (COUNCIL)**

**ENVIRONMENTALLY RELEVANT ACTIVITY CONDITIONS**

This Development Approval Consists of the following schedules:

Schedule A:	General Conditions
Schedule B:	Air Discharge Conditions
Schedule C:	Water Discharge Conditions
Schedule D:	Stormwater Management Conditions
Schedule E:	Land Application Conditions
Schedule F:	Noise Control Conditions
Schedule G:	Waste Management Conditions
Schedule H:	Self-Monitoring and Reporting Conditions
Schedule I:	Definitions

**SCHEDULE A – GENERAL CONDITIONS**

- (A1) The environmentally relevant activity must be constructed, operated and maintained in accordance with the plans, specifications and information submitted by the applicant which are approved by the Administering Authority as set out in the attached schedule to this development approval except that, in the event of an inconsistency arising between the application and the conditions of this development approval, the conditions of the development approval must apply.
- (A2) The holder of the development approval must not change the method of disposal or increase the amount of disposed waste under this development approval if the change is likely to increase the likelihood of the creation of a nuisance.
- (A3) Contaminants must not be released to the environment other than in accordance with the development approval.
- (A4) The holder of the development approval must install and operate all works and control equipment, and take all measures, perform all acts and do all things necessary to ensure compliance with the conditions of the development approval.
- (A5) A copy of this development approval must be kept in a location readily accessible to personnel carrying out the activity.
- (A6) The holder of the development approval must ensure that those persons responsible for day-to-day operations at the approved place are familiar with the conditions of this development approval.
- (A7) Any record required to be kept as a condition of the development approval must be kept at the approved place and be available for examination by an authorised person.



**DECISION NOTICE - APPROVAL**

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- (A8) Copies of any record required to be kept by a condition of the development approval must be provided to any authorised person or the administering authority on request.

**SCHEDULE B – AIR DISCHARGE**

- (B1) Notwithstanding any other condition of the development approval, no odour determined by an authorised person to be noxious or offensive is to be released beyond the boundaries of the approved place.
- (B2) No release of contaminants, including but not limited to odour, dust, smoke, fumes, particulates and aerosols is to cause or be likely to cause an environmental nuisance beyond the boundaries of the approved place.
- (B3) No incineration or open burning is to be carried out on the approved place.

**SCHEDULE C – WATER DISCHARGE**

- (C1) Except as otherwise provided by the conditions of the water schedule of this development approval, the environmentally relevant activity must be carried out by such practical means, which may be necessary to prevent or minimise the release of contaminants to waters.
- (C2) Contaminants must not be directly or indirectly released from the approved place to any waters or the bed and banks of any waters (except as permitted under another schedule of this development approval)

**SCHEDULE D – STORMWATER MANAGEMENT**

- (D1) Except as provided by the conditions of the stormwater management schedule and the water schedule of this development approval, the environmentally relevant activity must be carried out by such practical means which may be necessary to prevent or minimise the contact of incident rainfall and stormwater runoff with wastes, contaminants or material to any stormwater drainage system, roadside gutter or water.
- (D2) Any stormwater leaving the approved place shall contain no visible floating oil, grease, scum, litter or other matter.
- (D3) Any spillage of wastes, contaminants or other materials must be cleaned up as quickly as practical. Such spillage must not be cleaned up by hosing, sweeping or otherwise releasing such wastes, contaminants or material to any stormwater drainage system, roadside gutter or water.
- (D4) All wastewater produced as a result of the environmentally relevant activity, including water produced from the washing of animals and animal accommodation is to be discharged to an approved effluent disposal system.

**SCHEDULE E – LAND APPLICATION**

- (E1) The environmentally relevant activity must be carried out by such practical means that may be necessary to prevent or minimise the release of contaminants to the land.

**SCHEDULE F – NOISE CONTROL**

- (F1) Except as otherwise provided by the condition of the Noise schedule of this development approval, the environmentally relevant activity must be carried out by such means that may be necessary to prevent or minimise the emission or noise.
- (F2) Noise from the operation of Kuranda Pet Resort must be limited such that the average maximum level of noise when measured at any adjacent noise sensitive place as the  $LA_{max,adj,T}$  must not exceed more than 5 dB(A) above the background noise level ( $LA_{90,T}$ ) for daytime hours (7 am to 6 pm) and evening (6 pm to 10 pm) and not more than 3 dB(A) above the background noise level for night time hours (10 pm to 7 am), where T is defined as 15 minutes.

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$LA_{max,adjT}$  and  $LA_{90,T}$  must be measured in accordance with the Queensland Environmental Protection Agency Noise Measurement Manual.

Note: The average maximum noise level is to be measured as the arithmetic average of the maximum instantaneous sound pressure levels in dB(A) of noise from activities at the Kuranda Pet Resort (such as barking dogs) measured over a 15 minute time period. During the measurement period, noise from the Kuranda Pet Resort must be representative of maximum noise levels (when dogs are barking intermittently or semi-continuously). Maximum noise levels from other sources are to be excluded from the measurements.

**SCHEDULE G – WASTE MANAGEMENT**

- (G1) Waste must not be released to the environment or disposed contrary to the condition of this development approval.
- (G2) Waste must not be burnt or allowed to burn at the approved place or removed and burnt elsewhere.
- (G3) Where a recycling service is available, recyclable waste must not be deposited in the general waste stream.

**SCHEDULE H – SELF-MONITORING**

- (H1) All complaints received by the holder of this development approval of this environmentally relevant activity relating to operations at the approved place must be recorded in a logbook with the following details:
  - ◆ time and date of complaint
  - ◆ contact details of the complainant
  - ◆ response and investigation undertaken as a result of the complaint
  - ◆ name of person responsible for investigating complaint
  - ◆ action taken as a result of the investigation of the complaint
- (H2) The complaints recorded as required by the above condition shall be maintained for a period of not less than 3 years.
- (H3) As soon as practical after becoming aware of any emergency or incident which results in the release of contaminants not in accordance, or reasonably expected to be not in accordance with the conditions of this development approval, the holder of this development approval, through their operator on site, must notify the administering authority of the release by telephone or facsimile.
- (H4) The notification of emergencies or incidents as required by condition H3 must include but not limited to the following:
  - ◆ the name of the holder of this development approval
  - ◆ the location of the emergency or the incident
  - ◆ the name and telephone number of the designated contact person
  - ◆ the time of release
  - ◆ the time the holder of the development approval became aware of the release
  - ◆ the suspected cause of the release
  - ◆ the environmental harm and or the environmental nuisance caused, threatened or suspected to be caused by the release
  - ◆ actions taken to prevent any further release and mitigate any environmental harm or environmental nuisance caused by the release

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**SCHEDULE I – DEFINITIONS**

- (11) For the purpose of this development approval, any term not otherwise defined in legislation or in the definitions schedule of this development approval has the meaning conferred to that term in its common usage.
- (12) In the event of any inconsistency arising between the meaning of any term provided in the definitions schedule of this development approval and any common usage of that term, the meaning conferred in the definitions schedule of this development approval must apply.
- (13) For the purpose of this development approval the following definitions apply:

“Act” means the Environmental Protection Act 1994

“Administering Authority” means the Tablelands Regional Council or its successor

**(D) ASSESSMENT MANAGER’S ADVICE**

- (1) 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 help 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.nrw.qld.gov.au](http://www.nrw.qld.gov.au).

**5. Other necessary development permits –**

Listed below are other development permits that are necessary to allow the development to be carried out –

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

**6. Conflict with laws and policies and reasons for the decision despite the conflict –**

The Assessment Manager considers the decision conflicts with the applicable codes/planning scheme and any other relevant local planning instrument—

Conflict with applicable codes/planning scheme and any other relevant local planning instrument	Reason for the decision, including a statement about the sufficient grounds to justify the decision despite the conflict
Strategic Framework (b)	(i) The proposed development fulfils Desired Environmental Outcome (h):
Desired Environmental Outcome (o)	(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
	(ii) The proposed development promotes responsible pet ownership and will meet a community need.
	(iii) The proposed development is a more efficient use of

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Myola Zone Code 4.127 - Inconsistent Uses	<p>the existing kennel and no additional infrastructure is required to accommodate the increased number of dogs.</p> <p>(iv) Implementation of the noise management conditions suggested by Air Noise Environment Pty Ltd should result in the proposed development having a minimal/lesser impact on the amenity of the locality.</p>
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## 7. IDAS referral agencies -

The IDAS Referral Agencies applicable to this application are -

For an application involving	Name of referral agency	Status	Address
<b>MATERIAL CHANGE OF USE</b>			
For an <b>environmentally relevant activity (ERA)</b> , other than a mining activity, petroleum activity, mobile and temporary ERA or an ERA for which a code of environmental compliance has been made under the EP Reg; or	Local Government	Concurrence	Mareeba Shire Council PO Box 154 MAREEBA QLD 4880
For an <b>ERA</b> in a wild river area, other than a mining activity or petroleum activity, for which a code of environmental compliance has been made under the EP Reg			

## 8. Submissions -

There **were twenty (20)** properly made submissions about the application. In accordance with s 3.5.15(2)(j) of the IPA, the name and address of the principal submitter for each properly made submission are as follows —

Name of principal submitter	Address
1. Rhonda Young	200 Boyles Road, KURANDA QLD 4881
2. Rhys Scarrott	Lot 15, Cape Tribulation Road, DAINTREE QLD 4873
3. Cheryl Tonkin	High Chapparal Road, MYOLA QLD 4881
4. Elizabeth Tonkin & Matthew Cotton	PO Box 2399, MAREEBA QLD 4880
5. Jeffrey & Shona Ballantyne	R/N 33 Jeffrey Road, Russett Park, KURANDA QLD 4881
6. Simon Lloyd	21 Stratford Parade, STRATFORD QLD 4870
7. Karen Davies	120 Myola Road, KURANDA QLD 4881
8. Christian VanKoeeverden	Lot 103 Boyles Road, KURANDA QLD 4881
9. Deborah King	PO Box 160, KURANDA QLD 4881
10. Gary Sparks	30 Jeffrey Road, Russett Park, KURANDA QLD 4881
11. Sandy Ball	KURANDA QLD 4881
12. Christine Isgar	19 High Chapparal Road, KURANDA QLD 4881
13. Hilary Skimming (Kuranda Pharmacy)	5 Conndoo Street, KURANDA QLD 4881
14. Tracey Ollington	165 Boyles Road, KURANDA QLD 4881
15. Robert & Mary Morrison	PO Box 384, KURANDA QLD 4881
16. Deborah Boulden	25 Hall Street, EDGE HILL QLD 4870
17. Elaine Cushman	PO Box 27, KURANDA QLD 4881

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18. Amanda Purkiss	<a href="mailto:Amanda@alchemy.net.au">Amanda@alchemy.net.au</a>
19. Lynda & Peter Barratt	PO Box 1024, KURANDA QLD 4881
20. Rosemary Marks	828 Alandele Avenue, LOS ANGELES CA 90036, USA

## 9. Appeal rights –

In accordance with the *Integrated Planning Act 1997* you may negotiate with Council or appeal to the Planning and Environment Court. A copy of the **Implementation Note, Note 16 – Negotiated Decision Notices and Implementation Note, Note 20 – Appeal and Declaratory Powers under the IPA** and the form ‘Notice of Appeal’ is enclosed for your information.

## 10. When the development approval takes effect –

This development approval takes effect –

- if there is a submitter and the applicant does not appeal the decision, the earlier date of either:
  - when the submitter’s appeal period ends; or
  - the day the last submitter gives the Assessment Manager written notice that the submitter will not be appealing the decision.

**OR**

- subject to the decision of the court, when the appeal is finally decided, if an appeal is made to the court.

This approval will lapse if—

- for a Material Change of Use, the first change of use under the approval does not start within the relevant period stated in section 2 of this decision notice;
- for a reconfiguration, a plan for the reconfiguration is not given to the local government within the relevant period stated in section 2 of this decision notice;
- for a development approval other than a Material Change of Use or reconfiguration, the development does not substantially start within the relevant period stated in section 2 of this decision notice.

Note that in the case of a development approval for a Material Change of Use or for Reconfiguring a Lot, if there is one or more subsequent related approvals the relevant period for the Material Change of Use or reconfiguration will restart from the date of the related approval taking effect. Please refer to section 3.5.21 of IPA for further information.

Should you require any further information please contact Council’s **Senior Planner, Brian Millard** on the above telephone number.

Yours faithfully

**STEVEN RIPPER**  
**GENERAL MANAGER ENVIRONMENT & DEVELOPMENT**

Enclosures – Approved plan/s of development, Implementation Note, Note 16 – Negotiated Decision Notices and Implementation Note, Note 20 – Appeal and Declaratory Powers under the IPA and the form ‘Notice of Appeal’

DECISION NOTICE - APPROVAL

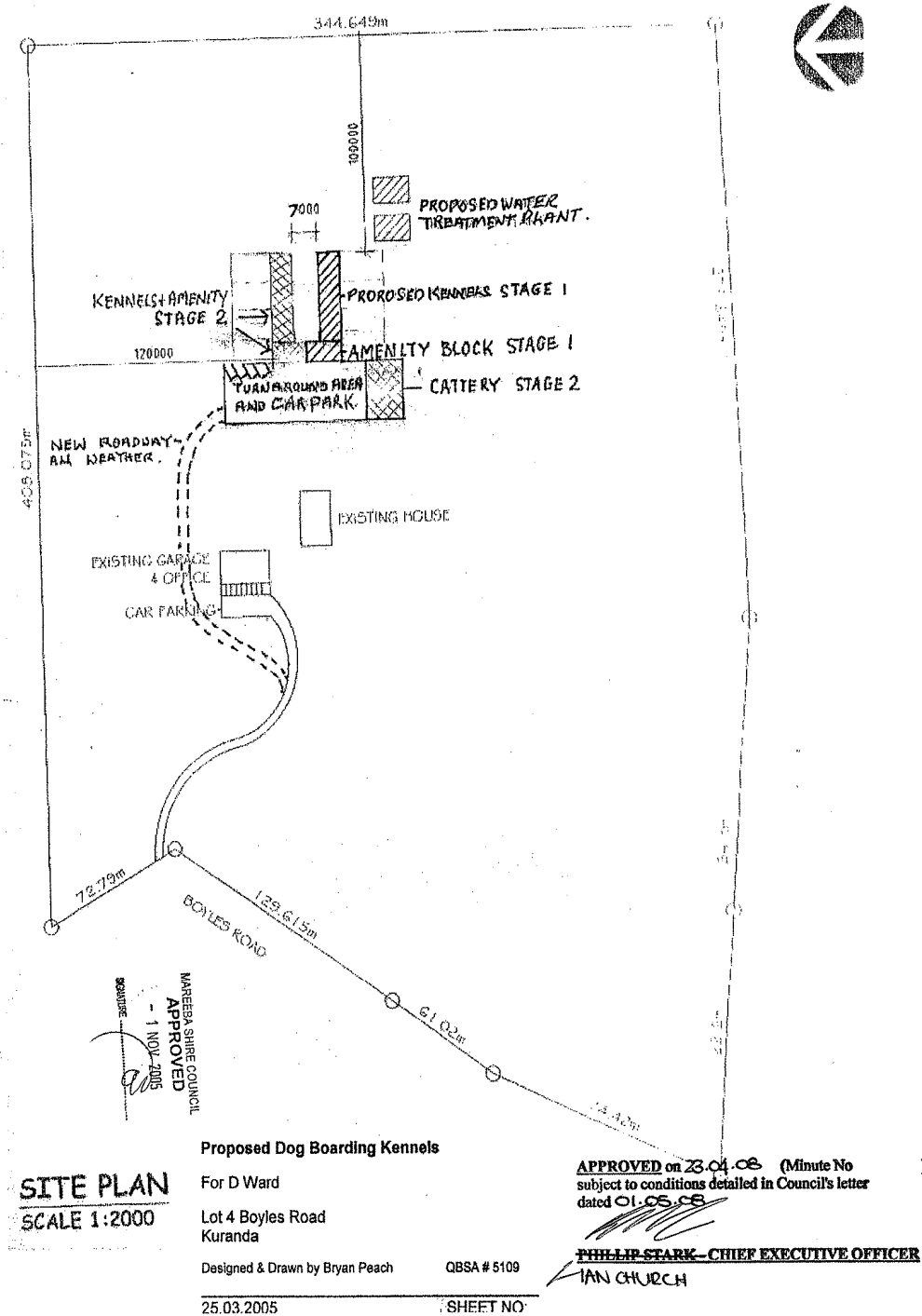
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**Copy:**

**Tablelands Regional Council**  
**PO Box 154**  
**MAREBA QLD 4880**

DECISION NOTICE - APPROVAL

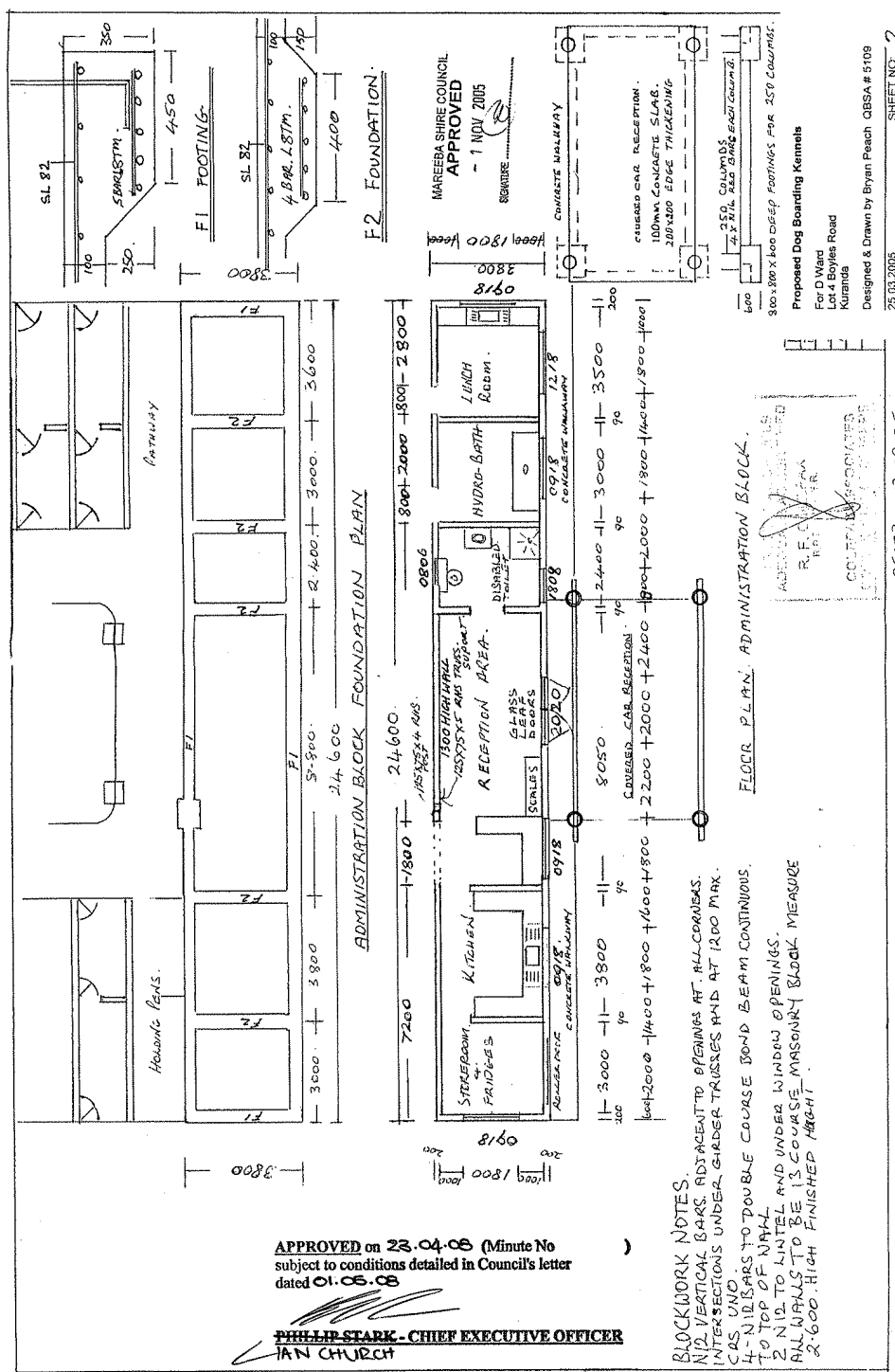
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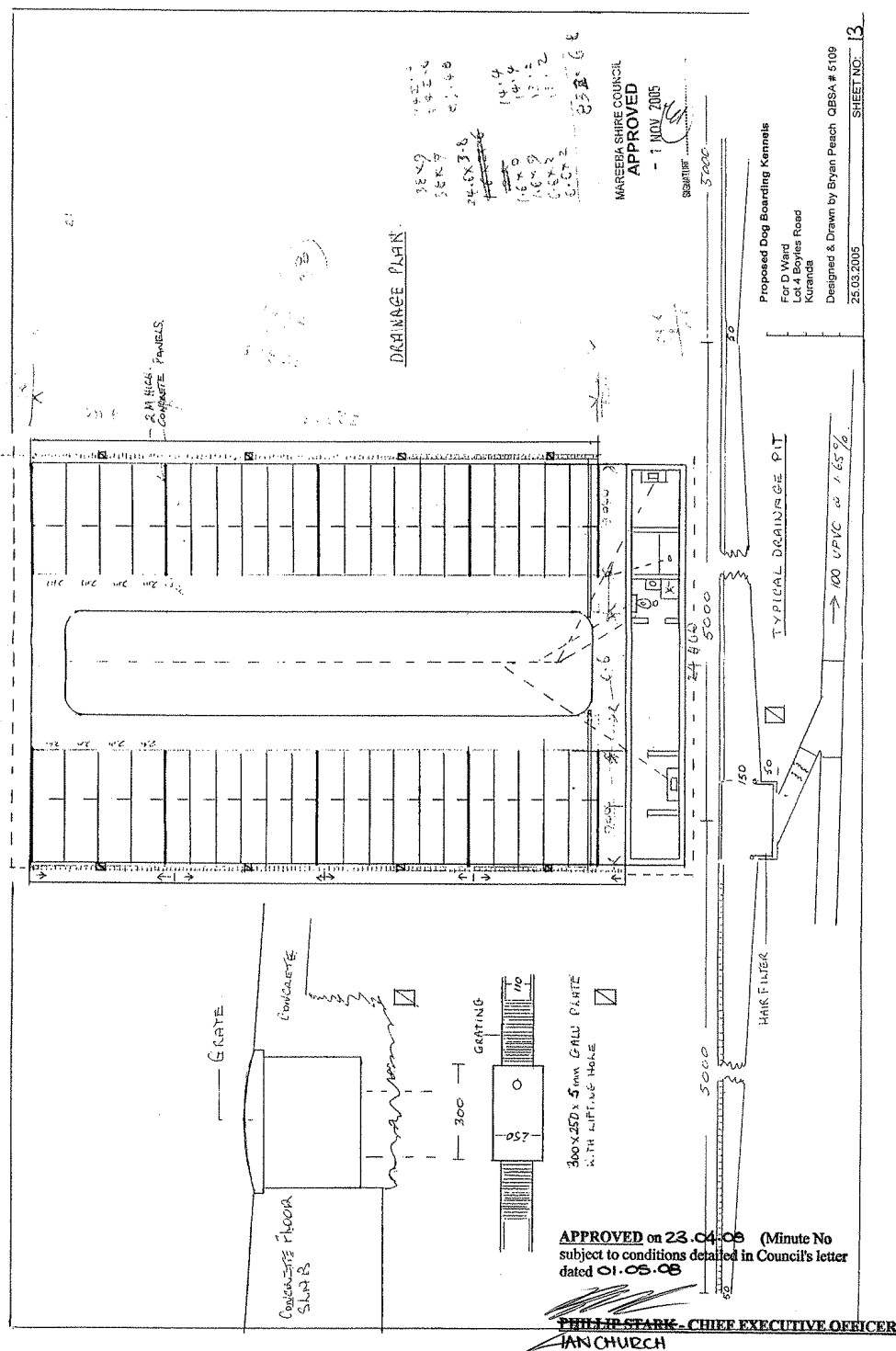
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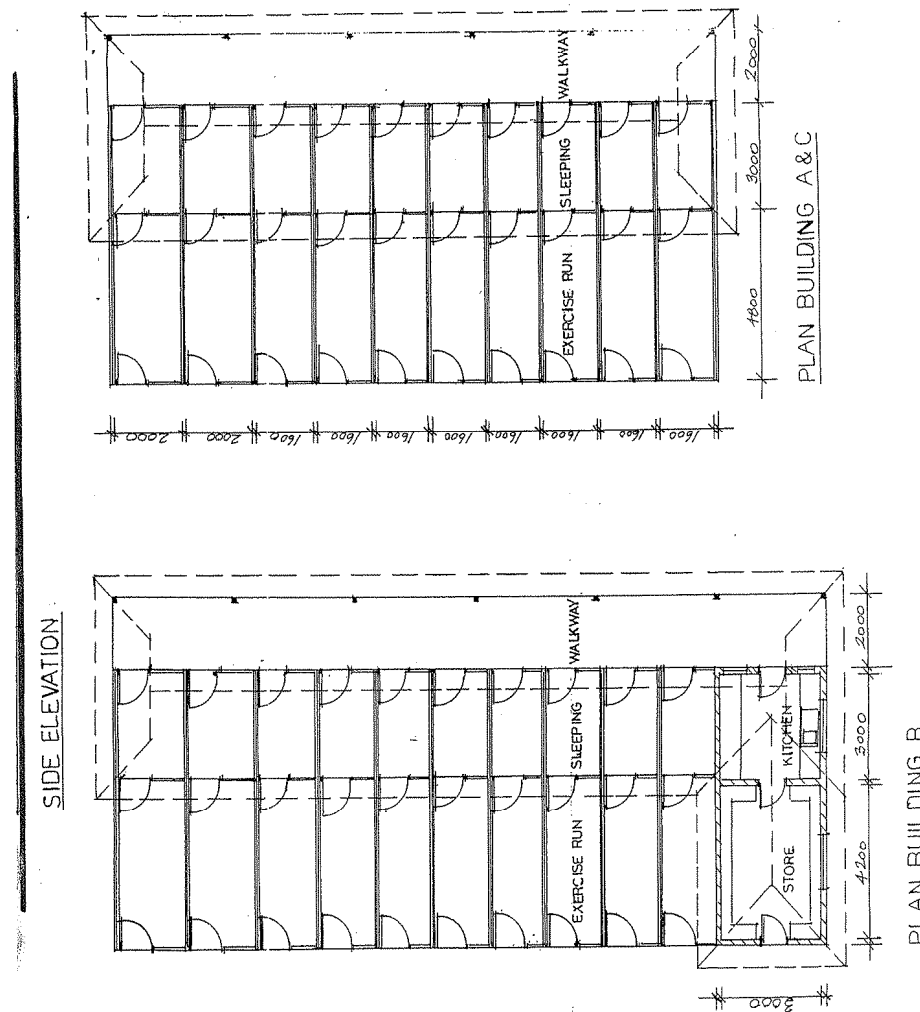
DECISION NOTICE - APPROVAL

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DECISION NOTICE - APPROVAL

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APPROVED on 23.04.08 (Minute No )  
subject to conditions detailed in Council's letter  
dated 01.08.08

*[Signature]*  
**PHILLIP STARK - CHIEF EXECUTIVE OFFICER**  
IAN CHURCH

**Brian Millard**

---

**From:** Business KPR <business@kurandapetresort.com.au>  
**Sent:** Thursday, 16 November 2023 11:09 AM  
**To:** Planning  
**Cc:** Dee Petersen  
**Subject:** Kuranda Pet resort - Cattery approval and extension.  
  
**Categories:** Dee

Good morning

As per my phone conversation this morning, I purchased the Kuranda Pet Resort in December last year from Diane Ward (FNQ Pets).

As part of that sale we were advised their was planning permission for a cattery to be built on site and that we would need to seek an extension to that approval each year until we were in a position to build it.

I am writing to seek an extension to the approvals and to pay any associated costs that may incur.

I would also like to ask all documentation relating to this, and the Pet resort, to be attributed to ourselves from now on and any future correspondence to also be sent to this email address, [business@kurandapetresort.com.au](mailto:business@kurandapetresort.com.au), not the one you may have on file.

Our details

Helen Turner and Prue Chellis  
(The Churner Family Trust)

The Purple Rocket Company Pty Ltd operating as Kuranda Pet Resort  
ABN: 94 659 613 536

Regards  
Helen, Prue & KPR Team  
Kuranda Pet Resort  
ph 0740938239





**8.5 A JOUSIFFE - MATERIAL CHANGE OF USE - SHOP, SHOWROOM, LOW IMPACT INDUSTRY AND ANCILLARY OFFICE - LOTS 12, 14 & 16 ON NR7652 - 58 CHEWKO ROAD, MAREEBA - MCU/23/0022**

**Date Prepared:** 27 November 2023

**Author:** Coordinator Planning Services

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

#### APPLICATION DETAILS

APPLICATION		PREMISES	
<b>APPLICANT</b>	A Jousiffe	<b>ADDRESS</b>	58 Chewko Road, Mareeba
<b>DATE LODGED</b>	5 October 2023	<b>RPD</b>	Lots 12, 14 and 16 on NR7652
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use – Shop, Showroom, Low Impact Industry and ancillary Office		
<b>FILE NO</b>	MCU/23/0022	<b>AREA</b>	Lot 12 – 2931m2 Lot 14 – 1777m2 Lot 16 – 1787m2
<b>LODGED BY</b>	U&i Town Plan	<b>OWNER</b>	Jousiffe Pty Ltd
<b>PLANNING SCHEME</b>	Mareeba Shire Council Planning Scheme 2016		
<b>ZONE</b>	Industry 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 have 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>	A Jousiffe	<b>ADDRESS</b>	58 Chewko Road, Mareeba
<b>DATE LODGED</b>	5 October 2023	<b>RPD</b>	Lots 12, 14 and 16 on NR7652
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use – Shop, Showroom, Low Impact Industry and ancillary Office		

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.

APPROVED DEVELOPMENT: Development Permit for Material Change of Use - Shop, Showroom, Low Impact Industry and ancillary Office

(A) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
2634 Sheet C1 of 3	Site Plan	PD Designs	September 2023
2634 Sheet C2 of 3	Floor Plan	PD Deigns	September 2023
2634 Sheet C3 of 3	Elevations	PD Designs	September 2023

(B) 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, 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.

Where bulk bins are used and are to be serviced on site, certification by a Registered Professional Engineer of Queensland (RPEQ) must be provided to Council prior to the issue of a building permit which demonstrates 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.

## 4. Infrastructure Services and Standards

### 4.1 Access

All access crossovers must be upgraded/constructed to an industrial access crossover standard (from the edge of Chewko Road/Slade Street pavement to the property boundary of the subject land) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

#### 4.2 Stormwater Drainage/Water Quality

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

#### 4.3 Car Parking/Internal Driveways

The applicant/developer must ensure the development is provided with a minimum of 27 on-site car parking spaces, not including any car parking within the buildings, which are available solely for the parking of vehicles associated with the use of the premises.

All car parking spaces, internal driveways and trafficable areas (including the access handle driveway to Slade Street must be bitumen, concrete or asphalt sealed, line-marked and appropriately drained prior to the commencement of the use, 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.

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

#### 4.4 Landscaping

- (a) Prior to the commencement of the use, a landscape plan must be prepared for the site and submitted to Council's delegated officer for consideration and approval. The extent of landscaping on site should be generally consistent with that shown on the approved site plan.
- (b) All plant varieties must be generally in accordance with Schedule A of Planning Scheme Policy No. 9 (Landscaping Policy).
- (c) The landscaping of the site must be carried out in accordance with the endorsed landscaping plan, and irrigated, mulched and maintained to the satisfaction of Council's delegated officer.

#### 4.5 Water Supply

- (a) Where the existing reticulated water supply does not currently service the site or is not at an adequate capacity, the developer is required to extend or upgrade the reticulated water supply infrastructure to connect the site

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

- (b) A water service connection must be provided to the subject land in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

#### 4.6 Sewerage Connection

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

#### (C) 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) A Trade Waste Permit will be required prior to the commencement of use. Please contact Council's Building and Plumbing Department for further information prior to the lodgement of any application for compliance permit for plumbing and drainage works.
- (d) The change in the use of the building may also require a change in the classification of the building under the Building Act. You are advised to contact a Building Certifier to establish if a change in the classification of the building is required.
- (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) 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.

(g) Environmental Protection and Biodiversity Conservation Act 1999

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

(h) Cultural Heritage

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

(g) Electric Ants

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

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

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

For more information please visit the electric ant website at [Electric ants in Queensland | Business Queensland](http://Electric ants in Queensland | Business Queensland) or contact Biosecurity Queensland 13 25 23

(D) 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)

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

- Development Permit for Building Work

## (F) OTHER APPROVALS REQUIRED FROM COUNCIL

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

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

Development Type	Rate	Measure	Charge	Credit Detail	Balance
		m2			
Showroom (retail)	\$104.00/m2	689	\$71,656.00	\$94,261.00	\$3,887.00
Warehouse/Low Impact Industry (bulk store & steel fabrication)	\$37.00/m2	716	\$26,492.00		
TOTAL CURRENT AMOUNT OF CHARGE					\$3,887.00

**THE SITE**

The subject land comprises three (3) adjoining allotments situated at 5-7 Slade Street and 58 Chewko Road, Mareeba, and described as Lots 12, 14 and 16 on NR7652. All three (3) lots are situated within the Industry Zone (Trades and Services Precinct).

Lot 12 on NR7652 is irregular in shape with a total area of 2,931m<sup>2</sup>. The site contains 16 metres of frontage to Chewko Road to the south, 27 metres of frontage to undeveloped road reserve to the west and 5 metres of frontage to Slade Street to the east via a five (5) metre wide access handle. Both Chewko Road and Slade Street are constructed to bitumen sealed standards and include kerb and channel.

Lot 14 and 16 on NR7652 adjoin Lot 12 to the east, are both regular in shape and have areas of 1,777m<sup>2</sup> and 1,787m<sup>2</sup> respectively. Lot 14 is a corner lot and contains 54 metres of frontage Chewko Road and a further 32 metres of frontage to Slade Street. Lot 16 contains 30 metres of frontage to Slade Street only.

All three (3) lots were most recently used for the former Homefab steel fabrication business and retain multiple large sheds, office facilities and toilets. The eastern half of Lots 14 and 16 remains free of built improvements. A small landscaping strip is established along the Slade Street frontage.

Lots surrounding the subject site are all zoned Industry (Trades and Services Precinct) and accommodate various scales of industrial development including transport depots, storage sheds, and a crane hire business.



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

**BACKGROUND AND CONTEXT**

Nil

**PREVIOUS APPLICATIONS & APPROVALS**

Nil

**DESCRIPTION OF PROPOSED DEVELOPMENT**

The development application seeks a Development Permit for Material Change of Use - Shop, Showroom, Low Impact Industry and ancillary Office in accordance with the plans shown in **Attachment 1**.

The applicant has provided the following outline of the proposed development:

*"It is the objective of the proponent to relocate the existing well established business of FNQ Filters & Parts from 276 Byrnes Street, Mareeba to a bigger site and building already established at 58 Chewko Road, 5 & 7 Slade Street, Mareeba. At present the majority of the building on site comprises of an open roofed area. It is proposed to close in that large shed to provide a sealed and enclosed retail space from the elements and weather, to make way for the retail and bulk storeroom. Essentially everything else will remain the same in terms of the built form.*

*As part of the material change of use and change in classification, there is a need to provide a fire tank and pump along the Chewko Road frontage in case of an emergency to allow Qld Fire and Emergency Service to access if a fire was to occur on-site.*

*As illustrated on the plans you will notice the areas in and around the proposed development which will be sealed along with a total of 27 car parks provided on-site for staff and customer parking. Landscaping is proposed as shown along the road frontage where there isn't already existing established landscaping.*

*The Plans of Development which are the subject of this application are included as ~~Appendix 3~~ (**Attachment 1**) to this report.*

*The intent of this development is to provide a suitable location for FNQ Filters & Parts to relocate and grow."*

**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>• Industry Area</li> </ul> <b>Infrastructure Elements</b> <ul style="list-style-type: none"> <li>• Future State Controlled Road</li> <li>• Principal Cycle Routes</li> </ul>
Zone:	Industry zone

Precinct:	Trades and Services Precinct
Overlays:	Airport Environs Overlay Extractive Resources 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>
Office	Premises used for an administrative, secretarial or management service or the practice of a profession, whereon goods or materials are made, sold or hired and where the principal activity provides for one or more of the following: <ul style="list-style-type: none"> <li>• business or professional advice</li> <li>• service of goods that are not physically on the premises</li> <li>• office based administrative functions of an organisation.</li> </ul>	Bank, real estate agent, administration building	Home based business, home office, shop, outdoor sales
Shop	Premises used for the display, sale or hire of goods or the provision of personal services or betting to the public.	Hairdresser, liquor store, department store, discount department store, discount variety stores, betting agencies, supermarket, corner store	Adult store, food and drink outlet, showroom, market
Showroom	Premises used primarily for the sale of goods of a related product line that are of a size, shape or weight that requires: <ul style="list-style-type: none"> <li>• a large area for handling, display or storage</li> <li>• direct vehicle access to the building by members of the public for loading and unloading items purchased or hired.</li> </ul>	Bulky goods sales, motor vehicles sales showroom, bulk stationary supplies	Food and drink outlet, shop, outdoor sales



Low impact industry	<p>Premises used for industrial activities that include the manufacturing, producing, processing, repairing, altering, recycling, storing, distributing, transferring or treating of products and have one or more of the following attributes:</p> <ul style="list-style-type: none"> <li>• negligible impacts on sensitive land uses due to offsite emissions including aerosol, fume, particle, smoke, odour and noise</li> <li>• minimal traffic generation and heavy-vehicle usage</li> <li>• demands imposed upon the local infrastructure network consistent with surrounding uses</li> <li>• the use generally operates during the day (e.g. 7am to 6pm)</li> <li>• offsite impacts from storage of dangerous goods are negligible</li> <li>• the use is primarily undertaken indoors.</li> </ul>	<p>Repairing motor vehicles, fitting and turning workshop</p> <p>Note—additional examples may be shown in SC1.1.2 industry thresholds.</p>	<p>Panel beating, spray painting or surface coating, tyre recycling, drum re conditioning, wooden and laminated product manufacturing, service industry, medium impact industry, high impact industry, special industry</p>
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## 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

#### 3.3.12 Element—Industry areas

##### 3.3.12.1 Specific outcomes

- (6) *The location of industry activities avoids or is appropriately separated from sensitive land uses to protect the health, wellbeing, amenity and safety of the community from the impacts of air, noise and odour emissions, and hazardous materials.*

Comment

The application proposes a mixed retail/industrial use within an established Industry zoned area. The use will be relocated from its present site in Byrnes Street where it has operated for over a decade without adverse impact on much closer sensitive land uses.

The proposed location increases the separation from sensitive land uses and will further protect the health, wellbeing and amenity of the community. The development will comply.

**3.4.8 Element—Air and noise quality**

**3.4.8.1 Specific outcomes**

- (1) *The health, well-being, amenity and safety of the community and the environment is protected from the impacts of air emissions, noise and odour through appropriate management and adequate separation distances.*

Comment

The application proposes a mixed retail/industrial use within an established Industry zoned area. The use will be relocated from its present site in Byrnes Street where it has operated for over a decade without adverse impact on much closer sensitive land uses.

The proposed location increases the separation from sensitive land uses and will further protect the health, wellbeing and amenity of the community. The development will 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.*
- (5) *Industry areas provide for a range of industrial development, expansion, supporting infrastructure and employment opportunities consistent with their intended function in the shire. Industry areas are protected from incompatible development and sensitive land uses. The Mareeba Airport expands and caters for a hub of specialist aviation services.*

Comment

The proposed development allows for an established business to move its growing operations into a larger premises, leading to improved services for the community.

The development complies with Strategic Outcomes 3 and 5.

### **3.7.8 Element—Industry**

#### **3.7.8.1 Specific outcomes**

- (2) *Industry areas are located within activity centres to accommodate for trades and industrial development that provide employment and services to the catchments of these activity centres.*
- (3) *Industry areas are designated and protected from other land uses which could impair or prejudice their development for industrial purposes.*
- (4) *A high level of infrastructure, services and amenity in existing industry areas is provided to support business investment and expansion of industry areas.*
- (5) *The health, safety, wellbeing and amenity of the community is protected from unacceptable impacts associated with hazardous materials, noise, pollution and odour.*

#### Comment

The application proposes a mixed retail/industrial use within an existing industrial estate. The proposed development allows for an established business to move its growing operations into a larger premises, leading to improved services for the community.

The proposed location increases the separation from sensitive land uses and will further protect the health, wellbeing and amenity of the community.

The proposed development complies with Strategic Outcomes 2 - 5.

### **Relevant Developments Codes**

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

- 6.2.5 Industry zone code
- 7.2.2 Mareeba local plan code
- 8.2.2 Airport environs overlay code
- 8.2.5 Extractive resources overlay code
- 9.3.2 Commercial activities code
- 9.3.5 Industrial 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
Industry 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.
Extractive resources 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.
Commercial 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.
Industrial 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**

The following credits have been determined for the subject site and existing improvements:

- Lot 12 - contains the majority of built improvements, leading to a credit in excess of the standard per lot credit  $1,425\text{m}^2 \times \$73.00 = \text{credit of } \$52,725.00$ .
- Lot 14 – full per lot credit would apply - \$20,768.00.
- Lot 16 - full per lot credit would apply - \$20,768.00.

Total Credits: \$94,261.00

Using Adopted Infrastructure Charges Resolution (No. 1) of 2023 the following charge rates would be the most appropriate for the proposed change of use:

- \$104 per m<sup>2</sup> of GFA (gross floor area) Showroom (retail aspect)
- \$37 per m<sup>2</sup> of GFA Warehouse/Low Impact Industry (bulk store/steel fabrication aspect)

The following charges are applicable:

- Showroom (retail aspect) - \$71,656.00
- Warehouse/Low Impact Industry (bulk store/steel fabrication aspect) - \$26,492.00

Total Charges: \$98,148.00

Applying the credits, the charge payable for the proposed development is \$3,887.00.

#### **REFERRAL AGENCY**

This application did not trigger referral to a Referral Agency.

#### **Internal Consultation**

Not applicable.

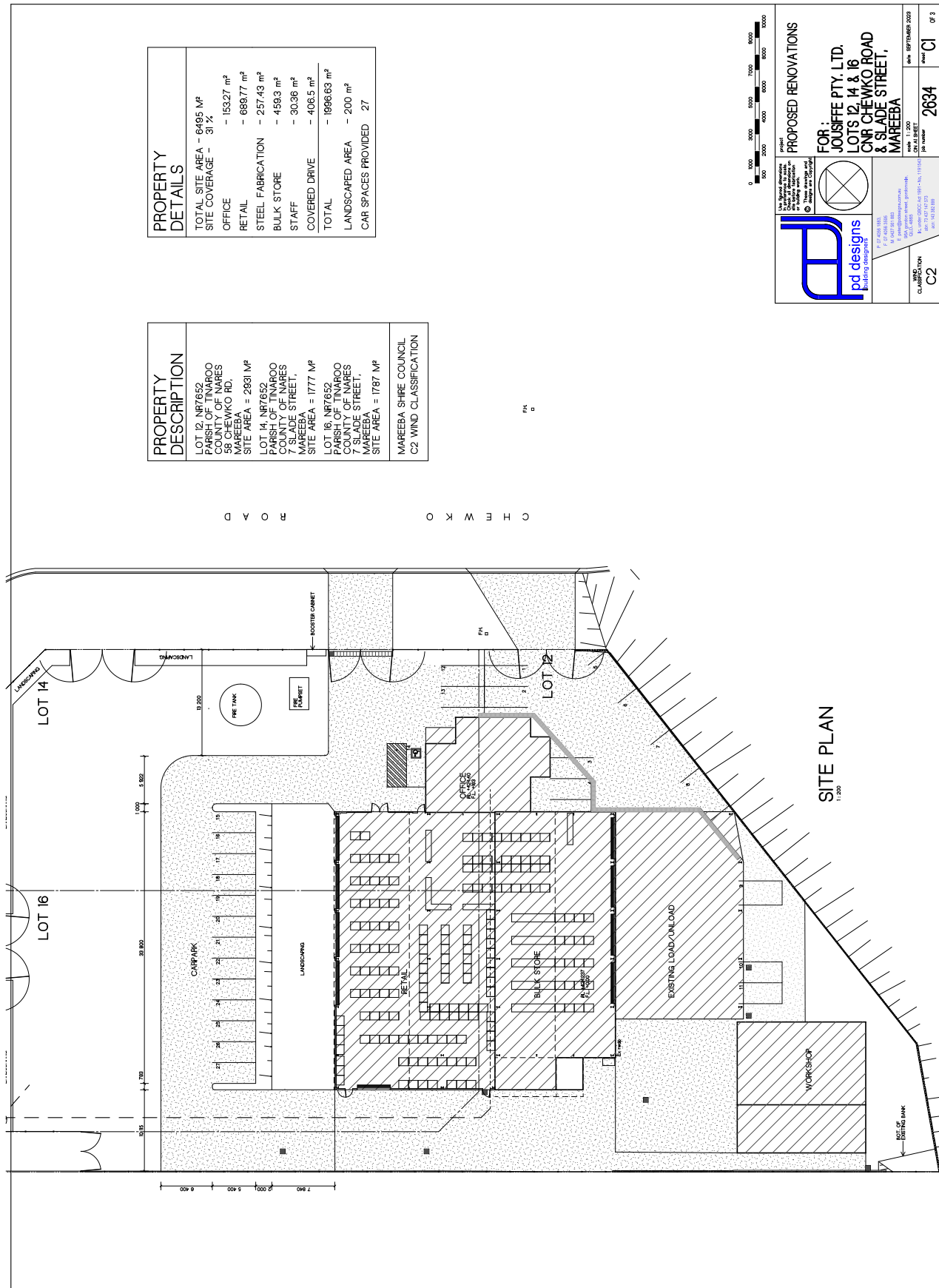
#### **PUBLIC NOTIFICATION**

The development proposal was placed on public notification from 25 October 2023 to 15 November 2023. The applicant submitted the notice of compliance on 16 November 2023 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

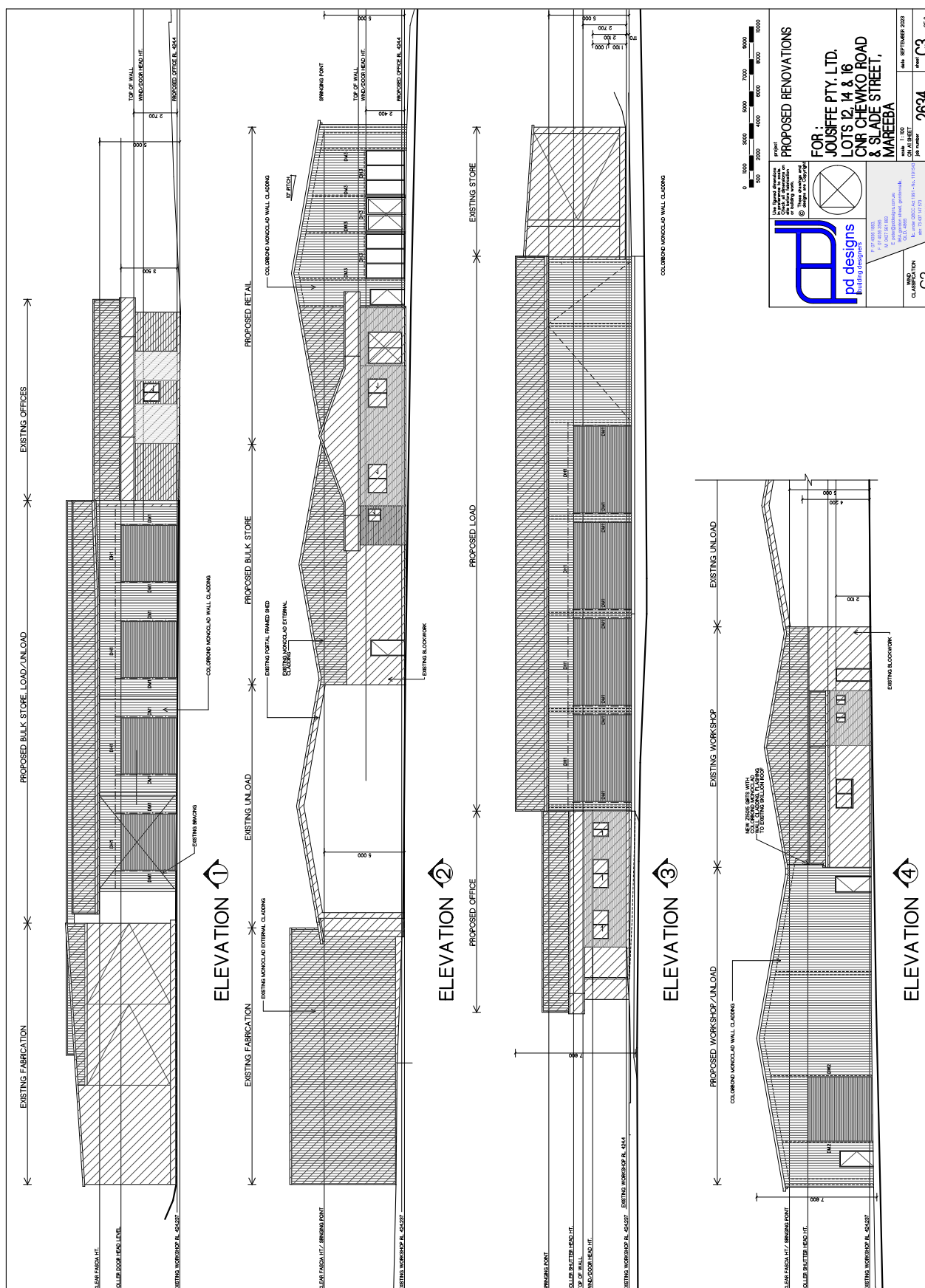
No submissions were received.

#### **PLANNING DISCUSSION**

Nil









**8.6 MAJOR AMENDMENT NO.1 OF 2023 TO THE MAREEBA SHIRE COUNCIL PLANNING SCHEME 2016**

**Date Prepared:** 4 December 2023

**Author:** Coordinator Planning Services

**Attachments:** 1. Deputy Premier and Minister for State Development, Infrastructure, Local Government and Planning letter dated 23 November 2023 [↓](#)

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**EXECUTIVE SUMMARY**

Major Amendment No.1 of 2023 – *Subdivision in the Rural zone* to the Mareeba Shire Council Planning Scheme 2016 was adopted on 28 November 2023 and commenced on 8 December 2023.

In accordance with Council's resolution of 18 October 2023, this report summaries the steps taken to complete and adopt Major Amendment No.1 of 2023.

**RECOMMENDATION**

That Council receive and note this report.

**BACKGROUND**

The final draft of Major Amendment No.1 of 2023 was presented to Council at the Ordinary Meeting of 18 October 2023. Council resolved as follows:

*"That Council:*

1. *Endorses the Major Amendment No.1 of 2023 - Consultation Report and makes no change to Major Amendment No.1 of 2023 in response to the submissions;*
2. *Responds to all submitters;*
3. *Gives notice to the Minister requesting approval to adopt Major Amendment No.1 of 2023 without change;*
4. *Delegate authority to the Chief Executive Officer to undertake all statutory steps, under the Planning Act 2016 and the Minister's Guidelines and Rules, to complete and adopt Major Amendment No.1 of 2023 to the Mareeba Shire Council Planning Scheme 2016; and*
5. *Instruct Council officers to submit a report to Council detailing the steps taken to complete and adopt Major Amendment No.1 of 2023 following the adoption of Major Amendment No.1 of 2023.*

The key milestone dates and actions undertaken to finalise and adopt Major Amendment No.1 of 2023 are as follows:

- (a) 21 June 2023 - Council decides to make Major Amendment No.1 of 2023;
- (b) 21 June 2023 - Council gives notice and required materials to the Minister;
- (c) 22 June 2023 - State interest review commences;
- (d) 24 August 2023 - State interest review response and Minister's approval for Council to proceed with public consultation;

- (e) 30 August 2023 - 27 September 2023 - Council undertakes public consultation of Major Amendment No.1 of 2023;
- (f) 28 September 2023 – 6 October 2023 - Council reviews submissions and prepares public consultation report;
- (g) 18 October 2023 - Council seeks Minister's approval to adopt Major Amendment No.1 of 2023;
- (h) 23 November 2023 - Minister issues unconditional approval for Council to adopt Major Amendment No.1 of 2023;
- (i) 28 November 2023 - Major Amendment No.1 of 2023 adopted;
- (j) 1 December 2023 - Public notice of adoption and commencement date in Qld Government Gazette;
- (k) 6 December 2023 – Public notice of adoption and commencement date in The Express newspaper;
- (l) 8 December 2023 – Major Amendment No.1 of 2023 commenced with copy available on MSC website;
- (m) 8 December 2023 - TLPI expired.

#### **RISK IMPLICATIONS**

#### **LEGAL/COMPLIANCE/POLICY IMPLICATIONS**

As Major Amendment No.1 of 2023 responded to an action taken by the Minister (TLPI No.01 of 2021), the amendment process was required to be finalised prior to the expiration of the TLPI.

The TLPI expired on 8 December 2023, the same day as Major Amendment No.1 of 2023 commenced.

#### **FINANCIAL AND RESOURCE IMPLICATIONS**

##### ***Capital***

Nil.

##### ***Operating***

Nil.

#### **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**

Major Amendment No.1 of 2023 has commenced and is available on the MSC website.



**Hon Steven Miles MP**

Deputy Premier

Minister for State Development, Infrastructure,

Local Government and Planning

Minister Assisting the Premier on Olympic and Paralympic Games Infrastructure

Our ref: MC23/6125

Your ref: URP-SCH-MBA

23 NOV 2023

Councillor Angela Toppin

Mayor

Mareeba Shire Council

mayor@msc.qld.gov.au

1 William Street

Brisbane Queensland 4000

PO Box 15009

City East Queensland 4002

**Telephone** + 61 3719 7100

**Email** deputy.premier@ministerial.qld.gov.au

**Website** www.statedevelopment.qld.gov.au

ABN 65 959 415 158

Dear Councillor Toppin

Thank you for the letter of 18 October 2023 from the Mareeba Shire Council (the council), requesting approval to proceed to adopt the proposed Major Amendment No. 1 of 2023 Subdivision in the Rural Zone (the proposed amendment) to the *Mareeba Shire Council Planning Scheme 2016*.

I acknowledge that the proposed amendment responds to Temporary Local Planning Instrument No. 01 of 2021 (Subdivision in Rural zone) and commend the council for progressing this amendment in a timely manner.

The proposed amendment has been considered in accordance with chapter 2, part 4, section 21.4 of the Minister's Guidelines and Rules (MGR). In accordance with the MGR, I am pleased to advise that the council may proceed to adopt the proposed amendment as submitted to the Department of State Development, Infrastructure, Local Government and Planning (the department) on 18 October 2023.

I expect that the council will adopt the proposed amendment promptly, to ensure that the major amendment is in effect by 8 December 2023. I have asked the department to assist the council to achieve these timeframes.

If you require any further information regarding this matter, please contact Ms Amy Hunter, Acting Chief of Staff in my office, by email at amy.hunter@ministerial.qld.gov.au or by telephone on (07) 3719 7100.

Yours sincerely

A handwritten signature in black ink, appearing to read "S. Miles".

**STEVEN MILES MP**

**DEPUTY PREMIER**

**Minister for State Development, Infrastructure,**

**Local Government and Planning**

**Minister Assisting the Premier on**

**Olympic and Paralympic Games Infrastructure**

cc Ms Jennifer McCarthy  
Acting Chief Executive Officer  
Mareeba Shire Council  
jenniferm@msc.qld.gov.au



**8.7 DELEGATIONS UPDATE NOVEMBER 2023**

**Date Prepared:** 22 November 2023

**Author:** Manager Development and Governance

**Attachments:** 1. Delegations Table - WRRR 2023 (Qld) [↓](#)  
2. Instrument of Delegation - WRRR 2023 (QLD) [↓](#)

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**EXECUTIVE SUMMARY**

As part of the monthly delegations update service provided by MacDonnells Law, Council is advised of amendments to various pieces of legislation that require amendments to existing delegations or new delegations to be made by Council.

**RECOMMENDATION**

That:

1. Council delegates to the Chief Executive Officer, the exercise of the powers contained in the attached Instruments of Delegation, with such powers to be exercised subject to any limitations and conditions; and
2. Any prior delegations of power relating to the same matters are revoked; and
3. Council delegates to the Chief Executive Officer the authority to commence preliminary negotiations with relevant interested parties conditional upon such negotiations being explicitly declared to be preliminary and not binding on Council.

**BACKGROUND**

Council has, under section 257 of the *Local Government Act 2009* (Qld) (LGA) delegated to the Chief Executive Officer (CEO), the necessary statutory powers under various pieces of legislation to enable the CEO to effectively perform the requirements of the role and efficiently manage the operations of the Council. All delegations are made subject to the limitations on the attached documentation.

This report and the recommended delegations of power to the CEO if executed by resolution of Council, provides the basis for good decision making and accountability while maintaining statutory compliance.

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

**BIOSECURITY REGULATION 2016 (QLD) (BIOR)**

The WRRR was introduced to replace the previous Waste Reduction and Recycling Regulation 2011 (Qld) (WRRR 2011) which expired on 31 August 2023. The WRRR is in substantially similar form to the WRRR 2011, and amendments were made to reflect current drafting practice and ensure clear alignment with the policy objectives.

**MANAGEMENT AND TIMING OF NEGOTIATIONS FOR AWARD OF A LEASE INTEREST – GENERAL NON S 257 LGA DELEGATION**

Council routinely engages in preliminary communications with external parties on a range of matters, for example negotiations toward issuing of land tenure instruments.

Communications involving early negotiations with interested parties will be clearly draft watermarked to explicitly declare such communications to be preliminary and not binding on Council.

Prior to finalisation of the matter it must be tabled before Council for formal resolution.

**LEGAL/COMPLIANCE/POLICY IMPLICATIONS**

There are legal implications for local government if management is not aware of the delegated powers and powers of authorised persons that are required for their sections to operate efficiently.

The statutory powers of employees, whether delegated to their position by the CEO or obtained as a result of an appointment as an authorised person under particular statutes, will be invalid if they cannot be supported by an instrument documenting the particulars.

Where Council is challenged on an action taken or a decision made by its employees, there needs to be proof that the employee held the powers required to take an action. Such documentation is known as an Instrument of Delegation and is required for delegations, sub-delegations and appointments. Section 260 of the LGA additionally requires the CEO to establish and maintain a register of delegations and make it available to the public.

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

**FINANCIAL AND RESOURCE IMPLICATIONS*****Capital***

Nil

***Operating***

Nil

**LINK TO CORPORATE PLAN**

**Governance:** Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community.

**IMPLEMENTATION/COMMUNICATION**

## Delegable Powers under the Waste Reduction and Recycling Regulation 2023 ("WRRR")

### Part 3 – Designation of areas by local governments for general or green waste collection

Entity power given to	Section of WRRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	5(b)	Power to decide the frequency of general waste or green waste collection in the designated areas.				Consider conduct of significant business activities by local governments in LOGA and City of Brisbane Act 2010.

### Part 4 – Waste levy

#### Division 4 – Discounting waste levy for residue waste

Entity power given to	Section of WRRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Holder of the approval	24(1)(b)	In the circumstances, the power to give the chief executive a report that complies with subsection (2) within 2 months after each reporting period ends.				

Table of Delegable Powers  
Waste Reduction and Recycling Regulation 2023

Current as at 01 September 2023

**Part 13 – Used packaging materials**

**Division 3 – Kerbside and other recycling collectors to give information to chief executive**

Entity power given to	Section of WRRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local government recycling provider	83(1)	In the circumstances, the power to give the chief executive information that complies with subparagraphs (a) to (e) within 3 months after each financial year during which the kerbside collection service operates or is provided ends.				
Local government recycling provider	83(2)	In the circumstances, the power to give the chief executive information about the percentage of households within the service area with access to the service within 3 months after each financial year during which the kerbside collection service operates or is provided ends.				
Local government recycling provider	83(4)	Power to include obligation in contract with another person to provide a kerbside recycling collection service or another recycling service, to give the information mentioned in subsections (1) and (2) as applicable.				

[2023 09 01 - WRRR - Delegation Table]

Table of Delegable Powers  
Waste Reduction and Recycling Regulation 2023

Current as at 01 September 2023



## **INSTRUMENT OF DELEGATION**

### **Mareeba Shire Council *Waste Reduction and Recycling Regulation 2023 ("WRRR")***

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

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

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

Schedule 1

**Waste Reduction and Recycling Regulation 2023 ("WRRR")**

**Part 3 – Designation of areas by local governments for general or green waste collection**

Entity power given to	Section of WRRR	Description
Local Government	5(b)	Power to decide the frequency of general waste or green waste collection in the designated areas.

**Part 4 – Waste levy**

**Division 4 – Discounting waste levy for residue waste**

Entity power given to	Section of WRRR	Description
Holder of the approval	24(1)(b)	In the circumstances, the power to give the chief executive a report that complies with subsection (2) within 2 months after each reporting period ends.

**Part 13 – Used packaging materials**

**Division 3 – Kerbside and other recycling collectors to give information to chief executive**

Entity power given to	Section of WRRR	Description
Local government recycling provider	83(1)	In the circumstances, the power to give the chief executive information that complies with subparagraphs (a) to (e) within 3 months after each financial year during which the kerbside collection service operates or is provided ends.
Local government recycling provider	83(2)	In the circumstances, the power to give the chief executive information about the percentage of households within the service area with access to the service within 3 months after each financial year during which the kerbside collection service operates or is provided ends.
Local government recycling provider	83(4)	Power to include obligation in contract with another person to provide a kerbside recycling collection service or another recycling service, to give the information mentioned in subsections (1) and (2) as applicable.

## Schedule 2

**LIMITATIONS TO THE EXERCISE OF POWER**

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

[2023 09 01 - WRRR - Delegation Instrument]



**8.8 COUNCIL POLICY REVIEW**

**Date Prepared:** 9 November 2023

**Author:** Senior Advisor Governance & Compliance

**Attachments:**

1. Councillor Acceptable Requests Policy (Guideline) [↓](#)
2. Internal Audit Policy [↓](#)
3. Native Title and Cultural Heritage Policy [↓](#)
4. Closed Circuit Television (CCTV) System Policy [↓](#)
5. Cemeteries Policy [↓](#)
6. Unreasonable Complainant Conduct Policy [↓](#)

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**EXECUTIVE SUMMARY**

As part of the ongoing organisation-wide compliance policy review work, amended and newly created instruments, along with instruments marked for repeal, are presented to Council for consideration.

**RECOMMENDATION**

That Council:

1. Repeals the:
  - (a) Councillors Acceptable Requests Policy (Guideline) – adopted 20 November 2019
  - (b) Internal Audit Policy – adopted 18 September 2019
  - (c) Native Title and Cultural Heritage Policy – adopted 18 December 2019
  - (d) Closed Circuit Television (CCTV) System Policy – adopted 17 November 2021
  - (e) Cemeteries Policy – adopted 15 May 2019
  - (f) Unreasonable Complainant Conduct Policy – adopted 20 November 2019
2. Adopts the:
  - (a) Councillors Acceptable Requests Policy (Guideline)
  - (b) Internal Audit Policy
  - (c) Native Title and Cultural Heritage Policy
  - (d) Closed Circuit Television (CCTV) System Policy
  - (e) Cemeteries Policy
  - (f) Unreasonable Complainant Conduct Policy

**BACKGROUND****Councillors Acceptable Requests Policy (Guideline)****Purpose**

To set out the requirements under the *Local Government Act 2009* (LGA) that must be observed by Councillors when seeking advice or information from an employee.

**Summary of amendments**

1. Update of position descriptions contained within the table of delegated employees in section 4.

All other content remains relevant for a further term.

**Internal Audit Policy****Purpose**

To establish a policy about an internal audit function and its interaction with the Audit Committee in accordance with mandatory requirements under the *Local Government Act 2009* (Qld) and associated regulation.

**Summary of amendments**

1. Apply authority footnote reference to section 105(1) of the *Local Government Act 2009* (Qld) within the opening sentence of section 3 Policy Statement; and
2. Transfer entire content of section 6 Related Documents and References to section 3 Policy Statement; and
3. Insert legislative instruments into section 6 Related Documents and References

All other content remains relevant for a further term.

**Native Title and Cultural Heritage Policy****Purpose**

To provide an overarching framework to guide conduct of any activity undertaken by Council which may hold a Native Title (NT) and/or a Cultural Heritage (CH) implication.

**Summary of amendments**

1. Removal of the term 'Historic CH' from opening paragraph of section 3
2. Removal of foot note reference to the *Queensland Heritage Act 1992* (Qld)
3. Removal of Historic Cultural Heritage definition from section 5
4. Removal of reference to the instrument *Queensland Heritage Act 1992* (Qld) from section 6
5. Removal of footnote 4 reference to *Queensland Heritage Act 1992* (Qld)

The above amendments are recommended to delineate matters concerning Aboriginal Cultural Heritage under the *Aboriginal Cultural Heritage Act 2003* (Qld) and matters relevant to historic and heritage places (modern and built environment e.g., historic aircraft wreck, remains of a ship or historic underwater article) under the *Queensland Heritage Act 1992* (Qld). Whilst Council can certainly consider the two forms of cultural heritage together under a policy, section 3 of the *Queensland Heritage Act 1992* (Qld) expressly declares the non-application of the Act to Aboriginal or Torres Strait Islander places.

All other content remains relevant for a further term.

**Closed Circuit Television (CCTV) System Policy****Purpose**

To set out the principles governing the establishment and management of Council's Closed-Circuit Television (CCTV) systems.

**Summary of amendments**

1. Insertion of third bullet point in section 2 Scope to declare devices deployed within restricted access Council owned facilities for the protection of Council assets to be exempt from operation of the policy

Note: this is a minor amendment only to ensure compliance with current surveillance practices. The policy review date of 18 March 2024 will remain in effect to ensure that the remainder of the instrument is subject to the cyclic review processes in 2024.

**Cemeteries Policy****Purpose**

To provide the overarching framework for cemetery operation and management.

**Summary of amendments**

The instrument was entirely redrafted to result in a high-level strategic document that outlines Council's policy position and refers to related terms and conditions, guidelines and related Local Laws, standards and legislation. Where appropriate, content from the extant Policy has been moved to the administrative instruments *Cemetery Terms and Conditions* or *Cemetery Memorial Specification Guideline*.

The new *Cemetery Terms and Conditions* compiles all information in relation to the terms and conditions under which Council provides cemetery goods and services, including cemetery development, maintenance, prohibited activities, fees and charges, interment right, interment activities, memorials, adornment of memorials, record keeping and privacy statement.

The new *Cemetery Memorial Specifications Guidelines* replaces and expands upon the existing *Guideline for the Construction of Mausoleum Free Standing Structure*. Due to the more technical details of this document, it is appropriate to separate it out from the *Terms and Conditions*.

**Unreasonable Complainant Conduct Policy****Purpose**

To provide a framework for the responsible management of unreasonable complainant conduct in alignment with Council's *Unreasonable Complainant Conduct Procedure* and current best practice to ensure a fair and consistent approach is applied to interactions with complainants whose conduct is identified as unreasonable as defined.

**Summary of Amendments**

1. Amend reference to updated 2021 year published QO manual in section 2;
2. Update commitment bullet point declarations in section 3;
3. Update page 1 footnote reference to updated 2021 year published QO manual
4. Omit bullet point 6 from section 3.1 to align with QO public resource guidelines
5. Amend definition of unreasonable complainant conduct in section 5 to align with revised definition in updated 2021 year published QO manual
6. Update page 2 footnote reference to updated 2021 year published QO manual

The above amendments have been applied as a result of work by the Queensland Ombudsman in collaboration with all State Ombudsman offices and the Commonwealth Ombudsman to undertake an extensive review of the original suite of documents referred to in 2019 during compilation and adoption of Council's first version of this policy and associated procedure instruments. The resulting new suite of documents contain a number of improvements and refinements to streamline handling of complaints involving unreasonable complainant conduct as defined.

**FINANCIAL AND RESOURCE IMPLICATIONS*****Capital***

Nil

***Operating***

Nil

**LINK TO CORPORATE PLAN**

**Governance:** Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance while delivering affordable levels of identified services within the Shire.

**IMPLEMENTATION/COMMUNICATION**

Policy library and website updated to publish.





### Councillors Acceptable Requests Policy (Guideline)

Policy Type	Governance Policy	Version:	3.0
Responsible Officer	Chief Executive Officer	Date Approved:	20/12/2023
Review Officer:	Chief Executive Officer	Review Due:	20/11/2027
Author:	Director Corporate and Community Services	Commencement:	20/12/2023

#### 1. PURPOSE

This policy (Guidelines) sets out the requirements under the *Local Government Act 2009* (LGA) that must be observed by Councillors when seeking advice or information from an employee.<sup>1</sup>

#### 2. SCOPE

This policy applies to all Councillors and employees of Mareeba Shire Council.

#### 3. BACKGROUND

The Mayor and Councillors will from time to time require advice or assistance from the employees of Council to enable them to make a decision and effectively carry out their responsibilities.

The LGA requires that Council must adopt by resolution, Acceptable Requests Guidelines.<sup>2</sup>

Accordingly, these Guidelines are intended to provide clear guidance to the Mayor, Councillors, CEO and employees about the way in which a Councillor may:

- A. ask a Council employee to provide “advice” to assist the Councillor to carry out his or her responsibilities under the Act;<sup>3</sup> and
- B. ask the CEO, subject to any limits prescribed under a regulation, to provide “information” that Council has access to, relating to the local government.<sup>4</sup>

*Example of a limit prescribed under a regulation -*

*A regulation may prescribe the maximum cost to a local government of providing information to a councillor.*

The underpinning principles and Councillors’ responsibilities under the Act are set out in Sections 4 and 12 respectively. The provisions of these Sections require Councillors to act in the interests of the residents of the local government area, to ensure effective service delivery and to be accountable to the community for the performance of the local government.

<sup>1</sup> See *Local Government Act 2009* s 170A.

<sup>2</sup> Ibid s 170A(7).

<sup>3</sup> Ibid s 170A(1).

<sup>4</sup> Ibid s 170A(2).

## Councillor Acceptable Requests Policy (Guideline)

**4. POLICY STATEMENT**

Requests by Councillors for assistance or advice relating to policy or complex matters should be directed to the CEO, relevant Director or Manager.

Councillors should use their judgement in directing their request to the appropriate level. Conversely, it is expected that staff should also use their judgement to advise Councillors if it would be more appropriate for the Councillor's request to be dealt with by another staff member including a more senior staff member.

As a guide, the more complex the issue or where the Councillor request involves significant policy issues, then a Councillor should direct their request to a Manager, Director, or CEO.

For matters other than requests regarding policy or complex matters (see above), in order to carry out their responsibilities a Councillor may request assistance, advice or information from the relevant Council employee on matters that are within that employee's scope of responsibility or knowledge provided that:

- The employee normally provides similar assistance, advice or information to either the public or other employees within Council.
- Any request for advice is made without any direction or pressure as to the conclusion or recommendation of the employee's advice. However, direction as to the layout or level of detail of the advice or information is acceptable.
- The timeframe and methodology for the delivery of the request is reasonable having regard to the complexity of the request and the workload of the employee at the time of the request.

To assist in supporting the acceptable request guidelines Councillors are encouraged in the first instance to seek advice from the following Delegated Employees:

Department	Position
<b>Office of the Chief Executive Officer</b>	Corporate Communications Officer
	Executive Support Officer
	Senior Executive Support Officer
<b>Corporate &amp; Community Services</b>	Director Corporate & Community Services
	Executive Support Officer
	Manager Development & Governance
	Coordinator Health & Local Laws
	Coordinator Planning Services
	Manager Finance
	Manager Information Systems
	Manager Customer & Community Services
<b>Infrastructure Services</b>	Manager Human Resources
	Director Infrastructure Services
	Manager Water & Waste
	Manager Technical Services
	Manager Works
	Manager Assets and Projects

Statutory timeframes apply to requests made to the CEO with response required:

## Councillor Acceptable Requests Policy (Guideline)

- Within 10 business days after receiving the request; or
- If the CEO deems this impractical, within 20 business days after receiving the request.<sup>5</sup>

Note that where a 10 day initial response period is deemed by the CEO to be impractical, notice must be provided to the requestor advising of the reasons for such.<sup>6</sup>

Any Councillor who is unsure about how and when they may approach staff should seek advice from the CEO. Similarly, any staff who is unsure about the appropriateness of a request from a Councillor should seek advice from their Director or the CEO. Any conflicts arising between Councillors and staff resulting from their interactions are to be brought to the attention of the CEO or their Director.

#### 4.1 LIMITS ON REQUESTS TO THE CEO FOR INFORMATION

Requests by Councillors to the CEO for information relating to Council are limited by the Local Government Act as follows:

- Any limit prescribed under a Regulation;<sup>7</sup> and
- Information:
  - That is a record of the regional conduct review panel or tribunal; or
  - If disclosure of the information to the Councillor would be contrary to an order of a Court or tribunal; or
  - That would be privileged from production in a legal proceeding on the ground of legal professional privilege.<sup>8</sup>

#### 5. REPORTING

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No additional reporting is required

#### 6. DEFINITIONS

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For the purpose of these Guidelines, the following definitions apply:

**Act** means the *Local Government Act 2009*.

**Advice** means an opinion or recommendation offered as a guide to action, conduct etc.

**CEO** means the Chief Executive Officer.

**Decision** means a conclusion or resolution reached after consideration.

**Information/Council Records** include letters, reports/documents, facsimiles, attachments, tapes, emails, electronic media, and/or other forms of information including discussions during meetings.

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<sup>5</sup> Ibid s 170A(9).

<sup>6</sup> Ibid s 170A(10).

<sup>7</sup> Ibid s 170A(2). See also additional caveats at 170A(4)

<sup>8</sup> Ibid s 170A(4)

Councillor Acceptable Requests Policy (Guideline)
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**7. RELATED DOCUMENTS AND REFERENCES**

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*Right to Information Act 2009 (Qld)*  
*Local Government Act 2009 (Qld)*  
*Code of Conduct for Councillors (MSC)*  
*Employee Code of Conduct (MSC)*

**8. REVIEW**

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It is the responsibility of the Chief Executive Officer to monitor the adequacy of this policy and implement and approve appropriate changes. This policy will be formally reviewed every four (4) years or as required by Council.



## Internal Audit Policy

Policy Type	Governance Policy	Version:	3.0
Responsible Officer	Chief Executive Officer	Date Approved:	20/12/2023
Review Officer:	Director Corporate and Community Services	Review Due:	20/11/2027
Author:	Director Corporate and Community Services	Commencement:	20/12/2023

### 1. PURPOSE

To establish a policy about an internal audit function and its interaction with the Audit Committee.

### 2. SCOPE

This policy is to apply to the Internal Auditor, the Audit Committee and staff involved in the internal audit function.

### 3. POLICY STATEMENT

Council will establish and maintain an internal audit function.<sup>1</sup>

Council is to appoint an Internal Auditor (who may or may not be a local government employee).

The Internal Auditor must perform the following duties:

- a) Identify and assess the risks to which the local government's operations are exposed;
- b) Prepare audit plans to lessen the identified risks;
- c) Develop a work program for all internal audit activities of the local government;
- d) Supply a summary of each internal audit report to the Mayor, Chief Executive Officer and the Audit Committee;
- e) Supply a summary of audit findings, actions taken and actions outstanding to the Mayor, Chief Executive Officer and Audit Committee;
- f) Attend Audit Committee meetings;
- g) Perform probity reviews on various matters across Council as required.

Section 207 of the *Local Government Regulation 2012* (Qld) provides as follows:

#### '207 Internal audit

(1) For each financial year, a local government must—

- (a) prepare an internal audit plan; and
- (b) carry out an internal audit; and
- (c) prepare a progress report for the internal audit; and
- (d) assess compliance with the internal audit plan.

(2) A local government's **internal audit plan** is a document that includes statements about—

<sup>1</sup> See *Local Government Act 2009* (Qld) s 105(1).

Internal Audit Policy

- (a) the way in which the operational risks have been evaluated; and
- (b) the most significant operational risks identified from the evaluation; and
- (c) the control measures that the local government has adopted, or is to adopt, to manage the most significant operational risks.

(3) A local government must give its audit committee—

- (a) the progress report mentioned in subsection (1)(c); and
- (b) at least twice during the year after the internal audit is carried out, each of the following documents—
  - (i) a summary of the recommendations stated in the report;
  - (ii) a summary of the actions that have been taken by the local government in response to the recommendations;
  - (iii) a summary of any actions that have not been taken by the local government in response to the recommendations.

(4)...'

#### 4. REPORTING

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No additional reporting is required

#### 5. DEFINITIONS

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Nil

#### 6. RELATED DOCUMENTS AND REFERENCES

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*Local Government Act 2009 (Qld)*

*Local Government Regulation 2012 (Qld)*

#### 7. REVIEW

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It is the responsibility of the CEO to monitor the adequacy of this policy and recommend appropriate changes. This policy will be formally reviewed every four years or as required by Council.



## Native Title and Cultural Heritage Policy

Policy Type	Governance Policy	Version:	2.0
Responsible Officer	Manager Development and Governance	Date Approved:	20/12/2023
Review Officer:	Manager Development and Governance	Review Due:	20/11/2027
Author:	Senior Compliance Officer	Commencement:	20/12/2023

### 1. PURPOSE

To provide an overarching framework to guide conduct of any activity undertaken by Council which may hold a Native Title (NT) and/or a Cultural Heritage (CH) implication.

### 2. SCOPE

This policy applies across Council for any project and activity within the Mareeba Shire Council jurisdictional boundary.

### 3. POLICY STATEMENT

Council holds a statutory Cultural Heritage (CH) 'Duty of Care' in observing the requirement for protection of Indigenous CH under current State legislation.<sup>1</sup> Council additionally has in place a number of Indigenous Land Use Agreements (ILUA) that guide dealings impacting on the rights and interests of NT parties within the jurisdiction. To ensure that due diligence is applied to addressing NT and CH considerations, Council will:

- Embed a NT and CH assessment consideration into the initial concept and planning phase of all projects and activities holding a potential for works involving ground, water and/or vegetation disturbance; and
- Identify, initiate and maintain contact with Indigenous groups which may hold rights and interests in the relevant area, at the earliest phases of planning for activities and projects which may hold a potential NT and/or CH implication; and
- Ensure that relevant Council officers are appropriately qualified to make determinations on the application of NT extinguishment and non-extinguishment principles and the effect of validation of NT future acts,<sup>2</sup> CH identification, NT and CH risk assessments, site inspections and monitoring activities; and
- Conduct appropriate site assessment of NT and CH, consult relevant State NT and CH databases and any applicable ILUAs in accordance with current statutory requirements, best practice guidelines and Council's *Native Title and Cultural Heritage Procedure* as soon as is practicable after Council approval to commence any activity or project holding a potential NT and/or CH implication; and

<sup>1</sup> See *Aboriginal Cultural Heritage Act 2003* (Qld) s 23.

<sup>2</sup> See *Native Title Act 1993* (Cth) ss 241A and 241B. See also *Native Title (Queensland) Act 1993* (Qld) pt 2.

**Native Title and Cultural Heritage Policy**

- Ensure records are captured detailing all activities undertaken in relation to the conduct of CH identification, NT and/or CH impact risk assessment, site inspection and ongoing project monitoring activities.

**4. REPORTING**

- No additional reporting is required.

**5. DEFINITIONS**

**Council** - means all elected representatives, officers, employees, contractors and volunteers of the Mareeba Shire Council as well as committee members and to all Council activities, including entities which Council has direct ownership, management, sponsorship or financial control.

**Indigenous Cultural Heritage** - means anything that is:

- a significant Indigenous area in Queensland; or
- a significant Indigenous object; or
- evidence, of archeological or historic significance, of Indigenous occupation of an area of Queensland.

A significant Indigenous area or object must be particularly significant to indigenous people because of either or both of the following:

- Indigenous tradition;
- The history, including contemporary history, of any Indigenous party for the area.<sup>3</sup>

**6. RELATED DOCUMENTS AND REFERENCES**

- *Aboriginal Cultural Heritage Act 2003* (Qld)
- *Native Title and Cultural Heritage Procedure* (MSC)
- *Native Title Act 1993* (Cth)
- *Native Title (Queensland) Act 1993* (Qld)

**7. REVIEW**

It is the responsibility of the Manager Manager Development and Governance to monitor the adequacy of this policy and implement and approve appropriate changes. This policy will be formally reviewed every four (4) years or as required by Council.

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<sup>3</sup> See *Aboriginal Cultural Heritage Act 2003* (Qld) ss 8-10. The generic term 'Indigenous' is used herein.





## Closed-Circuit Television (CCTV) System Policy

Policy Type	Governance Policy	Version:	2.1
Responsible Officer	Manager Systems and Customer Service	Date Approved:	20/12/2023
Review Officer:	Director Corporate and Community Services	Review Due:	18/03/2024
Author:	Manager Systems and Customer Service	Commencement:	20/12/2023

### 1. PURPOSE

To set out the principles governing the establishment and management of Council's Closed-Circuit Television (CCTV) systems. This policy should be read in conjunction with Council's *Closed-Circuit Television (CCTV) System Procedure*.

### 2. SCOPE

This policy applies across Council:

- to any CCTV system installed and owned and operated by Mareeba Shire Council at any location within the Mareeba Shire Council local government jurisdiction, whether as one fully integrated system linking all towns across the shire or as separate individual stand-alone systems, and includes both mobile and fixed CCTV equipment, however does not apply to the operation and administration of:
  - BWC (Body Worn Camera) systems;
  - covert camera surveillance devices deployed for investigative purposes, e.g., gathering of evidence for enforcement of a Local Law;
  - devices deployed within restricted access Council owned facilities for the protection of Council assets, e.g., deployed at depots and compounds.

### 3. POLICY STATEMENT

#### 3.1 OBJECTIVES

The objective of the CCTV System is to:

- Assist in the prevention of crime by acting as a possible deterrent to potential offenders.
- Assist in the prosecution of incidents of illegal and/or inappropriate behaviours/activities that occur within the Mareeba Shire Council local government jurisdiction by making it easier for Council and law enforcement agencies to identify perpetrators.
- Obtain reliable information that may be used as evidence in court proceedings.
- Contribute to an integrated multi-agency approach to crime prevention and community safety.
- Obtain road/traffic data for use in future road network/traffic management planning.

## Closed-Circuit Television (CCTV) System Policy

- Obtain information in relation to road conditions, for example, the monitoring of water levels at river and creek crossings to determine if roads remain traversable.
- Monitor water levels at dams for public safety purposes.
- Enable Council to manage security at remote locations or sites that are unmanned outside of normal business hours, for example, at landfills and transfer stations.

### 3.2 PARTNERSHIP APPROACH

Subject to discussion and negotiation with relevant Queensland Police Service (QPS) personnel at the time of installation of CCTV equipment within nominated Mareeba Shire towns, the partnership arrangement between Council and QPS may involve the housing of monitoring equipment at local Police Stations.

Any such arrangements entered into with QPS will be documented in a formal Memorandum of Understanding (MOU).

### 3.3 GENERAL PRINCIPLES

Data recorded on Council's CCTV system shall only be used for the purposes outlined in this policy and access to that information shall only take place in accordance with this policy.

Cameras will not be used to intentionally monitor adjacent or nearby premises or buildings, although it is acknowledged that data captured by the cameras will generally include some exterior vision of business or other premises.

Any person who uses the equipment for any reason other than as outlined in this policy will be subject to disciplinary and/or legal action.

The management and operation of the Mareeba Shire Council CCTV system will:

- Be undertaken by authorised and appropriately trained Council officers.
- Be in accordance with applicable privacy and recordkeeping legislation.<sup>1</sup>
- Comply with the principles of impartiality and integrity and operational and procedural efficiency.<sup>2</sup>
- Acknowledge that personal protection has priority over property protection.
- Have due regard to the privacy and civil liberties of individual members of the public, including the rights to freedom of religious and political expression and assembly.<sup>3</sup>
- Ensure the disclosure of data is coordinated and controlled through a centralised point which accords with the provisions of current legislation<sup>4</sup> and this policy.

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<sup>1</sup> See especially *Information Privacy Act 2009* (Qld), *Right to Information Act 2009* (Qld), *Public Records Act 2002* (Qld).

<sup>2</sup> See *Local Government Act 2009* (Qld) s 13. See also *Public Sector Ethics Act 1994* (Qld) ss 4-9.

<sup>3</sup> See especially *Human Rights Act 2019* (Qld).

<sup>4</sup> See especially *Information Privacy Act 2009* (Qld), *Right to Information Act 2009* (Qld).

**Closed-Circuit Television (CCTV) System Policy**

- All data will be managed in accordance with relevant ICT information access instruments.
- Upon activation of any new fixed CCTV device, Council will immediately update the schedule list of Council fixed CCTV sites appended to the related procedure document.<sup>5</sup>

**3.4 PUBLIC TO BE NOTIFIED**

Council will comply with privacy legislation<sup>6</sup> with respect to making individuals generally aware of:

- the purpose for the collection of their personal information
- any lawful authority for the collection
- to whom Council may pass the information onto
- as appropriate, to whom the information may, in turn, be passed on to

**3.5 MONITORING OF CAMERAS**

Except where monitoring equipment associated with permanently fixed CCTV cameras is installed at a QPS facility under an MOU with QPS, such equipment will normally be installed at a secure Council administration centre or other available Council facility such as a library, depot or visitor information centre which meets the required security standards.

Where possible, mobile cameras (vehicle or trailer mounted) will be connected directly to their own NVR, which will be locked securely within the vehicle or in a lockable box attached permanently to the trailer.

Where data is being *recorded*,<sup>7</sup> live monitoring of any installed CCTV system will not typically be undertaken by Council and, with the exception of data captured for road/traffic management and water level monitoring purposes, recorded data will only be viewed by Council in response to a valid disclosure application.<sup>8</sup>

Where monitoring equipment is installed at a QPS facility under an MOU between Council and QPS, it is acknowledged that authorised QPS officers may undertake live monitoring of cameras.

**3.6 RETENTION OF CAMERA SURVEILLANCE DATA**

Where possible, recording equipment attached to any Council CCTV system will be set to a maximum 30 day overwrite cycle, meaning that data recorded (the primary image) will be available for retrieval and viewing for a period of up to 30 days after it has been initially captured and after that period will then be overwritten (erased) by new data captured by the CCTV cameras. This period may be reduced, based on the capacity of the system's storage device. In some instances, this period may not be user configurable and will default to the setting defined by the system.

The exception to the above is:

- where the recorded data contains images relevant to an incident in respect of which a Police investigation has been, or is to be, undertaken and the surveillance data is, or may be, required for evidentiary purposes in a Court proceeding.

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<sup>5</sup> See *Closed-Circuit Television (CCTV) System Procedure* (MSC).

<sup>6</sup> See *Information Privacy Act 2009* (Qld) sch 3(2)—Information Privacy Principle 2.

<sup>7</sup> As opposed to where data is not being recorded—where a CCTV device is being used to assist with performance of a work function only and where the device holds no capability to record data.

<sup>8</sup> See *Closed-Circuit Television (CCTV) System Procedure* (MSC).

**Closed-Circuit Television (CCTV) System Policy**

- where the recorded data contains images relevant to a breach of Council's local laws, or any other incident that requires further investigation, and Council may institute legal proceedings against the person/s who committed the breach.
- where a valid application has been received for disclosure of data that is still within the applicable retention period and additional time is required to process the application and/or having processed the application, it is deemed appropriate to disclose the requested data to the applicant.
- Where data captured for the purpose of road/traffic management is required for future planning and design of Council's road network and traffic management systems.
- Where Council has made the decision to disclose data to an external entity, such as the media.

Where data is required to be kept for the purposes outlined above, it will be transferred from the NVR onto Council's approved evidence management system or, should the data size exceed the practical capacity to transfer/store the data on this system, retained on an appropriately secured storage device, and thereafter dealt with in accordance with the relevant current retention and disposal schedule issued by the State Archivist.

Where practical and possible, data that is retained shall only include that section of the NVR recording which shows the incident occurring with only those images prior to and after the incident necessary to show the incident as a whole.

### **3.7 MANAGEMENT OF ACCESS TO RECORDED DATA**

Persons involved in the operation of the CCTV system shall not use data from the system:

- for voyeuristic purposes
- to gain advantage for themselves or any other person or body
- in ways which are inconsistent with their obligation to act impartially
- to improperly cause harm, detriment or embarrassment to any person, body or to Council
- to improperly influence others in the performance of their duties or functions

Data recorded on the NVRs and/or stored on other storage devices shall only be accessed by persons duly authorised by the CEO to do so. The recorded data is to be viewed in a controlled environment so that only authorised persons can see the images.

### **3.8 DISCLOSURE OF PERSONAL INFORMATION TO OTHER AGENCIES/LEGALLY AUTHORISED PARTIES**

Other than where disclosure is required by law, on application and with the prior written approval of the CEO or an authorised delegate, Council may permit the controlled disclosure of CCTV data that contains personal information to relevant agencies or legally authorised parties for the purposes of:

- providing evidence in criminal proceedings
- providing evidence in civil proceedings
- the prevention of crime and disorder
- the investigation and detection of crime (includes identification of offenders)
- identification of witnesses
- research, or the compilation or analysis of statistics, in the public interest such as providing information on road usage data

**Closed-Circuit Television (CCTV) System Policy**

- individual or public health, safety or welfare concerns
- the individual has expressly or impliedly agreed to the disclosure

**3.9 SPECIFIC RESPONSIBILITIES - APPOINTED PERSONS**

The following responsibilities have been assigned by Council's Chief Executive Officer in relation to the CCTV system:

**3.9.1 CCTV system management—system integrity and statutory compliance**

Council's Manager Systems and Customer Service is responsible for ensuring that at all times, the system is operated in accordance with this policy and relevant legislation and will be the initial point of contact for requests to access data captured by the system.

The Manager Systems and Customer Service will also be responsible for ensuring the integrity of the system and in this regard may request the services of an external agency to audit the application of this policy and operating procedures.

Council's Senior Compliance Officer will process and endorse any data for release as requested under the information privacy and access legislation. That endorsement will ensure that the provisions of the aforementioned Acts have been met.

Viewing of recorded data to locate requested data of a reported incident will initially be undertaken by an appropriately trained staff member, appointed by the Manager Systems and Customer Service with the approval of the CEO.

Any requests for access to data that do not fall within the principles outlined in this policy will be referred to Council's legal advisers.

Record keeping associated with the operation of the CCTV system will be the responsibility of the authorised operational staff under the supervision of the Manager Systems and Customer Service to ensure that at all times, the requirements of the current recordkeeping legislation and associated standards are complied with.<sup>9</sup>

**3.9.2 Technical Support Services**

The Manager Systems and Customer Service is the person appointed to assume responsibility for in-house technical support to the CCTV system.

**3.9.3 System Maintenance**

Maintenance of the CCTV system network will be the responsibility of an appointed external contractor with the required technical qualifications and knowledge of CCTV systems. In general, this will be the contractor who supplied and installed the CCTV equipment.

**3.10 COMPLAINTS**

All complaints in relation to the CCTV system will be dealt with through the Council's adopted complaints management policy and investigated by the delegated Complaints Officer.

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<sup>9</sup> See especially *Public Records Act 2002* (Qld); *Records Governance Policy v1.0.1* (QSA).

Closed-Circuit Television (CCTV) System Policy
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**4. REPORTING**

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Nil additional reporting required

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**5. DEFINITIONS**

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**Camera Surveillance** – includes any *equipment* used to observe and record images, such as closed circuit television (CCTV), temporary or fixed cameras (such as automatic number plate recognition cameras), body-worn video and unmanned aerial vehicles.

**CCTV System** – means the totality of arrangements for closed-circuit television including, but not limited to, the technological system, staff and operational procedures.

**Council** – means the Mareeba Shire Council including all elected representatives, employees, contractors, volunteers, a Standing or Joint Standing Committee, committee members and any entity under direct Council ownership, management, sponsorship or financial control.

**NVR (Network Video Recorder) and DVR (Digital Video Recorder)** – are interchangeable and relate to the storage device utilised by the relevant CCTV system.

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**6. RELATED DOCUMENTS AND REFERENCES**

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*Employee Code of Conduct (MSC)*  
*Code of Conduct for Councillors (MSC)*  
*Administrative Action Complaints Management Policy (MSC)*  
*Administrative Access Scheme Policy (MSC)*  
*Closed-Circuit Television (CCTV) System Procedure (MSC)*  
*Evidence Act 1977 (Qld)*  
*Human Rights Act 2019 (Qld)*  
*Information Privacy Act 2009 (Qld)*  
*Local Government Act 2009 (Qld)*  
*Public Sector Ethics Act 1994 (Qld)*  
*Right to Information Act 2009 (Qld)*

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**7. REVIEW**

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It is the responsibility of the Manager Systems and Customer Service to monitor the adequacy of this policy and implement and approve appropriate changes. This policy will be formally reviewed every four (4) years or as required from time to time.



## Cemeteries Policy

Policy Type	Governance Policy	Version:	3.0
Responsible Officer	Manager Customer & Community Services	Date Approved:	20/12/2023
Review Officer:	Manager Customer & Community Services	Review Due:	20/11/2023
Author:	Manager Customer & Community Services	Commencement:	20/12/2023

### 1. PURPOSE

The purpose of this policy is to provide the overarching framework for cemetery operation and management.

### 2. SCOPE

This policy applies to cemeteries, operating and historical, administered by Mareeba Shire Council.

### 3. POLICY STATEMENT

Council is committed to:

- the provision of fair and equitable interment and memorialisation services to the community;
- servicing the deceased and their families with dignity and respect;
- providing a range of burial and ash placement options across all sites;
- conducting its cemeteries operations in a cost effective and safe manner;
- preserving the history of the Shire's cemeteries and maintaining records for genealogy research;
- maintaining operational cemetery grounds to meet community needs and expectations;
- supporting community management of historical cemetery maintenance;
- planning the use of cemetery land to maximise the capacity of the sites; and
- planning for the future burial needs of the Shire's communities.

The requirements, guidelines and processes for interments in Mareeba Shire Council cemeteries and on private properties are outlined in Council's Cemetery Terms and Conditions and Memorial Specification Guideline.

### 4. REPORTING

No additional reporting is required.

### 5. DEFINITIONS

**Cemetery** means area containing one or more burial sites – including lone sites, family sites or a larger collection of burial sites.

**Operating cemetery** means a cemetery with capacity for interments.

**Historical cemetery** means a cemetery that has reached capacity and is no longer open for interments.

**Interment** means the placement of human remains (body or ashes) in a grave, vault, mausoleum or niche.

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Cemeteries Policy
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**Private Property** means an area that is not a public place and not owned or controlled by Mareeba Shire Council.

## 6. RELATED DOCUMENTS AND REFERENCES

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Standards Australia AS4425-1996; *Above-ground burial structures*, 5 November 1996  
Standards Australia AS4204-1994; *Headstones and cemetery monuments*, 11 July 1994  
*Local Law No. 1 (Administration) 2018* (MSC)  
*Subordinate Local Law No. 1 (Administration) 2018* (MSC)  
*Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018* (MSC)  
*Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018* (MSC)  
*Land Act 1994* (Qld)  
Department of Resources, Queensland Government, *Operational Policy SLM/2013/433 Cemeteries Exhumation* (2021) < <https://www.resources.qld.gov.au/> >  
*Cemetery Terms and Conditions* (MSC)  
*Memorial Specifications Guideline* (MSC)

## 7. REVIEW

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It is the responsibility of the Manager Customer & Community Services to monitor the adequacy of this policy and implement and approve appropriate changes. This policy will be formally reviewed every four (4) years or as required by Council.





## Unreasonable Complainant Conduct Policy

Policy Type	Governance Policy	Version:	2.0
Responsible Officer	Manager Development and Governance	Date Approved:	20/12/2023
Review Officer:	Manager Development and Governance	Review Due:	20/11/2027
Author:	Senior Advisor Governance & Compliance	Commencement:	20/12/2023

### 1. PURPOSE

To provide a framework for the responsible management of unreasonable complainant conduct ("UCC") in alignment with Council's *Unreasonable Complainant Conduct Procedure* and current best practice to ensure a fair and consistent approach is applied to interactions with complainants whose conduct is identified as unreasonable as defined.

### 2. SCOPE

This policy applies across Council and will:

- become operable only where a complainant's conduct raises the types of safety, resource and equity issues identified in the *Managing unreasonable conduct by complainants*.<sup>1</sup>

### 3. POLICY STATEMENT

Council is committed to being accessible and responsive to all complainants who lodge a complaint. At the same time, Council's delivery of services to the community depends on:

- our ability to do our work and perform our functions in the most effective and efficient ways possible;
- the health, safety and security of our Councillors and staff who interact with people whose conduct is unreasonable; and
- our ability to effectively manage resource allocation and improve efficiency in handling of all the complaints we receive.

When complainants behave unreasonably in their dealings with Council, their conduct can significantly affect our operations. As a result, Council will take proactive and decisive action to manage any complainant conduct that negatively and unreasonably affects us and will support our Councillors and staff to do the same in accordance with this policy.

#### 3.1 UCC PRINCIPLES

Approaches to managing UCC are based upon the clear understanding that:

- All complainants are treated with fairness and respect;

<sup>1</sup> See NSW Ombudsman, 'Managing unreasonable conduct by a complainant - (2021)' pt 1.2. See also Unreasonable Complainant Conduct Procedure (MSC) s 4.

### Unreasonable Complainant Conduct Policy

- In the absence of very good reasons to the contrary, all complainants have a right to access public services;
- All complaints are considered on their merits;
- Unreasonable complainant conduct does not preclude there being a valid issue;
- The substance of a complaint dictates the level of resources dedicated to it, not a complainant's demands or behaviour;
- Safety and well-being of Councillors and staff are paramount when dealing with unreasonable complainant conduct;
- This policy will **not** be applied in ways that go beyond what is appropriate and necessary to manage a complainant's conduct and any actions taken must always be proportionate to the complainant's personal circumstances;
- This policy will be applied cautiously, sparingly and in the least restrictive manner;
- The decision to change or restrict a complainant's access to Council services as a result of their behaviour will only be made at a senior management level and in accordance with Council's *Unreasonable Complainant Conduct Procedure*.

#### 4. REPORTING

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Council will keep records of all cases where this policy is applied, including a record of the total number of cases where it is used every year. This data may be requested by the Queensland Ombudsman to conduct an overall audit and review in accordance with its administrative functions and/or to inform its work on UCC.

#### 5. DEFINITIONS

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**Council** – means the Mareeba Shire Council including all elected representatives, employees, contractors, volunteers, a Standing or Joint Standing Committee, committee members and any entity under direct Council ownership, management, sponsorship or financial control.

**Unreasonable complainant conduct (UCC)** – means any behaviour by a person which, because of its nature or frequency, raises substantial health, safety, resource or equity issues for the people involved in the complaint process.<sup>2</sup>

#### 6. RELATED DOCUMENTS AND REFERENCES

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*Administrative Action Complaints Management Policy* (MSC)

*Managing unreasonable conduct by a complainant (2021) – NSW Ombudsman*

*Unreasonable Complainant Conduct Procedure* (MSC)

#### 7. REVIEW

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It is the responsibility of the Manager Development and Governance to monitor the adequacy of this policy and implement and approve appropriate changes. This policy will be formally reviewed every four (4) years or as required from time to time.

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<sup>2</sup> See NSW Ombudsman, 'Managing unreasonable conduct by a complainant - (2021)' pt 1.2.

**8.9 NEW EASEMENT PROPOSED BY ERGON ENERGY - PORTION OF 118 BYRNES STREET MAREEBA - LOT 1 RP746342**

**Date Prepared:** 6 December 2023

**Author:** Senior Advisor Governance & Compliance

**Attachments:** Nil

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**EXECUTIVE SUMMARY**

Ergon Energy seeks the registration of an Easement, in perpetuity, over part of Lot 1 RP746342, situated at 118 Byrnes Street, Mareeba, for the benefit and protection of underground cable assets.

**RECOMMENDATION**

That Council:

1. Approve the granting of an Easement, as described, to Ergon Energy in perpetuity, over part of Lot 1 RP746342, situated at 118 Byrnes Street, Mareeba conditional upon Ergon Energy meeting all costs related to the negotiation, preparation, and registration of the Easement and Survey Plan; and
2. Delegate the CEO with authority to negotiate and execute the Easement instrument on behalf of Council.

**BACKGROUND**

Ergon Energy wishes to repair and replace part of an existing underground 22kV cable asset located along the southern boundary of Lot 1 RP746342 and seeks to protect the cable assets via the registration of an Easement instrument.

Ergon Energy seeks an Easement, on their standard easement terms for the nominal consideration of \$1.00.

There is already high voltage infrastructure in the location of the proposed easement, and the request for an Easement instrument is a formality to protect the Ergon cable asset currently in place.

**RISK IMPLICATIONS****Financial**

Consideration of \$1 is proposed by Ergon Energy, for the granting of an Easement in perpetuity burdening a Council freehold holding.

**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.

**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**

Following Resolution, Council officers will notify Ergon of the outcome in writing.

**8.10 FINANCIAL STATEMENTS PERIOD ENDING 30 NOVEMBER 2023****Date Prepared:** 29 November 2023**Author:** Manager Finance**Attachments:** 1. Budgeted Income Statement by Fund 2023/24 [↓](#)**EXECUTIVE SUMMARY**

The purpose of this report is to provide Council with an overview of financial matters for the period 1 July 2023 to 30 November 2023.

**RECOMMENDATION**

That Council;

1. receives the Financial Report for the period ending 30 November 2023;
2. empanels the supplier listed, Civica Pty Ltd, to be added to the Sole Supplier Register.

**BACKGROUND**

Each month, year to date financial statements are prepared to monitor actual performance against budgets.

For the month ending 30 November 2023, the actual results are in line with the year-to-date budget. There are no issues or concerns to discuss or highlight at this stage, any variances at this stage are due to budget allocation timing issues.

The budgeted figures reflect the 2023/24 Budget as adopted by Council at the 19 July 2023 meeting.

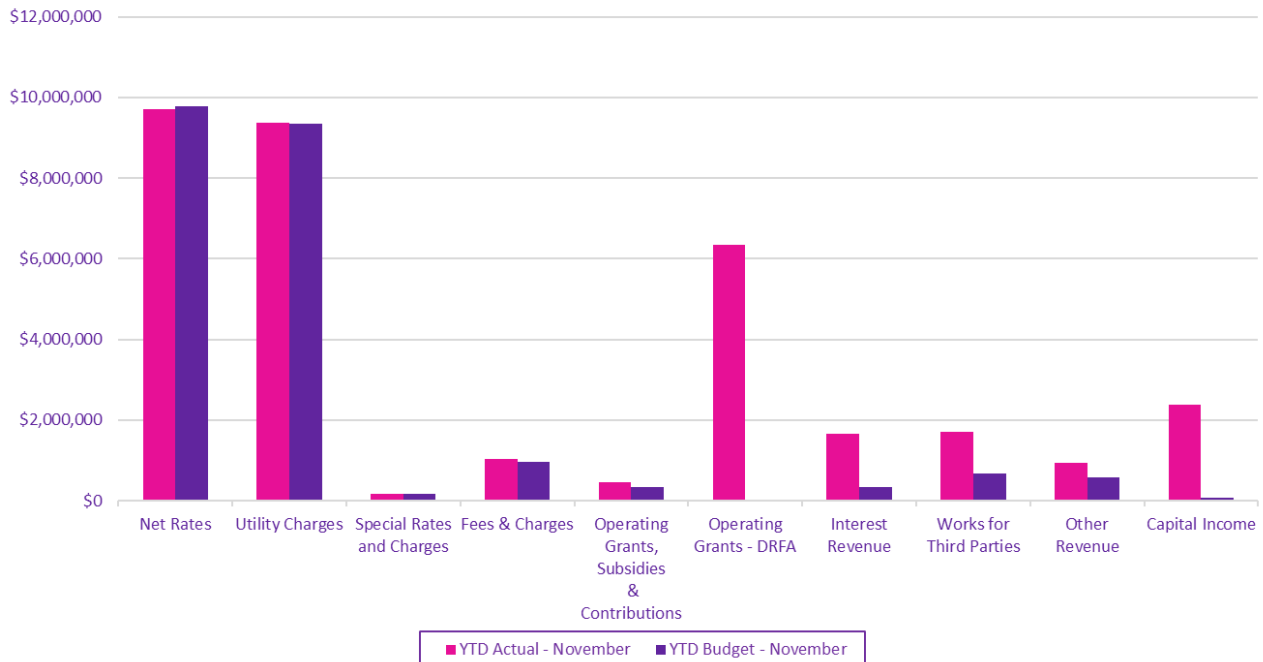
<i>November 2023 - Snapshot</i>	<b>Actuals YTD</b>	<b>Budget YTD</b>
Total Operating Income	\$ 31,369,960	22,169,661
Total Operating Expenditure	\$ 25,146,058	20,434,811
Operating Surplus/(Deficit)	\$ 6,223,902	1,734,850
Total Capital Income (grants, developer contributions)	\$ 2,389,952	75,000
<b>Net Result - Surplus/(Deficit)</b>	<b>\$ 8,613,854</b>	<b>1,809,850</b>

Income Analysis

Total income (inclusive of capital income of \$2,389,952) for the period ending 30 November 2023 is \$33,759,912 compared to the YTD budget of \$22,244,661.

The graph below shows actual income against budget for the period ending 30 November 2023.

### Actual Income V Budget Income



	Actual YTD	Budget YTD	Note
Net Rates	9,698,643	9,783,705	1
Utility Charges	9,374,156	9,345,831	1
Special Rates and Charges	167,309	166,559	1
Fees & Charges	1,034,662	954,673	2
Operating Grants, Subsidies & Contributions	460,526	349,190	
Operating Grants, Subsidies - DRFA	6,334,934	-	3
Interest Received	1,665,663	327,916	4
Works for Third Parties	1,706,492	669,511	5
Other Revenue	927,375	572,276	6
Capital Income	2,389,952	75,000	7

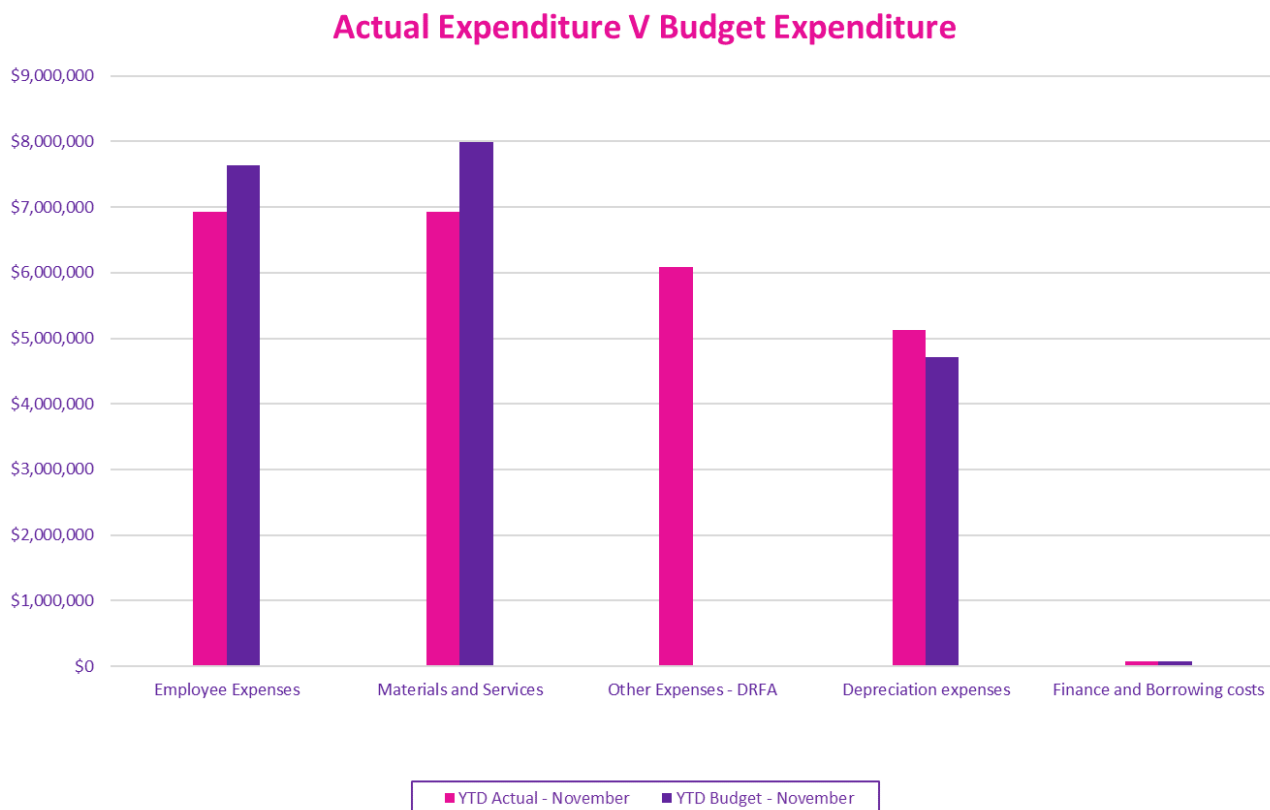
#### Notes:

1. Rates for the half year ending 31 December 2023 were levied in August.
2. Revenue from permits and licences etc for Local Laws tracking higher than YTD budget.
3. Funding for Disaster Recovery Funding Arrangements (DRFA) restoration works which is not budgeted for. This revenue is offset against the expenditure incurred.

4. Favourable variance above budget due to interest rates rising. This interest will be allocated between constrained reserves (developer contributions), waste, water and wastewater funds.
5. Favourable due to third party works not budgeted for and RMPC income received. RMPC income budget is allocated equally over 12-month period, however actuals do not reflect the same trend. This will be the same with expenditure.
6. Annual invoices have been raised for some rent and leases, however the budget has been apportioned equally over 12 months. Sale of one lot at Mareeba Industrial Park in November, gross sale total \$156k. These proceeds will go into the MIP reserve to fund future development.
7. Funding received for the Black Summer Bushfire Recovery Grant, from DTMR for TIDS claims Rankin Street and Walsh Street upgrade of intersection and Euluma Creek road widen and seal and from QRA for the Bicentennial Lakes Gravity Main Upgrade.

### Expenditure Analysis

Total expenses for the period ending 30 November 2023 is \$25,146,058 compared to the YTD budget of \$20,434,811. The graph below shows actual expenditure against budget for the period ending 30 November 2023.



	Actual YTD	Budget YTD	Note
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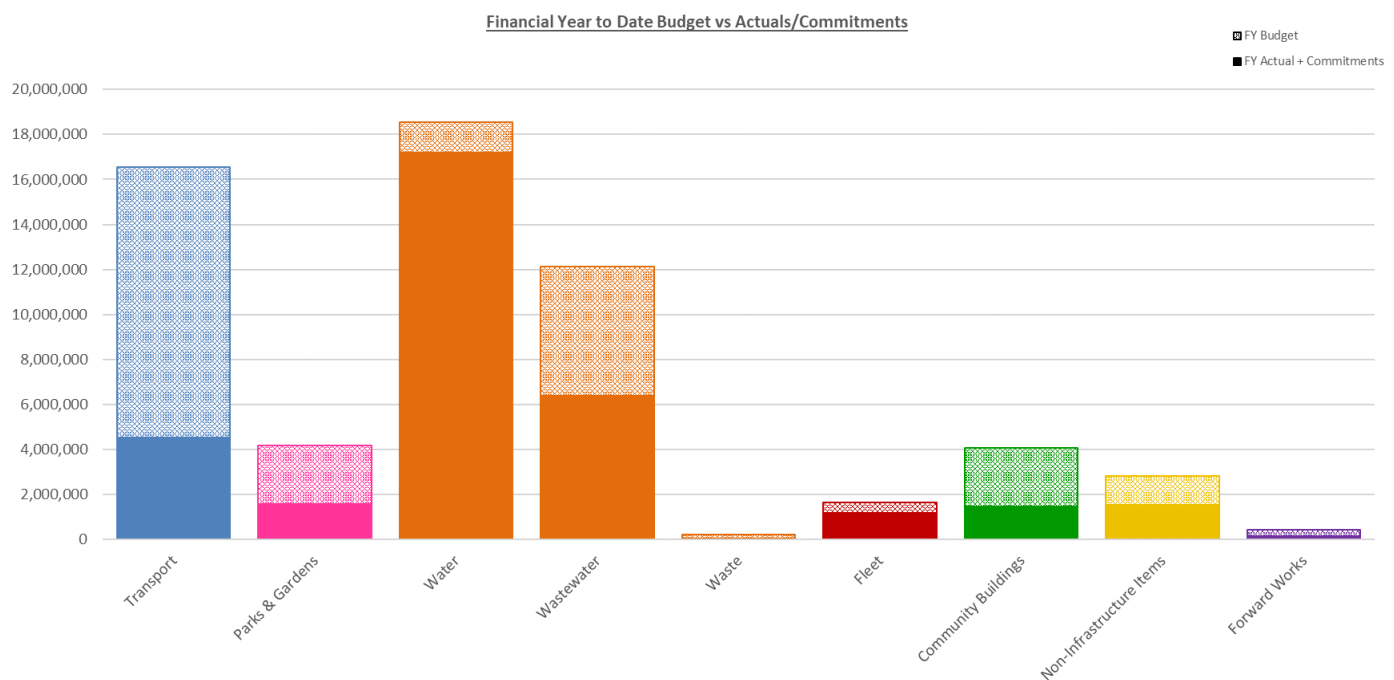
Employee expenses	6,927,769	7,639,929	<b>1</b>
Materials & Services	6,926,142	7,989,665	<b>2</b>
Other Expenses - DRFA	6,080,356	14,583	<b>3</b>
Depreciation expenses	5,131,108	4,714,776	
Finance & Borrowing costs	80,683	75,858	

**Notes:**

1. There are no significant issues to report. The reason for the variance is a timing issue for the annual increment, staff absences, vacancies and staff working on capital.
2. No issues or significant issues to report. Mainly budget allocation timings.
3. The variance relates to the expenditure incurred for the Disaster Recovery Funding Arrangements (DRFA) restoration works which is not budgeted for. This expenditure is offset against the income to be received.

**Capital Expenditure**

Total capital expenditure of \$34,072,678 (including commitments) has been spent for the period ending 30 November 2023 against the 2023/24 adjusted annual capital budget of \$60,682,569.

**Loan Borrowings**

Council's loan balance is \$6,793,474.

**Rates and Charges**



The total rates and charges payable as at 30 November 2023 are \$1,989,659 which is broken down as follows:

Status	30 November 2023		30 November 2022	
	No. of properties	Amount	No. of properties	Amount
Valueless land	3	84,524	4	64,811
Payment Arrangement	198	149,921	174	14,880
Collection House	353	1,228,261	362	1,659,248
Exhausted – awaiting sale of land	9	75,051	9	71,101
Sale of Land	1	13,084	-	-
Other <i>(includes supplementary rate notices)</i>	298	438,818	204	35,650
<b>TOTAL</b>	<b>862</b>	<b>1,989,659</b>	<b>753</b>	<b>1,845,690</b>

The Rate Notices for the period ending 31 December 2023 were issued on 21 August 2023 with a discount due date of 22 September 2023. The total gross rates and charges levied for the six (6) month period amounted to \$21,453,547.

Collection House collected \$295,801 for the month of November 2023.

During the month of November, 358 new files were sent to Collection House.

Council is currently in the process of selling property 2577 Herberton-Petford Road Irvinebank. This property was passed in at auction on 25 July 2023.

Sale of Land warning letters were issued in November for 8 properties with 1 of those properties entering into a payment arrangement with Council.

### Sundry Debtors

The total outstanding for Sundry Debtors as at 30 November 2023 is \$583,398 which is made up of the following:

Current	30 days	60 days	90 + days
\$234,947	\$14,003	\$328,076	\$6,372
40%	2%	57%	1%

### Procurement

There were no emergency purchase orders for the month.

Council's Procurement Policy prescribes the methods for purchasing goods and services.

In accordance with Section 235 of the *Local Government Regulation 2021* titled "Other exceptions", Council is able to empanel the contractors that Council deems to be a Sole Supplier if:

- a) Council resolves that, it is satisfied that there is only one (1) supplier who is reasonably available; or,
- b) Council resolved that, because of the specialised or confidential nature of the services that are sought, it would be impractical or disadvantageous to invite quotes or tenders.

There are currently 48 suppliers considered sole suppliers which have been endorsed by Council.

It is recommended that Civica Pty Ltd be endorsed by Council and added to the approved sole supplier register. Civica Pty Ltd have been a single supplier of the long standing software of the Spydus Library Management System and Reflect RMPC management and has been in use since before 2005. Civica Pty Ltd is the only provider of this software.

#### **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

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**Budgeted Income Statement by Fund 2023/24 Budget**

<b>Consolidated</b>			
	<b>Actual YTD</b>	<b>Budget YTD</b>	<b>2023/24 Budget</b>
<b>Revenue</b>			
Rates and utility charges	20,351,214	20,338,535	40,677,068
Less Discounts and Pensioner Remissions	(1,110,906)	(1,042,440)	(2,084,880)
<b>Net Rates and Utility Charges</b>	<b>19,240,308</b>	<b>19,296,095</b>	<b>38,592,188</b>
Fees and Charges	1,034,662	954,673	2,128,351
Operating Grants and Subsidies	348,541	327,523	8,233,196
Operating Grants and Subsidies - DRFA	6,334,934	-	-
Operating Contributions	111,985	21,667	52,000
Interest Revenue	1,665,663	327,916	787,000
Works for Third Parties	1,706,492	669,511	1,606,826
Other Revenue	927,375	572,276	1,199,625
<b>Total Operating Revenue</b>	<b>31,369,960</b>	<b>22,169,661</b>	<b>52,599,186</b>
<b>Expenditure</b>			
Employee Expenses	6,927,769	7,639,929	18,500,677
Materials and Services	6,926,142	7,989,665	17,460,588
Other Expenses - DRFA	6,080,356	14,583	35,000
Depreciation expense	5,131,108	4,714,776	11,315,475
Finance and Borrowing costs	80,683	75,858	249,000
<b>Total Operating Expenses</b>	<b>25,146,058</b>	<b>20,434,811</b>	<b>47,560,740</b>
<b>Operating Surplus/(Deficit)</b>	<b>6,223,902</b>	<b>1,734,850</b>	<b>5,038,446</b>
<b>Capital Income</b>			
Capital Contributions	295,612	-	-
Capital Grants and Subsidies	2,344,972	-	6,575,000
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	(250,632)	75,000	180,000
<b>Total Capital Income</b>	<b>2,389,952</b>	<b>75,000</b>	<b>6,755,000</b>
<b>Net Result</b>	<b>8,613,854</b>	<b>1,809,850</b>	<b>11,793,446</b>

**Budgeted Income Statement by Fund 2023/24 Budget**

<b>General</b>			
	<b>Actual YTD</b>	<b>Budget YTD</b>	<b>2023/24 Budget</b>
<b>Revenue</b>			
Rates and utility charges	10,912,733	10,929,111	21,858,221
Less Discounts and Pensioner Remissions	(1,110,906)	(1,042,440)	(2,084,880)
<b>Net Rates and Utility Charges</b>	<b>9,801,827</b>	<b>9,886,671</b>	<b>19,773,341</b>
Fees and Charges	718,824	674,827	1,283,965
Operating Grants and Subsidies	346,041	327,523	8,233,196
Operating Grants and Subsidies - DRFA	6,334,934	-	-
Operating Contributions	-	-	-
Interest Revenue	1,174,409	195,000	468,000
Works for Third Parties	1,688,006	669,511	1,606,826
Other Revenue	773,293	483,110	985,625
<b>Total Operating Revenue</b>	<b>20,837,334</b>	<b>12,236,642</b>	<b>32,350,953</b>
<b>Expenditure</b>			
Employee Expenses	6,161,563	6,808,260	16,484,913
Materials and Services	3,174,626	3,489,536	7,214,824
Other Expenses - DRFA	6,080,356	14,583	35,000
Depreciation expense	3,679,672	3,334,827	8,003,597
Finance and Borrowing costs	53,522	49,321	142,852
<b>Total Operating Expenses</b>	<b>19,149,739</b>	<b>13,696,527</b>	<b>31,881,186</b>
<b>Operating Surplus/(Deficit)</b>	<b>1,687,595</b>	<b>(1,459,885)</b>	<b>469,767</b>
<b>Capital Income</b>			
Capital Contributions	295,612	-	-
Capital Grants and Subsidies	828,960	-	4,314,000
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	(250,632)	75,000	180,000
<b>Total Capital Income</b>	<b>873,940</b>	<b>75,000</b>	<b>4,494,000</b>
<b>Net Result</b>	<b>2,561,535</b>	<b>(1,384,885)</b>	<b>4,963,767</b>

### Budgeted Income Statement by Fund 2023/24 Budget

Waste			
	Actual YTD	Budget YTD	2023/24 Budget
<b>Revenue</b>			
Rates and utility charges	2,294,918	2,280,165	4,560,330
Less Discounts and Pensioner Remissions	-	-	-
<b>Net Rates and Utility Charges</b>	<b>2,294,918</b>	<b>2,280,165</b>	<b>4,560,330</b>
Fees and Charges	240,274	231,929	729,386
Operating Grants and Subsidies	-	-	-
Operating Contributions	-	21,667	52,000
Interest Revenue	74,572	17,500	42,000
Works for Third Parties	9,818	-	-
Other Revenue	114,358	78,750	189,000
<b>Total Operating Revenue</b>	<b>2,733,940</b>	<b>2,630,011</b>	<b>5,572,716</b>
<b>Expenditure</b>			
Employee Expenses	100,103	92,538	222,091
Materials and Services	1,693,387	2,135,223	5,116,750
Depreciation expense	87,253	75,060	180,144
Finance and Borrowing costs	-	-	-
<b>Total Operating Expenses</b>	<b>1,880,743</b>	<b>2,302,821</b>	<b>5,518,985</b>
<b>Operating Surplus/(Deficit)</b>	<b>853,197</b>	<b>327,190</b>	<b>53,731</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>853,197</b>	<b>327,190</b>	<b>53,731</b>

### Budgeted Income Statement by Fund 2023/24 Budget

Wastewater			
	Actual YTD	Budget YTD	2023/24 Budget
<b>Revenue</b>			
Rates and utility charges	3,056,976	3,035,238	6,070,475
Less Discounts and Pensioner Remissions	-	-	-
<b>Net Rates and Utility Charges</b>	<b>3,056,976</b>	<b>3,035,238</b>	<b>6,070,475</b>
Fees and Charges	27,689	25,000	60,000
Operating Grants and Subsidies	-	-	-
Operating Contributions	-	-	-
Interest Revenue	205,321	85,416	205,000
Works for Third Parties	4,071	-	-
Other Revenue	-	-	-
<b>Total Operating Revenue</b>	<b>3,294,057</b>	<b>3,145,654</b>	<b>6,335,475</b>
<b>Expenditure</b>			
Employee Expenses	261,156	276,921	669,805
Materials and Services	697,190	900,424	1,773,161
Depreciation expense	718,677	687,147	1,649,153
Finance and Borrowing costs	27,161	26,537	106,148
<b>Total Operating Expenses</b>	<b>1,704,184</b>	<b>1,891,029</b>	<b>4,198,267</b>
<b>Operating Surplus/(Deficit)</b>	<b>1,589,873</b>	<b>1,254,625</b>	<b>2,137,208</b>
<b>Capital Income</b>			
Capital Contributions	-	-	-
Capital Grants and Subsidies	625,846	-	2,261,000
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	-	-	-
<b>Total Capital Income</b>	<b>625,846</b>	<b>-</b>	<b>2,261,000</b>
<b>Net Result</b>	<b>2,215,719</b>	<b>1,254,625</b>	<b>4,398,208</b>

### Budgeted Income Statement by Fund 2023/24 Budget

Water			
	Actual YTD	Budget YTD	2023/24 Budget
<b>Revenue</b>			
Rates and utility charges	4,023,787	4,031,929	8,063,857
Less Discounts and Pensioner Remissions	-	-	-
<b>Net Rates and Utility Charges</b>	<b>4,023,787</b>	<b>4,031,929</b>	<b>8,063,857</b>
Fees and Charges	47,875	22,917	55,000
Operating Grants and Subsidies	2,500	-	-
Operating Contributions	-	-	-
Interest Revenue	203,640	30,000	72,000
Works for Third Parties	4,597	-	-
Other Revenue	39,724	10,416	25,000
<b>Total Operating Revenue</b>	<b>4,322,123</b>	<b>4,095,262</b>	<b>8,215,857</b>
<b>Expenditure</b>			
Employee Expenses	404,947	462,210	1,123,868
Materials and Services	1,300,658	1,421,284	3,308,279
Depreciation expense	618,856	593,596	1,424,631
Finance and Borrowing costs	-	-	-
<b>Total Operating Expenses</b>	<b>2,324,461</b>	<b>2,477,090</b>	<b>5,856,778</b>
<b>Operating Surplus/(Deficit)</b>	<b>1,997,662</b>	<b>1,618,172</b>	<b>2,359,079</b>
<b>Capital Income</b>			
Capital Contributions	-	-	-
Capital Grants and Subsidies	890,166	-	-
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	-	-	-
<b>Total Capital Income</b>	<b>890,166</b>	<b>-</b>	<b>-</b>
<b>Net Result</b>	<b>2,887,828</b>	<b>1,618,172</b>	<b>2,359,079</b>

**Budgeted Income Statement by Fund 2023/24 Budget**

<b>Benefited Area</b>			
	<b>Actual YTD</b>	<b>Budget YTD</b>	<b>2023/24 Budget</b>
<b>Revenue</b>			
Rates and utility charges	62,800	62,093	124,185
Less Discounts and Pensioner Remissions	-	-	-
<b>Net Rates and Utility Charges</b>	<b>62,800</b>	<b>62,093</b>	<b>124,185</b>
Fees and Charges	-	-	-
Operating Grants and Subsidies	-	-	-
Operating Contributions	111,985	-	-
Interest Revenue	7,721	-	-
Works for Third Parties	-	-	-
Other Revenue	-	-	-
<b>Total Operating Revenue</b>	<b>182,506</b>	<b>62,093</b>	<b>124,185</b>
<b>Expenditure</b>			
Employee Expenses	-	-	-
Materials and Services	60,281	43,198	47,574
Depreciation expense	26,650	24,146	57,950
Finance and Borrowing costs	-	-	-
<b>Total Operating Expenses</b>	<b>86,931</b>	<b>67,344</b>	<b>105,524</b>
<b>Operating Surplus/(Deficit)</b>	<b>95,575</b>	<b>(5,252)</b>	<b>18,661</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>95,575</b>	<b>(5,252)</b>	<b>18,661</b>



**8.11 AUDIT COMMITTEE CHAIR APPOINTMENT**

**Date Prepared:** 5 December 2023  
**Author:** Executive Support Officer  
**Attachments:** Nil

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**EXECUTIVE SUMMARY**

This report is presented to confirm the appointment of Audit Committee - Independent Chairperson (Q-MSC2023-08).

**RECOMMENDATION**

That Council confirm the appointment of John Andrejic as Audit Committee - Independent Chairperson (Q-MSC2023-08) for a period of two (2) years.

**BACKGROUND**

Section 105 of the Local Government Act 2009 sets out obligations for local governments to establish Audit Committees. Mareeba Shire Council is not classified in a Category requiring an Audit Committee, however sees many benefits in having one. The function of an Audit Committee provides increased scrutiny and confidence in the organisation's financial reporting, risk management and corporate governance.

Section 210 of the Local Government Regulation 2012 sets out the requirements relating to the composition of members of the Audit Committee, which consists of at least one (1) member who has significant experience and skills in financial matters.

Council advertised the Request for Quotation (RFQ) for the position of Audit Committee – Independent Chairperson on 20 November 2023 with a closing date of 4 December 2023.

One submission was received. Based upon the applicant's qualifications, experience and proposed remuneration it is recommended for this position to awarded to John Andrejic for a period of two (2) years.

Council's official confirmation of this appointment is now sought.

**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 applicants offer for the appointment of Audit Committee - Independent Chairperson under (Q-MSC2023-08) will be accepted with a commencement date of 1 February 2024.



**8.12 REGIONAL ARTS DEVELOPMENT FUND (RADF) 2023/24 COMMUNITY GRANT ROUND**

**Date Prepared:** 6 December 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) 2023/24 Community Grant Round. A summary of RADF Program outcomes from previously funded community activities is also provided.

**RECOMMENDATION**

That Council approves for funding four (4) community grant applications outlined in this report with a total value of \$12,000.

**BACKGROUND****1. RADF 2023/24 Community Grant Round**

The RADF 2023/24 Community Grant Round closed on 31 October 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 \$12,000.

**Applications Recommended for Funding****FNQ Aviation Museum – Historic First Touchdown at Mareeba Mural \$3,000**

The FNQ Aviation Museum will engage a professional artist to create a large-scale historical mural showcasing the Bristol Beaufort, a significant aircraft that made history by landing at Mareeba Airport during the Second World War. The mural will be located on a hangar in the western section of the Mareeba Airport adjacent to the entrance and car park. The mural will enhance the visual appeal of the surroundings and bring Mareeba's war time history to life, promoting the rich heritage of shire. The RADF grant will contribute to artist fees.

**Kuranda Amphitheatre Society – Kuranda Spring Fair \$3,000**

The Kuranda Amphitheatre Society will reimagine and relaunch the Kuranda Spring Fair with a day of community festivities and live performances to be held at the Kuranda Amphitheatre in September 2024. This family friendly event will feature a wide range of local musicians and performers and children's activities. The event is expected to attract an audience of 800 people and activate the support of 80 volunteers. The RADF grant will contribute to the costs of sound and lighting technical support, tree illumination and video projection to enhance performances.

**Kuranda Youth Link – Strengthening Skills and Belonging through Art \$3,000**

Kuranda Youth Link will engage at-risk youth in a series of art skills development workshops to be held over a ten-week period, including school holidays. An Indigenous artist will provide technical art skills, an understanding of culturally distinct art styles and help youth to develop their own unique expression. The project will increase participant wellbeing and promote connection to

culture and community. The RADF grant will contribute to artist facilitator fees and program materials.

### **Mareeba Heritage Centre (MHC) – Showcasing the Crops of Mareeba \$3,000**

MHC will commission a professional artist to create a mural showcasing the most significant crops for the Mareeba Shire agricultural industry. The mural will enhance the visual appeal of the facility and add value to the existing agricultural displays for the enjoyment of locals and visitors; promoting Mareeba's unique heritage. The mural will be painted on an external wall of the Mareeba Heritage Centre. The RADF grant will contribute to artist fees.

## **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 2022, Council approved 12 community-led arts and cultural activities, totalling an investment of \$36,219. This included: four (4) music recordings, four (4) cultural tourism initiatives, one (1) publication project, one (1) cultural event, one (1) art exhibition and the creative development of one (1) new theatrical work. Overall, these projects have resulted in the following outcomes:

- approximately 440 attendees at events, exhibitions and launches;
- active participation of at least 35 residents in arts and cultural activities;
- contributed to the employment of 21 arts and cultural workers;
- activated 47 volunteers in arts and cultural projects;
- leveraged over \$62,000 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. A Public Art Trail will be developed and promoted in the final year of the Plan.

## **FINANCIAL AND RESOURCE IMPLICATIONS**

### ***Operating***

An allocation for Community Grants is included in the 2023/24 RADF budget.

### ***Is the expenditure noted above included in the current budget?***

An allocation for Community Grants is included in the 2023/24 RADF budget.

## **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 20 December 2023.

**8.13 RADF ADVISORY COMMITTEE MEETING MINUTES 13 NOVEMBER 2023**

**Date Prepared:** 6 December 2023

**Author:** Senior Community Services Officer

**Attachments:** 1. RADF Advisory Committee Meeting Minutes 13 November 2023 [↓](#)

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**RADF ADVISORY COMMITTEE MEETING 13 NOVEMBER 2023**

Please see the following Minutes of the Regional Arts Development Fund (RADF) Advisory Committee Meeting held on 13 November 2023.



## Mareeba Shire Council - RADF Advisory Committee Meeting - Minutes

**Date:** Monday, 13 November 2023  
**Time:** 5:30pm  
**Venue:** Board Room, Mareeba Shire Council, Rankin St Mareeba

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### Welcome

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1. Attendance – Cr Angela Toppin (Chair), Kylie Lambert, Rhonda Dooley, Sandy Ryan, Merrilee Frankish, Kristy Braes, Angela Musumeci, Jane Hollins (Minutes)

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2. Apologies – Cr Lenore Wyatt (assessments provided)

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3. Minutes of the last meeting

- Motion: *That the minutes of the previous meeting held 2 May 2023 are accepted.*  
Moved: Angela Toppin; Second: Angela Musumeci; Carried.

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4. Business Arising from the Minutes

- RADF 2022/23 Council led initiatives now all completed: 1. Mareeba Skate Bowl – Daniel Wallwork; 2. Kuranda Visitor Information Centre – Connie Rovina – with input from Djabugay TAC Cultural Advisor; 3. Mt Molloy Remembrance Mural completed (photo to be circulated.)
- Three-year funding agreements with Arts Queensland to commence from 2024/25. Community consultation to be undertaken to inform future RADF priorities.

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5. General Business

- RADF 2023/24 program funding agreement with Arts Queensland has been extended for one more year with 5% grant increase from 32,500 to \$34,125. MSC co-contribution \$14,500.
- RADF 2023/24 Council led initiatives update –
  - Chillagoe Town Hall Mural (Lavinia Letheby) – commencing 14 Nov 2023 – consultation with Wakaman NT group and other community members
  - Mutchilba Community Mural (Lavinia Letheby) – to be completed Jan 2024 – consultation with community members and hall management committee
  - Mareeba Toilet Block – part of Bi Lakes upgrades (playground) Mason St - after construction completed end Jan 2024 – potentially community involvement.
- RADF 2023/24 Community Grant Round – assessment of 5 applications; budget \$12,000;
  - Angela Musumeci declared a conflict of interest with Mareeba Heritage Centre application and left the room during assessment of this application.
  - Application assessments and recommendations as per attached spreadsheet.

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6. Next Meeting

- To be determined

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7. Meeting Close – 6:30pm

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*The Regional Arts Development Fund (RADF) is a partnership between the Queensland Government and Mareeba Shire Council to support local arts and culture in regional Queensland.*

**RADF Advisory Committee 13 November 2023**

**RADF 2023/24 Community Grant Application Assessment and Funding Recommendations**

Applicant Name	Project Name	Grant Request	Average Score	Committee Recommendation	Amount to be funded
Dimbulah Community Centre	A Taste of Italy	\$3,000	28	Not recommended for funding	\$0
FNQ Aviation Museum	Historic First Touchdown at Mareeba Mural	\$3,000	34	Recommended for funding	\$3,000
Kuranda Amphitheatre Society	Kuranda Spring Fair 2024	\$3,000	32	Recommended for funding dependent on additional information.	\$3,000
Kuranda Youth Link	Strengthening Skills & Belonging through Art	\$3,000	35	Recommended for funding dependent on additional information.	\$3,000
Mareeba Heritage Centre	Showcasing the Crops of Mareeba	\$3,000	33	Recommended for funding	\$3,000
<b>Total Available</b>		<b>\$15,000</b>			<b>\$12,000</b>





## 9 INFRASTRUCTURE SERVICES

### 9.1 INFRASTRUCTURE SERVICES, CAPITAL WORKS MONTHLY REPORT - NOVEMBER 2023

**Date Prepared:** 16 November 2023

**Author:** Manager Assets and Projects

**Attachments:**

1. Capital Works Highlights - November 2023 [↓](#)
2. Capital Works Summary - November 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 November 2023.

#### RECOMMENDATION

That Council receives the Infrastructure Services Capital Works Monthly Report for the month of November 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 2023/24 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 – November 2023**



**Project Name: Bicentennial Lakes Gravity Sewer Main Upgrade**

**Program: Wastewater**

**Background**

The gravity sewer main installation is located adjacent Bicentennial Lakes and connects the previously upgraded section upstream from Rankin Street and discharges upstream of the pump station at Byrnes Street. The project includes all works associated with the construction of a new sewer gravity main, inclusive of a water main relocation to enable the works.

The project is grant funded through the Queensland Reconstruction Authority (QRA) via the Qld Resilience & Risk Reduction Funding Program (QRRRF) and is expected to be completed in late 2023.

**Scope of Works**

Installation of new 450mm gravity trunk sewer main, sewer manholes and connections and relocation and upgrading of water mains located at Keeble Street and Jacobsen Street and connections and valving. Works are generally limited to the road reserve between the edge of road and property boundary.

**Progress Update**

Works commenced mid-May and have progressed well with installation of gravity sewer main and the construction of manhole at the intersection of Strattmann and Keeble Streets completed during November.



*Construction of manhole at the intersection of Strattmann and Keeble Streets*

**Infrastructure Services Capital Works Report  
Project Highlights – November 2023****Project Name: Mareeba Water Plant Booster Pump Station Project****Program: Water****Background**

As part of the Mareeba Shire Water Strategy, Council has committed to undertaking upgrades to the Mareeba Water Treatment Plant to cater for future growth and ensure that safe and reliable drinking water continues to be supplied to residents and businesses.

The upgrading of the existing Mareeba Water Plant Booster Pump Station will achieve two (2) critical elements; to lift the firefighting capacity in the Mareeba Township area as there are significant and ongoing pressure issues on the western side of the township, and to ensure Council meets the minimum required water pressure standards to its residents due to increased residential developments particularly on the eastern side and to the southern side of Mareeba.

Mareeba Water Plant Booster Pump Station Upgrade is funded by the Federal Government through the Black Summer Bushfire Recovery Grants Program (BSBRGP) and Mareeba Shire Council.

**Scope of Works**

The project will upgrade the clear water pump station at the Mareeba township Kowa Street water treatment plant (WTP). The works to be completed are:

- Structural design and certification of new Mareeba BPS building and associated building services works (HVAC, Fire Protection and Building Hydraulics)
- Procurement of pumps, generators and VSD's;
- Construction of the Booster Pump Station including the provision of pumps, switchboards, generator and surge vessels;
- Connection of the new pump station to existing trunk water infrastructure;
- Site civil, pavements, conduits and drainage, and site reinstatement works;
- Construction of concrete slab mounted surge vessel on inlet to Centenary Park BPS and associated pipeworks; and
- Commissioning of the Booster Pump Station for Council operation.

**Progress Update**

Works have progressed well with the contractor undertaking civil earthworks, shed construction and running of electrical conduits during November.

**Infrastructure Services Capital Works Report  
Project Highlights – November 2023**



*Civil earthworks continuing along with pump shed construction*



**Infrastructure Services Capital Works Report  
Project Highlights – November 2023****Project Name: Mareeba Water Plant Filtration System Upgrade****Program: Water****Background**

As part of the Mareeba Shire Water Strategy, Council has committed to undertaking upgrades to the Mareeba Water Treatment Plant to cater for future growth and ensure that safe and reliable drinking water continues to be supplied to residents and businesses. One of these upgrades is replacement of the ageing filtration system through construction of a new 6-cell filter block .

In addition to its own funds, Council has received grant funding towards upgrade of the Mareeba Water Plant Filtration System through the Queensland Government's Building Our Regions program.

**Scope of Works**

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

**Progress Update**

Works commenced and have progressed well with the contractor undertaking civil earthworks and commenced construction of concrete floor and walls for the new filtration modules.

**Infrastructure Services Capital Works Report  
Project Highlights – November 2023**



*Construction of filtration modules progressing along with civil earthworks*

**Infrastructure Services Capital Works Report  
Project Highlights – November 2023**



**Project Name: Water Main Replacement Upgrade Program – Mason Street**

**Program: Water**

**Background**

An allocation has been provided in the 2022/23 Capital Works Program to replace failing and ageing water mains throughout the Shire as part of Council's strategy to address critical water issues across the Shire over the next 10 years.

This section of water main was identified for replacement following the numerous main breaks occurring in the past few years, and is being upgraded ahead of completion of the Bicentennial Lakes Southern Precinct park upgrade project.

**Scope of Works**

The scope of works included replacement of the existing water main with PVC Supermain and Ductile iron (DICI) on road crossings, in addition to new service connections, valving and hydrants are being installed.

**Progress Update**

Works along Mason Street have progressed well with no interruptions to the scheduled program.



*Mason Street installation of the new 150mm diameter PVC Supermain water main*

**Infrastructure Services Capital Works Report  
Project Highlights – November 2023****Project Name: Mareeba Raw Water Pump Station Upgrade Project****Program: Water****Background**

The existing raw water pump station (including electrical controls) is located below the 1-in-100year return river flood level presenting an on-going hazard for Council. The project will upgrade the raw water pump station at the Mareeba Township Kowa Street water treatment plant (WTP) to provide a new kiosk-style electrical control station that is located above the 1-in-100year return flood level, in addition to replacement of the existing pumps with new pumps.

Grant funding for the Mareeba Water Treatment Plant Raw Water Pump Station Upgrade through the Queensland Government Local Government Grants and Subsidies program (LGGSP) and Mareeba Shire Council.

**Scope of Works**

The scope of works includes:

- Design and specification of new Variable Frequency Drives (VFDs) for control of the new Raw Water pumps
- Design of modifications of existing pipework that may be required to suit installation of the new Raw Water Pumps
- Construction of new electrical MCC for the new Raw Water Pumps, to establish the 1-in-100year flood level and to locate the electrical MCC in an area above this level
- Geotechnical investigation of area proposed for the new MCC
- Manufacturing of the electrical and control cabling for the proposed new pump station installation, from the existing WTP Main Switchboard in the Control Building to the new kiosk MCC and the pumps

**Progress Update**

Works have progressed well with the contractor undertaking civil earthworks, installation of electrical conduits and minor pump station penetrations for new pipe work.



**Infrastructure Services Capital Works Report  
Project Highlights – November 2023**



*Civil earthworks continuing along with raw water pump shed construction*

## Infrastructure Services Capital Works Report

### Project Highlights – November 2023



#### Project Name: New Kuranda Cemetery

#### Program: Cemeteries

#### Background

The existing Kuranda Cemetery has been approaching capacity for several years necessitating the requirement for Council to acquire a suitable location for the establishment of a new community burial facility. The property located on Kuranda Heights Road became available and was purchased for the purpose of becoming the preferred location for the new facility. The contract works for Stage 1 will provide burial capacity for the next 10 – 15 years.

#### Scope of Work

The tendered scope of works includes:

- Earthworks
- Roadworks
- Stormwater Drainage
- Water Supply/ Connection
- Carparking
- Landscaping
- Toilet Block
- Concrete works including: kerbs, pathways, beams

#### Progress Update

Bulk earthworks, roadworks, stormwater drainage, water supply, carparking, landscaping and concrete works for kerbs, pathways and toilet facility are complete. Toilet construction is currently underway and the first lawn beam is in planning for installation.



*Kuranda Heights Cemetery – new road works complete*



## Infrastructure Services Capital Works Report Project Highlights – November 2023



*Kuranda Heights Cemetery – new carpark complete*



*Kuranda Heights Cemetery – New footpath complete and toilet construction commenced.*

## Infrastructure Services Capital Works Report

### Project Highlights – November 2023



#### **Project Name: Bicentennial Lakes Revitalisation Project**

#### **Program: Parks and Open Spaces**

#### **Background**

This project will activate the Lakes, breathing life back into the area and surrounds for the enjoyment of our community and visitors.

#### **Scope of Work**

The Bicentennial Lakes Project will completely revitalise the Lakes, starting in the southern section between Rankin Street and Keeble Street. In the southern section, the weirs will be removed, and the lakes will be filled to allow for more parkland. A watercourse will remain, although it will be narrower to encourage seasonal rains to flow through into the northern section. Water will no longer stagnate in a series of weirs. The increased parkland will allow for the addition of a playground and outdoor facilities.

#### **Key Features:**

- Bulk earthworks to improve the movement of water
- Earthworks to increase parkland in the southern section
- Construction of a playground and pump track
- New toilet facility
- Footpath improvements
- Construction of outdoor facilities

#### **Progress Update**

##### *Waterway improvements*

The weirs have been removed in the Southern Lakes precinct; the silt is being removed from the drained lakes and rock lining is being installed to reshape into a gully.

##### *Mason Street Playground*

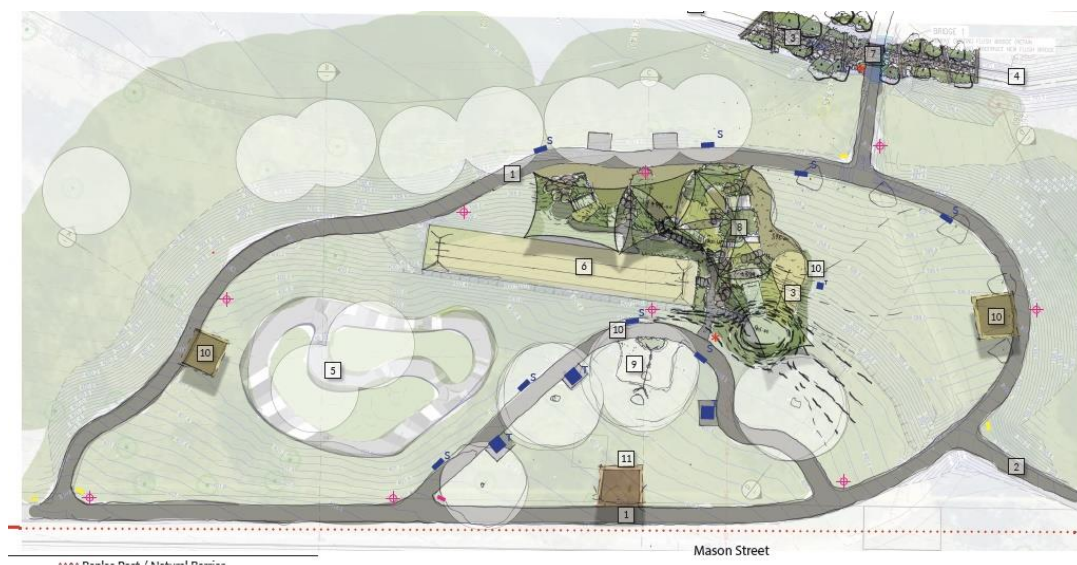
A contract has been let for the pump track construction and construction works are scheduled to commence in mid-November 2023 and is scheduled for completion in the New Year.

Toilet construction works are underway.

Playground equipment including a flying fox, hill slides, rope climb net and swing are being manufactured.



## Infrastructure Services Capital Works Report Project Highlights – November 2023



*Bicentennial Lakes Southern Precinct Concept Plan*



*Bicentennial Lakes Southern Section Reconfiguration Rock Lining Installation*



## Infrastructure Services Capital Works Report Project Highlights – November 2023



*Bicentennial Lakes Southern Section Reconfiguration*



*Bicentennial Lakes Southern Section Reconfiguration*

## Infrastructure Services Capital Works Report Project Highlights – November 2023



### **Project Name: Dimbulah Pump Track**

### **Program: Parks and Open Spaces**

#### **Background**

As part of the Parks and Open Spaces Strategy, Council engaged with the Dimbulah community to identify a new play feature for the town. The clear feedback received was that tweens and teens needed to be catered for as well as younger children. The agreed outcome was that a pump track would provide an active recreation option suitable for all ages. As part of the project, it was also identified that an old steel skate bowl on the outskirts of town and play equipment in the Dimbulah Memorial Hall Park that have reached end of life will be removed for safety.

#### **Scope of Work**

- The Design to include a variety of features including berms, rollers, jumps and change of direction options.
- Approximately 130 lineal meters of asphalt track.
- Total track to consist of 350m<sup>2</sup> of asphalt.
- Line marking on asphalt.
- 400M2 of turf for reinstatement upon project completion.
- Approx 80LM of 1200mm high, Banksia Weldmesh Rolltop fencing and 2 access gates.

#### **Progress Update**

Construction is continuing including completion of asphalt works and commencement of fencing in November, with turf and irrigation to be completed in early December.

The pump track is planned to open to the public in mid-December.



## Infrastructure Services Capital Works Report Project Highlights – November 2023



*Dimbulah Pump Track Shaping Earthworks*



*Dimbulah Pump Track Asphaltting Works Commencement*



## Infrastructure Services Capital Works Report Project Highlights – November 2023



*Dimbulah Pump Track Asphalting Works Commencement*



*Fence Construction Commencement*



## Infrastructure Services Capital Works Report

### Project Highlights – November 2023



**Project Name: Springmount Road – Curve and Culvert Widening Ch 13.18 - Ch 18.10**

**Program: Rural Roads**

#### Background

Springmount Road is classed as a Local Road of Regional Significance (LRRS) under the Roads and Transport Alliance and a critical transport route, servicing the regional sugar mill and landfill facilities as well as quarrying and agricultural properties.

In 2020, Council received a request through the Traffic Advisory Committee from a representative from the heavy transport industry to widen several curves on Springmount Road to provide adequate lane widths to cater for heavy vehicles.

Council received Federal Government funding from the Heavy Vehicle Safety and Productivity Program (HVSP) to undertake curve and culvert widenings on Springmount Road. The grant will cover 80% of the design and construction costs with the Queensland Government's Transport Infrastructure Development Scheme (TIDS) contributing 10% and Mareeba Shire Council the remaining 10%.

#### Scope of Works

The scope of works includes the widening and bitumen sealing of curves and associated culverts between chainage 13.18km and chainage 18.10km on Springmount Road. Extensive culvert inlet and outlet works were required to de-water some of the existing culverts that have silted up after many years.

#### Progress Update

Culvert headwall, wingwall and apron construction has been completed along with all road widenings. The final bitumen two coat seal was applied 23 November. Line marking was installed 5 December along with signage and guideposts, completing the project.



*Springmount Road - After*



## Infrastructure Services Capital Works Report Project Highlights – November 2023



*Springmount Road – After*



*Springmount Road – After*

## Infrastructure Services Capital Works Summary Report - November 2023



Project Code	Project Description	Project Stage	Project Comment
<b>Program: 01 Rural and Urban Roads Reseal Program (Renewal)</b>			
P0001020	23/24 Reseal & Asphalt Program	Construction	Bitumen re-seals are programmed to commence late January, weather permitting.
P00835	BETTERMENT Co-Contribution	Procurement	Gully Betterment approved by QRA and construction contract documentation being finalised.
<b>Program: 02 Gravel Resheet</b>			
P0001022	23/24 Gravel Resheet Program	Construction	Re-sheeting of various sections of Bolwarra Road commenced in October. The total length of re-sheeting is estimated to be 15km.
<b>Program: 03 Urban Streets</b>			
P0001023	Recovery Way (WTS) Rehab Ch 0.176-0.272	Not Commenced	Programmed for 2nd half of current financial year.
P0001024	Myola Rd Ch 0.2-3.06	Procurement	R2R funding confirmed. Tenders called & will close 15/12/2023. Works to be completed by early February 2024, weather & contractor availability pending.
P00791	Hastie/Constance Upgrade (School)	Procurement	RFQ closed - quotes received. Budget shortfall. Currently assessing how to proceed.
P00795	TIDS 23-27 Herberton/Constance Inter	Design	Draft design received, final checks being undertaken on some services which maybe impacted to assist in finalisation.
P00797	TIDS Rankin/Walsh St Roundabout	Design	Awaiting finalised report from Consultant. Detailed design to commence in early 2024.
P00943	Design Only McIver Rd Ch. 0.00-7.20	Design	Design to be completed June 2024.
<b>Program: 04 Rural Roads</b>			
P0000948	TIDS 23/24 Springmount Rd Ch 11.35-12.7	Procurement	Plans received & procurement commenced. Works will commence on site mid-January, weather permitting.
P0000949	TIDS 23-25 Springmount Rd Ch 6.7-7.55	Procurement	Procurement underway. Some culvert widening works & clear & grubbing will commence before the Xmas break. Works will continue in the new year, weather permitting. A 10% budget increase has been approved by FNQROC RRTG TC.
P00801	TIDS Ootann Rd Section 1&2 Widen & Seal	Procurement	Federal funding approved. New project milestones will be formulated once advice from Department of Infrastructure, Transport, Regional Development, Communications and the Arts on funding dates has been received.
P00802	TIDS Springmount Rd - Ch13.2 to 18.1	Construction	Construction complete. Line marking to be installed 05/12/2023.
P00836	R2R Bilwon Rd Rehab & Culverts	Completed	Project complete October 2023.
<b>Program: 05 Bridges</b>			
P00711	Granite Ck Mba Replace Footbridge Deck	Procurement	Materials ordered. Works to be completed by 22/12/2023.
P00712	Palm Cl Mba Replace Footbridge Boards	Construction	Materials in store. Work to commence in December 2023.
P00713	Bicentennial Lakes F/bridge Safety Upgr	Procurement	Handrail will be repaired early 2024. Materials procured.
P00839	Bullaburrah Ck Rd C'way Relieving Slab	Not Commenced	Not commenced.
P00840	Clohesy River Barron St Inspect & Design	Design	GHD to undertake review of previous design and advise as to whether it remains suitable as replacement project.
P00841	Bolton Rd Inspect/Design/Repl Girders	On Hold	Draft Report received, review underway.

## Infrastructure Services Capital Works Summary Report - November 2023



Project Code	Project Description	Project Stage	Project Comment
P00842	Barron Riv. Bridge Oakforest Rd Insp/Des	Design	GHD Load Assessment completed 6/11/2023, report anticipated by mid December.
P00843	Barron River Cwy Henry H Dr Repl Slabs	Not Commenced	Not commenced.
<b>Program: 06 Drainage</b>			
P0001021	23/24 Minor Culvert & C/ways Program	Construction	Four culvert road crossings installed on Pickford Road in September.
P00844	MBA Amaroo Drainage Upgrades	Design	Design works commenced, anticipate completion February 2024.
P00845	MBA Hastings Dr Replace Concrete Pipe	Construction	Interflow will commence relining 04/12/2023.
P00938	Tilse Street Upgrade Drainage	Construction	Works to be completed prior to Christmas 2023.
<b>Program: 07 Traffic Facilities</b>			
P0000947	Mareeba Aerodrome Safety & Repairs	Construction	Replacement fire fighting pumps to be installed prior to end of financial year.
P0000951	Anzac Ave LATM Upgrades	Design	Initial concept prepared.
P0001025	Design Only Byrnes St Accessibility	Planning	Stormwater capacity assessment commenced. Grant application lodged for CBD upgrades design.
<b>Program: 08 Parking</b>			
P00715	Borzi Park Mba Carparking Masterplan	On Hold	On hold pending sporting clubs' grant applications.
P00846	MBA Heritage Centre Carpark Extension	Design	Layout Plan and Quantities completed. Engagement to commence in early 2024.
<b>Program: 09 Footpaths</b>			
P0001026	23/24 Footpath Renewal Program	Procurement	Quotations have been called for the reconstruction of a section of footpath at the northern end of Byrnes Street adjacent to Think Water that will extend to new footpath work around Rotary Park.
P0001027	23/24 Footpath Upgrade Program	Planning	Locations to be identified.
<b>Program: 10 Parks and Gardens</b>			
P0001028	Mary Andrews Park Repaint Play Equip	Construction	80% of the required replacements have been completed. Big Splash will be installing the last two components when they erect the new play equipment at the bicentennial lakes.
P0001029	Kda Com Precinct Parks Upgrade	Planning	Planning to progress in 2024.
P0001030	Mba-Dim Rd/Mulligan Hwy Intersection	Not Commenced	To be undertaken after March 2024.
P0001031	Byrnes St Median Hedges (Lloyd-Granite)	Not Commenced	To be programmed for after March 2024.
P00805	Chillagoe Parks Improvement	Construction	RFQ submissions for half sized Basketball courts received. Molloy Constructions awarded works. Works to commence early January 2024.
P00806	DIM Parks Refresh	Construction	Pump track complete. Landscaping works progressing. Fence works complete.
P00807	KDA Centenary Park Playground Upgrade	Construction	Hans Pehl currently refurbishing the sign structures for repurposing for positioning in new location. Centenary Park structure will promote Australian attractions.
P00809	MBA Bicentennial Lakes (Southern) D&C	Construction	Waterway reconfiguration progressing. Playground equipment in manufacturing. Toilet construction commenced.
P00817	MBA Byrnes St Medians	Not Commenced	Project to be programmed for after March 2024.
P00818	MBA Anzac Memorial Pk L'scaping & Safety	Completed	Project completed November 2023.



## Infrastructure Services Capital Works Summary Report - November 2023



Project Code	Project Description	Project Stage	Project Comment
P00853	MBA Byrnes St Traffic Islands (BP)	Not Commenced	Commence project after March 2024.
P00855	MBA Connection Rd/Byrnes St Intersection	Not Commenced	Commence project after March 2024.
P00860	KDA Anzac Park Landscaping	Design	The proposed scope of works reduced in line with community expectations. Proposed to commence in early 2024 with initial tree trimming and fountain demolition in preparation for the concrete pathway upgrade.
P00861	KDA Coondoo Street Refurb	Design	On hold pending grant application outcome.
P00862	KDA CBD Planter Boxes & Gardens	Not Commenced	On hold pending grant application outcome.
P00865	IRV Bill Newburn Park Refresh	Procurement	Shelter and swing set installation expected in December 2023/January 2024.
P00939	Roscommon Park -Renew Exercise Equipment	Procurement	Fitness equipment and artificial turf installed. Shade sail to go out to RFQ now that location, layout and orientation fixed.
<b>Program: 11 Water</b>			
P0001032	Chillagoe WTP Construct Storage Shed	Construction	Shed kits delivered to site. Construction to commence 30 November 2023.
P0001033	Chillagoe WTP Construct Roof over Plant	Construction	Shed kits delivered to site. Construction to commence 30 November 2023.
P0001034	Ibis Dam Replace Inlet Feed Pipeline	Planning	Stores have ordered materials, once they arrive actual installation works will commence.
P0001035	23/24 WTP Minor Infra Replace Program	Construction	Various minor projects under way which include the Dimbulah WTP chlorination works and Mareeba WTP sludge lagoon concreting.
P0001036	23/24 AC Water Main Replace Program	Construction	Works continuing to progress on schedule. Works between Warren and Downs St completed.
P0001037	23/24 Water Telemetry/SCADA Upgrades	Planning	W&W along with IT participating in a presentations by iControl on Ignition Historian and with Parasyn on Canary as the current Historian eDNA is at the end of its useful life. Following the presentations a decision will be made on which new Historian platform for W&W will be acquired.
P0001038	23/24 Retic Valve/Hyd Replace Program	Construction	Works progressing now materials have arrived.
P0001039	23/24 Retic Smart Meter Replace Program	Construction	Works on installation of new meters underway and this work will progress for some time.
P00730	Mba WTP Study for Upgrade of WW System	Construction	Estimated completion early to mid 2024.
P00733	BOR6 MWTP Filtration Upgrade	Construction	Contractor on site with civil excavation and concrete works underway. There are some long lead times on equipment arrivals though at this stage not expected to hold project up but will advise as things progress.
P00824	MBA Clear Water Booster Pump Station	Construction	Contractor has made good progress on civil works, shed slab and shed frame construction. There are some very long lead times on critical equipment items for this project and will advise as things progress but at this stage the project is on schedule.
P00874	MBA WTP Raw Water Pumps & Electrics	Construction	Project work is underway with new electrical switchboard completed and the arrival of the new pumps, its estimated that the switchboard and electrical cabling will be installed late November through December with internal pump station works to follow.

## Infrastructure Services Capital Works Summary Report - November 2023



Project Code	Project Description	Project Stage	Project Comment
P00876	BOR6 22/23 Water Forward Design Program	Design	Although works are completed and project could be closed out Council are in discussions with State Government to determine whether residual funds can be allocated to a new design project.
P00877	MBA Additional Pressure Reduction Valves	Construction	This work is being done in conjunction with the booster pump station project. It should be highlighted there is a 28 week lead time on the delivery of equipment from France.
P00878	MBA Deommission Basalt St Elevated Tank	Construction	This work will be done in conjunction with the commissioning of the booster pump station.
P00879	MBA Decommission Granite Ck Pump Station	Planning	Project cannot commence until the new water booster station project has been commissioned.
P00882	WTP Minor Infrastructure Replacements	Construction	Works were scheduled to be completed by end of December, however some critical equipment has not arrived from England and the works will now be completed in February 2024.
P00883	MBA WTP Clarifier Infra Process Improv.	Design	Design report completed and received. Project funds could be used for grant seed funding on next BOR grant program.
<b>Program: 12 Wastewater</b>			
P0001040	Mba WWTP Install Gantry (Blower Room)	Design	OSE Group progressing to Design Documentation.
P0001041	Mba WWTP Inlet Works Replacements	Construction	New screens ordered and being manufactured, once they're made they'll be shipped to site and installed.
P0001042	Kda WWTP Intet Works Replacements	Construction	New screen being manufactured and once made will be shipped to site and installed.
P0001043	Atherton St Pump Station Refurb	Not Commenced	Project subject to grant funding.
P0001044	Robins St SPS Rising Main Upgrade	Not Commenced	This project being done as a variation to the Bi-Lakes Gravity Sewer Main work.
P0001045	23/24 WW Retic Pump Renewal Program	Planning	An assessment will be made following the routine pump servicing in November on which pump/pumps require replacing.
P0001046	23/24 WW Telemetry/SCADA Upgrades	Planning	W&W along with IT participating in a presentations by iControl on Ignition Historian and with Parasyn on Canary as the current Historian eDNA is at the end of its useful life. Following the presentations a decision will be made on which new Historian platform for W&W will be acquired.
P0001047	23/24 WW CCTV & Relining Program	Construction	Contracts have just been signed off on and works will commence on the regional program with MSC's section scheduled in January/February 2024.
P0001048	SPS New Standby Generators	Construction	New generators now positioned at relevant pump stations and electrical and telemetry connections will be done as soon as practical.
P0001049	23/24 WW Manhole Rehab/Replace Prog	Construction	Project tender now awarded and contractor to completed works by end of financial year.
P0001050	Kennedy Hwy PS Control Board Upgrade	Construction	Project under way with the manufacturing of the new switchboard. Once built it can be shipped to site and installed.
P0001051	Mba WWTP Sewer Pump Replacement	Procurement	Supervisor Treatment Operations placed an order for the new pump, once it arrives it will be installed. There is a 12 to 16 week lead time on delivery.
P0001052	23/24 WWTP Minor Infa Renewal Program	Construction	Works currently underway and should be completed this financial year.

Infrastructure Services Capital Works Summary Report - November 2023



Project Code	Project Description	Project Stage	Project Comment
P0001053	23/24 WWPS Refurbishment Program	Construction	Working with suitable consultants and suppliers to understand the works required at some key SPS's before commencing works and councils fabricator completed the upgrading of shelters to the pump stations in Kuranda.
P00886	MBA Bi-Lakes Sewer Main Capacity	Construction	Contractor working toward having most of the project works finalised by 22 December 2023. Final road reinstatement will be done in the new year.
P00889	22/23 MBA Sewer CCTV & Relining	Construction	Relining works are substantially complete. Some minor works will need to be finalised then once invoices are received and paid project can be closed out.
P00894	Minor WW Pump Station Refurbishments	On Hold	Subject to grant funding.
Program: 13 Waste			
P0001054	23/24 Mba L/Fill Leachate Pump Replace	Planning	An assessment will be done by end of 2023 on which pumps to replace.
P0001055	23/24 Mba L/Fill PS Pump Replace	Planning	An assessment will be done by end of 2023 on which pumps to replace.
P00935	MBA/KDA Transfer Station Security Improv	Construction	Contractor has been engaged and once their equipment arrives the works will commence.
Program: 15 Fleet			
P0001066	Fleet Replace #14 Grader Caterpillar	Procurement	Purchase order raised and sent. Expected delivery March/April 2024.
P0001067	Fleet Replace #401 Mini Excavator	Planning	Currently in planning stage.
P0001068	Fleet Replace #619 Job Truck Tipper	Procurement	Purchase order raised, truck delivery mid January 2024.
P0001069	Fleet Replace #1206 Mitsu Pool Vehicle	Procurement	Purchase order raised, truck delivery mid March 2024.
P0001070	Fleet Replace #1210 Mitsu Pool Vehicle	Planning	Currently in procurement stage.
P0001071	Fleet Replace #1231 Toyota WW	Procurement	Tender evaluation underway.
P0001072	Fleet Replace #1313 Nissan Dual Cab	Procurement	Tender evaluation underway.
P0001073	Fleet Replace #1402 Mazda Oncall Veh	Procurement	Tender evaluation underway.
P0001074	Fleet Replace #2055 Mitsu P&G	Procurement	Tender evaluation underway.
P0001075	Fleet Replace #4050 Kubota Zero Turn	Procurement	Mower delivered 30 November 2023, waiting final fit out.
P0001076	Fleet Replace #4051 Kubota Out Front	Procurement	Mower delivered 30 November 2023.
P0001077	Fleet Replace Jet Rodder Trailer	Completed	Machine has been delivered and in service.
P0001078	Fleet New Caterpillar Mini Excavator	Procurement	Waiting delivery, mid December 2023.
P00427	GPS Vehicle Management System	In Progress (for the non-infrastructure projects)	As new equipment comes on line, Procurement will commence. Expected April 2024.
P00915	Fleet Replace #675 Crew Cab Tipper	Procurement	Truck received and with the body fabricator. Waiting delivery date from supplier.
P00916	Fleet Replace #623 Crew Cab Tipper	Procurement	Truck received and with the body fabricator. Waiting delivery date from supplier.
Program: 16 Depots and Council Offices			
P0001064	Mba Depot Admin Building Refurb	Design	Design complete. Scoping works commenced.



## Infrastructure Services Capital Works Summary Report - November 2023



Project Code	Project Description	Project Stage	Project Comment
P0001065	Mba Depot Stores Mez Floor Safety Upgr	Planning	Extra support has been added. Waiting on the stairs to be installed, should be completed by the end of December 2023.
P00759	Kowa St MSC Depot Emergency Generator	Planning	Will recommence investigations February 2024.
<b>Program: 17 Community Buildings</b>			
P0000950	Cedric Davies Hub Disaster Resilience Up	Construction	Communication mast removed and re-installed for new roof sheeting.
P0001056	Chillagoe Hall Septic Modifications	Construction	Contract awarded to Langley Plumbing. Works to commence mid December 2023.
P0001057	Mba Aquatic Fac Pump Shed Upgrades	Planning	Fencing will be installed by the end of December 2023.
P0001059	Mba/Dim Aquatic Condition Assessment	Planning	Condition Assessment scope of works in development. Expect Quotations to be called early 2024.
P0001060	Dimbulah Hall Replace Roller Doors/Gates	Completed	New auto security grille , fully installed and operational.
P0001061	Dimbulah Hall Replace Roof	Completed	Major works completed.
P0001062	23/24 Amenities Refurbishment Program	Planning	Davies Park toilets. Painting will be completed in mid December. The floors will be completed prior to Christmas 2023.
P0001063	Davies Park Lighting Upgrade	Design	Preliminary Lighting design received for use with grant funding application.
P0001087	Aquatic Facilities Equipment	Procurement	Pool Blankets and Chair Lift onsite.
P0002902	SES SUPPORT Kda SES External Facility	Procurement	Shed kit ordered. Works to commence early January 2024.
P00749	Aquatic Facility Upgrades & Splash Park	Completed	Emergent electrical works complete. Ergon offer pending following electrical engineer assessment and application for increased power capacity into the facility. Allowance is currently 200 amps per phase application to increase to 260 amps per phase
P00793	MBA Women's Restroom Refurb	Planning	Report received. Finalising the repairs that need to be done.
P00819	22/23 Shire Toilet Facility Repl Program	Construction	Mareeba Cemetery, Vains Park complete. Aerodrome Toilet confirmation of completion underway.
P00827	MBA Community Hub Signage & Seating	Completed	Shelter and seating completed.
P00905	KDA Community Prec. Toilet Refurb	Completed	Painting works completed.
P00909	KDA Aquatic Cnt 25m Pool Aquaris Upgrade	Procurement	Awaiting receipt of 2nd & 3rd quotes from suppliers, it has proven difficult to source contractors for works.
P00941	23/24 Park/Sporting LED Lights Arnold Pk	Design	Electrical Engineer undertaking design. Waiting on the report due to staff shortage from contractor.
P00942	22/23 DIM Town Hall A/C/Solar/Lighting	Design	Electrical engineering design commenced.
<b>Program: 18 Non-Infrastructure Items</b>			
P0000946	Mba Cemetery New Mausoleum Wall	Construction	Slab and first level blockwork complete.
P0001058	WAT Cemetery Lawn Plaque on Beam	Not Commenced	Works will be carried out in December 2023.
P0001084	Mba Cemetery New Lawn Beam (x2)	Construction	Works commenced 23/11/2023 & will be completed by mid December 2023.
P0001085	Mba Cemetery Expansion Planning	Not Commenced	Not commenced.
P00446	Kuranda New Cemetery	Construction	Bitumen and asphalt pavement works complete. Toilet is under construction.
P00932	MBA MIP Expansion	Planning	Delays with consultant providing draft Masterplan.



**9.2 Q-MSC2023-09 CONSTANCE AND HASTIE STREET INTERSECTION UPGRADE - TENDER AWARD**

**Date Prepared:** 7 December 2023

**Author:** Project Manager Civil

**Attachments:** 1. Constance & Hastie Intersection Reduced Scope of Works Markup [↓](#)  
2. Constance & Hastie Intersection Streetlighting Electrical [↓](#)

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**EXECUTIVE SUMMARY**

The purpose of this report is to provide Council with an assessment of the tenders received for Q-MSC2023-09 Constance and Hastie Street Intersection Upgrade.

**RECOMMENDATION**

That Council awards Tender Q-MSC2023-09 Constance and Hastie Street Intersection Upgrade to 3D Civil Pty Ltd for \$243,995.54 (excl. GST).

**BACKGROUND**

The Constance and Hastie Street intersection in Mareeba has been identified as in need of upgrade for pedestrian safety. The intersection is used by up to 500 vehicles per hour at school drop off and pick up times and there is also significant morning and afternoon pedestrian traffic as students and day care attendees use the crossing.

Night-time visibility at the crossing is poor and was a contributing factor in a 2020 hospitalisation incident involving a car and a young pedestrian using the crossing. The improved intersection layout designed to address the street lighting deficiency and improve pedestrian safety at the crossing.

**Scope**

Tender Q-MSC2023-09 invited suitably qualified contractors to provide quotes to undertake all civil construction works associated with the upgrade of the intersection's overall traffic environment including improvements to the pedestrian crossing on Hastie Street - Attachment 1.

The tendered scope of works included:

- the installation of new traffic islands
- reconfiguration of the existing Hastie Street centre median and associated earthworks
- reconfiguration of the pedestrian crossing
- installation of compliant kerb crossovers
- footpath works to improve pedestrian accessibility and movement to the crossing
- installation of underground electrical conduit and streetlight pole footings
- installation of safety fencing to control pedestrian movement
- Ergon Energy streetlighting installation (\$55,000 committed). Attachment 2.

## Tenders Received

Five (5) submissions were received. The tender prices at opening summarised in the table below;

*Table 1: Tendered Price at Opening*

<b>Tenderer</b>	<b>Tendered Price (excl.GST)</b>
North End Ag & Civil Pty Ltd - Copelin Civil	\$385,144.51
NQ Estimating & Civil Services Pty Ltd	\$300,000.00
3D Civil Pty Ltd	\$281,484.69
Greg Construction Pty Ltd	\$408,455.00
Northern Civil Earthworks Pty Ltd T/A Terranovus	\$450,850.39

## Tender Assessment

Tenders were assessed in accordance with the evaluation criteria stated in the tender documentation and as provided in Table 1 below;

*Table 2: Evaluation Criteria*

<b>Criteria</b>	<b>Weighting</b>
Tendered Price	40%
Demonstrated Understanding	25%
Capability	20%
Relevant Experience	15%
<b>Total</b>	<b>100%</b>

## Tender Evaluation

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.

Council officers sought clarification from the two (2) lowest price tenderers regarding any exclusions and qualifications within their submission to ensure that the prices provided represented the full extent of the requested scope of works.

A summary of the Tender assessment, incorporating the evaluation against conformance, price and non-priced base criteria, resulted in the ranking of submissions displayed in *Table 3* below.

Table 3: Tender Evaluation Summary

Tenderer	Weighted Score	Rank
North End Ag & Civil Pty Ltd – Copelin Civil	26.91	4
NQ Estimating & Civil Services Pty Ltd	38.66	2
3D Civil Pty Ltd	40.52	1
Greg Construction Pty Ltd	28.56	3
Northern Civil Earthworks Pty Ltd T/A Terranovus	24.41	5

### Post-Tender Clarifications

Tender submissions closed with the tendered prices received all exceeding the available budget.

To help address the budget shortfall, Council officers amended the scope of works and material quantities to achieve potential cost savings without compromising the safety improvements being sought. After assessing the original tender submissions on their merit Council requested that the preferred tenderer, 3D Civil Pty Ltd, review the design changes and provide a revised schedule of rates and price to undertake the construction works.

3D Civil's revised price for the project is \$243,995 excluding GST.

### 3D Civil - Recommended Tenderer.

The directors of 3D Civil, Wayne and Greg Davis have undertaken works for Council previously while trading under a different business name. 3D Civil confirmed they have made allowance for some Saturday work if required, but that they are primarily looking to undertake the most disruptive works during school holidays and outside of peak school periods.

3D Civil advised they will utilise a specialised sub-contractor to undertake the electrical conduiting component of the works. They also confirmed that allowance has been factored into their rates for footpath reinstatement works.

## RISK IMPLICATIONS

### Infrastructure and Assets

It is required that the improved road safety outcomes of the project are achieved.

### Political and Reputational

The contractor is required to undertake works in a manner that minimises the impact on the adjacent school and day-care centre operations so that traffic disruption is limited during peak school drop off and pickup periods.

### Health and Safety

A Traffic Management Plans will be prepared and implemented so works are conducted in a manner that ensures school vehicular and pedestrian traffic through and around the work site is maintained and functions safely.

## LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Quotations were invited in accordance with Council's Procurement Policy.

**FINANCIAL AND RESOURCE IMPLICATIONS*****Capital***

The additional budget for the project has been funded from cost savings in other capital projects.

***Is the expenditure noted above included in the current budget?***

Yes

**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.

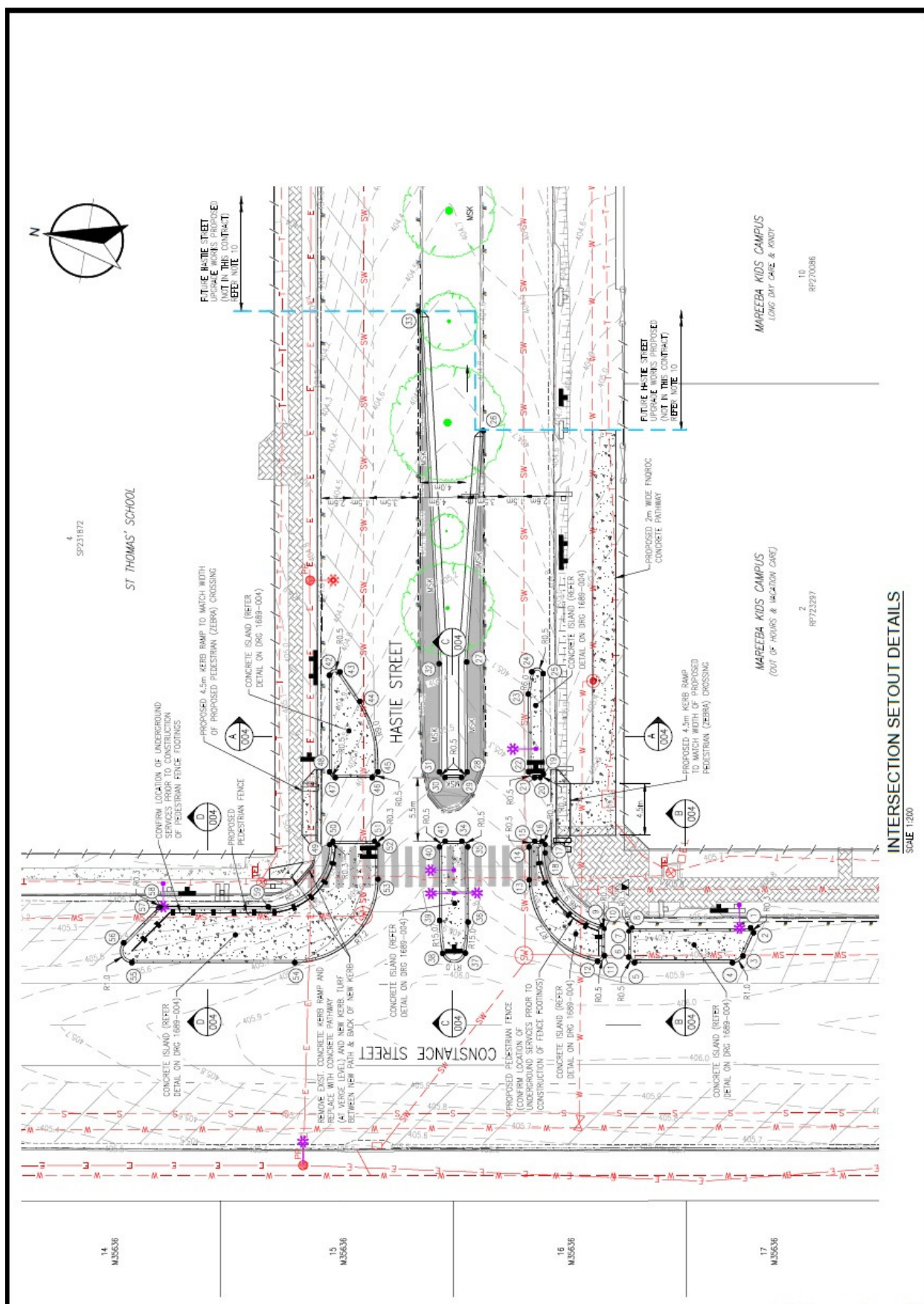
**IMPLEMENTATION/COMMUNICATION**

Local residents, St Thomas Primary School and the Mareeba Kids Campus Child Care Centre will be kept informed of proposed project commencement and the project schedule.

Tenderers will be notified of the outcome of this report.









**9.3 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES OPERATIONS REPORT - NOVEMBER 2023****Date Prepared:** 16 November 2023**Author:** Manager Technical Services**Attachments:** Nil**EXECUTIVE SUMMARY**

The purpose of this report is to outline Council's Fleet, Design, Soils Lab, Survey, Quality, GIS, Facilities and Investigation Services activities undertaken by Infrastructure Services during the month of November 2023.

**RECOMMENDATION**

That Council receives the Infrastructure Services, Technical Services Operations Report for November 2023.

**BACKGROUND****Technical Services**Design, quality, and investigations:

Investigation activities undertaken in November included:

Activity	Current Requests	Closed Requests
Road Infrastructure Review	77	13
Drainage Investigations	19	8
NHVR Permit Applications	0	20
Traffic Count Surveys	0	12
Parks Investigations	4	0
Miscellaneous e.g. Planning; Local Laws	31	9
Before You Dig Requests	0	62

Soil Laboratory:

Council's Soil Laboratory provides NATA-accredited soil and material testing for internal and external services. Approximately 207 tests were undertaken during the month, with a significant percentage being for External Clients.

Asset Inspections:

Facility asset condition and defect inspections continue, and a review of internal facility processes/practices is underway to seek efficiency improvements. Inspections are currently targeted towards assisting in the development of Asset Management sub plans.

Ongoing improvements to GIS data associated with water, sewerage, roads, underground stormwater, and kerbs asset data sets continues, as information is received from other areas of Council. An internal data improvement project for stormwater assets has resulted in improved asset and condition data within the Mareeba Township, with Kuranda Township soon to be completed.

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
Kuranda	Jum Rum Rainforest Estate Stage 1, Fallon Road	Under construction
Mareeba	Prestige Gardens Stage 1-6	Under construction
Mareeba	Catherine Atherton Drive	Under construction
Mareeba	Emerald End Road and Country Road	Under construction
Mareeba	Amaroo Stage 13a	On-maintenance
Mareeba	Amaroo Stage 12	On-maintenance
Mareeba	7 Haren Street	On-maintenance
Mareeba	Kenneally Estate Stage 4	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
2022 DRFA	Far North Queensland Low Pressure Trough, that occurred 1 – 7 February 2022. All contracts are on track for practical completion prior to end of calendar year, with the exception of Gamboola Crossing bridge which has been demobilised prior to wet season, with work on deck units to be undertaken over the wet.
2022 Betterment	QRA approval received, and construction contract documentation being finalised.
2023 DRFA	Northern and Central Queensland Monsoon and Flooding Event, 20 December 2022 – 30 April 2023. Focus on finalising damage assessments/submission for QRA consideration as well as preparing reconstruction contracts for priority locations.
2023 Bushfires	A number of fires within communities have been responded to by QFES, with Council providing support on request, i.e. traffic management, plant engagement, etc.

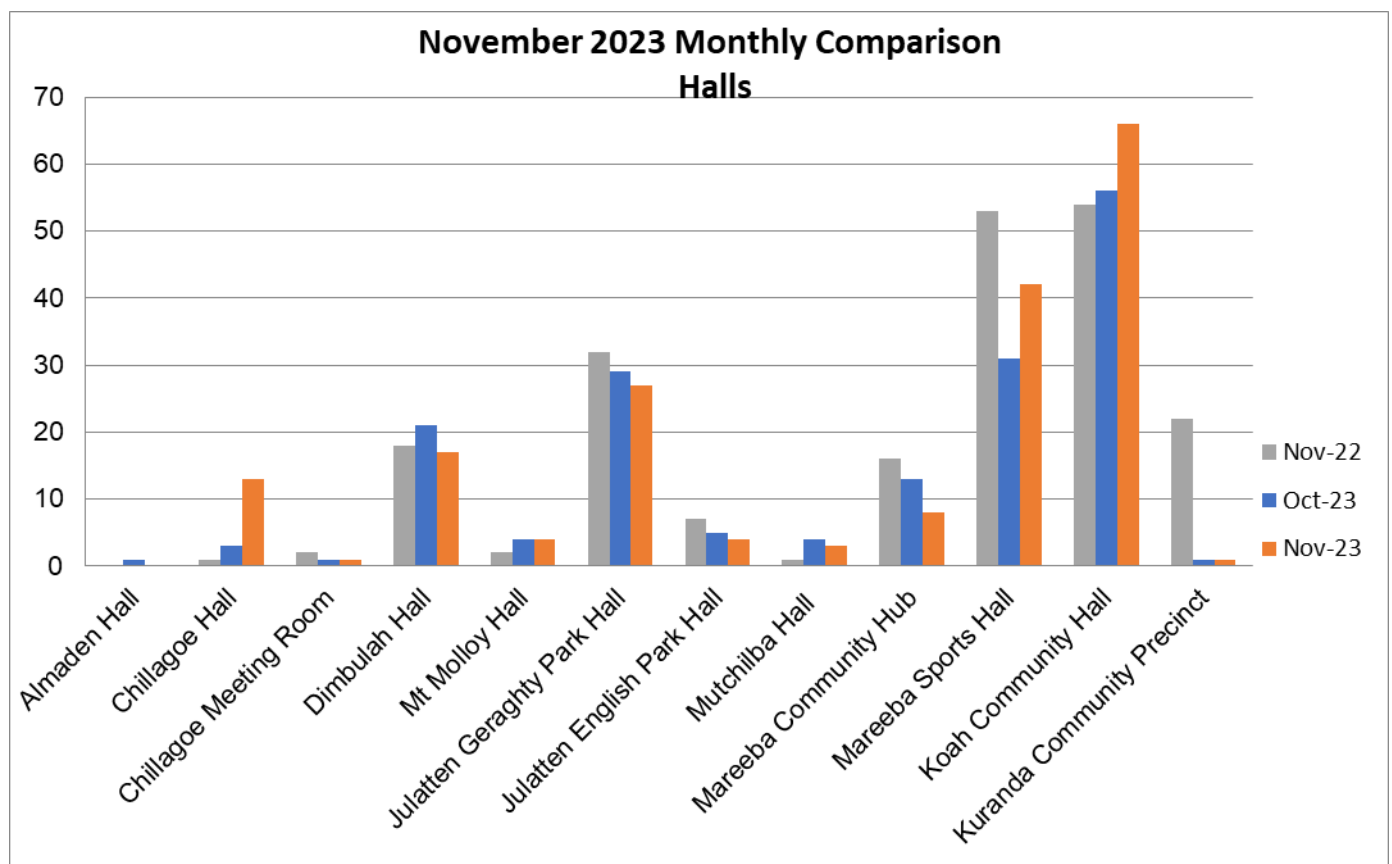


*Gamboola Crossing over Mitchell River, Strathleven Road – construction of bridge piers and headstocks in progress*

## Facilities

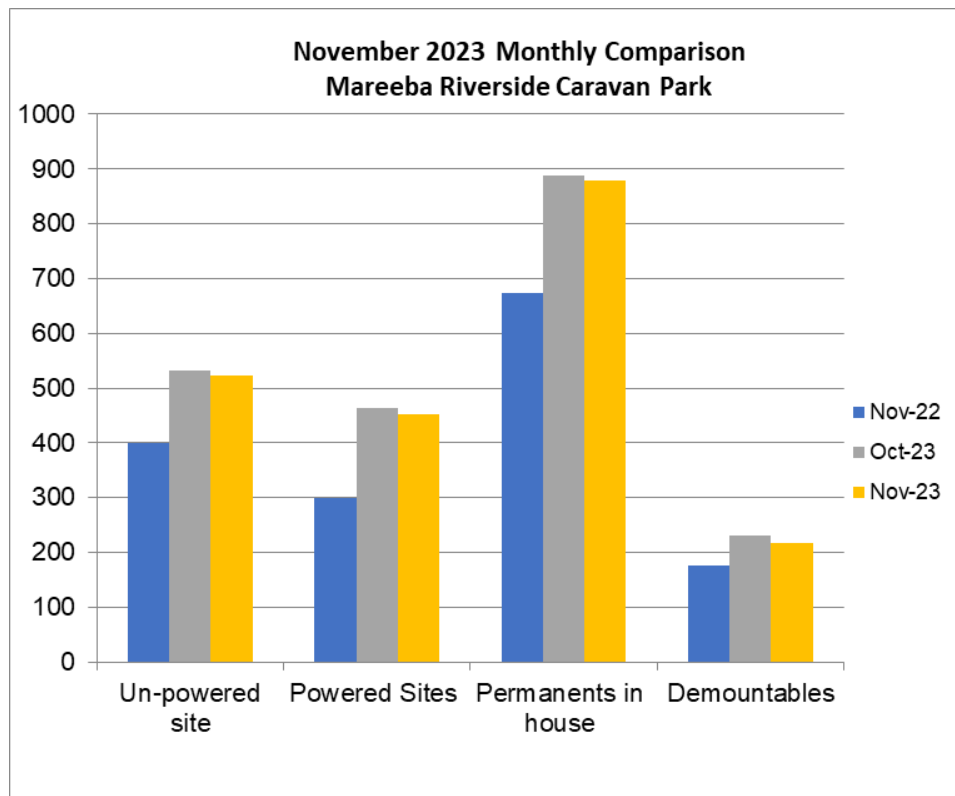
### Community Halls:

Maintaining safe and efficient access to Council's Community Halls is recognised as an important aspect for the community's ongoing wellbeing.

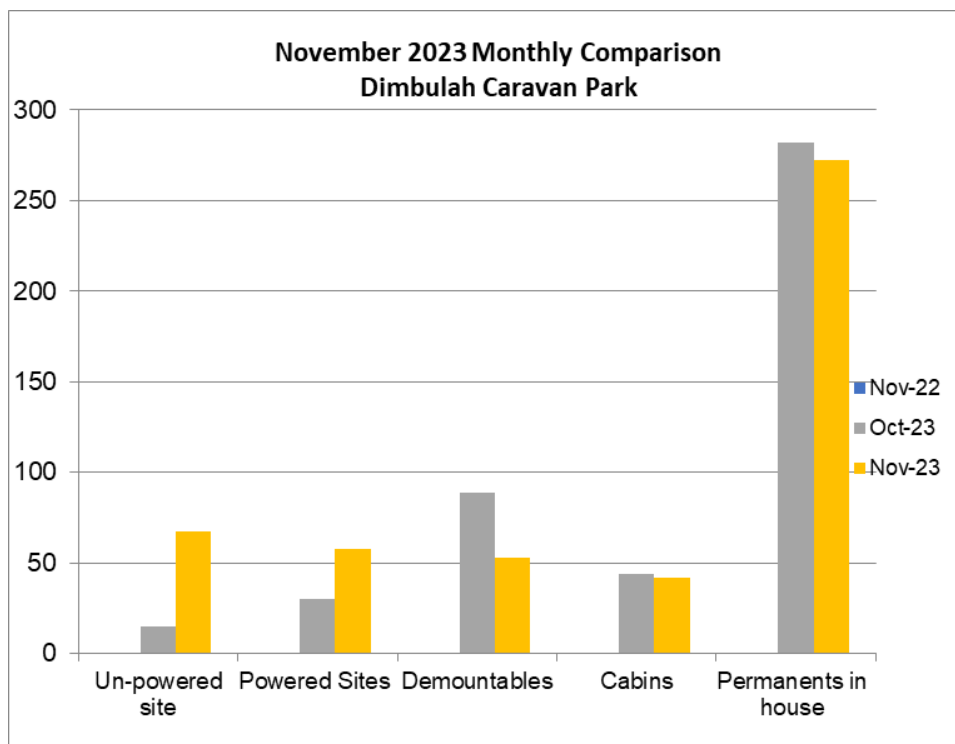


### Caravan Parks:

Mareeba Riverside Caravan Park tenant numbers have remained steady across all sectors.

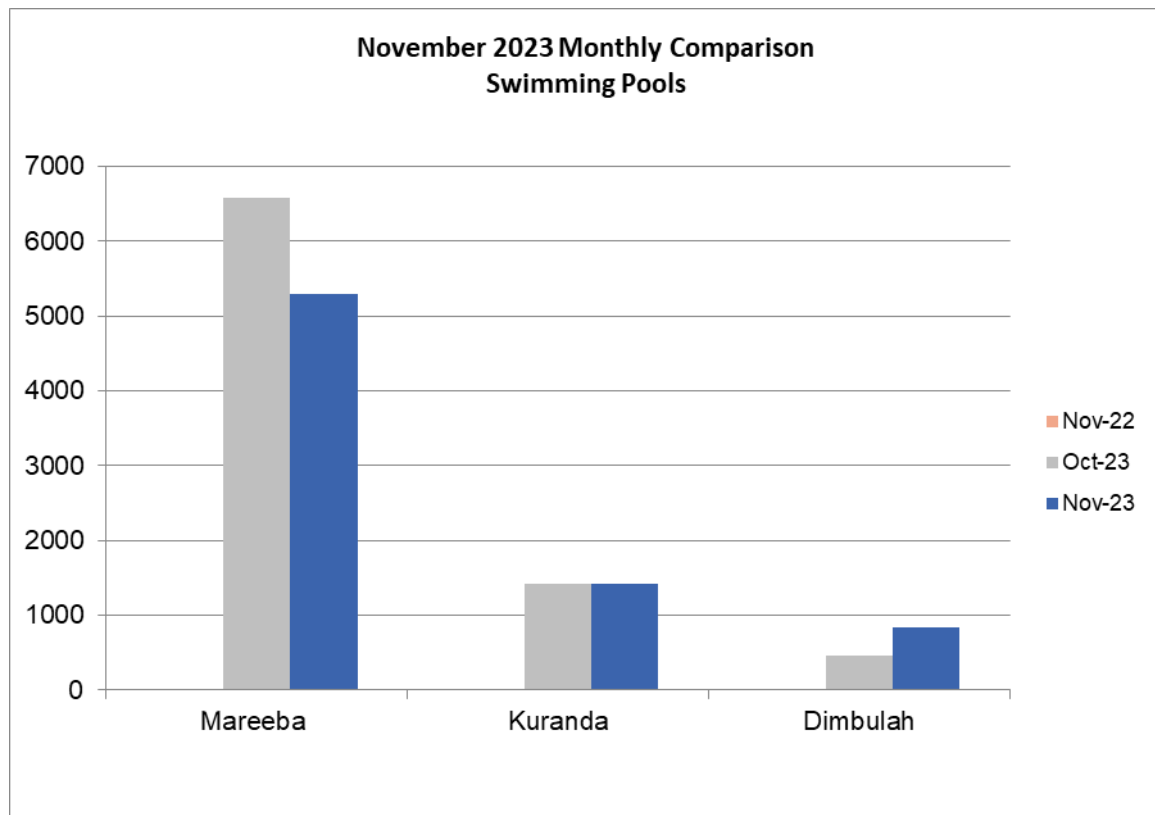


Dimbulah Caravan Park visitor numbers have varied across categories, but generally remained constant overall. Utilisation numbers for previous year is unavailable for comparison.



### Aquatic Centres

Attendance numbers for Mareeba weakened slightly, while Dimbulah strengthened for the month. Although numbers are anticipated to remain strong due to warmer temperatures now being experienced within the region, the commencement of the Wet Season may result in reduced numbers moving forward. Utilisation numbers for previous year is unavailable for comparison.



#### Vandalism & Graffiti:

During November, eight (8) reports of vandalism and graffiti were recorded for Council facilities, with annual costs provided below;

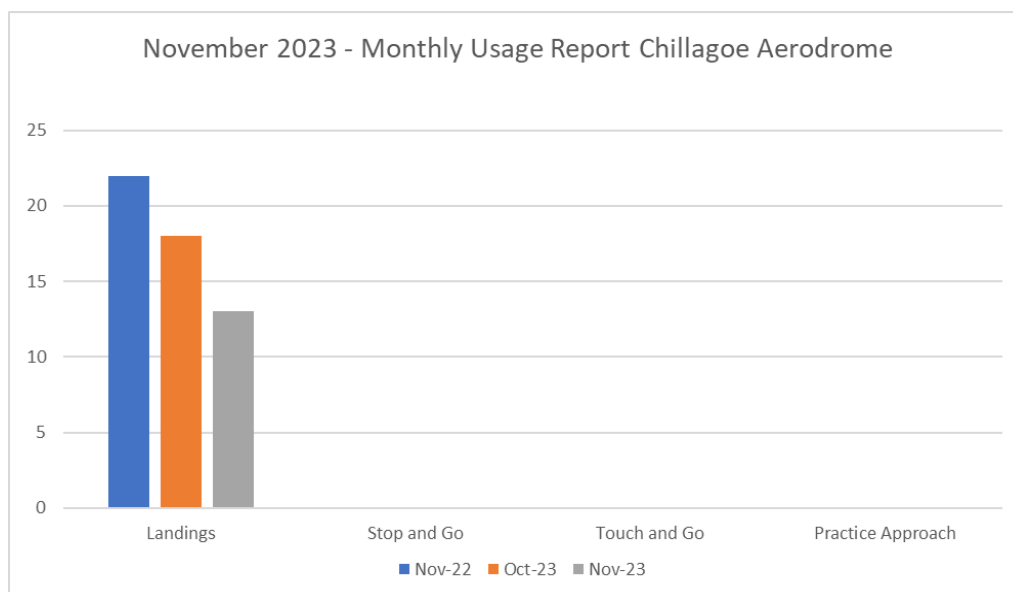
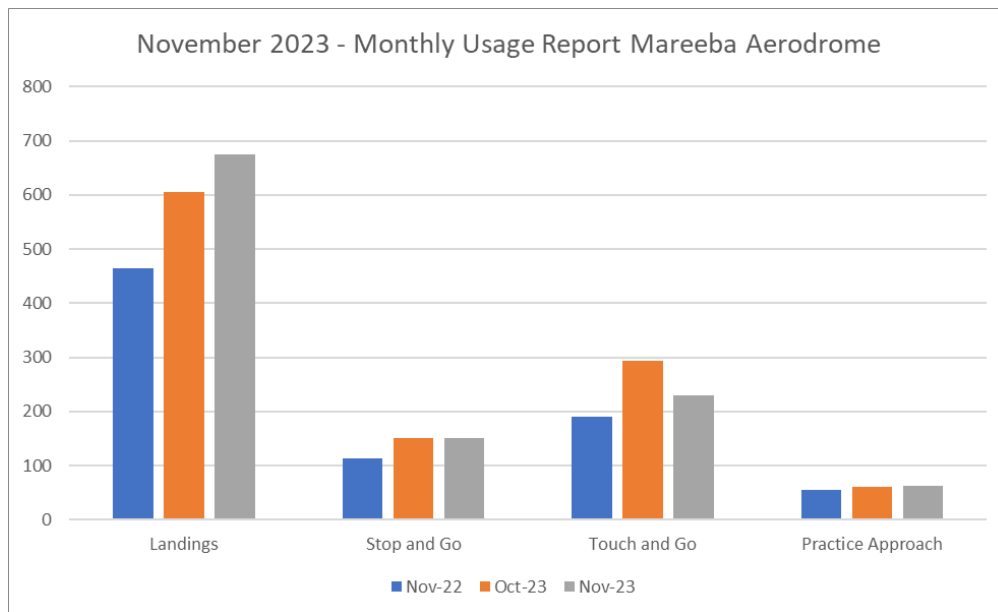
Financial Year	Actuals	Comments – November 2023
2015/16	\$ 2,134.00	<ul style="list-style-type: none"> <li>• Kuranda Community Precinct - Graffiti x2</li> <li>• Mareeba Borzi Park Band Hall – Vandalism x1</li> <li>• Mareeba Theatre Hall – Vandalism and Graffiti x1</li> <li>• Mareeba Rankin St Office – Graffiti x1</li> <li>• Mareeba Arnold Park Rotunda - Graffiti x1</li> <li>• Mareeba Sports Hall – Vandalism x2</li> </ul>
2016/17	\$ 16,546.00	
2017/18	\$ 23,948.00	
2018/19	\$ 14,851.00	
2019/20	\$ 14,211.18	
2020/21	\$ 62,199.62	
2021/22	\$ 48,301.12	
2022/23	\$33,030.18	
2023/24	\$3,233.91	

*Note - actuals for vandalism/graffiti do not reflect costs to repairs during that period. Incoming expenses for repairs carry over until works are completed.*

**Aerodromes:**

The data recorded below is current for the month of November, however there is usually a lag of some data for each current month from the service provider, which continues to be updated into the next month.

Utilisation has seen a general improvement for the month, which may in part be due to the weather conditions.

**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.





## 9.4 INFRASTRUCTURE SERVICES, WATER AND WASTE OPERATIONS REPORT - NOVEMBER 2023

**Date Prepared:** 16 November 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 November 2023.

### RECOMMENDATION

That Council:

1. receives the Infrastructure Services, Water and Waste Operations Report for November 2023 and;
2. endorses the variation of \$269,978.78 (excl. GST) received from fgf Developments Pty Ltd on project T-MSC2023-04 Bicentennial Lakes Gravity Sewer Main to include the Robins Street Sewer Rising Main works.

### BACKGROUND

#### Water and Wastewater Treatment:

All treatment plants are generally performing satisfactorily. Water demand was varied across all schemes. Low rainfall in most catchments has resulted in increased consumption per connection compared with previous years.

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.

Data for Mt Molloy is now available from the Month of November. Connections have been updated with information provided by the Rates Section to correspond with annual KPI reporting.

Water Treatment	Mareeba	Kuranda	Chillagoe	Dimbulah	Mt Molloy*
Water Plant average daily production (kL)	12,470	688	351	551	198
Number of Connections	4,141	1053	127	246	111
Average daily water consumption per connection (L)	3,011	653	2,765	2,241	1780

\* Mt Molloy is an untreated, non-potable water supply

Wastewater Treatment	Mareeba	Kuranda
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Wastewater Plant average daily treatment (kL)	2,034	216
Number of Connections	3,519	356
Average daily inflow per connection (L)	578	606

### Mareeba Water Treatment Plant Upgrades:

Three (3) critical infrastructure projects at the Mareeba Water Treatment Plant (MWTP) have commenced as part of Council's 10-year Water Strategy:

- MWTP Filtration System Upgrade
- MWTP Raw Water Pump Upgrade
- MWTP Booster Pump Station Upgrade

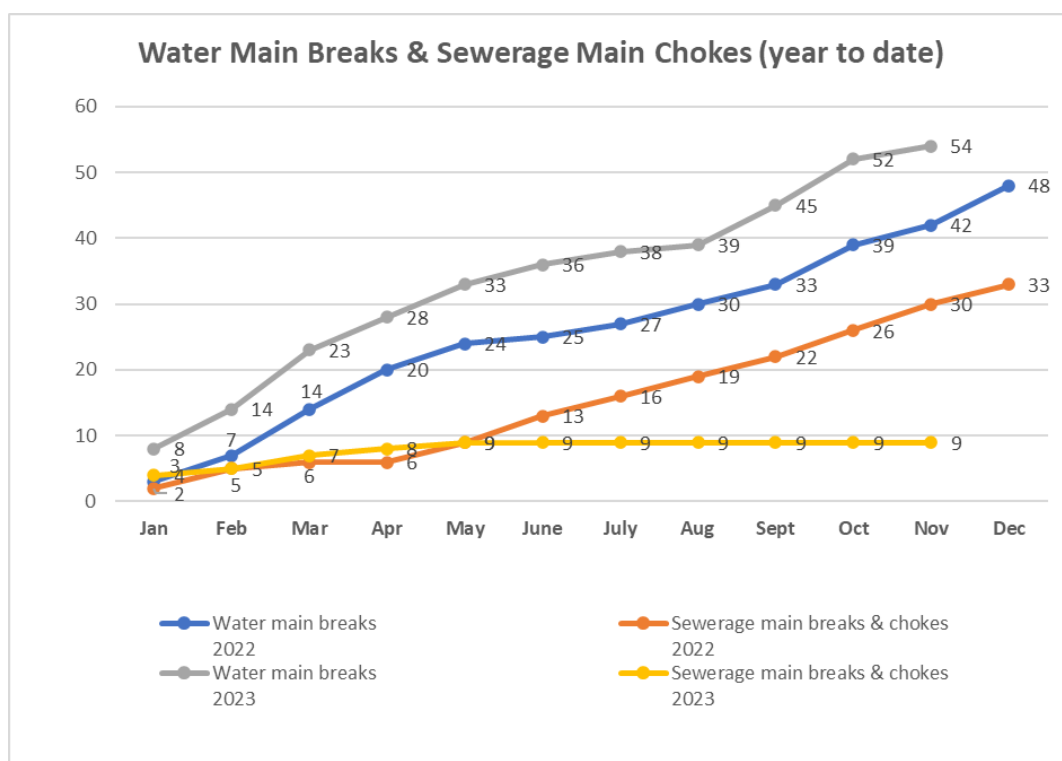
These projects will increase capacity of the plant and ensure that Council is able to supply safe water to residents and businesses in Mareeba now and into the future. Completion of the upgrades is programmed for mid-2024.

While these works occur at the Mareeba Water Treatment Plant there may be disruptions from time-to-time. As a result, the community has been asked to conserve water and reduce consumption during the upgrades. It may be necessary to introduce water restrictions to enable certainty of water supply to residents.

### Water and Wastewater Reticulation:

Council's water reticulation crew attended to two (2) water main breaks, and zero (0) 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:



### Robins Street Sewer Rising Main:

As part of the 2023/24 Capital Works Program, Council has approved a project to upgrade the Robins Street Sewer Rising Main to provide additional capacity and reduce sewage overflows.

The project scope includes supply and installation of a new 150mm diameter OPVC PN16 RRJ sewer rising main, construction of manholes, connection to the existing sewer network and reinstatement of road surface conditions as per specifications.

Officers identified an opportunity to undertake the Robins Street Sewer Rising Main Works as a variation to T-MS2023-04 Bicentennial Lakes Gravity Sewer Main. The contractor, fgf Developments advised they had capacity to undertake the project and have been able to offer a cost-effective price as they are able to use already mobilised resources to complete the work.

Undertaking the work in this manner ensures that the upgrade will be completed prior to the wet season and will solve the ongoing issue of sewage overflows at this location.

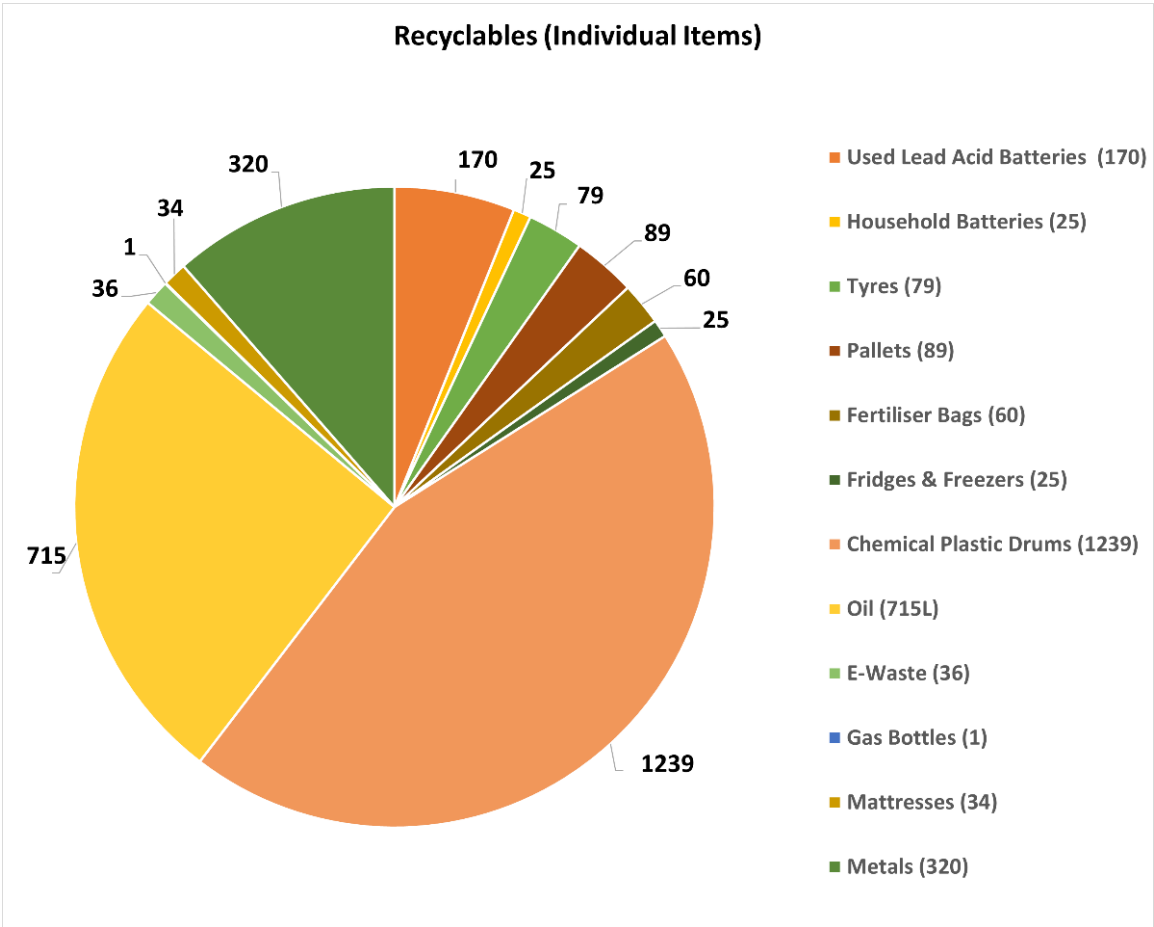
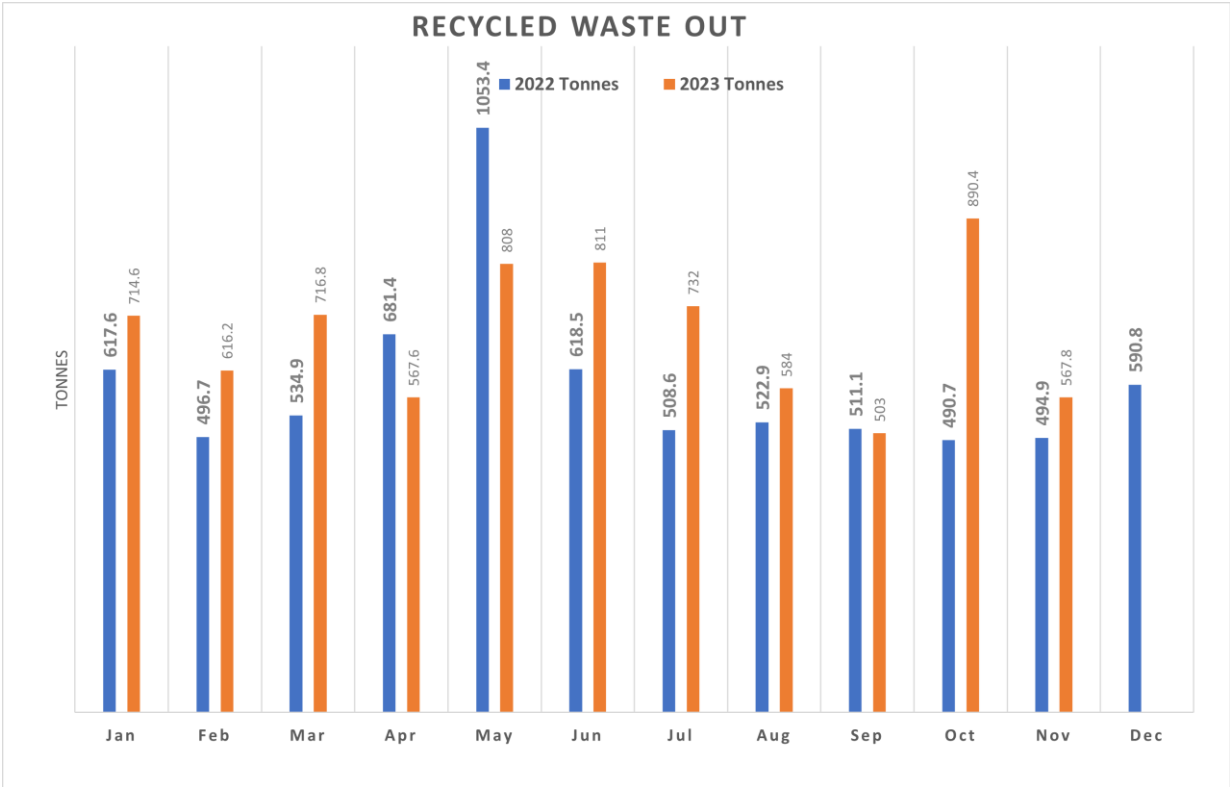


*Plan of the Robins Street sewer rising main upgrade*

## **Waste Operations:**

### Recycling

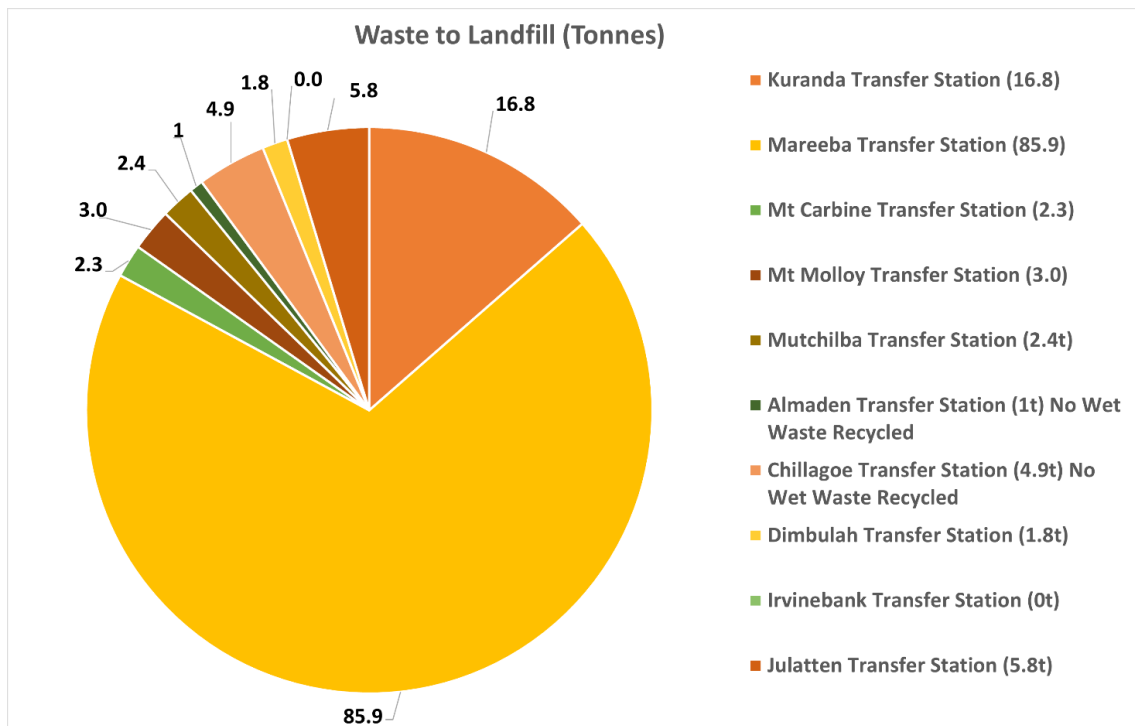
Waste material collected at each of the waste transfer stations are either deposited directly to the Springmount Waste Facility, recycled, or transported to the Veolia Advanced Resource Recovery Facility (ARRF) in Cairns for processing. During November, 506 tonnes of waste was processed through the ARRF, and 10.4 tonnes of domestic items were recycled at the MRF.



Waste to Transfer Stations

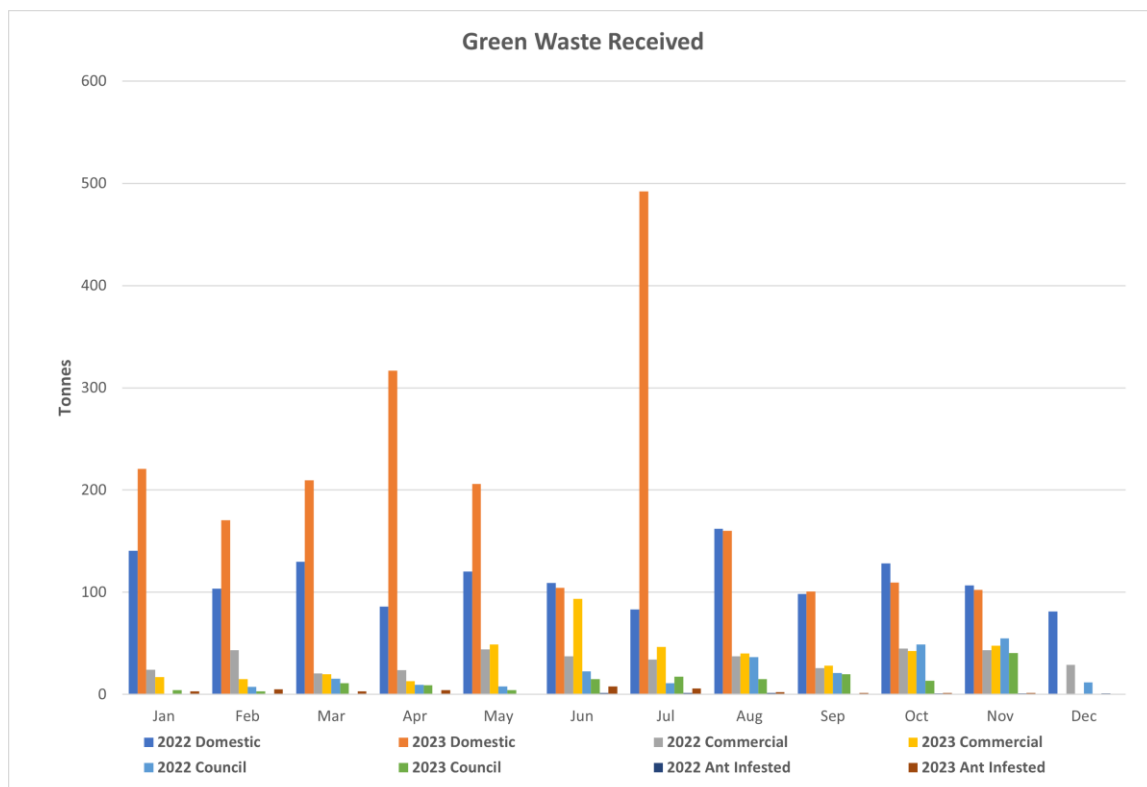


Transfer Station dry waste is transported off site to the Springmount Waste Facility. During November a total of 124 tonnes of waste was sent to landfill.



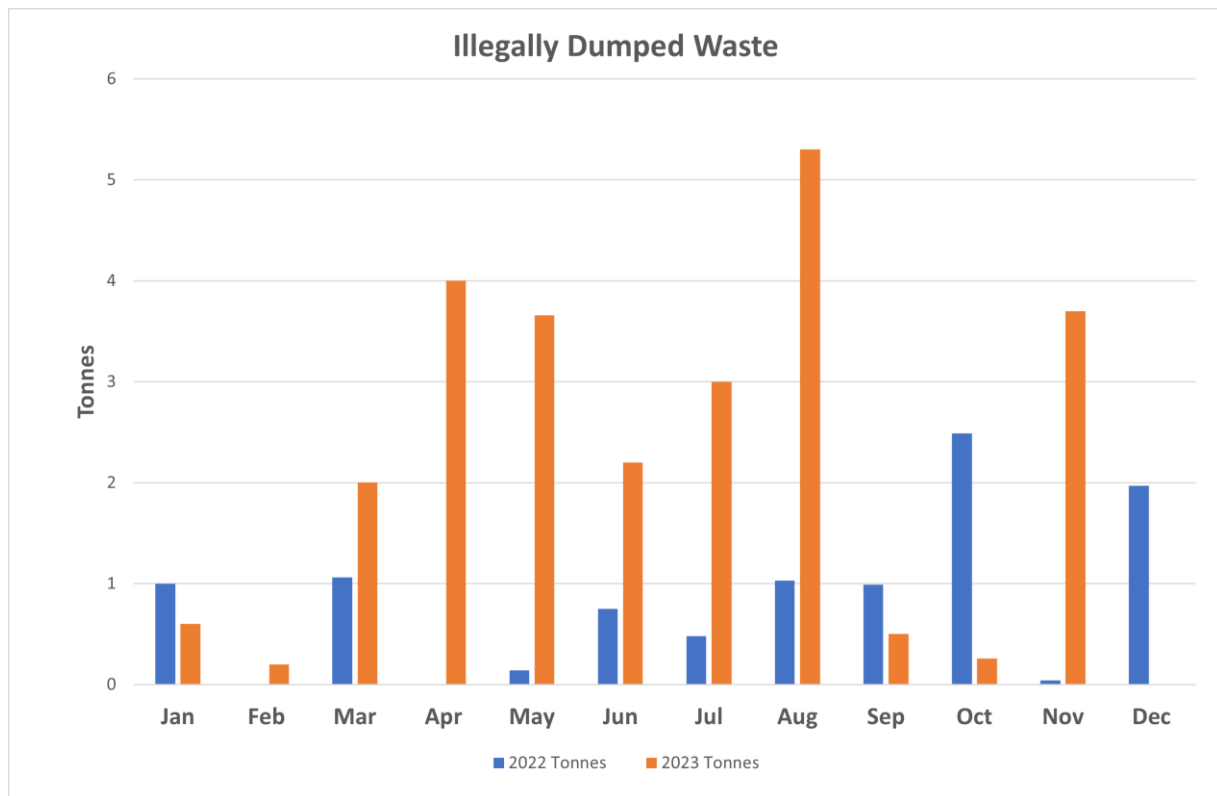
## Green Waste

During November, Council received a total of 191.8 tonnes of green waste. Kuranda recorded 1.4 tonnes of green waste from locations registered as being potentially contaminated with Electric Ants. A total of 4.7 tonnes of mulched green waste was sold throughout November.



## Illegally Dumped Waste

During November 3.7 tonnes of illegally dumped waste was collected from roadsides. This does not include TMR collections.



## 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





**9.5 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - NOVEMBER 2023****Date Prepared:** 7 December 2023**Author:** Manager Works**Attachments:** Nil**EXECUTIVE SUMMARY**

The purpose of this report is to summarise Council's Transport Infrastructure, Parks and Gardens, TMR Routine Maintenance Performance Contract (RMPC) and Land Protection operational activities undertaken by Infrastructure Services during the month of November 2023.

**RECOMMENDATION**

That Council receives the Infrastructure Services, Works Progress Report for the month of November 2023.

**BACKGROUND**

A summary of works completed in November 2023 is provided below.

**Transport Infrastructure**Unsealed Road Maintenance Grading

Road	Locality
Austin Road	Mona Mona
Barron Street	Koah
Big Sands Road	Kuranda
Boyles Road	Kuranda
Cadaga Close	Speewah
Cedar Park Road	Koah
Clohesy Street	Koah
Copeland Road	Koah
Douglas Track East	Speewah
Fantin Road	Koah
Harper Road	Speewah
Hoey Road	Speewah
Bolwarra Road	Crytalbrook
Torwood Road	Bolwarra

Road	Locality
Jeffery Road	Kuranda
Koah Road	Koah
Little Road	Kuranda
McCorry Road	Kuranda
Oak Forest Road	Kuranda
Popovic Road	Koah
Railway Street	Kuranda
Speewah Road	Speewah
Streil Road	Koah
Stoney Creek Road	Speewah
Two Chain Road	Koah
Wright Road	Koah
Keegan Road	Mareeba

Unsealed road grading will be completed in the Kuranda area by the Christmas close-down. In the new year, the grading crew will relocate to the Mt Carbine area to start the grading cycle again for the 2024 calendar year.

General Maintenance

Activity	Area
Tree Clearing	Kuranda, Julatten, Irvinebank, Dimbulah, Chillagoe
Bitumen Patching	Kuranda, Mutchilba, Arriga, Mareeba, Dimbulah
Drainage Works	Mareeba, Arriga, Julatten, Dimbulah, Chillagoe, Kuranda
Signage Repairs & Replacement	Julatten, Bibbohra, Paddy's Green, Mareeba, Irvinebank
Unsealed Road Maintenance	Gamboola, Koah, Petford, Julatten, Dimbulah, Kuranda
Herbicide Spraying	Highbury, Julatten
Illegal Dumping Waste Disposal	Koah, Mt Mulligan, Kuranda, Chewko, Mareeba

Customer Requests

During the month of November, the Works Group received 92 Customer Requests (CRs) with 136 resolved (resolved requests include those received prior to November 2023). The table below shows the number of requests lodged per Works Section for the month.

Month	Roads	Parks and Gardens	Pest Management
November	65	22	5

At the time of reporting, the Works Group had 47 open requests.

TMR Routine Maintenance Performance Contract (RMPC)

Grading of the Herberton-Petford Road between Irvinebank and Watsonville has been completed.

Cleaning of culvert inlets/outlets continues on the Mareeba-Dimbulah Road and the Burke Developmental Road.

Fallen trees and other fire related debris has been cleared from the Herberton-Petford Road.

Bollards have been installed at the northern entrance of Centenary Park.



1. Centenary Park northern entrance bollards

### **Parks and Open Spaces**

General mowing in Mareeba, Dimbulah, Mt Molloy, Julatten, Kuranda and Chillagoe is now on an as-needs basis only. Irrigated parks are being mowed once per fortnight on average. There was no mowing at Irvinebank and Bibbohra in November.

Activities undertaken in November include:

- Two new swing seats installed at Mutchilba Park, Mutchilba
- Removal of dead trees from the Bailey Street road reserve
- Installation of Christmas Trees and fencing at Mareeba, Dimbulah, Chillagoe, Mt Molloy and Kuranda
- Burials – Mareeba x 5 (including Columbarium Wall internments)
- Installation of irrigation at the Dimbulah Pump Track
- Mechanical mulching at Wylandra to increase the fire break to 10m.



2. Mutchilba Park swing

### **Land Protection**

**Parthenium Weed:** Monthly inspections carried out on 13 sites. All landholders are complying with their biosecurity obligation. We continue to monitor all the sites every 3 weeks.

**Chinaman Creek Frogbit:** Work has continued along Chinaman creek with hand removal of any small/young frogbit plants.

**Amazon Frogbit:** Land Protection Officers (LPOs) continued with programmed inspections of the sentinel sites in the Mitchell River Catchment on Two Mile Creek with no Frogbit detected.

**Miconia Species Kuranda:** LPOs undertook surveying and hand removal of *Miconia calvenscens* in the Kuranda area.

**Pond Apple:** Council's LPOs, in conjunction with the Tablelands Regional Council Land Protection Unit surveyed and treated Pond Apple along Rocky Creek. This joint exercise is conducted on a 2.5km stretch of Rocky Creek that forms part the boundary between the two shires.



**Wild Dogs/Feral Pigs:** Baiting has been carried out 16 Properties totalling over 1,580,000ha of land on the lower and upper Walsh, Mitchell and Lynd River systems.

**Feral Pigs:** Two (2) traps have been on loan to landholders where shooting and baiting are not appropriate. Seven (7) pigs have been trapped and destroyed in Speewah and Mt Molloy.

**Bellyache Bush Leaf Miner:** Council's Senior Land Protection Officer assisted the Queensland Department of Agriculture and Fisheries (DAF) in the release of a Leaf Miner Moth that is hoped to assist in the management of Bellyache Bush. Council staff identified a suitable release site on the Walsh River at Rookwood Station and also assisted DAF and Cook Shire Council in the release of the Leaf Miner at Palmer River Crossing at Strathleven and King Junction Stations.



3.

4. Leaf Minor Moth



Leaf Minor Moth on Bellyache Bush



Leaf Minor Moth release

5.

#### **FINANCIAL AND RESOURCE IMPLICATIONS**

##### ***Operating***

All operational works are funded by the section specific 2023/24 maintenance budgets.

#### **LINK TO CORPORATE PLAN**

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**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



**9.6 T-MSC2023-24 MYOLA ROAD-MILL/FILL AND SEAL**

**Date Prepared:** 8 December 2023

**Author:** Manager Works

**Attachments:** Nil

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**EXECUTIVE SUMMARY**

Council has invited tenders from suitably qualified and experienced contractors to undertake Tender T-MSC2023 Myola Road - Mill/Fill and Seal Contract which closed on 15 December 2023.

To ensure the works are completed in a timely manner, officers propose Council delegate authority to the Chief Executive Officer to consider and approve the tender in consultation with the Councillors.

**RECOMMENDATION**

That the Council delegates authority to the Chief Executive Officer to award Tender T-MSC2023 Myola Road-Mill/Fill and Seal after consultation with Councillors.

**BACKGROUND**

Council receives funding from the Australian Government through the Roads to Recovery Program to support the construction and renewal of local road infrastructure assets. A portion of this funding was allocated by Council as per of the 2023/24 Capital Works Program to mill, fill and bitumen seal a section of Myola Road, Kuranda.

The tendered scope of works includes the milling out of numerous failed asphalt seal sections to a depth of 50mm, replacing the milled material with DG14 asphalt followed by the full width bitumen sealing of Myola for an estimated length of 3km.

It is intended that these works will waterproof this failing section of Myola Road and extend the useful life of the existing pavement.

Tenders were invited from 24 November 2023 and closed on 15 December 2023. Tenders had not been received at the time of preparing this report, however, to ensure the works are completed in a timely manner, officers propose Council delegate authority to the Chief Executive Officer to consider and approve the tender in consultation with the Councillors.

**FINANCIAL AND RESOURCE IMPLICATIONS*****Capital***

Negotiations with the selected tenderer will commence prior to the awarding of the contract to ensure the project can be delivered within budget.

***Is the expenditure noted above included in the current budget?***

Funding is included in the 2023/24 Capital Works Program.



**LINK TO CORPORATE PLAN**

**Financial Sustainability:** A council that continuously looks for savings and opportunities while managing council's assets and reserves to ensure a sustainable future in a cost-effective manner.

**Transport and Council Infrastructure:** The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

**Economy and Environment:** A resilient economy that promotes and supports the shire's natural assets and local industry and encourages investment while preserving and future proofing for generations to come.

**Governance:** Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community.

**IMPLEMENTATION/COMMUNICATION**

Nil

**10      CONFIDENTIAL REPORTS**

Nil

**11      BUSINESS WITHOUT NOTICE**

**12      NEXT MEETING OF COUNCIL**



## **13 FOR INFORMATION**

<b>13.1 SUMMARY OF NEW PLANNING APPLICATIONS &amp; DELEGATED DECISIONS FOR THE MONTH OF NOVEMBER 2023</b>
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**Date Prepared:** 4 December 2023

**Author:** Senior Planner

**Attachments:** Nil

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Please see below information.

**Summary of new Planning Development Applications and Delegated Decisions for November 2023**

<b>New Development Applications</b>					
Application #	Lodgement Date	Applicant/ Address	Property Description	Application Type	Status
MCU/23/0024	14/11/2023	Mareeba Leagues Club C/- Brazier Motti Doyle Street Mareeba	Lot 13 on CP861033	MCU Club (Leagues Club Expansion)	Confirmation Stage
RAL/23/0015	2/11/2023	W & R Blundell C/- U&I Town Plan 37 and 50 Cobra Road Mareeba	Lot 30 on SP284537 and Lot 31 on SP284537	ROL (Boundary Realignment)	Public Notification Stage
RAL/23/0016	21/11/2023	Mareeba Shire Council Glenys Pilat Doyle Street Mareeba (Aged Housing)	Lot 515 on SP276113	Development Permit for Reconfiguration of a Lot - Division of a lot into 2 parts by way of lease for a term exceeding 10 years	Decision Stage
OPW/23/0004	20/11/2023	C Crow 8 Victor Place Kuranda	Lot 8 on RP861072	Operational Works (Vegetation Clearing) assessable against the Mareeba Shire Council Planning Scheme 2016 - Environmental Significance Overlay	Decision Stage

<b>Decision Notices issued under Delegated Authority</b>					
Application #	Date of Decision Notice	Applicant	Address	Property Description	Application Type
RAL/23/0016	22/11/2023	Mareeba Shire Council Glenys Pilat	Doyle Street Mareeba (Aged Housing)	Lot 515 on SP276113	Development Permit for Reconfiguration of a Lot Division of a lot into 2 parts by way of lease for a term exceeding 10 years
OPW/23/004	28/11/2023	C Crow	8 Victor Place Kuranda	Lot 8 on RP861072	Development Permit for Operational Works (Vegetation Clearing) assessable against the Mareeba Shire Council Planning Scheme 2016 - Environmental Significance Overlay

November 2023 (Regional Land Use Planning)

Negotiated Decision Notices issued under Delegated Authority					
Application #	Date of Decision Notice	Applicant	Address	Property Description	Application Type
Nil					

Change to Existing Development Approval issued					
Application #	Date of Decision	Applicant	Address	Property Description	Application Type
Nil					

Referral Agency Response Decision Notices issued under Delegated Authority					
Application #	Date of Decision	Applicant	Address	Property Description	Application Type
CAR/23/0014	6/11/2023	K Barrett & B Kopp C/- Baker Building Certification Pty Ltd	2 Agius Crescent Mareeba	Lot 45 on SP210288	<ol style="list-style-type: none"> <li>1. Referral agency response for building work assessable against the Mareeba Shire Council Planning Scheme 2016 (Residential Dwelling House and Outbuilding Overlay Code)</li> <li>2. Referral agency response for building work as per item 1 in schedule 9, part 3, division 2, table 3 of the <i>Planning Regulation 2017</i>.</li> </ol>
CAR/23/0015	30/11/2023	B Turner & T Taylor C/- Emergent Building Approvals	8 Hoolahan Drive Mareeba	Lot 2 on SP208342	Referral agency response for material change of use - dwelling house (secondary dwelling) assessable against the Residential dwelling house and outbuilding overlay code

Extensions to Relevant Period issued					
Application #	Date of Decision	Applicant	Address	Property Description	Application Type
REC/10/0023	27/11/2023	K Rankine	382 Bilwon Road Bibbohra	Lot 221 on SP292117	Reconfiguring a Lot – Subdivision (1 into 3 lots) – Extension to 15 November 2025

November 2023 (Regional Land Use Planning)

Survey Plans Endorsed					
Application #	Date	Applicant	Address	Property Description	No of Lots
RAL/21/0014	1/11/2023	Stephen Hogan C/- Apels Solicitors and Notary	7 Kenneally Road Mareeba	Plan of Lots 4 and 10 on SP334805 and Easement in Lot 4 (Cancelling Lot 2 on RP729239)	2
RAL/21/0024	21/11/2023	Sibi Girgenti Holdings Pty Ltd	Paula Court Mareeba	Plan of Lots 19 and 100 On SP342242 (Cancelling Lot 100 on SP342228)	2
RAL/22/0021	28/11/2023	Neville Evans C/- RPS AAP Consulting Pty Ltd	2143 Mossman – Mount Molloy Road and Brown Road Julatten	Plan of Lots 1 – 3 on SP343942 (Cancelling Lot 2 on RP744259, Lot 82 on RP851550 and Lot 25 on DA126)	3

November 2023 (Regional Land Use Planning)