



Ordinary Meeting

Council Chambers
Date: 24 January 2018
Time: 9:00am

AGENDA

THE ORDINARY MEETING OF THE MAREEBA SHIRE COUNCIL WILL BE HELD AT COUNCIL CHAMBERS, ON **WEDNESDAY, 24 JANUARY 2018** AND THE ATTENDANCE OF EACH COUNCILLOR IS REQUESTED.

PETER FRANKS
CHIEF EXECUTIVE OFFICER

ORDER OF BUSINESS

MEMBERS IN ATTENDANCE

APOLOGIES/LEAVE OF ABSENCE/ABSENCE ON COUNCIL BUSINESS

BEREAVEMENTS/CONDOLENCES

DECLARATION OF ANY MATERIAL PERSONAL INTERESTS/CONFLICTS OF INTEREST

CONFIRMATION OF MINUTES

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ITEM-3 Garth Villiers Owen & Catherine Evelyn Retter - MCU - Residential Units (Fifteen x 2 bedroom Residential Units) and Reconfiguring a Lot - Subdivision (1 into 15 Standard format lots and common property) - Lot 2 RP734383 - 19 Kullaroo Close, Kuranda 81

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ITEM-7 Malcolm Hugh McDougall - Reconfiguring a lot - Subdivision (1 into 23 Lots in Two Stages) – Lot 191 SP 284406 - 8579 Mulligan Highway, Desailly - DA/17/0011.docx 211

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CORPORATE AND COMMUNITY SERVICES

REGIONAL LAND USE PLANNING

ITEM-1 **DARREN JOHN CLELAND - MCU - TOURIST PARK (SELF-CONTAINED ACCOMMODATION VEHICLES) - LOT 1 RP 708214 - 59 ROGERS ROAD, BIBOOHRA - MCU/17/0001.DOCX**

MEETING: Ordinary

MEETING DATE: 24 January 2018

REPORT OFFICER'S TITLE: Senior Planner

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	D Cleland	ADDRESS	59 Rogers Road, Biboohra
DATE OF NDN REQUEST	21 December 2017	RPD	Lot 1 on RP708214
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use – Motor Home Park		
FILE NO	MCU/17/0001	AREA	8.339 hectares
LODGED BY	D Cleland	OWNER	D Cleland
PLANNING SCHEME	Mareeba Shire Planning Scheme 2004 (Amendment No. 01/11)		
ZONE	Rural Zone		
LEVEL OF ASSESSMENT	Impact Assessment		
SUBMISSIONS	One (1)		

ATTACHMENTS: 1. Decision Notice dated 16 November 2017
 2. Applicant's written representations received 21 December 2017

EXECUTIVE SUMMARY

Council approved a development application described in the above application details at its meeting held on 15 November 2017, subject to conditions, including Condition 4.2.1.

The application was impact assessable and one (1) properly made submission was received in response to public notification of the application.

Condition 4.2.1 requires the applicant to complete a 100 metre dust seal on Rogers Road to minimise the potential for dust nuisance to the dwelling house on Lot 1 on RP711202.

The applicant has subsequently made written representations about Condition 4.2.1 and requests the issue of a negotiated decision notice.

The basis of the applicant's representations are:

- *Expected minimal daily vehicle movements (average 19.2 daily movements, max 30 daily movements);*
- *Wind direction – relevant dwelling house would be impacted when wind blowing from NW to the ENE, average 18.83% of year based on available wind data;*
- *A 50 metre dust seal would provide reasonable dust control to the relevant dwelling house when the wind is from the NW to ENE;*
- *The cost of a 100 metre dust seal would place a significant burden on the development in its start-up phase given the minimal revenue anticipated.*

Council officers have reviewed the applicant's representations and are of the opinion that the 50 metre dust seal proposed by the applicant is reasonable.

It is recommended that the request be approved and a negotiated decision notice be issued.

OFFICER'S RECOMMENDATION

It is recommended that:

- "1. In relation to the written representations made by D Cleland (the applicant) regarding conditions of the following development approval:

APPLICATION		PREMISES	
APPLICANT	D Cleland	ADDRESS	59 Rogers Road, Bibohra
DATE OF NDN REQUEST	21 December 2017	RPD	Lot 1 on RP708214
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use – Motor Home Park		

and in accordance with the Planning Act 2016, the following

- (A) Condition 4.2.1 as per Council's Decision Notice issued on 16 November 2017 be amended as follows:

4.2.1 A 50 metre single coat dust seal on Rogers Road, in the prevailing wind direction is to be completed within three years for the purpose of minimising dust impacts on the dwelling house on Lot 1 on RP711202, to the satisfaction of Council's delegated officer.

2. A Negotiated Decision Notice be issued to the applicant and submitter advising of Council's decision"

THE SITE

The subject site is described as Lot 1 on RP708214, situated at 59 Rogers Road, Biboohra, approximately 7.5 kilometres north of the Biboohra township. The site has a total area of 8.339 hectares, is irregular in shape and is zoned Rural under the Mareeba Shire Planning Scheme 2004.

The site has approximately 297 metres of frontage to Rogers Road which is constructed to a gravel standard from its intersection with Bilwon Road, up to the access into the subject land. The site has a secondary frontage of approximately 226 metres to Bullock Road. Bullock Road is unformed for the entire frontage.

The site has approximately 300 metres of frontage to the Barron River, which adjoins the western boundary. Apart from a narrow strip of land immediately to the Barron River, the site is generally flat and cleared of regulated vegetation.

Two (2) dwelling houses and multiple sheds are established in the north-western corner.

Surrounding allotments are zoned rural and contain a mix of land uses including rural lifestyle and low intensity grazing. A meat poultry farm is established on Bilwon Road approximately 500 metres to the east of the subject land.



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

On the 15 November 2017, Council approved the application made by D Cleland for the issue of a development permit for Material Change of Use – Motor Home Park over land described as Lot 1 on RP708214, situated at 59 Rogers Road, Biboohra.

The approval was granted subject to various conditions, including Condition 4.2.1 (Rogers Road dust seal). The decision notice was issued on 16 November 2017 and is included as **Attachment 1**.

The applicant has written to Council making representations (**Attachment 2**) in relation to Condition 4.2.1 and seeking the issue of a negotiated decision notice.

APPLICANT'S REPRESENTATIONS

Condition 4.2.1

4.2 Rogers Road

4.2.1 A 100 metres single coat dust seal on Rogers Road, in the prevailing wind direction is to be completed within three years for the purpose of minimising dust impacts on the dwelling house on Lot 1 on RP711202, to the satisfaction of Council's delegated officer.

Representation by Applicant

Thank-you for providing the Decision Notice for MCU/17/0001. We are in acceptance of the conditions except the following:

4.2 Rogers Road

4.2.1 A 100 metres single coat dust seal on Rogers Road, in the prevailing wind direction is to be completed within three years for the purpose of minimising dust impacts on the dwelling house on Lot 1 on RP711202, to the satisfaction of Council's delegated officer.

In the case of the site in question the condition to seal 100m of Rogers Road is excessive and at its proposed length is also not relevant and reasonable to the development.

Most of the proposed length of the road at 100m would not have any impact on ameliorating the dust impacts on the dwelling at 25 Rogers Rd.

Traffic Impact

Estimated traffic impacts of the development are minimal. The Campervan & Motorhome Club of Australia estimates that RV travellers travelling in regional and outback Queensland stay on average 2.15 nights. Occupancy has been estimated based on discussion with industry participants.

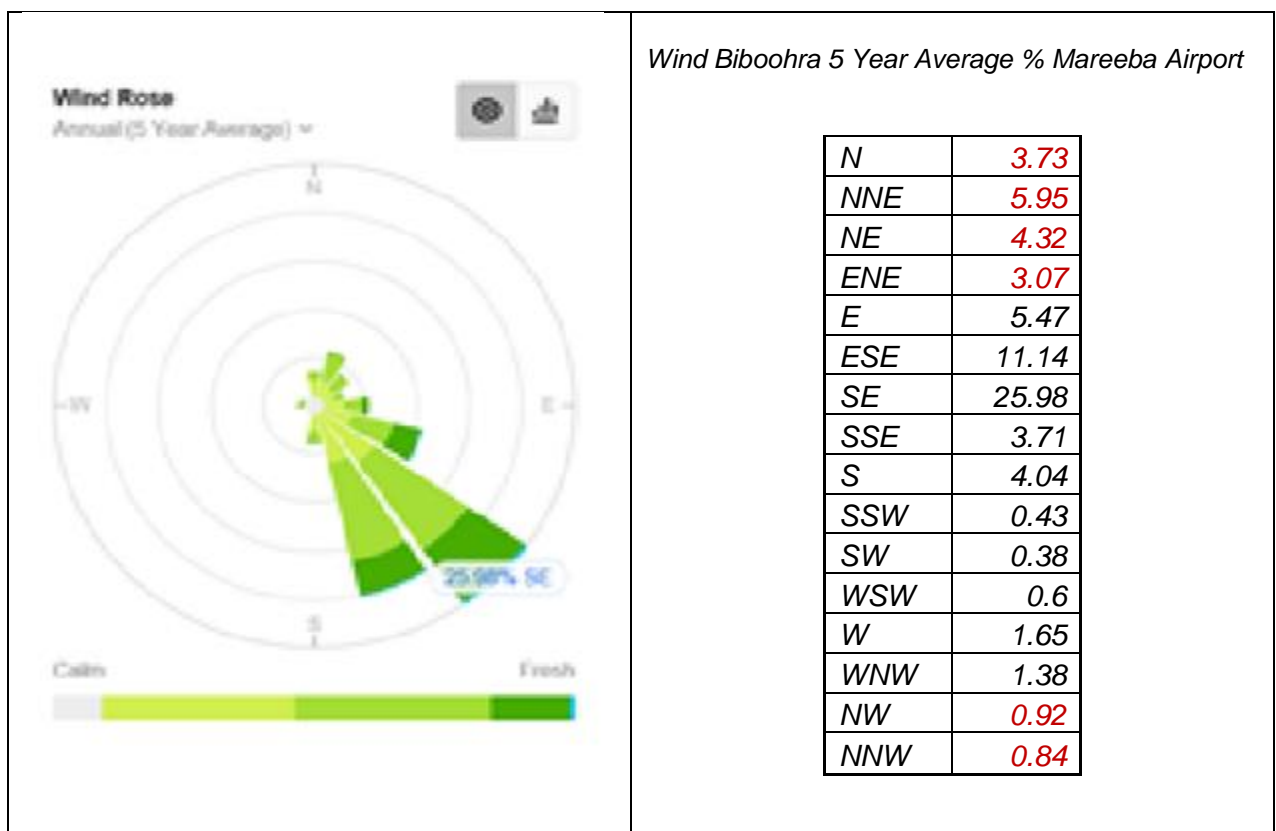
	May	June	July	August	September	October
Days	31	30	31	31	30	31
Sites	40	40	40	40	40	40
Occupancy	30%	60%	80%	60%	50%	30%
Movements 2 per vehicle per 2.15 day stay	0.93	0.93	0.93	0.93	0.93	0.93
Movements per month	346	670	923	692	558	346
Movements per day	11	22	30	22	19	11

As per the table above it is estimated that on average only 19.2 movements per day up to a maximum of 30 movements per day will be experienced over the six-month operating period.

Wind Direction

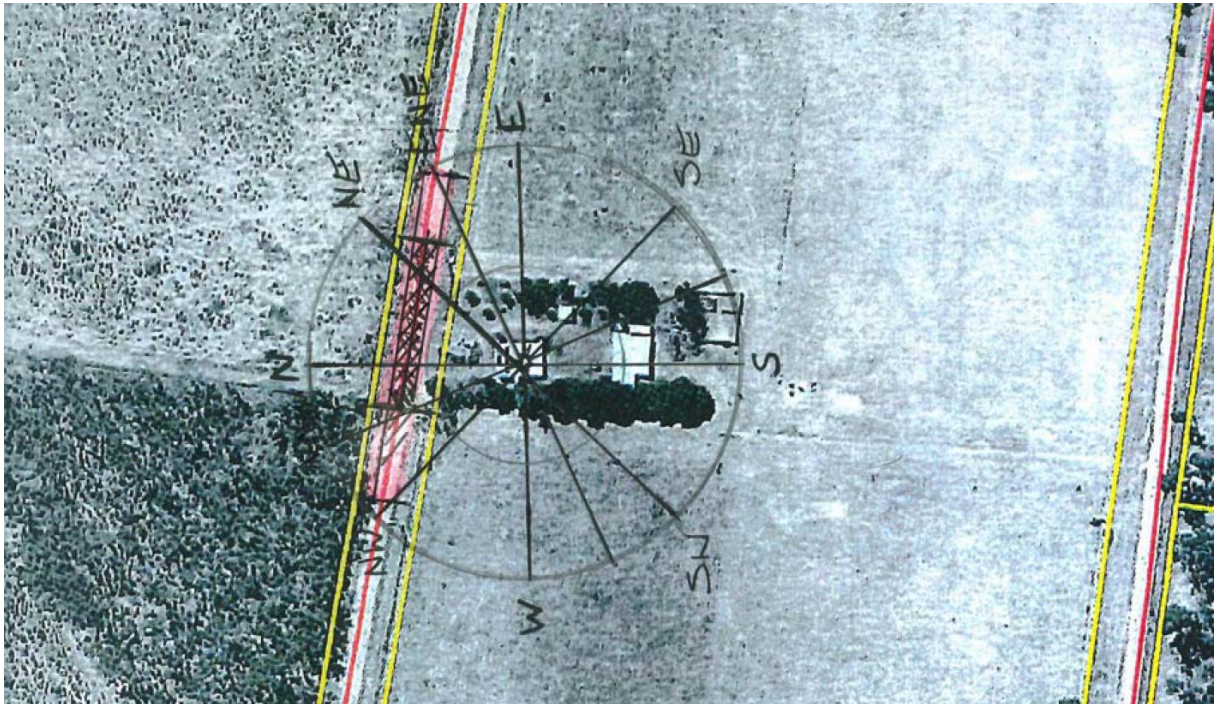
The chart below depicts the five-year annual average wind direction and speed at the Mareeba airport. The predominant wind is from the SE which would have no impact on traffic dust affecting the property at 25 Rogers Rd.

In considering the location of the road relative to the dwelling it is clear that the property would only be impacted by road dust when the wind is blowing from the NW to the ENE. The table below identifies that this would occur on average only 18.83 percent of the time. For 54.78 percent of the time the wind would in fact blow the dust away from the property.



Most notably the house is affected by predominant winds from the N to the ENE, given that readings are less than 1 percent each for wind blowing from the NW and NNW.

A solution can be offered requiring the provision of 50m of single coat dust seal. This is detailed on the attached aerial plan **below** identifying wind relative to the road and the dwelling.



The dwelling at 25 Rogers Rd has a frontage of 10m and at its closest point is 20m from the road. Sealing 10m adjacent to the dwelling and a further 10m to the West and 20m to the East will ensure that the predominant wind ranging from NNW to ENE will not blow dust towards 25 Rogers Rd. At its minimum distance the dirt road will be 33m to the NNW and 43m to the ENE from the receptor, noting that wind from the ENE is more predominant.

Encouraging Small Business

The provision of the proposed 100m seal to Rogers Rd is estimated to cost \$14,950. The proposed Motorhome Park is a small home-based business equating to a part-time job. At \$10 per night per motorhome we would require 1,495 motorhome nights just to meet this contribution. That would equate to approximately 50 percent of annual gross revenue when in full operation placing a significant financial burden on the venture in its start-up phase.

When considering the roadworks cost and the cost of other conditions coupled with the impact of increased rates and fees our forecasted net revenue places us in a position of having to consider the viability of proceeding with the development in the short term.

It is our understanding that the Mareeba Shire Council is actively seeking to grow the economic impact derived from grey nomads to the region and these excessive requirements fly in the face of this and serve to discourage the growth of small scale tourism operators such as ourselves.

Conclusion

The lots in question were registered in 1933. The residents of Rogers Road have been paying rates for 84 years and have not seen any capital investment in the road during that period. It

stands basically as it has for that entire period. In the past when agriculture was intensive on the lots in question the traffic impact would have been far greater than that which may be experienced by the development. This would also be the case should there be a return to intensive horticulture under the property's current land use designation. The condition has no regard to the relatively minimal impact of the traffic and the potential cost to us.

As such we request that condition 4.2 be amended as follows:

4.2 Rogers Road

*4.2.1 A **50** metres single coat dust seal on Rogers Road, in the prevailing wind direction is to be completed within three years for the purpose of minimising dust impacts on the dwelling house on Lot 1 on RP711202, to the satisfaction of Council's delegated officer.*

We look forward to arriving at what we believe to be fair outcome for all parties.

Response

The basis of the applicant's representations are:

- *Expected minimal daily vehicle movements (average 19.2 daily movements, max 30 daily movements);*
- *Wind direction – relevant dwelling house would be impacted when wind blowing from NW to the ENE, average 18.83% of year based on available wind data;*
- *A 50 metre dust seal would provide reasonable dust control to the relevant dwelling house when the wind is from the NW to ENE;*
- *The cost of a 100 metre dust seal would place a significant burden on the development in its start-up phase given the minimal revenue anticipated.*

Council officers have reviewed the applicant's representations and are of the opinion that the 50 metre dust seal proposed by the applicant is reasonable.

It is therefore recommended that Condition 4.2.1 be amended as follows:

*4.2.1 A **50** ~~400~~ metres single coat dust seal on Rogers Road, in the prevailing wind direction is to be completed within three years for the purpose of minimising dust impacts on the dwelling house on Lot 1 on RP711202, to the satisfaction of Council's delegated officer.*

Date Prepared: 3 January 2018

ATTACHMENT 1

65 Rankin Street
PO Box 154 MAREEBA QLD 4880

P: 1300 308 461
F: 07 4092 3323

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

16 November 2017

Officer: Brian Millard
Direct Telephone: 07 4086 4657
Our Reference: BJM:nj
Your Reference: Cleland

Darren Cleland
59 Rodgers Road
MAREEBA QLD 4880

Dear Sir

Decision Notice

Planning Act 2016

I refer to your application and advise that on 15 November 2017, Council decided to approve the application in full subject to conditions.

Details of the decision are as follows:

APPLICATION DETAILS

Application No:	MCU/17/0001
Street Address:	59 Rogers Road BIBOOHRA QLD 4880
Real Property Description:	Lot 1 RP 708214
Planning Scheme:	Superseded Mareeba Shire Planning Scheme 2004 (Amendment No. 01/11)

DECISION DETAILS

Type of Decision:	Approval
Type of Approval:	Development Permit for Material Change of Use - Motor Home Park
Date of Decision:	15 November 2017

CURRENCY PERIOD OF APPROVAL

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

INFRASTRUCTURE

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

ASSESSMENT MANAGER CONDITIONS

(A) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. Development must be carried out substantially in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:
 - found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
 - to ensure compliance with the following conditions of approval.
2. Timing of Effect
 - 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 development approval would not have been issued if not for the conditions requiring the construction of infrastructure within the conditions of approval.
 - 3.2 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
 - 3.3 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to commencement of the use and at the rate applicable at the time of payment.
 - 3.4 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.

3.5 Noise Nuisance

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

Guests are not permitted to play amplified music of any kind.

3.6 Waste Management

The applicant shall ensure there is no on site disposal of refuse associated with the approved use unless such refuse is disposed of in refuse bins provided in accordance with the following:

- (i) No refuse is to be stored on site outside the refuse bins at any time.
- (ii) An on-site refuse storage area for all refuse bins must be provided and be screened from view from adjoining properties and road reserve by a 1 metre wide landscaped screening buffer, 1.8m high solid fence or building.

Lids or coverings must be installed on all refuse storage bins when not in use to prevent wildlife scavenging.

3.7 Bushfire Management

3.7.1 A Bushfire Management Plan, incorporating evacuation procedures, campfire guidelines and fire break/trail maintenance for the motor home park must be prepared to the satisfaction of Council's delegated officer. The approved use must comply with the requirements of the Management Plan at all times.

3.7.2 The applicant must ensure any open fires are appropriately managed and contained.

3.8 Flood Evacuation Plan

The applicant shall prepare a flood evacuation plan for the motor home park. A copy of the flood evacuation plan must be given to each guest upon arrival at the motor home park.

3.9 Signage

3.9.1 No more than one (1) advertising sign for the approved development is permitted on the subject site.

- 3.9.2 The sign must not exceed a maximum sign face area of 6m² and must not move, revolve, strobe or flash.
 - 3.9.3 The sign must be kept clean, in good order and safe repair for the life of the approval.
 - 3.9.4 The sign must be removed when no longer required.
 - 3.9.5 The erection and use of the advertisement must comply with the Building Act and all other relevant Acts, Regulations and these approval conditions.
 - 3.10 The motor home park shall not accommodate more than 40 self-contained caravan/motorhomes at any one time.
 - 3.11 The maximum length of stay for any caravan/motorhome must not exceed five (5) consecutive days.
 - 3.12 The motor home park must only accommodate self-contained motor homes. Self-contained motor homes must have an on-board toilet and shower, on-board water supply and wastewater holding tanks.
4. Infrastructure Services and Standards
- 4.1 Access

An access crossover must be constructed/upgraded (from the edge of Rogers Road to the property boundary of the subject site) to the satisfaction of Council's delegated officer.
 - 4.2 Rogers Road
 - 4.2.1 A 100 metres single coat dust seal on Rogers Road, in the prevailing wind direction is to be completed within three years for the purpose of minimising dust impacts on the dwelling house on Lot 1 on RP711202, to the satisfaction of Council's delegated officer.
 - 4.2.2 The reasonable value, as agreed by Council's delegated officer, of work required under Condition 4.2.1, will be credited towards the infrastructure contribution payable under Condition 5.2.
 - 4.3 Stormwater Drainage/Water Quality
 - 4.3.1 The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.

4.3.2 Prior to the development commencing, the applicant must develop a Stormwater Quality Management Plan, including an Erosion and Sediment Control Plan. The plan must detail what measures will be implemented to prevent erosion in the event the surface of the motor home park area deteriorates due to wet weather and/or high traffic.

4.3.3 The applicant/developer must ensure that the Stormwater Quality Management Plan is complied with for the life of the development.

4.4 Car Parking/Internal Driveways

4.4.1 All car parking associated with the motor home park must be accommodated within the identified motor home park area.

4.4.2 The internal access road shown on the approved plan must be constructed (from the edge of the access crossover mentioned in Condition 4.1 to the approved motor home park area) to a four (4) metre wide all weather compacted gravel standard, prior to the commencement of the use.

The internal access road must be maintained at this standard for the life of the development.

4.5 Lighting

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

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

4.6 Non-Reticulated Water Supply

All non-potable water supplied to park visitors must be clearly labelled at each tap - Non Potable Water - not safe for Human Consumption.

In the event that the motor home park is provided with a potable water supply, it must be treated so as to be potable (safe for drinking in accordance with National Health Medical Research Guidelines).

4.7 On-Site Wastewater Management

4.7.1 No black or grey water from caravans/motorhomes is to be discharged on site.

4.7.2 Any accidental discharge of black or grey water on site must be reported to Council immediately.

5. Additional Payment Condition

5.1 The additional payment condition has been imposed as the development will create additional demand on trunk infrastructure which will create additional trunk infrastructure costs for council.

5.2 The developer must pay \$4,320.00 toward trunk infrastructure with the amount of the contribution increased on 1 July each year in accordance with the increase for the PPI index for the period starting on the day the development approval takes effect, adjusted by reference to the 3-yearly PPI index average to the date of payment.

A credit will be applied towards this contribution in accordance with Condition 4.2.2.

5.3 The trunk infrastructure for which the payment is required is:

- The trunk transport infrastructure servicing the land

5.4 The developer may elect to provide part of the trunk infrastructure instead of making the payment.

5.5 If the developer elects to provide part of the trunk infrastructure the developer must:

- Discuss with Council's delegated officer the part of the works to be undertaken;
 - Obtain the necessary approvals for the part of the works;
 - Indemnify the Council in relation to any actions, suits or demands relating to or arising from the works;
 - Take out joint insurance in the name of the Council and the developer in the sum of \$20,000,000 in relation to the undertaking of the works;
 - Comply with the reasonable direction of Council officers in relation to the completion of the works;
 - Complete the works to the standards required by the Council;
- and

DECISION NOTICE

MCU/17/0001
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- Complete the works prior to endorsement of the plan of subdivision.

REFERRAL AGENCIES

Not Applicable.

APPROVED PLANS

Plan/Document Number	Plan/Document Title	Prepared by	Dated
Appendix 4	Proposal Plan	-	-

REFERENCED DOCUMENTS

Not Applicable.

ADVISORY NOTES

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

(A) ASSESSMENT MANAGER'S ADVICE

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

- (b) Compliance with applicable codes/policies

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

- (c) Compliance with Acts and Regulations

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

- (d) Environmental Protection and Biodiversity Conservation Act 1999

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

Mareeba Shire Council

DECISION NOTICE

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Page 8**(e) Cultural Heritage**

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

(f) Motor Home Park/Caravan Park/Camping Ground

The applicant is advised that an application to Council for approval to operate under Council *Local Law No 1 (Administration) 2011* is required prior to the commencement of the motor home park/caravan park/camping ground.

PROPERTY NOTES

Not Applicable.

VARIATION APPROVAL

Not Applicable.

FURTHER DEVELOPMENT PERMITS REQUIRED

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

SUBMISSIONS

There was one (1) properly made submission about the application. In accordance with the *Planning Act 2016*, the name, residential or business address, and electronic address of the principal submitter for each properly made submission is provided and attached.

Name of principal submitter	Address
1. W Cardew	PO Box 2050, Mareeba

RIGHTS OF APPEAL

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

DECISION NOTICE

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During the appeal period, you as the applicant may suspend your appeal period and make written representations to council about the conditions contained within the development approval. If council agrees or agrees in part with the representations, a "negotiated decision notice" will be issued. Only one "negotiated decision notice" may be given. Taking this step will defer your appeal period, which will commence again from the start the day after you receive a "negotiated decision notice".

OTHER DETAILS

If you wish to obtain more information about Council's decision, electronic copies are available on line at www.msc.qld.gov.au, or at Council Offices.

Yours faithfully

BRIAN MILLARD
SENIOR PLANNER

Enc: Approved Plan
List of Submitters
Appeal Rights

Mareeba Shire Council

Document Set ID: 3330079
Version: 1, Version Date: 21/11/2017

Approved Plans/Documents



DECISION NOTICE

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List of Submitters

PLANNING ACT 2016 & THE PLANNING REGULATION 2017

Only Properly Made Submissions are to be included in this notice

MCU/17/0001

P. URP - incl
IT URP.

Warren Cardew
PO Box 2050
Mareeba Qld 4880

Department of Planning
Mareeba Shire Council
PO Box 154
Mareeba Qld 4880

Dear Sir

Material change of use – Motor Home Park (Self-Contained accommodation vehicles) Lot 1 on RP708214 situated at 59 Rogers Rd Bibohra

I Warren Cardew would like to formally lodge an objection to the proposal of Material Change of Use for a Motor Home Park (Self-Contained accommodation vehicles) for 59 Rogers Rd. Our property, 25 Rogers Rd or Lot 1 on RP 711202 is adjacent to the proposed property. Our property and home access is directly on to Rogers Rd.

Rogers Rd is an unsealed dirt road which is only 25M from our front door. My main objection is to the amount of dust that would be generated from the increased traffic on the unsealed road which would greatly affect our quality of life. This area is zoned rural and as such have a limited traffic flow. Rogers Rd services only 3 properties and is also a dead end road. So traffic is limited, there are only 2 houses directly serviced by this unsealed road so traffic is limited to only 2 families.


The proposed material change could see traffic movements up to an extra 80 heavy vehicles per day for six months in the driest time of the year, which would mean our home would be engulfed in dust every time a RV or Caravan ensemble entered or exited the proposed Motor Park. This number is based on the maximum parks available for the proposed site. There is also the possibility of even more traffic movements when people access local shops for basic supplies and tourist activities.

This proposed material change of use is totally unacceptable unless Rogers Rd is sealed before any proposed development takes place. I would also ask the council to consider the use of speed bumps on the sealed road to slow the traffic near our house as we have small children staying with us on a regular basis. The wind due to the topography of the area blows from the North East predominately so any vehicle entering or exiting Rogers Rd the dust generated blows directly into our home.

I refer to Table 1 Strategic Outcomes – Development Response section f and r. The proposed development dismiss any impact on local residents, this is not the case as my family is directly affected by air pollution and traffic interaction.

I ask the planning department to a knowledge receiving this letter by return correspondence to P.O. Box 2050 Mareeba 4880 and to consider my objection.

Kind regards


Warren Cardew



Document Set ID: 3364961
Version: 1, Version Date: 23/08/2017

Mareeba Shire Council

Document Set ID: 3330079
Version: 1, Version Date: 21/11/2017

Appeal Rights

PLANNING ACT 2016 & THE PLANNING REGULATION 2017

Chapter 6 Dispute resolution**Part 1 Appeal rights****229 Appeals to tribunal or P&E Court**

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

(Refer to Schedule 1 of the Planning Act 2016)

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

Note –

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

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt. It is declared that an appeal against an infrastructure charges notice must not be about-

- (a) the adopted charge itself; or
- (b) for a decision about an offset or refund-
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

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

231 Other appeals

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

- (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or failure to make a decision; and
 - (d) a purported decision ; and
 - (e) a deemed refusal.
- non-appealable, for a decision or matter, means the decision or matter-*
- (a) is final and conclusive; and
 - (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the Judicial Review Act 1991 or otherwise, whether by the Supreme Court, another court, a tribunal or another entity; and
 - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

232 Rules of the P&E Court

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

ATTACHMENT 2

ATTN: Mareeba Shire Council

Negotiated Decision Notice for MCU/17/0001 – 59 Rogers Road Bibbohra

Thank-you for providing the Decision Notice for MCU/17/0001. We are in acceptance of the conditions except the following:

4.2 Rogers Road

4.2.1 A 100 metres single coat dust seal on Rogers Road, in the prevailing wind direction is to be completed within three years for the purpose of minimising dust impacts on the dwelling house on Lot 1 on RP711202, to the satisfaction of Council's delegated officer.

In the case of the site in question the condition to seal 100m of Rogers Road is excessive and at its proposed length is also not relevant and reasonable to the development.

Most of the proposed length of the road at 100m would not have any impact on ameliorating the dust impacts on the dwelling at 25 Rogers Rd.

Traffic Impact

Estimated traffic impacts of the development are minimal. The Campervan & Motorhome Club of Australia estimates that RV travellers travelling in regional and outback Queensland stay on average 2.15 nights. Occupancy has been estimated based on discussion with industry participants.

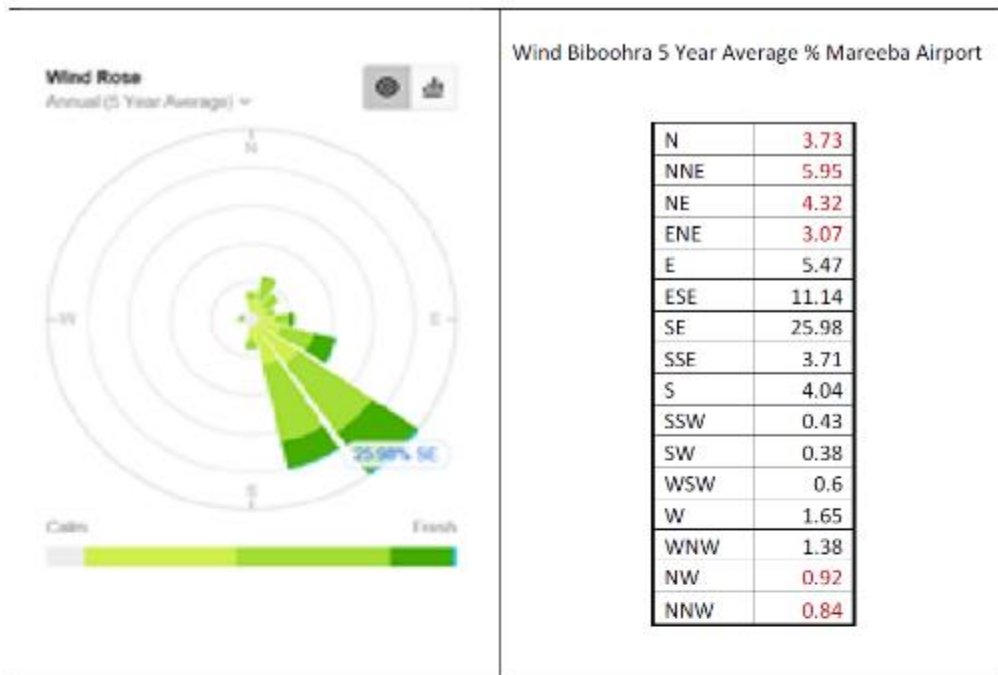
	May	June	July	August	September	October
Days	31	30	31	31	30	31
Sites	40	40	40	40	40	40
Occupancy	30%	60%	80%	60%	50%	30%
Movements 2 per vehicle per 2.15 day stay	0.93	0.93	0.93	0.93	0.93	0.93
Movements per month	346	670	923	692	558	346
Movements per day	11	22	30	22	19	11

As per the table above it is estimated that on average only 19.2 movements per day up to a maximum of 30 movements per day will be experienced over the six-month operating period.

Wind Direction

The chart below depicts the five-year annual average wind direction and speed at the Mareeba airport. The predominant wind is from the SE which would have no impact on traffic dust affecting the property at 25 Rogers Rd.

In considering the location of the road relative to the dwelling it is clear that the property would only be impacted by road dust when the wind is blowing from the NW to the ENE. The table below identifies that this would occur on average only 18.83 percent of the time. For 54.78 percent of the time the wind would in fact blow the dust away from the property.



Most notably the house is affected by predominant winds from the N to the ENE, given that readings are less than 1 percent each for wind blowing from the NW and NNW.

A solution can be offered requiring the provision of 50m of single coat dust seal. This is detailed on the attached aerial plan **Attachment 1** identifying wind relative to the road and the dwelling.

The dwelling at 25 Rogers Rd has a frontage of 10m and at its closest point is 20m from the road. Sealing 10m adjacent to the dwelling and a further 10m to the West and 20m to the East will ensure that the predominant wind ranging from NNW to ENE will not blow dust towards 25 Rogers Rd. At its minimum distance the dirt road will be 33m to the NNW and 43m to the ENE from the receptor, noting that wind from the ENE is more predominant.

Encouraging Small Business

The provision of the proposed 100m seal to Rogers Rd is estimated to cost \$14,950. The proposed Motorhome Park is a small home-based business equating to a part-time job. At \$10 per night per motorhome we would require 1,495 motorhome nights just to meet this contribution. That would equate to approximately 50 percent of annual gross revenue when in full operation placing a significant financial burden on the venture in its start-up phase.

When considering the roadworks cost and the cost of other conditions coupled with the impact of increased rates and fees our forecasted net revenue places us in a position of having to consider the viability of proceeding with the development in the short term.

It is our understanding that the Mareeba Shire Council is actively seeking to grow the economic impact derived from grey nomads to the region and these excessive requirements fly in the face of this and serve to discourage the growth of small scale tourism operators such as ourselves.

Conclusion

The lots in question were registered in 1933. The residents of Rogers Road have been paying rates for 84 years and have not seen any capital investment in the road during that period. It stands basically as it has for that entire period. In the past when agriculture was intensive on the lots in question the traffic impact would have been far greater than that which may be experienced by the development. This would also be the case should there be a return to intensive horticulture under the property's current land use designation. The condition has no regard to the relatively minimal impact of the traffic and the potential cost to us.

As such we request that condition 4.2 be amended as follows:***4.2 Rogers Road***

4.2.1 A 50 metres single coat dust seal on Rogers Road, in the prevailing wind direction is to be completed within three years for the purpose of minimising dust impacts on the dwelling house on Lot 1 on RP711202, to the satisfaction of Council's delegated officer.

We look forward to arriving at what we believe to be fair outcome for all parties.

Regards,

Darren and Tonina Cleland

Attachment 1



ITEM-2 **MAISEL AG PTY LTD TTE - MCU - CAR WASH - LOT 2
M35663 - 308 BYRNES STREET, MAREEBA -
MCU/17/0007.DOCX**

MEETING: Ordinary

MEETING DATE: 24 January 2018

**REPORT OFFICER'S
TITLE:** Senior Planner

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	Maisel Ag Pty Ltd	ADDRESS	308 Byrnes Street, Mareeba
DATE OF NDN REQUEST	10 January 2018	RPD	Lot 2 on M35663
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Car Wash		
FILE NO	MCU/17/0007	AREA	1,381m ²
LODGED BY	Freshwater Planning Pty Ltd	OWNER	Maisel Ag Pty Ltd
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Low Density Residential		
LEVEL OF ASSESSMENT	Impact Assessment		
SUBMISSIONS	Two (2) Submissions Received		

ATTACHMENTS: 1. Decision Notice dated 20 December 2017
2. Applicant's written representations received 10 January 2018

EXECUTIVE SUMMARY

Council approved a development application described in the above application details at its meeting held on 20 December 2017, subject to conditions.

The application was impact assessable and two (2) properly made submissions were received in response to public notification of the application.

The applicant has subsequently made written representations about Conditions 3.6.1, 3.4.2, 3.4.3 (hours of operation & noise), 4.1 and 4.2 (access and Lerra Street widening) and requests the issue of a negotiated decision notice.

Council officers have reviewed the applicant's representations and are of the opinion that the requested amendments to Conditions 3.6.1 and 4.1 are reasonable. A partial amendment to Condition 4.2 is recommended to require widening of Lerra Street (from Byrnes Street to Kennedy Street) on the development side only.

It is recommended that the request be approved in part and a negotiated decision notice be issued.

OFFICER'S RECOMMENDATION

It is recommended that:

- "1. In relation to the written representations made by Freshwater Planning Pty Ltd on behalf of Maisel Ag Pty Ltd regarding conditions of the following development approval:

APPLICATION		PREMISES	
APPLICANT	Maisel Ag Pty Ltd	ADDRESS	308 Byrnes Street, Mareeba
DATE OF NDN REQUEST	10 January 2018	RPD	Lot 2 on M35663
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Car Wash		

and in accordance with the Planning Act 2016,

- (A) Condition 3.6.1 as per Council's Decision Notice issued on 20 December 2017 be amended as follows:

3.6.1 Car Wash Bays

The car wash component of the approved use (super wash bay, wash bays 1 & 2 and auto wash bays 1 & 2) are permitted to operate 24 hours a day, 7 days per week.

- (B) Conditions 4.1 and 4.2 as per Council's Decision Notice issued on 20 December 2017 be amended as follows:

4.1 Access

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

The applicant/developer must ensure that any redundant vehicle crossovers are removed and reinstated with kerb and channel.

4.2 Roadworks External Construction

Prior to the commencement of the use, the applicant/developer is required to construct the following works, designed in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

- *The development side of Lerra Street only, must be widened from the edge of the existing bitumen seal to the existing kerb and channel from the intersection of Lerra Street and Byrnes Street to the intersection of Lerra Street and Kennedy Street.*
- *The widening works must be bitumen or asphalt standard, and must include sufficient overlapping of the existing bitumen seal to ensure an appropriate bond of surfaces is achieved, to the satisfaction of Council's delegated officer.*

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

(C) Conditions 3.4.2 and 3.4.3 remain as per Council's Decision Notice issued on 20 December 2017.

2. A Negotiated Decision Notice be issued to the applicant, State referral agency and submitters advising of Council's decision."

THE SITE

The subject site is situated diagonally opposite the Mareeba Mazda/Mitsubishi dealership at 308 Byrnes Street, Mareeba, and is described as Lot 2 on M35663. The site is generally regular in shape with an area of 1,381m² and is zoned Low Density Residential under the Mareeba Shire Council Planning Scheme 2016.

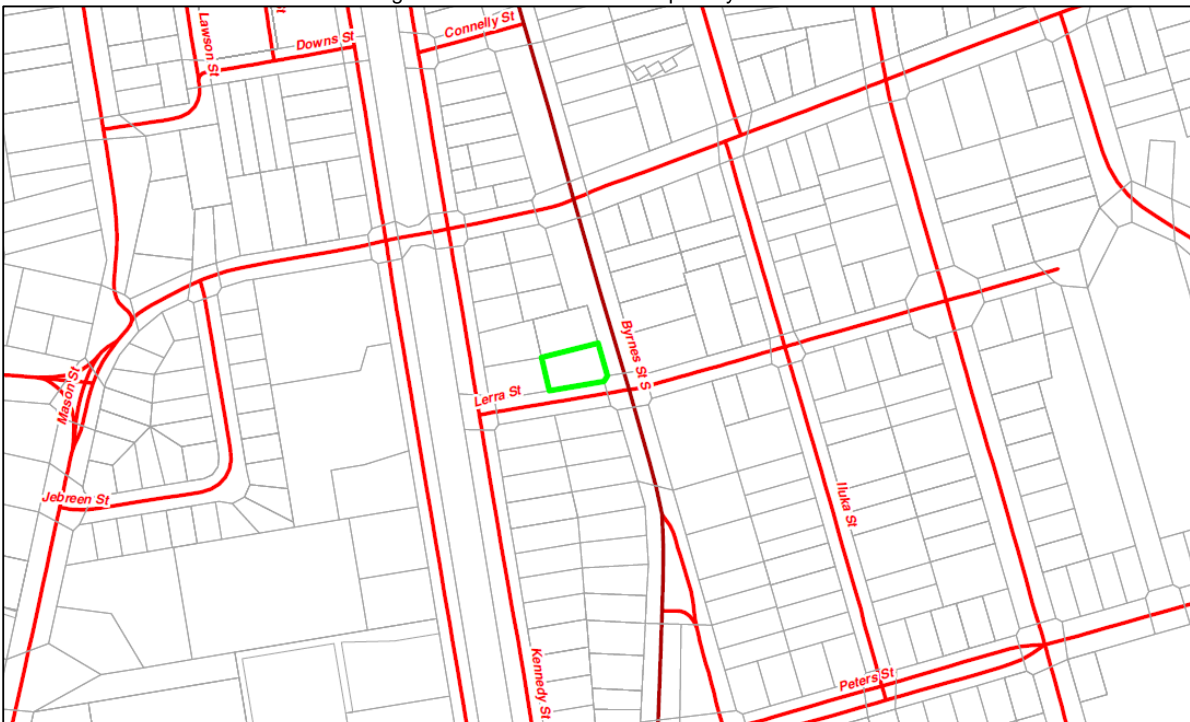
The site contains approximately 27 metres of frontage to Byrnes Street and approximately 50 metres of frontage to Lerra Street. Byrnes Street is a State controlled road and is bitumen sealed from kerb to kerb. Lerra Street is also constructed to a bitumen sealed standard, however, is not sealed to the kerbing on either side of the road.

Although previously containing a dwelling and mature landscaping, the site has now been cleared of all improvements and vegetation. All immediate surrounding lots are zoned Low Density Residential and contain single detached dwellings. The allotment to the north of the site contains an accounting business and remedial massage 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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BACKGROUND AND CONTEXT

On the 20 December 2017, Council approved the application made by Freshwater Planning Pty Ltd on behalf of Maisel Ag Pty Ltd for the issue of a development permit for Material Change of Use – Car Wash over land described as Lot 2 on M35663, situated at 308 Byrnes Street, Mareeba.

The approval was granted subject to various conditions. The decision notice was issued on 20 December 2017 and is included as **Attachment 1**.

Freshwater Planning Pty Ltd, on behalf of the applicant, have written to Council making representations (**Attachment 2**) in relation to Conditions 3.6.1, 3.4.2, 3.4.3, 4.1 and 4.2 and seeking the issue of a negotiated decision notice.

APPLICANT'S REPRESENTATIONS

Maisel Ag Pty Ltd has provided the following statement in support of their request for the issue of a negotiated decision notice:

The Mareeba Township is currently lacking what is considered by many residents as a necessary facility for enhanced liveability, especially for a Rural Township, in the form of a Car Wash. This is particularly important in a region that is looking towards water restrictions, has growing concern and involvement in protecting the Great Barrier Reef from untreated stormwater runoff and whose Township, we believe, is ready to meet the North's investment potential. Since lodging the Development Application with Council, and in particular since undertaking Public Notification, many Residents and Business owners have remarked that this is a long required facility that Mareeba will now be able to list among its many services. There has been a lot of positive talk and excitement about this project, with the most asked question now being "when will it be open?" This is further evidenced by Council receiving only a single, negative Submission to a Use on the main road into the Mareeba CBD.

Mareeba is a Rural Town that is considered to be a gateway to the north for all forms of travellers, including business, residents, agricultural and its supporting industries, grey nomads and tourists. The Mareeba Township currently offers a wide range of essential services (ie: service stations, news agencies, McDonalds, etc.) that operate either 24 hrs each day or open early in the morning at around 4am or 5am.

A substantial amount of research was undertaken prior to completing the proposed Development Application that was presented for approval. As a result, Specific Car Wash and Acoustic design professionals who specialise in designing Car Washes and mitigating the acoustic effects to the immediate adjoining residents were engaged, at considerable cost, with the brief to ensure that the design was optimised for the block, was gentle in both its colour scheme and building design features and would meet or exceed all stringent planning and design requirements/regulations. We voluntarily restricted the hours of operation for the vacuum bays from 7am to 10pm as a courtesy to the adjoining residential properties. Furthermore, the professionals engaged design Car Washes all around Australia and are familiar with the specific characteristics that need to be included on Car Wash sites to make the development financially viable, function in accordance with all of the local regulations and mitigate negative effects to the surrounding residents and infrastructure.

The proposed Car Wash development has been designed with the diverse Township's 'culture' in mind. Being open for patrons 24 hours a day will help to ensure a viable business by not only being able to cater to all these diverse needs, but to enhance the customer experience by reducing queuing times and by providing choice to patrons to avoid busy road times (such as the school drop-off and pickup gridlock that we have all experienced on Byrnes Street) which will enhance road and patron safety. The site's own security will also be enhanced by 24 hr operation.

Extensive investigations were undertaken by ourselves in relation to the required operating hours. We attended over 20 Car Washes from Cairns to Brisbane, discussing at length with the owners/operators what was required to meet customer expectations and to run a successful Car Wash. As a result, we have learned that most patrons expect a Car Wash to be open 24hrs, right in line with most fuel stations. Our proposed Car Wash site is located between two 24hr fuel/mini-mart service stations.

Unfortunately, the current Conditioned Operating Hours, as altered by the Councillor's within Council's Meeting, has jeopardized the viability of this commercial venture and caused us to rethink our position on moving forward with the project.

Condition 3.6.1

3.6 Hours of Operation

3.6.1 Car Wash Bays

The car wash component of the approved use (super wash bay, wash bays 1 & 2 and auto wash bays 1 & 2) are permitted to operate between the hours of 7 am and 10 pm, seven (7) days per week.

Representation by Applicant

The Mareeba Shire's Town Planning Officers Recommended that the Operating Hours for the Approved Car Wash be restricted to only the Vacuum Bays and Dog Wash, with the Super Wash Bay, Self-Serve Wash Bays and Auto Wash Bays to operate 24 hours a day, 7 days a week. This Recommendation was attributed to the EcoAcoustics Environmental Noise Assessment and TMC Building Design Groups Proposal Plans. It is understood that at the Council Meeting (20 December, 2017) the Councillors Amended the Town Planning Officers Recommended Hours of Operation over the entire site. This severe reduction in operating hours will have a significant impact to the viability of this commercial venture.

The EcoAcoustics Environmental Noise Assessment and submitted Development Plans, integrate Noise Amelioration in the physical form of:

- 1. Concrete panel walls;*
- 2. Acoustic fencing;*
- 3. Automatic, rapid close, roller doors to the Automatic Wash Bays entry and exit;*
- 4. End caps being fitted to the Vacuum Bay islands; and*
- 5. Lining the Vacuum Bay roof with acoustic insulation.*

The site itself has been specifically designed to minimise acoustic impacts by:

1. *Positioning the Vacuum Bays to the west of the site with a concrete panel boundary wall and acoustic lined roof- greatly minimising any impact to the residents to the west/northwest;*
2. *Positioning the Dog Washes closest to Lerra Street due to the low noise generated in this area. This allows the Vacuum Islands to be further away from Lerra Street, increases the distance of travel to nearby noise receiving locations and allows greater shielding from the main Car Wash building;*
3. *Including two automatic wash bays (instead of one) greatly increases the equipment costs, but lowers the overall noise generated by the site as these two Automatic Wash bays are essentially a 4-sided concrete panel wall enclosure with the entry/exit opening covered with a high-speed acoustic roller door;*
4. *Positioning the Super Wash Bay concrete panel wall closest to the northern boundary. This allows a larger site boundary wall coverage, and hence effectively mitigates the noise effects to the adjoining building approximately 9 metres away; and*
5. *Positioning the Plant Room between the Super Wash Bay and the Self-Serve Wash Bays which prevents the overall intensification of noise produced from these wash bays that can occur when there are a number of non-automatic wash bays lined consecutively.*

The above points outline the included Car Wash physical and design Attenuation Measures. When they are combined with the noise criteria set out within the Environmental Protection (Noise) Policy, 2008 (details contained within the accompanying acoustic report completed by EcoAcoustics) the proposal clearly demonstrates that the overall site can operate 24 hours a day, with the Vacuum Bays and Dog Wash restricted to operate between 7am to 10pm. The proposal is considered to meet and exceed the minimum acoustic design requirements ensuring that appropriate and additional Noise Amelioration is provided which will deliver the most appropriate outcomes to the adjoining Residential Area.

As stated above by the proponents of the site; for this Car Wash Facility to be viable and sustainable, the Conditioned Hours of Operation need to be amended back to the original Town Planning Officers Recommendation. As Mareeba is a Rural Township, a starting time of 7 am is inappropriate as this removes a substantial portion of clientele in the form of (but not limited to) Rural Workers, Grey Nomads, Travellers to and from the Cape and Cairns, Business persons and operators, tourists and residents commuting to both Cairns and the surrounding Tablelands for work, holidays and other essential services not currently provided within Mareeba. The proponents have worked closely with Council's Planning Department in relation to the Development to ensure that an appropriate Development including sufficient Noise Amelioration was provided.

It is requested that the Hours of Operation revert to the original Town Planning Officers Recommendation of a 24 hours a day trading period, with the Vacuum Bays and Dog Wash restricted to operate between 7am to 10pm; as this is what is considered to be most appropriate and viable for this Commercial Venture within the Mareeba Rural Township.

If Council has further concerns in relation to the provided Noise Ameliorations within the TMC Building Design Groups Proposal Plans and Attenuation Measures outlined within the EcoAcoustics Report, we ask that a Peer Review nominating the specific areas of concerns be provided so this may be investigated further.

It is also noted that if Council still chooses to alter the Hours of Operation from a 24 hours a day trading period, with the Vacuum Bays and Dog Wash restricted to operate between 7am to 10pm then the current level of Noise Amelioration currently documented throughout the Design and required by the EcoAcoustic Report will be substantially reduced while still complying with the requirements of the Environmental Protection (Noise) Policy, 2008. This will result in an acceptable (but greater level of noise generated over the site) as the acoustic mitigation requirements will be significantly reduced from those required for operating during the day, evening and night hours.

In conclusion, the current Conditioned Hours of Operation are not considered to be reasonable or fair given that 24hr operation of fuel stations both to the North and South of the site are adjacent to residential lots, and will increase the risk that the Car Wash Facility will become an unviable venture.

It is requested that Condition 3.6 Hours of Operation Condition be amended to the following:

3.6 Hours of Operation

3.6.1 Car Wash Bays

*The car wash component of the approved use (super wash bay, wash bays 1 & 2 and auto wash bays 1 & 2) are permitted to operate ~~between the hours of 7 am and 10 pm, seven (7) days per week~~ **24 hours a day, 7 days per week.***

Response

The applicant's representations in respect of Condition 3.6.1 are comprehensive and based on the expert advice provided in the EcoAcoustic Report.

Based on the acoustic expert's report and the noise amelioration measures to be incorporated into the development, the proposed 24 hour operation of the car wash bays will not result in unreasonable noise impact.

Notwithstanding the above, Condition 3.4.3 of the development approval provides a fall back condition in the event of a substantiated future noise complaint.

Condition 3.4.3 is as follows:

3.4.3 In the event that a substantiated (in the opinion of Council's delegated officer) noise complaint is received by Council regarding the approved use, the complaint will need to be assessed by an independent acoustic engineer (RPEQ certified) at the sole cost of the applicant/developer or any subsequent owner/operator.

The complaint shall be assessed against the conditions of approval and the Environmental Protection (Noise) Policy 2008.

Any additional noise mitigation measures recommended by the independent acoustic consultant are to be implemented by the applicant

within three (3) months of Council directing the applicant/developer or any subsequent owner/operator to do so.

In response to the applicant's representations, the findings of the EcoAcoustic Report, and the protections offered under Condition 3.4.3, it is recommended that Condition 3.6.1 be amended as follows:

3.6.1 Car Wash Bays

*The car wash component of the approved use (super wash bay, wash bays 1 & 2 and auto wash bays 1 & 2) are permitted to operate ~~between the hours of 7 am and 10 pm, seven (7) days per week~~ **24 hours a day, 7 days per week.***

Conditions 3.4.2 and 3.4.3

3.4 Noise Nuisance/Control

3.4.2 *All noise attenuation measures proposed for the development and included on the approved plans, including the concrete panel walls, acoustic fencing and the recommendations included in Part 6 – Recommendations and Discussion of EcoAcoustics Environmental Noise Assessment dated 20 November 2017 (Report No. 17060451-01b) must be constructed and implemented prior to the commencement of the use, to the satisfaction of Council's delegated officer.*

The approved use is not to include any sound projecting objects or systems that may cause nuisance to adjoining properties.

3.4.3 *In the event that a substantiated (in the opinion of Council's delegated officer) noise complaint is received by Council regarding the approved use, the complaint will need to be assessed by an independent acoustic engineer (RPEQ certified) at the sole cost of the applicant/developer or any subsequent owner/operator.*

The complaint shall be assessed against the conditions of approval and the Environmental Protection (Noise) Policy 2008.

Any additional noise mitigation measures recommended by the independent acoustic consultant are to be implemented by the applicant within three (3) months of Council directing the applicant/developer or any subsequent owner/operator to do so.

Representation by Applicant

The Mareeba Shire's Town Planning Officers Recommended that the Operating Hours for the Approved Car Wash be restricted to only the Vacuum Bays and Dog Wash with the Super Wash Bay, Self-Serve Wash Bays and Automatic Wash Bays to operate 24 hours a day, 7 days a week (attributed to the EcoAcoustics Environmental Noise Assessment and TMC Building Design Groups Proposal Plans). It is understood that at the Council Meeting on the 20 December, 2017 the Councillors Amended the Council Town Planner's Recommended Hours of Operation over the entire site, severely

reducing the Hours which is considered to result in a non-viable venture as aforementioned.

If the Hours of Operation Condition is not Amended to an appropriate outcome, then the following Conditions need to be amended. If the Hours of Operation remain as per Conditioned, then the Noise Amelioration provisions provided within the TMC Design Plans and required within the EcoAcoustic Report will need to be amended (as the designed trading hours will be decreased) to comply with only the minimum day and evening requirements of the Environmental Protection (Noise) Policy, 2008. This will result in an acceptable (but greater level of noise generated over the site) as the acoustic mitigation requirements will be significantly reduced from those required for operating during the day, evening and night hours.

If the Hours of Operation Condition is not Amended, the Hours of Operation are severely decreased and the Conditioned Substantiated Noise Complaint requirement is no longer required or acceptable given the reduced Hours of Operation. As the Hours are altered to standardised hours, the ability for substantial noise complaints are now removed and this needs to be reflected in the Approved Conditions. It is not considered fair, reasonable, relevant or acceptable to require substantial Noise Attenuation Measures and Noise Complaint requirements for the reduced Hours of Operation.

If the Hours of Operation Condition (Condition 3.6) is not amended to reflect an appropriate outcome to both the Council and Applicant then it is requested that Condition 3.4 Noise Nuisance/Control be amended to the following:

3.4 Noise Nuisance/Control

- 3.4.2 ~~All~~ Noise attenuation measures proposed for the development ~~and~~ included on the approved plans, including the concrete panel walls, acoustic fencing ~~and the recommendations included in Part 6 – Recommendations and Discussion of EcoAcoustics Environmental Noise Assessment dated 20 November 2017 (Report No. 17060451-01b)~~ must be constructed and implemented prior to the commencement of the use, to the satisfaction of Council's delegated officer.

The approved use is not to include any sound projecting objects or systems that may cause nuisance to adjoining properties.

- ~~3.4.3 In the event that a substantiated (in the opinion of Council's delegated officer) noise complaint is received by Council regarding the approved use, the complaint will need to be assessed by an independent acoustic engineer (RPEQ certified) at the sole cost of the applicant/developer or any subsequent owner/operator.~~

~~The complaint shall be assessed against the conditions of approval and the Environmental Protection (Noise) Policy 2008.~~

Response

As it is proposed to amend Condition 3.6.1, no change is recommended to Conditions 3.4.2 and 3.4.3.

Conditions 4.1 and 4.2

4.1 Access

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

The applicant/developer must ensure that any redundant vehicle crossovers are removed and reinstated with kerb and channel.

Exit onto Lerra Street must be left turn only.

4.2 Roadworks External Construction

Prior to the commencement of the use, the applicant/developer is required to construct the following works, designed in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

- Lerra Street must be widened from the edge of the existing bitumen seal to the existing kerb and channel from the intersection of Lerra Street and Byrnes Street to the intersection of Lerra Street and Kennedy Street.
- The widening works must be bitumen or asphalt standard, and must include sufficient overlapping of the existing bitumen seal to ensure an appropriate bond of surfaces is achieved, to the satisfaction of Council's delegated officer.

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

Representation by Applicant

The Mareeba Shire Town Planning Officers have been working closely with Freshwater Planning Pty Ltd and the Applicant in relation to the preparation of the proposed Car Wash layout which included the provision of Draft Conditions and discussions in relation to any items that were of concern to both Council and/or the Applicant. It is understood that after the Planning Officers and Applicant found an agreeable ground for the Draft Conditions, Council's Management Team altered the Conditions adding 'Exit onto Lerra Street must be left turn only' and 'Lerra Street must be widened from the edge of the existing bitumen seal to the existing kerb and channel from the intersection of Lerra Street and Byrnes Street to the intersection of Lerra Street and Kennedy Street' as opposed to the Draft Condition which required that the 'development side of Lerra Street only, must be widened from the edge of the existing bitumen seal to the existing kerb and channel from the intersection of Lerra Street and Byrnes Street to a point ten (10) metres to the west of the sites western boundary'.

It is understood that the provided Conditions within the Decision Notice are illegal as they provide not reasonable, relevant, fair or acceptable requirements on the Developer. It is not considered appropriate or moral for the Council to require the External Road Upgrade of Lerra Street to the Kennedy Street intersection especially if requiring the exit to the site to be 'left turn only' on Lerra Street, therefore further limiting the use of the already accepted limited use of Lerra Street from Kennedy Street. The site has been

meticulously designed to ensure that the Car Wash not only works as efficient as possible but to also ensure that the most appropriate vehicular movements are achieved. The Department of Transport and Main Roads has restricted the site to ingress only from Byrnes Street with all egresses to be provided to Lerra Street. The internal design of the Car Wash ensures that this is to occur and any ingress from Lerra Street caters for the Use of the Vacuum Bays and Dog Wash only as any Car Washing Facilities are accessed from Byrnes Street. This ensures that a greatly limited access to the site is provided from Lerra Street and minimal use of Lerra Street from Kennedy Street.

Discussions with the Applicant, their consultants, along with Council's Planning Officers all agree that the substantial majority of customers (for not only this Development but any development) look for the shortest and most appropriate route possible, which in this instance, is considered to be Byrnes Street and not through the back streets. It is considered that creating a 'left turn only' onto Lerra Street will, for the majority, punish the surrounding residential area, and in particular residents of Kennedy Street, as these will be most affected by ensuring that a longer and more inconvenient travel will occur. It is considered that if even 1 in 10 vehicles egress the site towards Kennedy Street, then that equates to approximately 10 vehicles per day (the same amount that the existing Residential Dwelling is accepted to account for) within the site's peak Usage and the likeliness of 1 vehicle movement per hour towards Kennedy Street. These figures are based upon the considered busiest peaks for the Car Wash as mentioned within the Town Planning Submission. In addition to this, by removing any 'right out onto Lerra Street' this will remove any alternative access should there be an accident, congestion or incident within intersection of Byrnes and Lerra Streets or fronting the site. Further to this, it is understood that implementation of 'left turn only' on Rankin Street fronting the McDonalds site shows that if vehicles want to turn right, then they turn right either over the plastic island or by doing a U-turn after the provided restricted area.

It is considered that the provided Conditions in relation to Access and Roadworks External Construction that differ from the provided and agreed upon Draft Conditions are not acceptable, or appropriate as detailed above. The provision of a 'left turn only' onto Lerra Street will be a disadvantage to surrounding residents, in particular those located on Kennedy Street, and is not considered acceptable as this also does not allow an alternative access should an incident occur. As the site will be accessed infrequently from Lerra Street and predominately from the Byrnes Street side of Lerra Street, the requirement to provide External Roadworks is not considered reasonable, relevant or fair and is requested to be deleted. This required External Roadworks Construction is not considered to be supported by the traffic analysis provided within the Report or by the original assessment with the Town Planners.

It is requested that Condition 4.1 Access and 4.2 Roadworks External Construction Conditions be amended to the following, which is what was agreed upon with the original provision of Draft Conditions:

4.1 Access

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

The applicant/developer must ensure that any redundant vehicle crossovers are removed and reinstated with kerb and channel.

~~*Exit onto Lerra Street must be left turn only.*~~

4.2 Roadworks External Construction

Prior to the commencement of the use, the applicant/developer is required to construct the following works, designed in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

- ~~*Lerra Street must be widened from the edge of the existing bitumen seal to the existing kerb and channel from the intersection of Lerra Street and Byrnes Street to the intersection of Lerra Street and Kennedy Street. The development side of Lerra Street only, must be widened from the edge of the existing bitumen seal to the existing kerb and channel from the intersection of Lerra Street and Byrnes Street to a point ten (10) metres to the west of the sites western boundary.*~~
- *The widening works must be bitumen or asphalt standard, and must include sufficient overlapping of the existing bitumen seal to ensure an appropriate bond of surfaces is achieved, to the satisfaction of Council's delegated officer.*

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

Response

The section of Lerra Street between Byrnes Street and Kennedy Street ranges from 4 to 5 metres in width.

The widening of Lerra Street, on the development side, for the frontage of the subject land is reasonable and not in dispute. This widening would take Lerra Street to 6.5 to 7 metres in width.

Continuing the development side widening of Lerra Street to Kennedy Street (approximately 50 metres) would improve 2-way traffic movements and reduce damage to the edge of the bitumen pavement.

If the widening of Lerra Street beyond the frontage of the site is maintained, the restriction to left turn exit only should be removed.

It is recommended that Condition 4.1 and 4.2 be amended as follows:

4.1 Access

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

The applicant/developer must ensure that any redundant vehicle crossovers are removed and reinstated with kerb and channel.

~~*Exit onto Lerra Street must be left turn only.*~~

4.2 Roadworks External Construction

Prior to the commencement of the use, the applicant/developer is required to construct the following works, designed in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

~~*Lerra Street must be widened from the edge of the existing bitumen seal to the existing kerb and channel from the intersection of Lerra Street and Byrnes Street to the intersection of Lerra Street and Kennedy Street.*~~

The development side of Lerra Street only, must be widened from the edge of the existing bitumen seal to the existing kerb and channel from the intersection of Lerra Street and Byrnes Street to the intersection of Lerra Street and Kennedy Street.

- *The widening works must be bitumen or asphalt standard, and must include sufficient overlapping of the existing bitumen seal to ensure an appropriate bond of surfaces is achieved, to the satisfaction of Council's delegated officer.*

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

Date Prepared: 15 January 2018

ATTACHMENT 1

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Page 2**INFRASTRUCTURE**

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

ASSESSMENT MANAGER CONDITIONS**(A) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)****(a) Development assessable against the Planning Scheme**

1. Development must be carried out substantially in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:
 - found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
 - to ensure compliance with the following conditions of approval.
2. Timing of Effect
 - 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.
 - 2.3 Prior to the commencement of use, the applicant must provide a letter from the State Referral Agency confirming that the department is satisfied their conditions are complied with and/or that the department has no objections to the commencement of the use.
3. General
 - 3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure within the conditions of approval.
 - 3.2 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.

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

3.4 Noise Nuisance/Control

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

The applicant is required to install and maintain suitable screening to all air conditioning, lift motor rooms, plant and service facilities located at the top of or on the external face of the building. The screening structures must be constructed from materials that are consistent with materials used elsewhere on the facade of the building. There are to be no individual external unshielded air conditioning units attached to the exterior building facade.

3.4.2 All noise attenuation measures proposed for the development and included on the approved plans, including the concrete panel walls, acoustic fencing and the recommendations included in Part 6 – Recommendations and Discussion of EcoAcoustics Environmental Noise Assessment dated 20 November 2017 (Report No. 17060451-01b) must be constructed and implemented prior to the commencement of the use, to the satisfaction of Council's delegated officer.

The approved use is not to include any sound projecting objects or systems that may cause nuisance to adjoining properties.

3.4.3 In the event that a substantiated (in the opinion of Council's delegated officer) noise complaint is received by Council regarding the approved use, the complaint will need to be assessed by an independent acoustic engineer (RPEQ certified) at the sole cost of the applicant/developer or any subsequent owner/operator.

The complaint shall be assessed against the conditions of approval and the *Environmental Protection (Noise) Policy 2008*.

Any additional noise mitigation measures recommended by the independent acoustic consultant are to be implemented by the applicant within three (3) months of Council directing the

applicant/developer or any subsequent owner/operator to do so.

3.5 Waste Management

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

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.

3.6 Hours of Operation

3.6.1 Car Wash Bays

The car wash component of the approved use (super wash bay, wash bays 1 & 2 and auto wash bays 1 & 2) are permitted to operate between the hours of 7 am and 10 pm, seven (7) days per week.

3.6.2 Vacuum/dog Wash Bays

The vacuum bays and dog wash bays are permitted to operate between the hours of 7 am and 10 pm, seven (7) days per week. No operation of these components of the approved use are permitted to operate outside these hours.

3.7 Signage

3.7.1 Building Signage

Any signage erected on any buildings:

- Must only contain content relating to the approved use;
- Must not exceed the height of the building they are mounted on; and
- Must not move, revolve, strobe or flash;

3.7.2 Freestanding Signage

One (1) freestanding sign is permitted to advertise the approved use only, and must generally be constructed in accordance with the dimensions, location and construction notes shown on the

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approved plan/s (Drawing No. 17-025 DA Sheet 2 of 7 Proposed Site Layout dated Nov 2017).

All signage must be kept clean, in good order and safe repair for the life of the development, and must be removed when no longer required, to the satisfaction of Council's delegated officer.

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

4. Infrastructure Services and Standards

4.1 Access

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

The applicant/developer must ensure that any redundant vehicle crossovers are removed and reinstated with kerb and channel.

Exit onto Lerra Street must be left turn only.

4.2 Roadworks External Construction

Prior to the commencement of the use, the applicant/developer is required to construct the following works, designed in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

- Lerra Street must be widened from the edge of the existing bitumen seal to the existing kerb and channel from the intersection of Lerra Street and Byrnes Street to the intersection of Lerra Street and Kennedy Street.
- The widening works must be bitumen or asphalt standard, and must include sufficient overlapping of the existing bitumen seal to ensure an appropriate bond of surfaces is achieved, to the satisfaction of Council's delegated officer.

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

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4.3 Stormwater Management

4.3.1 Prior to building 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.

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

4.3.3 The applicant/developer must construct the stormwater drainage infrastructure for the development in accordance with the approved Stormwater Management Plan and Report.

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

4.4 Car Parking/Internal Driveways

The applicant/developer must ensure the development is provided with one (1) designated employee car park which is available solely for the parking of employee vehicles.

All car parking spaces and internal driveways/vehicle manoeuvring areas (as shown on the approved plans) must be concrete sealed, line marked where necessary, 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 and to the satisfaction of Council's delegated officer:

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

4.5 Landscaping & Fencing

4.5.1 Prior to the commencement of the use, the applicant/developer is to provide landscaping on the site in accordance with the submitted landscape plan (Drawing No. 17-025 DA Sheet No. 6

of 7 Proposed Landscape & Lighting Plan dated Nov 2017), to the satisfaction of Council's delegated officer.

All landscaping must be mulched, irrigated and maintained for the life of the development.

- 4.5.2 The external faces of the concrete panel walls along the western and northern boundaries of the site (as shown on the approved plans) are to be painted a neutral colour agreed to by Council's delegated officer.

1.8-metre-high solid screen fencing of neutral colour, is to be erected along the northern boundary of the site between the bin area/oil separator wall and super wash bay wall, and between the super wash bay wall and the north-east corner of the site, to the satisfaction of Council's delegated officer.

All fencing must be kept clean, in good order and safe repair for the life of the development, to the satisfaction of Council's delegated officer.

No fencing is to be erected along the Byrnes Street frontage of the site.

4.6 Lighting

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

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

4.7 Water Supply

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

Where the existing reticulated water supply does not currently service the site or is not at an adequate capacity to serve the proposed development requirements, the developer is required to extend the reticulated water supply infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service

the development requirements in accordance with FNQROC Development Manual Standard (as amended).

4.8 Sewerage Connection

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.

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 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).

REFERRAL AGENCIES

The referral agencies applicable to this application are:

Material change of use of premises near a State transport corridor or that is a future State transport corridor		
Development application for a material change of use, other than an excluded material change of use, that is assessable development under a local categorizing instrument, if all or part of the premises— (a) are within 25m of a State transport corridor; or (b) are a future State transport corridor; or (c) are— (i) adjacent to a road that intersects with a State controlled road; and (ii) within 100m of the intersection	Schedule 10, Table 4, item 1	State Assessment & Referral Agency (SARA) Department of Infrastructure, Local Government & Planning PO Box 2358 Cairns Qld 4870 CairnsSARA@dlgpl.gld.gov.au

A copy of any referral agency conditions is attached.

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APPROVED PLANS

The following plans are Approved plans for the development:

Approved Plans

Plan/Document Number	Plan/Document Title	Prepared by	Dated
17-025 DA Sheet 1 of 7	Existing Conditions Plan	TMC Building Design Group	Nov 2017
17-025 DA Sheet 2 of 7	Proposed Site Plan	TMC Building Design Group	Nov 2017
17-025 DA Sheet 3 of 7	Elevations	TMC Building Design Group	Nov 2017
17-025 DA Sheet 4 of 7	Sections	TMC Building Design Group	Nov 2017
17-025 DA Sheet 5 of 7	Proposed Stormwater & Sewer Plan	TMC Building Design Group	Nov 2017
17-025 DA Sheet 6 of 7	Proposed Landscaping & Lighting Plan	TMC Building Design Group	Nov 2017
17-025 DA Sheet 7 of 7	Car Swept Paths & Car Parking Layout	TMC Building Design Group	Nov 2017

REFERENCED DOCUMENTS

Not Applicable.

ADVISORY NOTES

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

(A) ASSESSMENT MANAGER'S ADVICE

- (a) A number of other charges or payments may be payable as a result of conditions of approval. The applicable fees are set out in Council's Fees & Charges Schedule for each respective financial year.
- (b) Water Meters/Water Service Connection

Prior to the water service connection works commencing and the installation of the meters by Council, an application for a Plumbing Compliance Permit is required to be submitted with detailed hydraulic drawings. The cost of the required water connection and meter (capping of any existing meter may be required) will be determined based upon the approved hydraulic drawings at the time of lodgement of a Water Quotation Request.

(c) Property Connection to existing sewer main

Prior to the property connection to the existing sewer main commencing, a request for a Property Connection Quotation must be lodged with Council. The cost of the required property connection will be determined based upon the assessment of the Property Connection Quotation Request.

(d) A Trade Waste Permit will be required prior to the commencement of use.

(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.environment.gov.au

(h) Cultural Heritage

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

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(i) Transportation of Soil

All soil transported to or from the site must be covered to prevent dust or spillage during transport. If soil is tracked or spilt onto the road pavements as a result of works on the subject site, it must be removed prior to the end of the working day and within four (4) hours of a request from a Council Officer.

(B) CONCURRENCE AGENCY CONDITIONS

Department of Infrastructure, Local Government and Planning conditions dated 31 October 2017.

PROPERTY NOTES

Not Applicable.

VARIATION APPROVAL

Not Applicable.

FURTHER DEVELOPMENT PERMITS REQUIRED

- Development Permit for Operational Work (road widening works)
- Development Permit for Building Work
- Compliance Permit for Plumbing and Drainage Work

SUBMISSIONS

There were two (2) properly made submissions about the application. In accordance with the *Planning Act 2016*, the name, residential or business address, and electronic address of the principal submitter for each properly made submission is provided below;

Name of principal submitter	Address
1. N Brtevník & Steve Kemp	1 Lerra Street, Mareeba QLD 4880
2. Mareeba Chamber of Commerce	345 Byrnes Street, Mareeba QLD 4880

RIGHTS OF APPEAL

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

During the appeal period, you as the applicant may suspend your appeal period and make written representations to council about the conditions contained within the development approval. If council agrees or agrees in part with the representations, a "negotiated decision notice" will be issued. Only one "negotiated decision notice" may be given. Taking this step will

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defer your appeal period, which will commence again from the start the day after you receive a "negotiated decision notice".

OTHER DETAILS

If you wish to obtain more information about Council's decision, electronic copies are available on line at www.msc.qld.gov.au, or at Council Offices.

Yours faithfully

BRIAN MILLARD
SENIOR PLANNER

Enc: Approved Plans/Documents
Referral Agency Response
Appeal Rights

Copy: Department of Infrastructure, Local Government and Planning
CairnsSARA@dilgp.qld.gov.au

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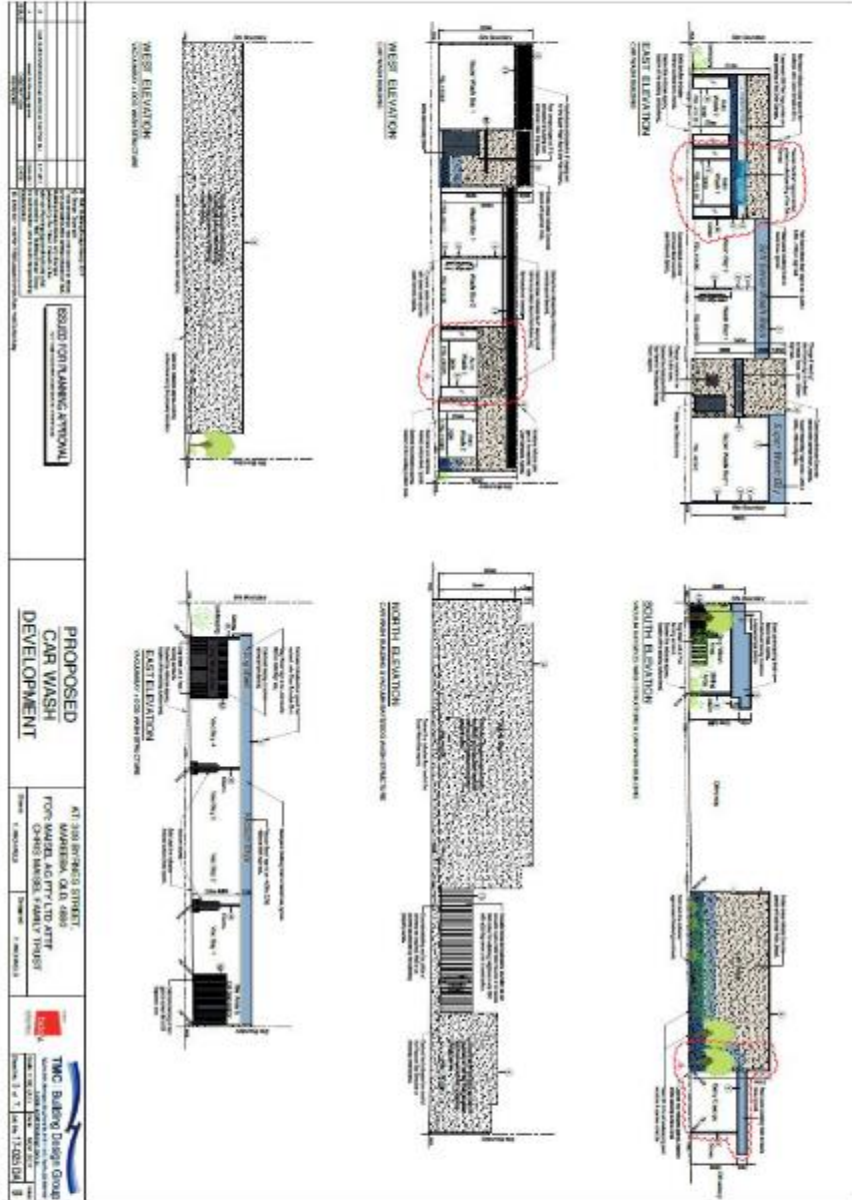
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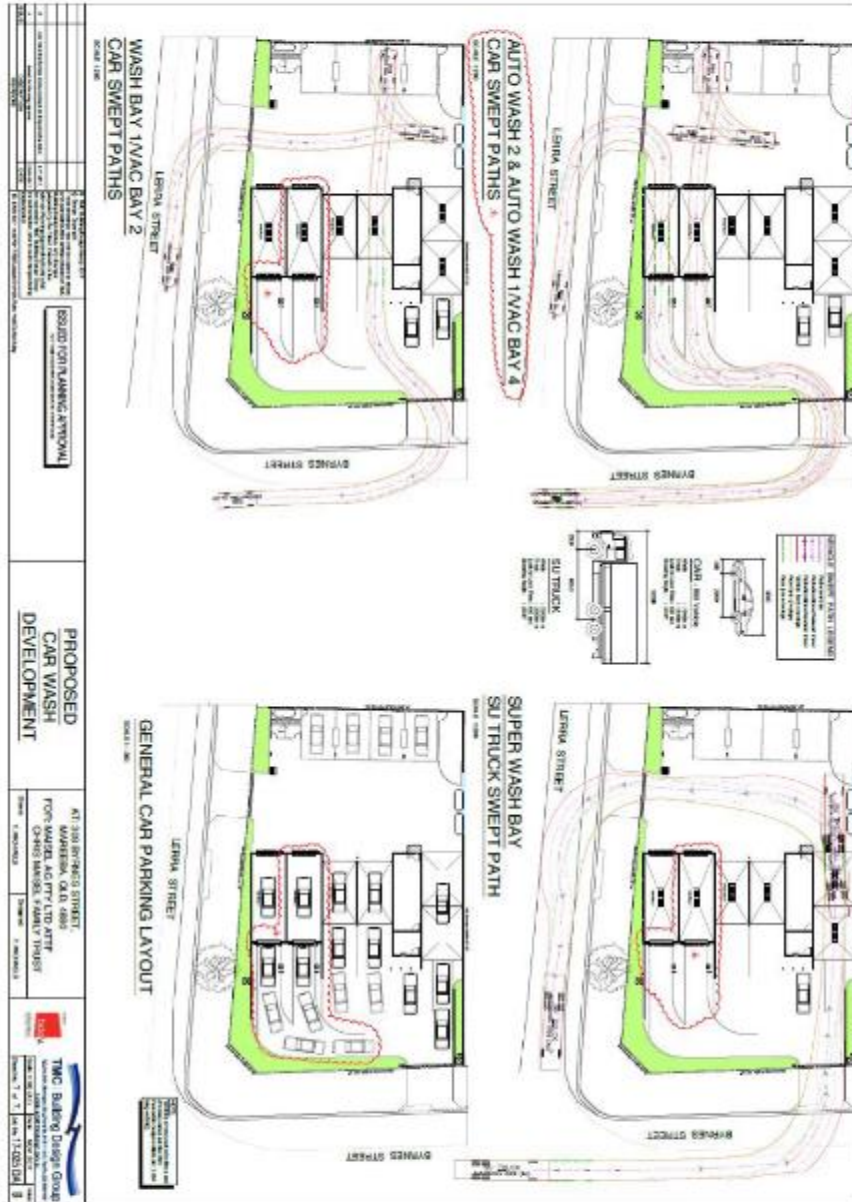
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<p>ESD (ON PLANNING APPROVAL)</p> <p>AT 240 BURGESS STREET MAREEBA, QLD 4885 FOR WASH AS PTY LTD ATF C-480 MARSS (SAB) 71997</p>	<p>PROPOSED CAR WASH DEVELOPMENT</p> <p>AT 240 BURGESS STREET MAREEBA, QLD 4885 FOR WASH AS PTY LTD ATF C-480 MARSS (SAB) 71997</p> <p>TMC Building Design Group 10/11-13/15 17/02/18</p>																																																																																																																																																																																																								
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Page 20**Referral Agency Response**

RAG-N

Department of Infrastructure,
Local Government and PlanningOur reference: 1709-1647 SRA
Your reference: MCU/17/0007

31 October 2017

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

Attention: Mr Carl Ewin

Dear Sir/Madam

Referral agency response—with conditions
(Given under section 56 of the Planning Act 2016)The development application described below was properly referred to the Department of Infrastructure,
Local Government and Planning on 28 September 2017.**Applicant details**

Applicant name:	MAISEL AG Pty Ltd ATTF Chris Maisel Family Trust
Applicant contact details:	C/- Freshwater Planning Pty Ltd, 17 Barron View Drive Freshwater QLD 4870 freshwaterplanning@outlook.com

Location details

Street address:	308 Byrnes Street, Mareeba
Real property description:	1 of 2 M35883
Local government area:	Mareeba Shire Council

Application details

Development permit	Material change of use for car wash facility
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Referral triggersThe development application was referred to the department under the following provisions of the
Planning Regulation 2017:

- 10.9.4.2.4.1 State transport corridors and future State transport corridors

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Far North Queensland regional office
Ground Floor, Cnr Grafton and Hartley
Street, Cairns
PO Box 2356, Cairns QLD 4870

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Conditions

Under section 58(1)(b)(i) of the Planning Act 2016 (the Act), the conditions set out in Attachment 1 must be attached to any development approval.

Reasons for decision to impose conditions

The department must provide reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

Advice to the assessment manager

Under section 58(3) of the Act, the department offers advice about the application to the assessment manager—see Attachment 3.

Approved plans and specifications

The department requires that the plans and specifications set out below and enclosed must be attached to any development approval.

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
Aspect of development: Material change of use				
TMR Layout Plan (664-0.98km)	Queensland Government Transport and Main Roads	23/10/2017	RMR17-22649(500-1174)	B
Proposed Car Wash Development	TMC Building Design Group	August, 2017	17-025 DA Sheet 2 of 7	A

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

For further information please contact Belinda Jones, Senior Planning Officer, on 40373238 or via email CairnsSARA@dlgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow
 Manager (Planning)

cc: MAISEL AG Pty Ltd ATTF Chris Masef Family Trust c/- freshwaterplanning@outlook.com

enc: Attachment 1—Conditions to be imposed
 Attachment 2—Reasons for decision to impose conditions
 Attachment 3—Advice to the assessment manager
 Approved plans and specifications

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Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Material change of use		
10.9.4.2.2.1 State transport infrastructure—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	<p>The development must be carried out generally in accordance with the following plan:</p> <ul style="list-style-type: none"> • Proposed Site Layout prepared by TMC Building Design Group dated August 2017, reference Sheet No. 2 of 7 and revision A. 	Prior to the commencement of the use and to be maintained at all times
2.	<p>(a) The road access locations, are to be located generally in accordance with IMR Layout Plan (564-0.96km), prepared by Queensland Government Transport and Main Roads, dated 23/10/2017, reference: TMR17-22649(500-1174), Issue B. In particular road access location from Byrnes Street is to be located near the northern boundary of Lot 2 on M35663 and approximately 40m north of Lena Street. The access is to be entry only and restricted to a design vehicle up to a maximum size single body truck – Class 5 heavy vehicle as described in Austroads Vehicle Classification System.</p> <p>(b) The road access works comprising commercial and industrial crossover must be designed and constructed in accordance with the FNOROC Standard Drawing S1015.</p>	<p>(a) At all times</p> <p>(b) Prior to the commencement of use</p>
3.	Direct access is not permitted between Byrnes Street and the subject site at any location other than the permitted road access location identified in Condition 1.	At all times
4.	<p>(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the state-controlled road.</p> <p>(b) Any works on the land must not:</p> <ul style="list-style-type: none"> (i) create any new discharge points for stormwater runoff onto the state-controlled road; (ii) interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road; (iii) surcharge any existing culvert or drain on the state-controlled road; (iv) reduce the quality of stormwater discharge onto the state-controlled road. 	(a) and (b) at all times

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Attachment 2—Reasons for decision to impose conditions

The reasons for the decision to impose conditions are:

- To ensure the development is carried out generally in accordance with the plan of development submitted with the application.
- To ensure the impacts of stormwater events associated with development are minimised and managed to avoid creating any adverse impacts on the state-transport corridor.
- To ensure the road access location to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled road.
- To ensure the design of any road access maintains the safety and efficiency of the state-controlled road.

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Attachment 3—Advice to the assessment manager

General advice	
Road access works approval	
1.	Under section 33 of the <i>Transport Infrastructure Act 1994</i> , written approval is required from the Department of Transport and Main Roads to carry out road works on a state-controlled road. Please contact the Cairns district office of the Department of Transport and Main Roads on 4045 7144 to make an application for road works approval. This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). Please contact Transport and Main Roads as soon as possible to ensure that gaining approval does not delay construction.

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Appeal Rights

PLANNING ACT 2016 & THE PLANNING REGULATION 2017

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

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

(Refer to Schedule 1 of the Planning Act 2016)

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

Note –

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

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt. It is declared that an appeal against an infrastructure charges notice must not be about-

- (a) the adopted charge itself; or
- (b) for a decision about an offset or refund-
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

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

231 Other appeals

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

- (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or failure to make a decision; and
 - (d) a purported decision ; and
 - (e) a deemed refusal.
- non-appealable*, for a decision or matter, means the decision or matter-
- (a) is final and conclusive; and
 - (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the Judicial Review Act 1991 or otherwise, whether by the Supreme Court, another court, a tribunal or another entity; and
 - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

232 Rules of the P&E Court

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

ATTACHMENT 2

Your Ref: MCU/17/0007
Our Ref: F17/21

09 January, 2018

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



Attention: Carl Ewin
Regional Planning Group

Dear Sir,

RE: DEVELOPMENT APPLICATION MCU/17/0007
REQUEST FOR A NEGOTIATED DECISION NOTICE
APPLICATION FOR A MATERIAL CHANGE OF USE – CAR WASH
LOT 2 ON M35663, 308 BYRNES STREET, MAREEBA.

I refer to the Mareeba Shire Council's Decision Notice (Council's Ref: MCU/17/0007) dated 20 December, 2017 and email on 22 December, 2017. This letter offers Change Representations for a Changed Decision Notice under Section 75 of the Planning Act 2016.

Representations are provided in this letter in relation to Conditions of the Decision Notice. The following Representations are provided in accordance with Section 75 of the *Planning Act 2016*.

The proponent has provided the following dialogue in relation to the altered Conditions by both the Councillors and Council's Management Team from the originally provided Draft Conditions from the Town Planning Department.

The Mareeba Township is currently lacking what is considered by many residents as a necessary facility for enhanced liveability, especially for a Rural Township, in the form of a Car Wash. This is particularly important in a region that is looking towards water restrictions, has growing concern and involvement in protecting the Great Barrier Reef from untreated stormwater runoff and whose Township, we believe, is ready to meet the North's investment potential. Since lodging the Development Application with Council, and in particular since undertaking Public Notification, many Residents and Business owners have remarked that this is a long required facility that Mareeba will now be able to list among its many services. There has been a lot of positive talk and excitement about this project, with the most asked question now being "when will it be open?" This is further evidenced by Council receiving only a single, negative Submission to a Use on the main road into the Mareeba CBD.

Mareeba is a Rural Town that is considered to be a gateway to the north for all forms of travellers, including business, residents, agricultural and its supporting industries, grey nomads and tourists. The Mareeba Township currently offers a wide range of essential services (ie: service stations, news agencies, McDonalds, etc.) that operate either 24 hrs each day or open early in the morning at around 4am or 5am.

Freshwater Planning Pty Ltd
t/e The Freshwater Trust
ACN 603 020 220 | ABN 31 187 983 959

P: 0402729004
E: FreshwaterPlanning@outlook.com
A: 17 Barron View Drive, FRESHWATER QLD 4870

A substantial amount of research was undertaken prior to completing the proposed Development Application that was presented for approval. As a result, Specific Car Wash and Acoustic design professionals who specialise in designing Car Washes and mitigating the acoustic effects to the immediate adjoining residents were engaged, at considerable cost, with the brief to ensure that the design was optimised for the block, was gentle in both its colour scheme and building design features and would meet or exceed all stringent planning and design requirements/regulations. We voluntarily restricted the hours of operation for the vacuum bays from 7am to 10pm as a courtesy to the adjoining residential properties. Furthermore, the professionals engaged design Car Washes all around Australia and are familiar with the specific characteristics that need to be included on Car Wash sites to make the development financially viable, function in accordance with all of the local regulations and mitigate negative effects to the surrounding residents and infrastructure.

The proposed Car Wash development has been designed with the diverse Township's 'culture' in mind. Being open for patrons 24 hours a day will help to ensure a viable business by not only being able to cater to all these diverse needs, but to enhance the customer experience by reducing queuing times and by providing choice to patrons to avoid busy road times (such as the school drop-off and pickup gridlock that we have all experienced on Byrnes Street) which will enhance road and patron safety. The site's own security will also be enhanced by 24 hr operation.

Extensive investigations were undertaken by ourselves in relation to the required operating hours. We attended over 20 Car Washes from Cairns to Brisbane, discussing at length with the owners/operators what was required to meet customer expectations and to run a successful Car Wash. As a result, we have learned that most patrons expect a Car Wash to be open 24hrs, right in line with most fuel stations. Our proposed Car Wash site is located between two 24hr fuel/mini-mart service stations.

2

Unfortunately, the current Conditioned Operating Hours, as altered by the Councillor's within Council's Meeting, has jeopardized the viability of this commercial venture and caused us to rethink our position on moving forward with the project.

ASSESSMENT MANAGER CONDITIONS

(A) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

3.6 Hours of Operation

3.6.1 Car Wash Bays

The car wash component of the approved use (super wash bay, wash bays 1 & 2 and auto wash bays 1 & 2) are permitted to operate between the hours of 7 am and 10 pm, seven (7) days per week.

Representation

The Mareeba Shire's Town Planning Officers Recommended that the Operating Hours for the Approved Car Wash be restricted to only the Vacuum Bays and Dog Wash, with the Super Wash Bay, Self-Serve Wash Bays and Auto Wash Bays to operate 24 hours a day, 7 days a week. This Recommendation was attributed to the EcoAcoustics Environmental Noise Assessment and TMC Building Design Groups Proposal Plans. It is understood that at the Council Meeting (20 December, 2017) the Councillors Amended the Town Planning

Officers Recommended Hours of Operation over the entire site. This severe reduction in operating hours will have a significant impact to the viability of this commercial venture.

The EcoAcoustics Environmental Noise Assessment and submitted Development Plans, integrate Noise Amelioration in the physical form of:

1. Concrete panel walls;
2. Acoustic fencing;
3. Automatic, rapid close, roller doors to the Automatic Wash Bays entry and exit;
4. End caps being fitted to the Vacuum Bay islands; and
5. Lining the Vacuum Bay roof with acoustic insulation.

The site itself has been specifically designed to minimise acoustic impacts by:

1. Positioning the Vacuum Bays to the west of the site with a concrete panel boundary wall and acoustic lined roof- greatly minimising any impact to the residents to the west/northwest;
2. Positioning the Dog Washes closest to Lerra Street due to the low noise generated in this area. This allows the Vacuum Islands to be further away from Lerra Street, increases the distance of travel to nearby noise receiving locations and allows greater shielding from the main Car Wash building;
3. Including two automatic wash bays (instead of one) greatly increases the equipment costs, but lowers the overall noise generated by the site as these two Automatic Wash bays are essentially a 4-sided concrete panel wall enclosure with the entry/exit opening covered with a high-speed acoustic roller door;
4. Positioning the Super Wash Bay concrete panel wall closest to the northern boundary. This allows a larger site boundary wall coverage, and hence effectively mitigates the noise effects to the adjoining building approximately 9 metres away; and
5. Positioning the Plant Room between the Super Wash Bay and the Self-Serve Wash Bays which prevents the overall intensification of noise produced from these wash bays that can occur when there are a number of non-automatic wash bays lined consecutively.

3

The above points outline the included Car Wash physical and design Attenuation Measures. When they are combined with the noise criteria set out within the Environmental Protection (Noise) Policy, 2008 (details contained within the accompanying acoustic report completed by EcoAcoustics) the proposal clearly demonstrates that the overall site can operate 24 hours a day, with the Vacuum Bays and Dog Wash restricted to operate between 7am to 10pm. The proposal is considered to meet and exceed the minimum acoustic design requirements ensuring that appropriate and additional Noise Amelioration is provided which will deliver the most appropriate outcomes to the adjoining Residential Area.

As stated above by the proponents of the site; for this Car Wash Facility to be viable and sustainable, the Conditioned Hours of Operation need to be amended back to the original Town Planning Officers Recommendation. As Mareeba is a Rural Township, a starting time of 7 am is inappropriate as this removes a substantial portion of clientele in the form of (but not limited to) Rural Workers, Grey Nomads, Travellers to and from the Cape and Cairns, Business persons and operators, tourists and residents commuting to both Cairns and the surrounding Tablelands for work, holidays and other essential services not currently provided within Mareeba. The proponents have worked closely with Council's Planning Department in relation to the Development to ensure that an appropriate Development including sufficient Noise Amelioration was provided.

It is requested that the Hours of Operation revert to the original Town Planning Officers Recommendation of a 24 hours a day trading period, with the Vacuum Bays and Dog Wash restricted to operate between 7am to 10pm; as this is what is considered to be most appropriate and viable for this Commercial Venture within the Mareeba Rural Township.

If Council has further concerns in relation to the provided Noise Ameliorations within the TMC Building Design Groups Proposal Plans and Attenuation Measures outlined within the EcoAcoustics Report, we ask that a Peer Review nominating the specific areas of concerns be provided so this may be investigated further.

It is also noted that if Council still chooses to alter the Hours of Operation from a 24 hours a day trading period, with the Vacuum Bays and Dog Wash restricted to operate between 7am to 10pm then the current level of Noise Amelioration currently documented throughout the Design and required by the EcoAcoustic Report will be substantially reduced while still complying with the requirements of the Environmental Protection (Noise) Policy, 2008. This will result in an acceptable (but greater level of noise generated over the site) as the acoustic mitigation requirements will be significantly reduced from those required for operating during the day, evening and night hours.

In conclusion, the current Conditioned Hours of Operation are not considered to be reasonable or fair given that 24hr operation of fuel stations both to the North and South of the site are adjacent to residential lots, and will increase the risk that the Car Wash Facility will become an unviable venture.

Requested Action

It is requested that Condition 3.6 Hours of Operation Condition be amended to the following:

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3.6 *Hours of Operation*

3.6.1 *Car Wash Bays*

The car wash component of the approved use (super wash bay, wash bays 1 & 2 and auto wash bays 1 & 2) are permitted to operate ~~between the hours of 7 am and 10 pm, seven (7) days per week~~ 24 hours a day, 7 days per week.

3.4 *Noise Nuisance/Control*

3.4.2 All noise attenuation measures proposed for the development and included on the approved plans, including the concrete panel walls, acoustic fencing and the recommendations included in Part 6 – Recommendations and Discussion of EcoAcoustics Environmental Noise Assessment dated 20 November 2017 (Report No. 17060451-01b) must be constructed and implemented prior to the commencement of the use, to the satisfaction of Council's delegated officer.

The approved use is not to include any sound projecting objects or systems that may cause nuisance to adjoining properties.

3.4.3 *In the event that a substantiated (in the opinion of Council's delegated officer) noise complaint is received by Council regarding the approved use, the complaint will need to be assessed by an independent acoustic engineer (RPEQ certified) at the sole cost of the applicant/developer or any subsequent owner/operator.*

The complaint shall be assessed against the conditions of approval and the Environmental Protection (Noise) Policy 2008.

Representation

The Mareeba Shire's Town Planning Officers Recommended that the Operating Hours for the Approved Car Wash be restricted to only the Vacuum Bays and Dog Wash with the Super Wash Bay, Self-Serve Wash Bays and Automatic Wash Bays to operate 24 hours a day, 7 days a week (attributed to the EcoAcoustics Environmental Noise Assessment and TMC Building Design Groups Proposal Plans). It is understood that at the Council Meeting on the 20 December, 2017 the Councillors Amended the Council Town Planner's Recommended Hours of Operation over the entire site, severely reducing the Hours which is considered to result in a non-viable venture as aforementioned.

If the Hours of Operation Condition is not Amended to an appropriate outcome, then the following Conditions need to be amended. If the Hours of Operation remain as per Conditioned, then the Noise Amelioration provisions provided within the TMC Design Plans and required within the EcoAcoustic Report will need to be amended (as the designed trading hours will be decreased) to comply with only the minimum day and evening requirements of the Environmental Protection (Noise) Policy, 2008. This will result in an acceptable (but greater level of noise generated over the site) as the acoustic mitigation requirements will be significantly reduced from those required for operating during the day, evening and night hours.

5

If the Hours of Operation Condition is not Amended, the Hours of Operation are severely decreased and the Conditioned Substantiated Noise Complaint requirement is no longer required or acceptable given the reduced Hours of Operation. As the Hours are altered to standardised hours, the ability for substantial noise complaints are now removed and this needs to be reflected in the Approved Conditions. It is not considered fair, reasonable, relevant or acceptable to require substantial Noise Attenuation Measures and Noise Complaint requirements for the reduced Hours of Operation.

Requested Action

If the Hours of Operation Condition (Condition 3.6) is not amended to reflect an appropriate outcome to both the Council and Applicant then it is requested that Condition 3.4 Noise Nuisance/Control be amended to the following:

3.4 *Noise Nuisance/Control*

3.4.2 ~~All~~ *Noise attenuation measures proposed for the development and included on the approved plans, including the concrete panel walls, acoustic fencing and the recommendations included in Part 6 – Recommendations and Discussion of EcoAcoustics Environmental Noise Assessment dated 20 November 2017 (Report No. 17060451-01b) must be constructed and implemented prior to the commencement of the use, to the satisfaction of Council's delegated officer.*

The approved use is not to include any sound projecting objects or systems that may cause nuisance to adjoining properties.

~~*3.4.3 In the event that a substantiated (in the opinion of Council's delegated officer) noise complaint is received by Council regarding the approved use, the complaint will need to be assessed by an independent acoustic engineer (RPEQ certified) at the sole cost of the applicant/developer or any subsequent owner/operator.*~~

~~*The complaint shall be assessed against the conditions of approval and the Environmental Protection (Noise) Policy 2008.*~~

4. Infrastructure Services and Standards

4.1 Access

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

The applicant/developer must ensure that any redundant vehicle crossovers are removed and reinstated with kerb and channel.

Exit onto Lerra Street must be left turn only.

6

4.2 Roadworks External Construction

Prior to the commencement of the use, the applicant/developer is required to construct the following works, designed in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

- *Lerra Street must be widened from the edge of the existing bitumen seal to the existing kerb and channel from the intersection of Lerra Street and Byrnes Street to the intersection of Lerra Street and Kennedy Street.*
- *The widening works must be bitumen or asphalt standard, and must include sufficient overlapping of the existing bitumen seal to ensure an appropriate bond of surfaces is achieved, to the satisfaction of Council's delegated officer.*

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

Representation

The Mareeba Shire Town Planning Officers have been working closely with Freshwater Planning Pty Ltd and the Applicant in relation to the preparation of the proposed Car Wash layout which included the provision of Draft Conditions and discussions in relation to any items that were of concern to both Council and/or the Applicant. It is understood that after the Planning Officers and Applicant found an agreeable ground for the Draft

Conditions, Council's Management Team altered the Conditions adding '*Exit onto Lerra Street must be left turn only*' and '*Lerra Street must be widened from the edge of the existing bitumen seal to the existing kerb and channel from the intersection of Lerra Street and Byrnes Street to the intersection of Lerra Street and Kennedy Street*' as opposed to the Draft Condition which required that the '*development side of Lerra Street only, must be widened from the edge of the existing bitumen seal to the existing kerb and channel from the intersection of Lerra Street and Byrnes Street to a point ten (10) metres to the west of the sites western boundary*'.

It is understood that the provided Conditions within the Decision Notice are illegal as they provide not reasonable, relevant, fair or acceptable requirements on the Developer. It is not considered appropriate or moral for the Council to require the External Road Upgrade of Lerra Street to the Kennedy Street intersection especially if requiring the exit to the site to be 'left turn only' on Lerra Street, therefore further limiting the use of the already accepted limited use of Lerra Street from Kennedy Street. The site has been meticulously designed to ensure that the Car Wash not only works as efficient as possible but to also ensure that the most appropriate vehicular movements are achieved. The Department of Transport and Main Roads has restricted the site to ingress only from Byrnes Street with all egresses to be provided to Lerra Street. The internal design of the Car Wash ensures that this is to occur and any ingress from Lerra Street caters for the Use of the Vacuum Bays and Dog Wash only as any Car Washing Facilities are accessed from Byrnes Street. This ensures that a greatly limited access to the site is provided from Lerra Street and minimal use of Lerra Street from Kennedy Street.

Discussions with the Applicant, their consultants, along with Council's Planning Officers all agree that the substantial majority of customers (for not only this Development but any development) look for the shortest and most appropriate route possible, which in this instance, is considered to be Byrnes Street and not through the back streets. It is considered that creating a 'left turn only' onto Lerra Street will, for the majority, punish the surrounding residential area, and in particular residents of Kennedy Street, as these will be most affected by ensuring that a longer and more inconvenient travel will occur. It is considered that if even 1 in 10 vehicles egress the site towards Kennedy Street, then that equates to approximately 10 vehicles per day (the same amount that the existing Residential Dwelling is accepted to account for) within the site's peak Usage and the likelihood of 1 vehicle movement per hour towards Kennedy Street. These figures are based upon the considered busiest peaks for the Car Wash as mentioned within the Town Planning Submission. In addition to this, by removing any 'right out onto Lerra Street' this will remove any alternative access should there be an accident, congestion or incident within intersection of Byrnes and Lerra Streets or fronting the site. Further to this, it is understood that implementation of 'left turn only' on Rankin Street fronting the McDonalds site shows that if vehicles want to turn right, then they turn right either over the plastic island or by doing a U-turn after the provided restricted area. 7

It is considered that the provided Conditions in relation to Access and Roadworks External Construction that differ from the provided and agreed upon Draft Conditions are not acceptable, or appropriate as detailed above. The provision of a 'left turn only' onto Lerra Street will be a disadvantage to surrounding residents, in particular those located on Kennedy Street, and is not considered acceptable as this also does not allow an alternative access should an incident occur. As the site will be accessed infrequently from Lerra Street and predominately from the Byrnes Street side of Lerra Street, the requirement to provide External Roadworks is not considered reasonable, relevant or fair and is requested to be deleted. This required External Roadworks Construction is not considered to be supported by the traffic analysis provided within the Report or by the original assessment with the Town Planners.

Requested Action

It is requested that Condition 4.1 Access and 4.2 Roadworks External Construction Conditions be amended to the following, which is what was agreed upon with the original provision of Draft Conditions:

4. *Infrastructure Services and Standards*4.2 *Access*

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

The applicant/developer must ensure that any redundant vehicle crossovers are removed and reinstated with kerb and channel.

~~Exit onto Lerra Street must be left turn only.~~

4.2 *Roadworks External Construction*

Prior to the commencement of the use, the applicant/developer is required to construct the following works, designed in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

- ~~Lerra Street must be widened from the edge of the existing bitumen seal to the existing kerb and channel from the intersection of Lerra Street and Byrnes Street to the intersection of Lerra Street and Kennedy Street. The development side of Lerra Street only, must be widened from the edge of the existing bitumen seal to the existing kerb and channel from the intersection of Lerra Street and Byrnes Street to a point ten (10) metres to the west of the sites western boundary.~~
- The widening works must be bitumen or asphalt standard, and must include sufficient overlapping of the existing bitumen seal to ensure an appropriate bond of surfaces is achieved, to the satisfaction of Council's delegated officer.

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

This completes this Request for a Changed Decision of the Development Approval. Please do not hesitate to contact me, in the first instance, should you require further information in relation to the matter.

Yours faithfully,



MATTHEW ANDREJIC

FRESHWATER PLANNING PTY LTD

P: 0402729004

E: FreshwaterPlanning@outlook.com

17 Barron View Drive, FRESHWATER QLD 4870

ITEM-3 **GARTH VILLIERS OWEN & CATHERINE EVELYN RETTER - MCU - RESIDENTIAL UNITS (FIFTEEN X 2 BEDROOM RESIDENTIAL UNITS) AND RECONFIGURING A LOT - SUBDIVISION (1 INTO 15 STANDARD FORMAT LOTS AND COMMON PROPERTY) - LOT 2 RP734383 - 19 KULLAROO CLOSE, KURANDA ...**

MEETING: Ordinary

MEETING DATE: 24 January 2018

REPORT OFFICER'S TITLE: Senior Planner

DEPARTMENT: Corporate and Community Services

APPLICATION		PREMISES	
APPLICANT	G Owen & C Retter	ADDRESS	19 Kullaroo Close, Kuranda
DATE REQUEST FOR EXTENSION OF RELEVANT PERIOD LODGED	12 December 2017	RPD	Lot 4 on RP749637
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Residential Units (15 Residential Units) & Reconfiguring a Lot (1 into 15 Standard Format Lots and Common Property)		

FILE NO	DA/13/0039	AREA	2.878 hectares
LODGED BY	G Owen & C Retter	OWNER	G Owen & C Retter
PLANNING SCHEME	Mareeba Shire Planning Scheme 2004 (Amendment No. 01/11)		
ZONE	Residential zone		
LEVEL OF ASSESSMENT	Impact Assessment		
SUBMISSIONS	One (1)		

ATTACHMENTS:

1. Decision Notice dated 23 December 2013
2. Applicant's request to extend relevant period dated 12 December 2017

EXECUTIVE SUMMARY

Council approved a development application described in the above application details at its meeting held on 19 December 2013, subject to conditions. The decision notice was issued to the applicant on 23 December 2013.

The application was impact assessable and one (1) properly made submission was received in response to public notification of the application.

The development has not been completed and the applicant has lodged a request to extend the relevant period for a further four (4) years from 23 December 2017 to 23 December 2021.

Stage 1 of the development, comprising a single display home has commenced, with the development period for building work being obtained in August 2017. The development is intended to proceed in four (4) stages.

As Stage 1 of the development has commenced, it is recommended that a four (4) year extension be granted. Four (4) years is consistently the maximum length of extension granted by Council for commenced developments.

OFFICER'S RECOMMENDATION

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

APPLICATION		PREMISES	
APPLICANT	G Owen & C Retter	ADDRESS	19 Kullaroo Close, Kuranda
DATE REQUEST FOR EXTENSION OF RELEVANT PERIOD LODGED	12 December 2017	RPD	Lot 4 on RP749637
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Residential Units (15 Residential Units) & Reconfiguring a Lot (1 into 15 Standard Format Lots and Common Property)		

and in accordance with the Sustainable Planning Act 2009,

- (A) The relevant period be extended for 4 years from 23 December 2017 to 23 December 2021.
2. A Notice of Council's decision be issued to the applicant advising of Council's decision".

THE SITE

The subject site is situated approximately 1 kilometre south of Kuranda's CBD at 19 Kullaroo Close, Kuranda and described as Lot 2 on RP734383. The site is a large battle-axe shaped

allotment with a total area of 2.878 hectares and is zoned *Low Density Residential* under the Mareeba Shire Council Planning Scheme 2016. The site's access handle, which is similar in size to that of surrounding residential allotments, contains a frontage of 30.7 metres to Kullaroo Close which is constructed to bitumen sealed standard, including kerb and channel, for its entire length. The site currently gains access from Kullaroo Close, through this access handle.

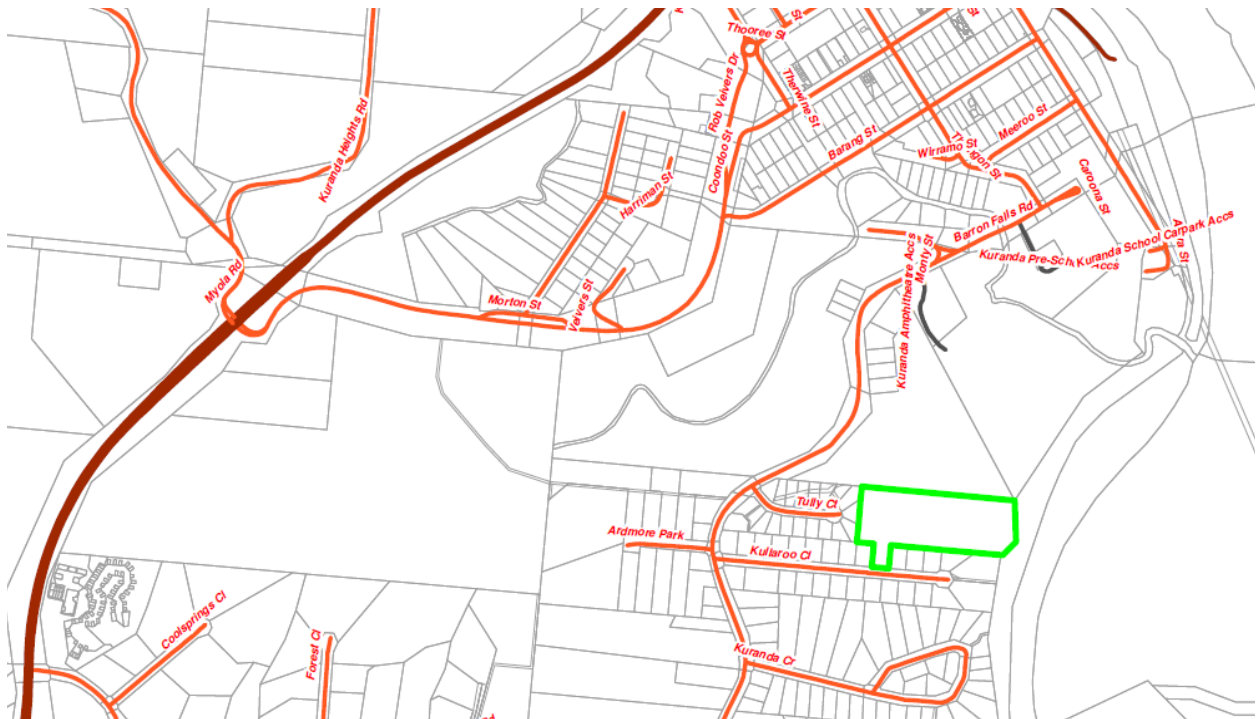
The site is currently improved by a single dwelling and associated outbuildings situated on the western portion of the site. This dwelling and ancillary buildings will be incorporated within the proposed development. Topographically, the site slopes down to the north-east, draining naturally into the Jumrum Creek Environmental Park to the north of the site and the Barron River to the east of the site. Approximately two-thirds of the site, extending along its northern boundary and down to the south-east corner of the site is covered in thick mature vegetation. The remainder of the site is cleared and grassed containing only scattered mature vegetation.

The site is currently connected to Council's reticulated water supply and sewerage networks as well as local area telecommunications and electricity infrastructure. All surrounding lots directly to the south and west of the site are zoned *Low Density Residential* and used for residential purposes while the Jumrum Creek Environmental Park located directly to the north of the site is zoned Conservation and remains undeveloped.



Map Disclaimer:

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

**Map Disclaimer:**

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

BACKGROUND

On 19 December 2013, Council approved the application made by Brazier Motti Pty Ltd on behalf of G Owen and C Retter for a development permit for Material Change of Use - Residential Units (15 Residential Units) and Reconfiguring a Lot - Subdivision (1 into 15 Standard Format Lots and Common Property) of land described as Lot 2 on RP734383, situated at 19 Kullaroo Close, Kuranda.

The decision notice was issued on 23 December 2013. A subsequent application to change the development approval was approved by Council on 4 November 2015 (**Attachment 1**).

The development has not been completed and the applicant has lodged a request to extend the relevant period for a further four (4) years from 23 December 2017 to 23 December 2021.

Stage 1 of the development, comprising a single display home has commenced, with the development period for building work being obtained in August 2017. The development is intended to proceed in four (4) stages.

Four (4) years is consistently the maximum length of extension granted by Council for commenced developments.

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 new Mareeba Shire Council Planning Scheme 2016.

The conditions of development approval DA/13/0039 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. The proposed development (Kuranda eCohousing) has been marketed extensively since the initial development approval. It is likely that the Kuranda community would have a good awareness of the proposed development.

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

Only one (1) submission was received from the then Department of National Parks, Recreation, Sport and Racing. The Department advised Council in a letter dated 15 November 2013 that they had concerns with the potential impact of any stormwater discharge into the Jumrum Creek Conservation Park (directly north of the site).

The development approval is conditioned to require the submission of a Stormwater Management Plan, Stormwater Quality Management Plan, and an Erosion and Sediment Control Plan. These conditions will ensure that stormwater discharge and quality post development remain consistent with that of the site pre development.

If a new application was made, it is not expected to attract a significantly different level of concern than the original application.

The original development application did not trigger a referral to a concurrence agency.

Date Prepared: 4 January 2018

ATTACHMENT 1

Tablelands Regional Council

Atherton Service Centre
PO Box 573, Atherton QLD 4883
Telephone: 1300 362 242

Urban & Regional Planning Group
Carl Ewin, Planning Officer
Telephone: (07) 4086 4656
Facsimile: (07) 4030 3978
Email: info@trc.qld.gov.au

File Ref: DA/13/0039 (M)
Our Ref: BJM:CE:kt
Your Ref: 31236-002-01

23 December 2013
(Amended Ordinary Meeting 4 November 2015)

G Owen & C Retter
C/- Charlton Best
Brazier Motti Pty Ltd
PO Box 1185
CAIRNS QLD 4870

Decision Notice Approval

Sustainable Planning Act 2009 s334 and s335

Dear Applicant/s

**APPLICATION FOR MATERIAL CHANGE OF USE - RESIDENTIAL UNITS (FIFTEEN X 2 BEDROOM RESIDENTIAL UNITS) AND RECONFIGURING A LOT - SUBDIVISION (1 INTO 15 STANDARD FORMAT LOTS AND COMMON PROPERTY)
LOT 2 ON RP734383
SITUATED AT 19 KULLAROO CLOSE, KURANDA**

I wish to advise that, at Council's Ordinary Meeting held on 19 December, the above development application was -

- Approved in full with conditions.

The conditions relevant to this approval are detailed in **section 6** of this notice. These conditions are clearly identified to indicate whether the Assessment Manager or a Concurrence Agency imposed them.

Approval under Section 331

This application **has not** been deemed to be approved under Section 331 of the Sustainable Planning Act 2009 (SPA).

1. Details of the approval -

- Development Permit for Material Change of Use - Residential Units (15 Residential Units) & Reconfiguring a Lot (1 into 15 Standard Format Lots and Common Property)

2. Other necessary development permits and/or compliance permits-

Listed below are other development permits and/or compliance permits that are necessary to allow the development to be carried out -

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

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3. Other approvals required from Council –

- Compliance Permit for Plumbing and Drainage Work

4. Submissions -

There was 1 properly made submission about the application. In accordance with s 335(l) of the SPA, the name and address of the principal submitter for each properly made submission are as follows -

	Name of principal submitter	Address
1.	Department of National Parks, Recreation, Sport and Racing	PO Box 975, Atherton QLD 4883

5. Conflict with a relevant instrument and reasons for the decision despite the conflict -

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

6. Conditions –
(A) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)
(a) Development assessable against the Planning Scheme

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

2. Timing of Effect

- 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 of each stage or prior to Council endorsement of a plan of survey for each stage, whichever comes first, except where specified otherwise in these conditions of approval.~~
- 2.2 ~~The housing units and ancillary infrastructure associated with each stage of the development, as identified on Anthony Rose Architects – Staging Plan (Drawing No. 1.19 dated April 2013 (Amdt A dated 11 May 2013)), must be constructed and any relevant final building certificates issued prior to Council endorsing a plan of survey for that relevant stage and prior to the commencement of construction of any subsequent stage.~~

At Council's Ordinary Meeting held on 4 November 2015, condition 2 was amended to the extent below:

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 of each stage or prior to Council endorsement of a plan of survey for each stage, whichever comes first, except where specified otherwise in these conditions of approval.

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2.2 The housing units and ancillary infrastructure associated with each stage of the development, as identified on Anthony Rose Architects - Staging Plan (Drawing No. 1.19 dated April 2013 (Amdt A dated 11 May 2013)) C Retter's - Staging Plan (Drawing No. 1.19A dated 5 October 2015, must be constructed and any relevant final building certificates issued prior to Council endorsing a plan of survey for that relevant stage and prior to the commencement of construction of any subsequent stage.

3. General

3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure or the payment of infrastructure charges within the conditions of approval or the Adopted Infrastructure Charges Notice.

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

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

3.4 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.

3.5 Noise Nuisance

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

The applicant is required to install and maintain suitable screening to all air conditioning, lift motor rooms, plant and service facilities located at the top of or on the external face of the building. The screening structures must be constructed from materials that are consistent with materials used elsewhere on the facade of the building. There are to be no individual external unscreened air conditioning units attached to the exterior building facade.

3.6 Waste Management

On site refuse storage area must be provided for each housing unit and be screened from view from adjoining units/properties by 1 metre wide landscaped screening buffer or 1.8m high solid fence.

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 development permit for building works 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.

3.7 Clothes drying area

Sufficient area for clothes drying is to be provided for each unit and is to be appropriately screened from view of adjoining units/properties and the street.

3.8 Flood Immunity

All buildings must be located such that the freeboard of the floor levels of all habitable rooms are a minimum of 300mm above 100 ARI year level.

3.9 Environmental Covenant

The applicant shall be responsible for the preparation and registration of a statutory covenant with Council pursuant to S97A of the Land Title Act for the purposes of preserving native animals, plants and their habitat.

The covenant will be of a form that is acceptable to the Registrar of Titles and Council's delegated officer.

The covenant area shall comprise those parts of the sites 'common property' excluding the fifteen (15) proposed 'standard format lots', and including only those parts of the site covered by mapped remnant vegetation that is a least concern regional ecosystem and Vegetation Management Act Essential Habitat for the Southern Cassowary. The covenant area may strictly exclude any areas where vegetation clearing is necessary for stormwater retention purposes only, to the satisfaction of Council's delegated officer.

The covenant shall stipulate that the covenant area must be protected, preserved and conserved, including by strictly adhering to the following non-exhaustive conditions (which may be varied by written agreement between the parties):-

- (a) no existing living vegetation or hereafter existing in the covenant area, may be cut down, damaged or destroyed;
- (b) no buildings or fences may be erected in the covenant area;
- (c) no native animals within the covenant area shall be killed or interfered with;
- (d) no other acts may be carried out on or in respect of the covenant area which, in the opinion of the Council, acting reasonably may have a detrimental impact on the covenant area;

Notwithstanding clause (a) to (d), if any living or dead vegetation on the covenant area poses a risk to human safety:-

- (e) The vegetation may be cut down or trimmed with the prior written consent of the Council, not to be unreasonably withheld, so as to remove the risk;

Notwithstanding clause (a) to (e), if any native or indigenous animal on the covenant area poses a risk to human safety the native or indigenous animal may be removed with the prior written consent of the Council and any other approvals which might be required by law.

The covenant agreement shall be signed by the registered owner prior to Council endorsement of the survey plan for each stage containing any of the proposed covenant area, and the signed covenant shall be jointly lodged for registration with the survey plan, in the Department of Natural Resources & Mines.

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

3.10 Bushfire Management

A Bushfire Management Plan will be prepared in accordance with Appendix 8 of State Planning Policy 1/03 - Mitigating the Adverse Impacts of Flood, Bushfire and Landslide to the satisfaction of Council's delegated officer. The approved use must comply with the requirements of the Management Plan at all times.

3.11 Landslide

For any new building on the proposed lots on a slope of 15% or greater, the land owner must provide Council's delegated officer with a site-specific geo-technical report prepared by a suitably qualified Registered Professional Engineer of Queensland (RPEQ) that certifies:

- The long term stability of the development site; and
- The development site will not be adversely affected by landslide activity originating on sloping land above the development site.

The report must be provided to Council's delegated officer prior to the issue of the development permit for building works.

3.12 Charges

All outstanding rates, charges and expenses pertaining to the land are to be paid in full prior to the commencement of use for each stage of the development.

4. Infrastructure Services and Standards

4.1 Access

Both proposed access crossovers (site ingress & egress) are to be constructed (from the edge of the road pavement to the sites access handle property boundary) in accordance with the FNQROC Development Manual standards for a commercial access crossover, to the satisfaction of Council's delegated officer.

4.2 Stormwater Drainage/Water Quality

- (a) As part of any subsequent application for Operational Works for Stage 1, 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 include the design for the completed development and must also demonstrate how this stormwater infrastructure will be staged across the three (3) stages.

- (b) The Stormwater Management Plan will deal with the entire site and must ensure a non-worsening effect on surrounding land as a consequence of the development, and must take all reasonable and practicable measures to ensure discharge occurs in compliance with the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual.
- (c) As part of any subsequent application for operational works the applicant must also provide:
- A Stormwater Quality Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that

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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;

- 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; and
- A demonstration of compliance against the Filling and Excavation Code.

The Stormwater Quality Management Plan and Report must address the completed development and each stage of the development.

- (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 for each stage of the development in accordance with the approved Stormwater Management Plan and/or Stormwater Quality Management Plan and Report.
- (f) All stormwater drainage must be collected from site and discharged to an approved legal point of discharge, being the proposed retention basins in this instance.
- (g) Detention basins will be constructed such that they are capable of being mowed where necessary, landscaped and maintained.

4.3 Earthworks

As part of a subsequent application for Operational Works, an earthworks plan is to be submitted, prepared by a suitably qualified RPEQ demonstrating compliance with the Filling and Excavation Code including the following detail:

- Maintenance of access roads to and from the site such that they remain free of all fill material and are cleaned as necessary
- Preservation of all drainage structures from the effects of structural loading generated by the earthworks;
- Protection of adjoining properties and roads from ponding or nuisance from stormwater.

All site earthworks, drainage and pavement construction are to be designed and supervised by a RPEQ. Testing is to be carried out by NATA Registered Laboratories and results submitted as part of the As Constructed information. The Supervising Engineer must submit a certificate demonstrating that all work has been satisfactorily completed to the quality control criteria for the site and in accordance with AS3798 (as amended).

4.4 Car Parking/Internal Driveways

~~The developer must ensure that the development is provided with a minimum of twenty three (23) on-site car parking spaces which are available solely for the parking of vehicles associated with the use of the premises. A minimum of fifteen (15) car parking spaces are to be covered. All car parking spaces must~~

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be sealed, line-marked and appropriately drained prior to the commencement of the use for Stage 1, to the satisfaction of Council's delegated officer. As an alternative to a bitumen or concrete seal, Council will accept the use of grass pavers or similar semi-permeable surface on non-covered car parking spaces only, inclusive of line-marking and drainage requirements, to the satisfaction of Council's delegated officer.

Prior to works commencing and as part of any subsequent application for operational works, the developer must submit engineering plans and specifications for the construction of the proposed car parking facilities and internal driveways demonstrating:

Compliance with Australian Standard AS2890:1 Off Street Parking – Car Parking Facilities;

Compliance with Australian Standard AS2890.3 Bicycle Parking Facilities (if required);

Compliance with Australian Standard AS1428:2001 – Design for Access and Mobility; and

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

At Council's Ordinary Meeting held on 4 November 2015, condition 4.4 was amended to the extent below:

4.4 Car Parking/Internal Driveways

The developer must ensure that the development is provided with a minimum of 23 on-site car parking spaces which are available solely for the parking of vehicles associated with the use of the premises. A minimum of 15 car parking spaces are to be covered.

Car parking spaces must be sealed, line-marked and appropriately drained prior to the commencement of the use of the following stages, to the satisfaction of Council's delegated officer:

- Stage 2 - one (1) garage, seven (7) covered car park spaces, eleven (11) open car parking spaces;
- Stage 3 - cover a further six (6) of the car parks provided during Stage 2;
- Stage 4 - In addition to the car parking provided in Stage 2 and 3, one (1) garage, four (4) open car parking spaces.

As an alternative to a bitumen or concrete seal, Council will accept the use of grass pavers or similar semi-permeable surface on non-covered car parking spaces only, inclusive of line-marking and drainage requirements, to the satisfaction of Council's delegated officer.

Prior to works commencing and as part of any subsequent application for operational works, the developer must submit engineering plans and specifications for the construction of the proposed car parking facilities and internal driveways demonstrating:

Compliance with Australian Standard AS2890:1 Off Street Parking – Car Parking Facilities;

Compliance with Australian Standard AS2890.3 Bicycle Parking Facilities (if required);

Compliance with Australian Standard AS1428:2001 – Design for Access and Mobility; and

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

4.5 Landscaping and Fencing

- (a) Prior to the issue of a development permit for building works for Stage 1, a detailed landscape plan must be prepared for the site and submitted to Council's delegated officer for consideration and approval.

The landscape plan must address each stage of the development and demonstrate compliance with the Landscaping Code. Species used should be in accordance with Schedule A of the Planning Scheme Policy No. 9 - Landscaping.

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

- (b) (i) Prior to the commencement of the use for stage 1, the applicant/developer must erect a solid 1.8 metre high timber or colorbond fence of neutral colour along the full length of the sites common boundaries with Lot 9 on RP728595, Lot 11 on RP728595, Lot 12 on RP728595, Lot 11 on SP207614, and Lot 12 on SP207614.
- (ii) Should Council's delegated officer determine that residual vegetation remaining on site, following completion of all clearing required to accommodate the entire development, will achieve an equivalent (to a solid 1.8 metre high fence) level of visual screening along all or part of the common boundaries mentioned in (i) above, the solid screen fencing required under (i) will not be required for those sections of the common boundary with effective vegetation screening, while the effective screening vegetation remains in place.

Should any of the effective screening vegetation be removed or altered in a way that makes it ineffective for visual screening purposes, a 1.8 metre high solid fence is to be erected along the sections of common boundary mention in (i) above where the effective screening vegetation has been lost. The 1.8 metre high solid fence must be erected within 30 days of the effective screening vegetation being lost.

4.6 Lighting

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

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

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- (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 lot in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.
- (c) Each dwelling unit and common property is required to be connected to Council's reticulated water supply and separately metered.

4.8 Sewerage Connection

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.

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) 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) **Water Meters/Water Service Connection**
Prior to the water service connection works commencing, a Water Quotation, Connection, Disconnection Request must be lodged with Council. The cost of the required water connection will be determined based upon the assessment of the Water Quotation Request. The Water Quotation Request must be lodged and the required connection fee paid prior to the signing of the survey plan.
- (d) **Property Connection to existing sewer main**
Prior to the property connection to the existing sewer main commencing, a request for a Property Connection Quotation must be lodged with Council. The cost of the required property connection will be determined based upon the assessment of the Property Connection Quotation Request. The Property Connection Quotation Request must be lodged and the required connection fee paid prior to the signing of the survey plan.

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- (e) Endorsement Fees
- Please be advised that Council charges a fee for the endorsement of a Survey Plan, Community Management Statements, easement documents, and covenants. The fee is set out in Council's Fees & Charges Schedule applicable for each respective financial year.
- (f) 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.
- (g) Notation on Rates Record
- A notation will be placed on Council's Rate record with respect to each lot regarding the following conditions:
- a registered covenant
 - an approved bushfire management plan
 - flood immunity
- (h) Environmental Protection and Biodiversity Conservation Act 1999
- The applicant is advised that referral may be required under the *Environmental Protection and Biodiversity Conservation Act 1999* if the proposed activities are likely to have a significant impact on a matter of national environmental significance. Further information on these matters can be obtained from www.environment.gov.au
- (i) 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.datsima.qld.gov.au
- (j) 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.
- 7. IDAS referral agencies -**
- The application did not require referral to any Referral Agency.

8. Approved Plans

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

Plan/Document Number	Plan/Document Title	Prepared by	Dated
2104 - 1.19	Kuranda Cohousing - Staging Plan	Anthony Rose Architects	April 2013
2104 - 1.17	Kuranda Cohousing - Site Plan & House Title Boundaries	Anthony Rose Architects	March 2013
2104 - 1.14F	Kuranda Cohousing - Site Plan	Anthony Rose Architects	March 2013
2104 - 2.15C	Kuranda Cohousing - Sections/Elevations	Anthony Rose Architects	November 2012
2104 - 2.16B	Kuranda Cohousing - Elevations	Anthony Rose Architects	November 2012
2104 - 2.25A	Kuranda Cohousing - House Elevations	Anthony Rose Architects	March 2013
2104 - 2.26A	Kuranda Cohousing - House Elevations	Anthony Rose Architects	March 2013
2104 - 2.10B	Kuranda Cohousing - House Plan	Anthony Rose Architects	March 2013
-	Kuranda Cohousing - House 1	Anthony Rose Architects	March 2013
-	Kuranda Cohousing - House 2	Anthony Rose Architects	March 2013
-	Kuranda Cohousing - House 3	Anthony Rose Architects	March 2013
-	Kuranda Cohousing - House 4	Anthony Rose Architects	March 2013
-	Kuranda Cohousing - House 5	Anthony Rose Architects	March 2013
-	Kuranda Cohousing - House 6	Anthony Rose Architects	March 2013
-	Kuranda Cohousing - House 7	Anthony Rose Architects	March 2013
-	Kuranda Cohousing - House 8	Anthony Rose Architects	March 2013
-	Kuranda Cohousing - House 9	Anthony Rose Architects	March 2013
-	Kuranda Cohousing - House 10	Anthony Rose Architects	March 2013
-	Kuranda Cohousing - House 11	Anthony Rose Architects	March 2013
-	Kuranda Cohousing - House 12	Anthony Rose Architects	March 2013
-	Kuranda Cohousing - House 13	Anthony Rose Architects	March 2013
-	Kuranda Cohousing - House 14	Anthony Rose Architects	March 2013
-	Kuranda Cohousing - Alternate House 14	Anthony Rose Architects	March 2013
-	Kuranda Cohousing - House 15	Anthony Rose Architects	March 2013

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At Council's Ordinary Meeting held on 4 November 2015, the approved plan/s of Council's Decision Notice issued on 23 December 2013 be amended as follows

Plan/Document Number	Plan/Document Title	Prepared by	Dated
2104 - 1.19	Kuranda Cohousing - Staging Plan	Anthony Architects Rose	April 2013
2104 Dwg 1.19A	Kuranda Cohousing - Amended Staging Plan	C Retter	5 Oct 2015
2104 - 1.17	Kuranda Cohousing - Site Plan & House Title Boundaries	Anthony Architects Rose	March 2013
2104 - 1.14F	Kuranda Cohousing - Site Plan	Anthony Architects Rose	March 2013
2104 - 2.15C	Kuranda Cohousing - Sections/Elevations	Anthony Architects Rose	November 2012
2104 - 2.16B	Kuranda Cohousing - Elevations	Anthony Architects Rose	November 2012
2104 - 2.25A	Kuranda Cohousing - House Elevations	Anthony Architects Rose	March 2013
2104 - 2.26A	Kuranda Cohousing - House Elevations	Anthony Architects Rose	March 2013
2104 - 2.10B	Kuranda Cohousing - House Plan	Anthony Architects Rose	March 2013
-	Kuranda Cohousing - House 1	Anthony Architects Rose	March 2013
-	Kuranda Cohousing - House 2	Anthony Architects Rose	March 2013
-	Kuranda Cohousing - House 3	Anthony Architects Rose	March 2013
-	Kuranda Cohousing - House 4	Anthony Architects Rose	March 2013
-	Kuranda Cohousing - House 5	Anthony Architects Rose	March 2013
-	Kuranda Cohousing - House 6	Anthony Architects Rose	March 2013
-	Kuranda Cohousing - House 7	Anthony Architects Rose	March 2013
-	Kuranda Cohousing - House 8	Anthony Architects Rose	March 2013
-	Kuranda Cohousing - House 9	Anthony Architects Rose	March 2013
-	Kuranda Cohousing - House 10	Anthony Architects Rose	March 2013
-	Kuranda Cohousing - House 11	Anthony Architects Rose	March 2013
-	Kuranda Cohousing - House 12	Anthony Architects Rose	March 2013
-	Kuranda Cohousing - House 13	Anthony Architects Rose	March 2013
-	Kuranda Cohousing - House 14	Anthony Architects Rose	March 2013
-	Kuranda Cohousing - Alternate House 14	Anthony Architects Rose	March 2013
-	Kuranda Cohousing - House 15	Anthony Architects Rose	March 2013

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23 December 2013**9. When approval lapses if development not started (s341)**

This development approval will lapse in accordance with Section 341 of the Sustainable Planning Act 2009 if development does not start within relevant period as stated below:

- Material Change of Use & Reconfiguring a Lot requiring Operational Works – four (4) years (starting the day the approval takes effect);

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.

10. Appeal rights –***Applicant may make representations about decision***

The applicant may make written representations to the assessment manager about: -

- (a) a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or
- (b) the standard conditions applying to a deemed approval.

However, the applicant can not make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

Attachment 2 is an extract from SPA which contains details regarding making representations about the decision.

Appeals by applicants

An applicant for a development application may appeal to the Planning and Environment Court against the following:

- the refusal, or refusal in part of the development application
- any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242 of SPA
- the decision to give a preliminary approval when a development permit was applied for
- the length of a period mentioned in section 341
- a deemed refusal of the development application.

The timeframes for starting an appeal in the Planning and Environment Court are set out in section 461(2) of SPA.

Applicants may also have a right to appeal to the Building and Development Dispute Resolution Committee. For more details, see SPA, chapter 7, part 2.

Appeals by submitters

A submitter for a development application may appeal to the Planning and Environment Court against:

- the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment
- the part of the approval relating to the assessment manager's decision under section 327.

Details about submitter appeal rights for the Planning and Environment Court are set out in sections 462, 463 and 464 of SPA.

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Submitters may also have a right to appeal to the Building and Development Dispute Resolution Committee. For more details, see SPA, chapter 7, part 2.

Attachment 3 is an extract from SPA which details the applicant's appeal rights and the appeal rights of any submitters regarding this decision.

11. 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.

Should you require any further information please contact Council's **Planning Officer, Carl Ewin** on the above telephone number.

Yours faithfully

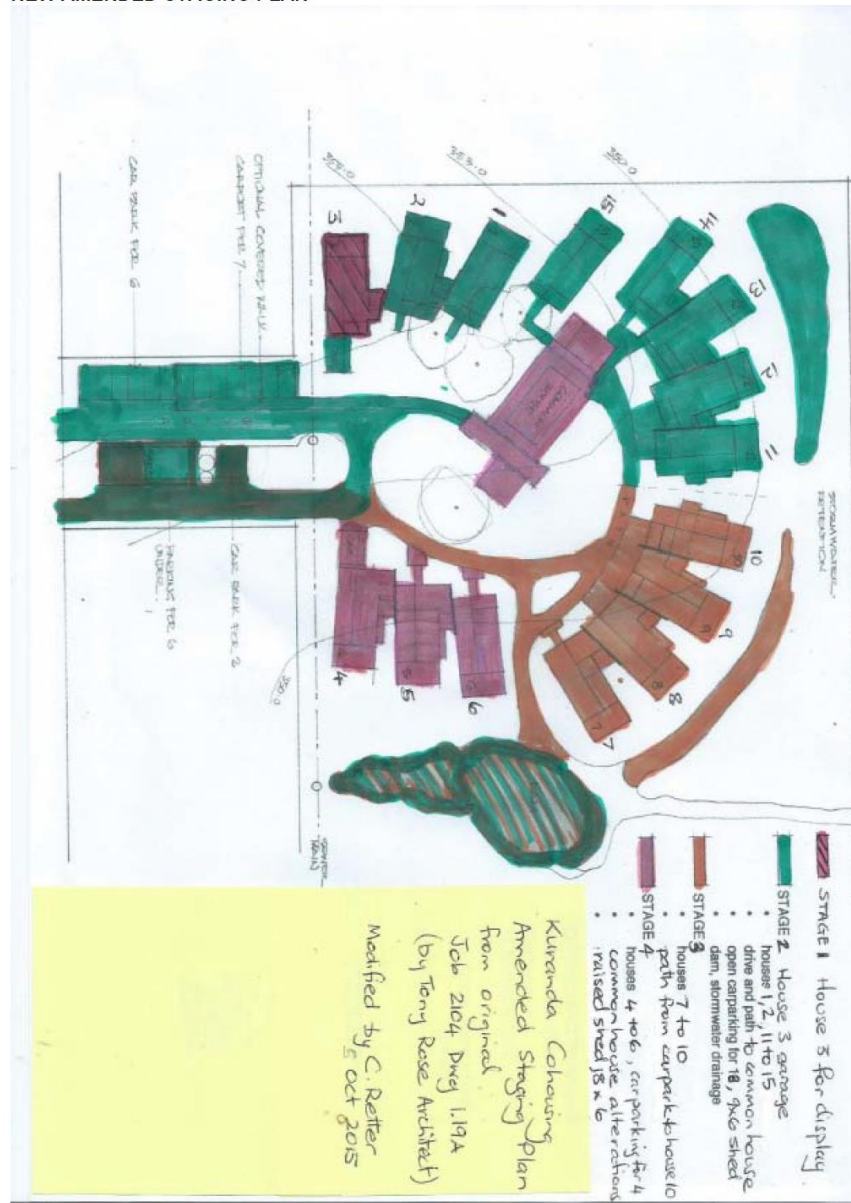
BRIAN MILLARD
SENIOR PLANNER

BRETT NANCARROW
MANAGER URBAN & REGIONAL PLANNING

Enclosures:

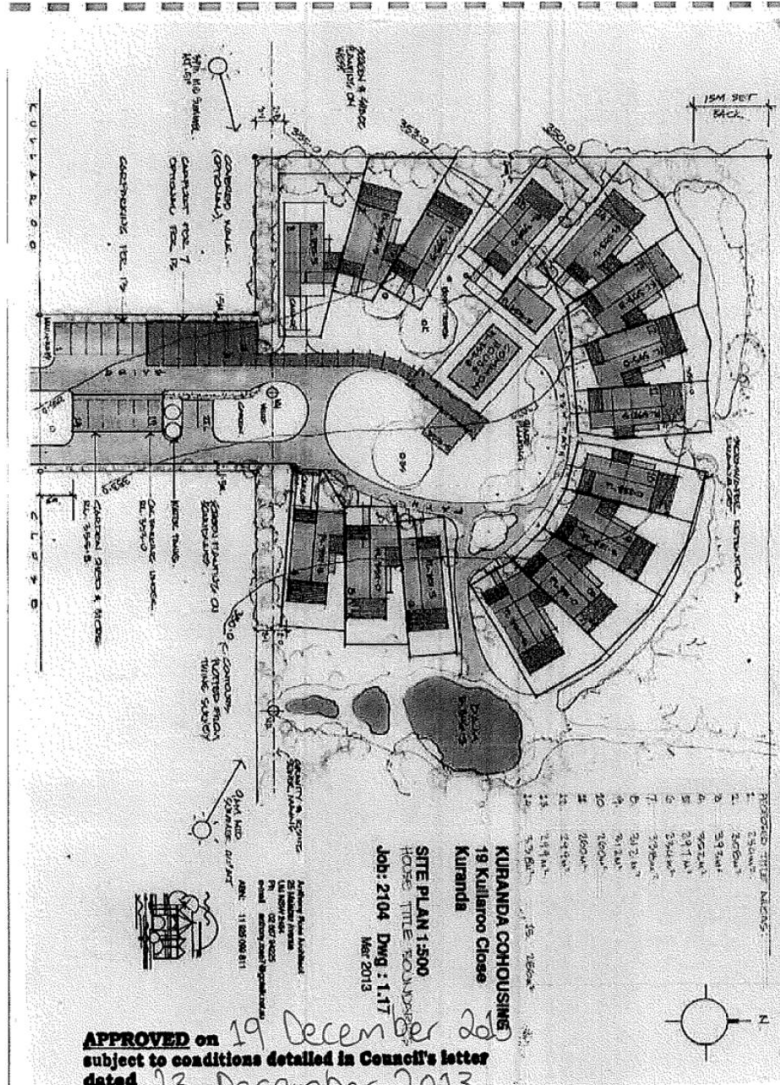
- Attachment 1 - Approved Plans of Development**
- Attachment 2 - SPA Extract - Making Representations about Decision**
- Attachment 3 - SPA Extract on Appeal Rights**

NEW AMENDED STAGING PLAN



DECISION NOTICE - APPROVAL

17
23 December 2013

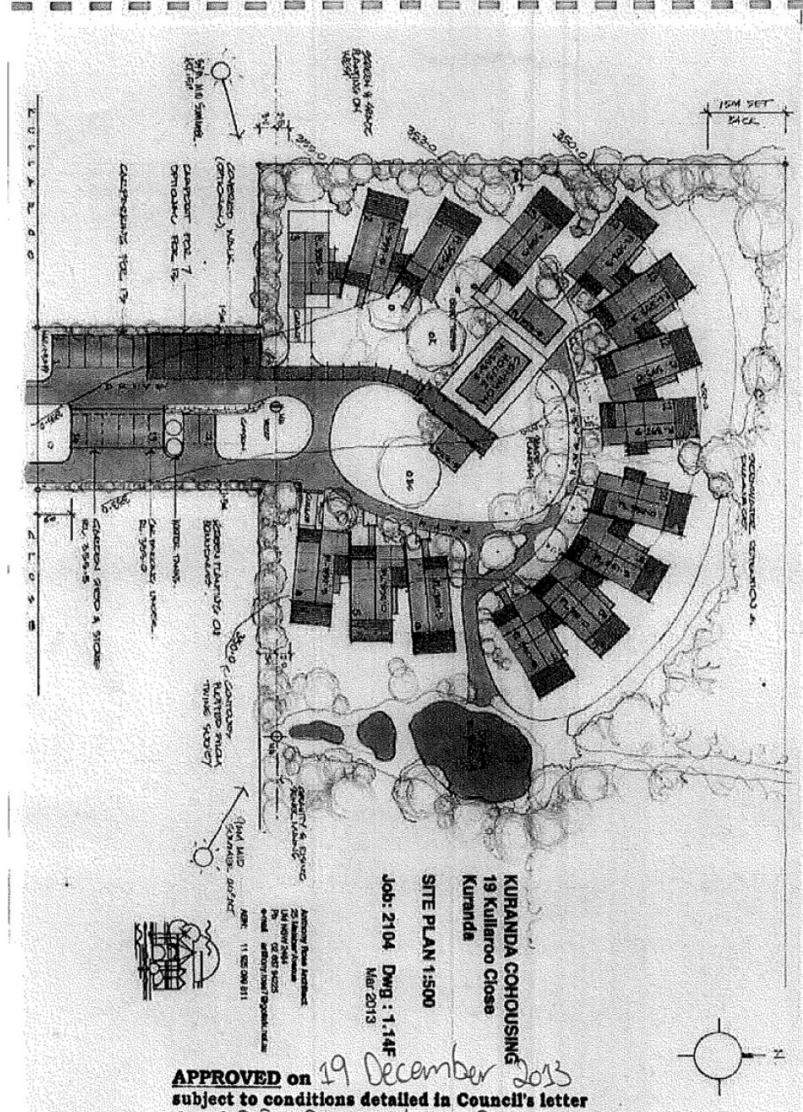


APPROVED on 19 December 2013
subject to conditions detailed in Council's letter
dated 23 December 2013

BRETT NANCARROW -
MANAGER URBAN AND REGIONAL PLANNING

DECISION NOTICE - APPROVAL

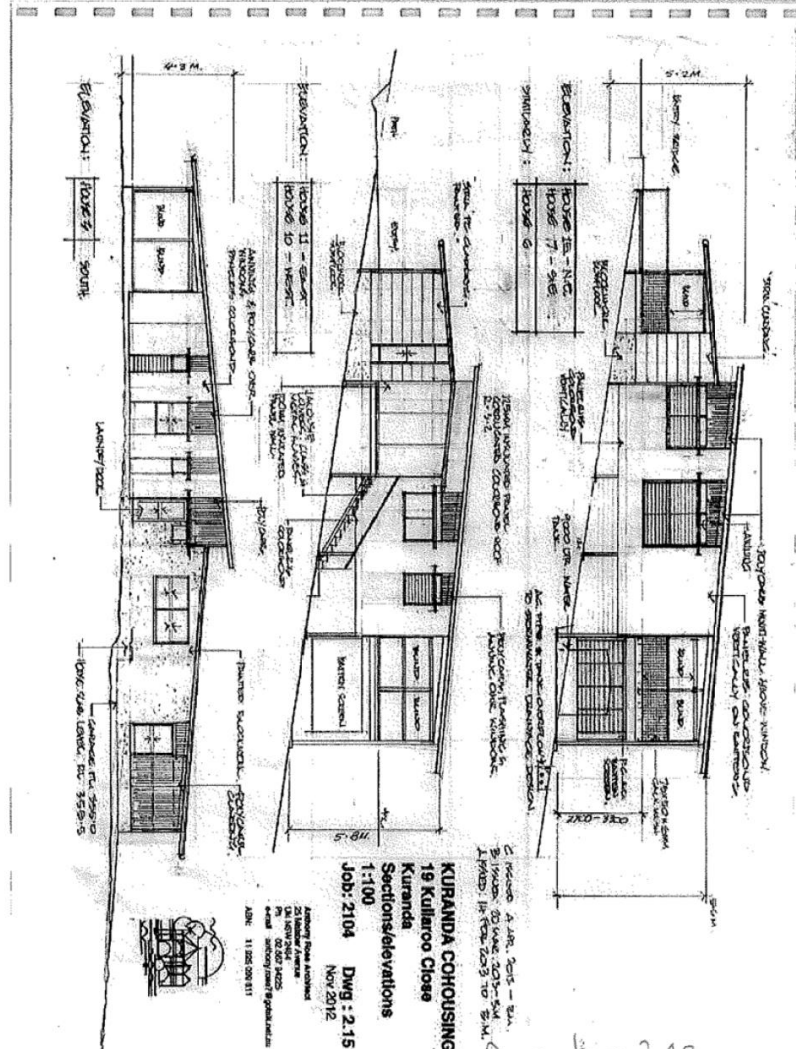
18
23 December 2013



APPROVED on 19 December 2013
subject to conditions detailed in Council's letter
dated 23 December 2013

Brett Nancarrow
BRETT NANCARROW -
MANAGER URBAN AND REGIONAL PLANNING





KURANDA COHOUSING
19 Kullaroo Close
Kuranda
Sections/Elevations
1:100
Job: 2104
DWG: 2:15
NOV 2012

Approved by: Anthony Ryan Architects
23 Kullaroo Way
PO Box 100
Kuranda QLD 4855
Ph: 07 4077 4425
Email: anthony@arad.com.au
ABR: 11 282 006 811

APPROVED on 19 December 2013
subject to conditions detailed in Council's letter
dated 23 December 2013

Brett Nancarrow

BRETT NANCARROW -
MANAGER URBAN AND REGIONAL PLANNING

KURANDA COHOUSING
19 Kullaroo Close
Kuranda
elevations 1:100
Job: 2104
Dwg: 2.16
Nov 2012

Architect: Anthony Ross Architects
20 Kullaroo Close
Kuranda
Ph: 07 487 5405
Fax: 07 487 5406
Email: anthony@rossarchitects.com.au
ABN: 11 923 098 811

APPROVED on 19 December 2013.
subject to conditions detailed in Council's letter
dated 23 December 2013.

BRETT NANCARROW -
MANAGER URBAN AND REGIONAL PLANNING

Legend:
R2.0 - EXISTING ROOF INSULATION
R2.5 - PROPOSED INSULATED PALLET
R1.4 - MINIMUM INSULATION FOR WALLS
R2.0 - PROPOSED ROOM INSULATION
R2.0 - ROOM INSULATION EXISTING

DECISION NOTICE - APPROVAL

21
23 December 2013

KURANDA COHOUSING
19 Kullaroo Close
Kuranda
HOUSE ELEVATIONS
1:100

Job: 2104 Dwg: 2.25
Mar 2013

Anthony Pines Architects
25 Marston Avenue
PO Box 4025
Atherton QLD 4870
Phone: 07 5251 2000
Fax: 07 5251 2001
Email: info@athertonpines.com.au
Web: www.athertonpines.com.au

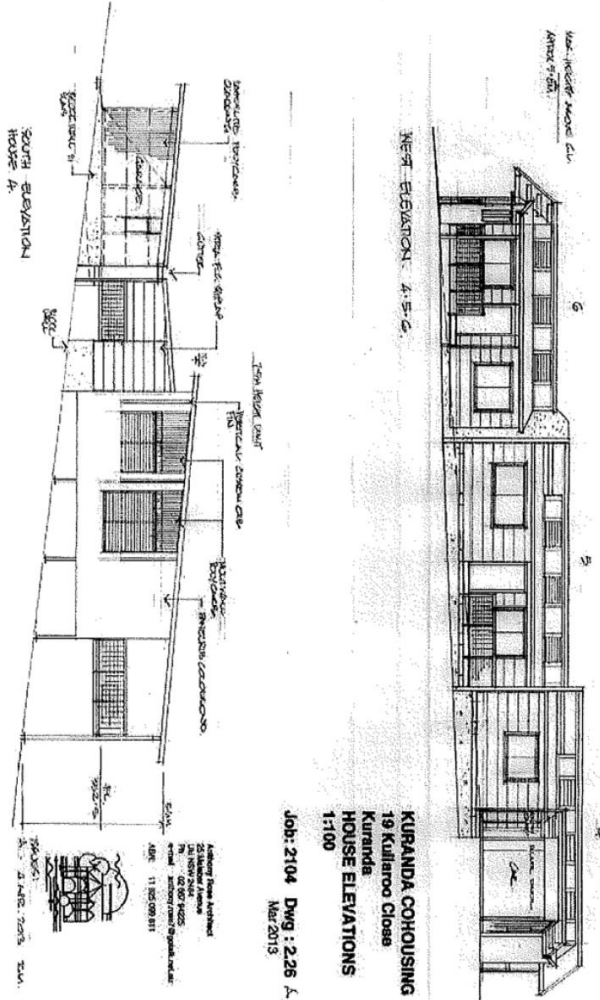
APPROVED on 19 December 2013
subject to conditions detailed in Council's letter
dated 23 December 2013.

Brett Nancarrow

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MANAGER URBAN AND REGIONAL PLANNING

DECISION NOTICE - APPROVAL

22
23 December 2013

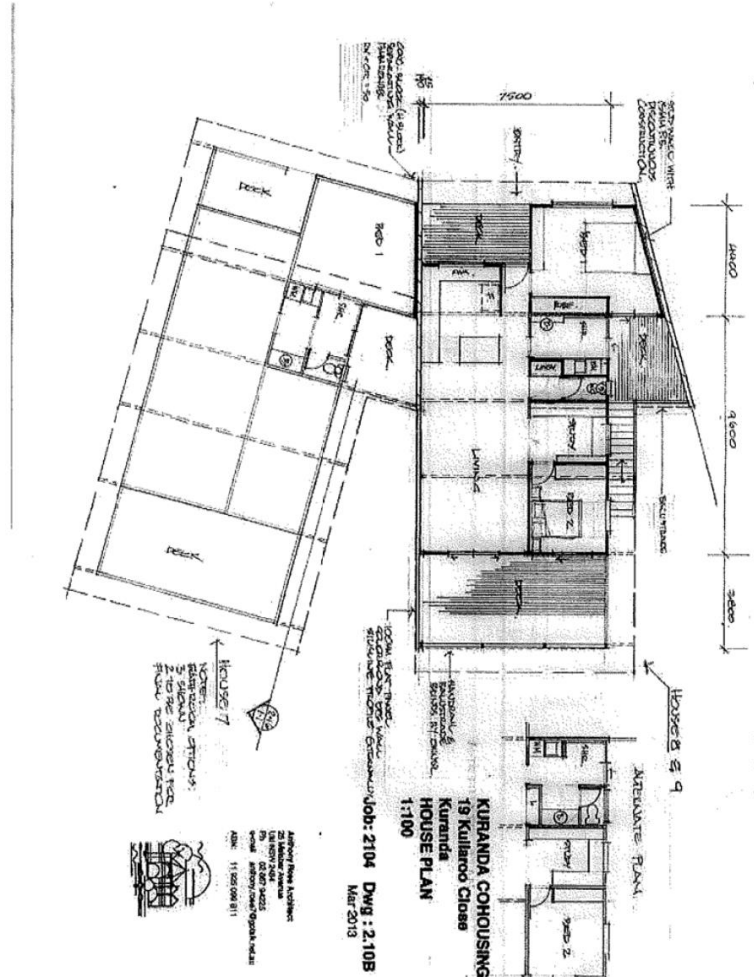


APPROVED on 19 December 2013
subject to conditions detailed in Council's letter
dated 23 December 2013.
Brett Nancarrow
BRETT NANCARROW -
MANAGER URBAN AND REGIONAL PLANNING



DECISION NOTICE - APPROVAL

23
23 December 2013



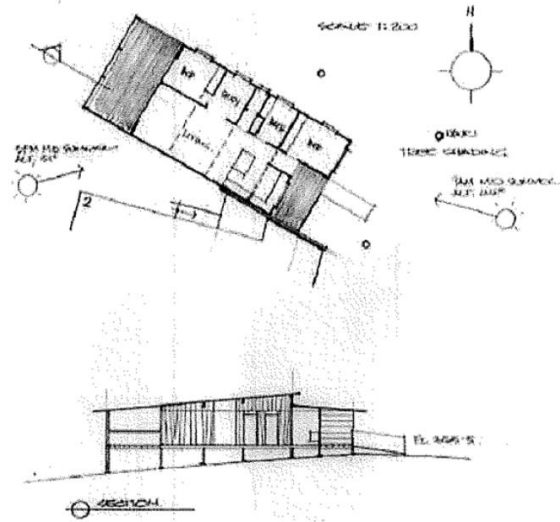
APPROVED on 19 December 2013
subject to conditions detailed in Council's letter
dated 23 December 2013
Brett Nancarrow

BRETT NANCARROW -
MANAGER URBAN AND REGIONAL PLANNING



DECISION NOTICE - APPROVAL

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23 December 2013



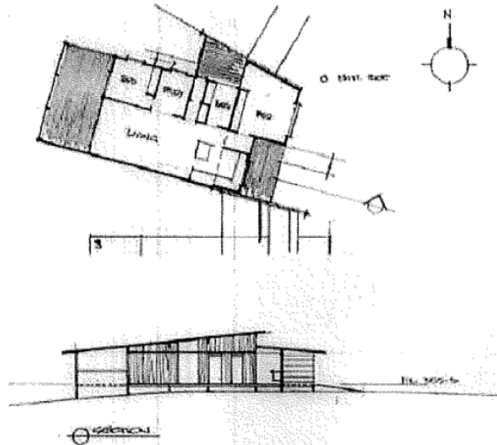
KURANDA COHOUSING - 1:200 plan - House 1

APPROVED on 19 December 2013
subject to conditions detailed in Council's letter
dated 23 December 2013.


BRETT NANCARROW -
MANAGER URBAN AND REGIONAL PLANNING

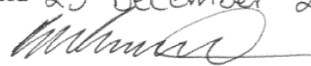
DECISION NOTICE - APPROVAL

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23 December 2013



KURANDA COURTYARD 1:200 plan - House 2

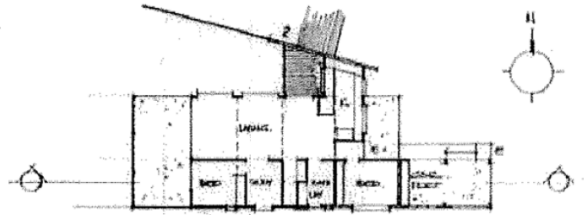
APPROVED on 19 December 2013
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dated 23 December 2013.



**BRETT NANCARROW -
MANAGER URBAN AND REGIONAL PLANNING**

DECISION NOTICE - APPROVAL

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23 December 2013



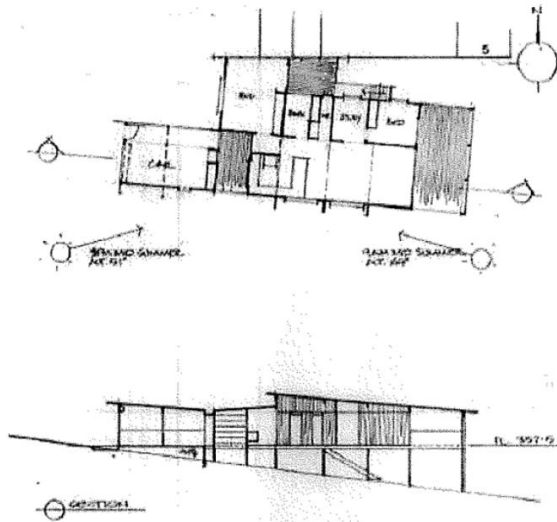
KURANDA COHOUSING - 1200 plan - House 3

APPROVED on 19 December 2013
subject to conditions detailed in Council's letter
dated 23 December 2013.

BRETT NANCARROW -
MANAGER URBAN AND REGIONAL PLANNING

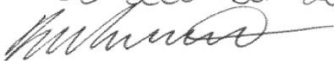
DECISION NOTICE - APPROVAL

27
23 December 2013



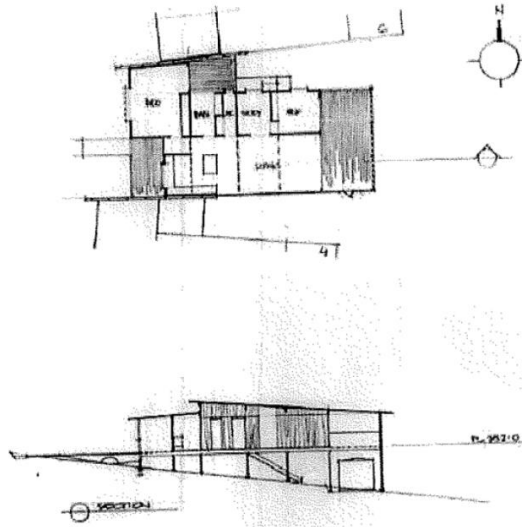
KURANDA COHOUSING 1:200 plan House 4

APPROVED on 19 December 2013
subject to conditions detailed in Council's letter
dated 23 December 2013.


BRETT NANCARROW -
MANAGER URBAN AND REGIONAL PLANNING

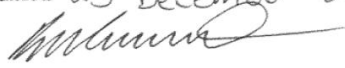
DECISION NOTICE - APPROVAL

28
23 December 2013



KURANDA COHOUSING - 1:200 plan - House 5

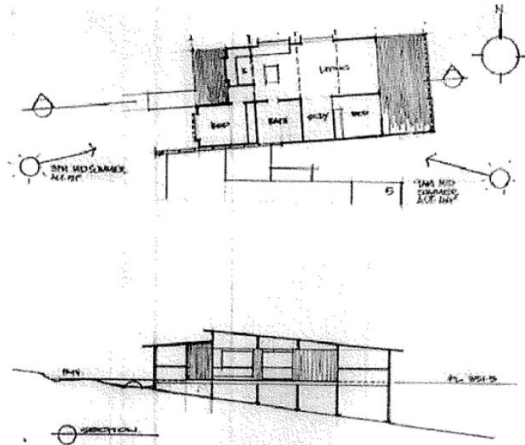
APPROVED on 19 December 2013
subject to conditions detailed in Council's letter
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BRETT NANCARROW -
MANAGER URBAN AND REGIONAL PLANNING

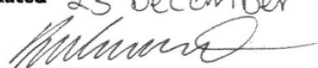
DECISION NOTICE - APPROVAL

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23 December 2013



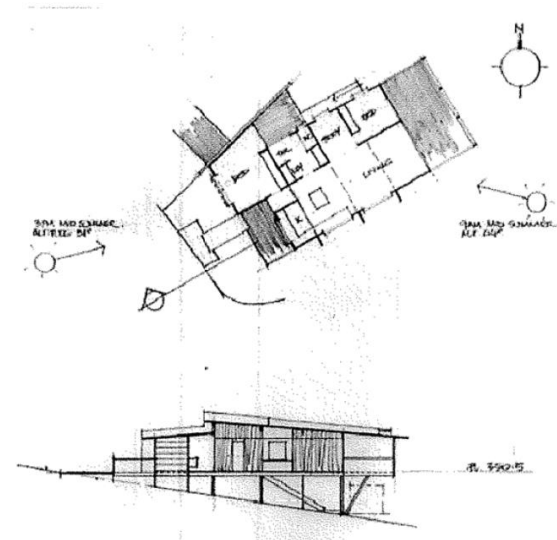
KURANDA COHOUSING - 1:200 plan - House 6

APPROVED on 19 December 2013
subject to conditions detailed in Council's letter
dated 23 December 2013.


BRETT NANCARROW -
MANAGER URBAN AND REGIONAL PLANNING

DECISION NOTICE - APPROVAL

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23 December 2013



KURANDA COUSLING - 1:200 plan - House 7

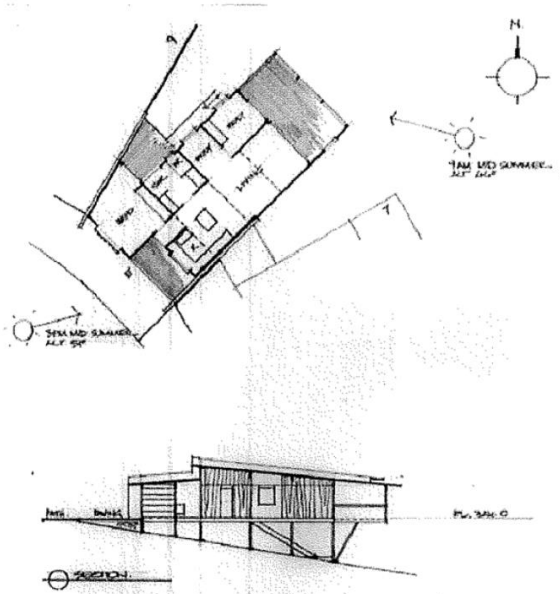
APPROVED on 19 December 2013
subject to conditions detailed in Council's letter
dated 23 December 2013.

Brett Nancarrow

BRETT NANCARROW -
MANAGER URBAN AND REGIONAL PLANNING

DECISION NOTICE - APPROVAL

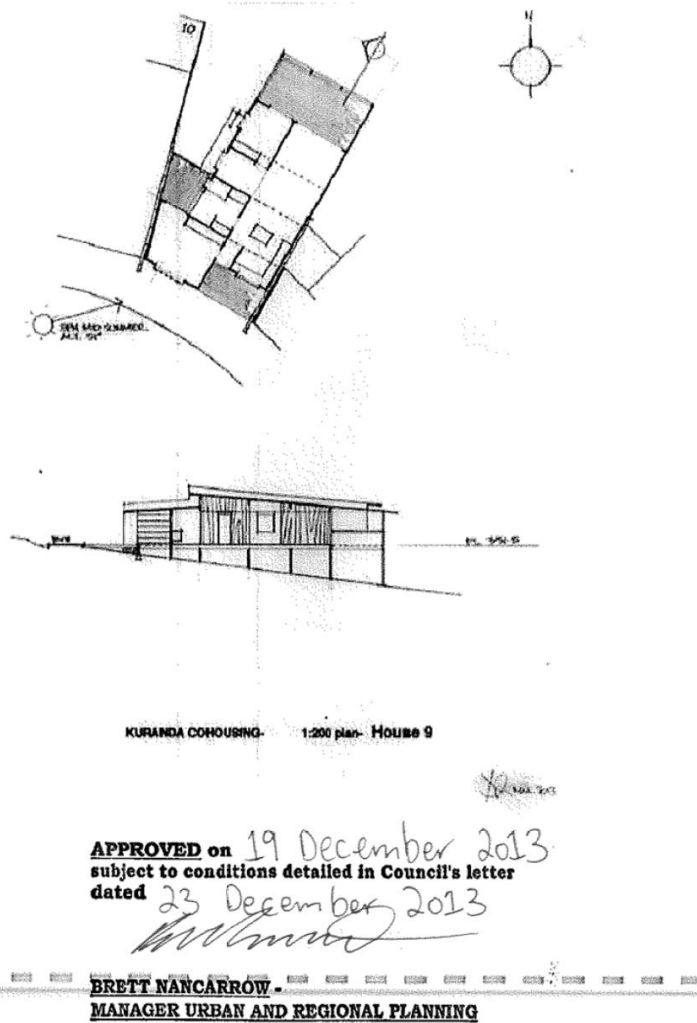
31
23 December 2013



KURANDA COHOUSING 1:200 plan House 8
APPROVED on 19 December 2013
subject to conditions detailed in Council's letter
dated 23 December 2013.
[Signature]
BRETT NANCARROW -
MANAGER URBAN AND REGIONAL PLANNING

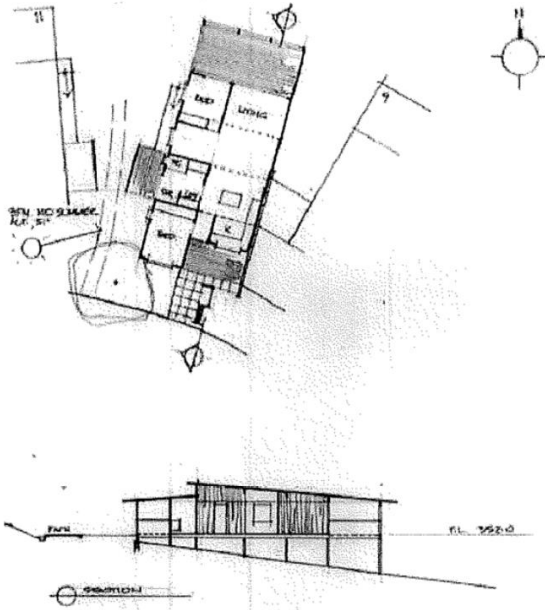
DECISION NOTICE - APPROVAL

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23 December 2013




DECISION NOTICE - APPROVAL

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23 December 2013



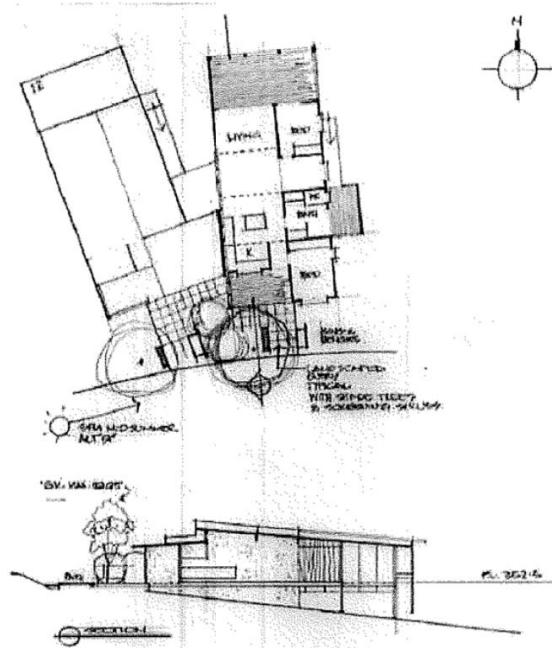
KURANDA COHOUSING - 1:200 plan - House 10

APPROVED on 19 December 2013
subject to conditions detailed in Council's letter
dated 23 December 2013.


BRETT NANCARROW -
MANAGER URBAN AND REGIONAL PLANNING

DECISION NOTICE - APPROVAL

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23 December 2013



KURANDA COUSING - 1:200 plan - House 11

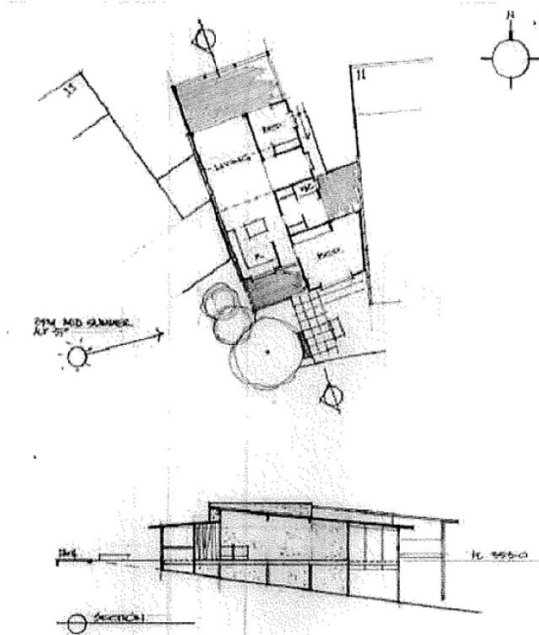
APPROVED on 19 December 2013
subject to conditions detailed in Council's letter
dated 23 December 2013.



BRETT NANCARROW -
MANAGER URBAN AND REGIONAL PLANNING

DECISION NOTICE - APPROVAL

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23 December 2013



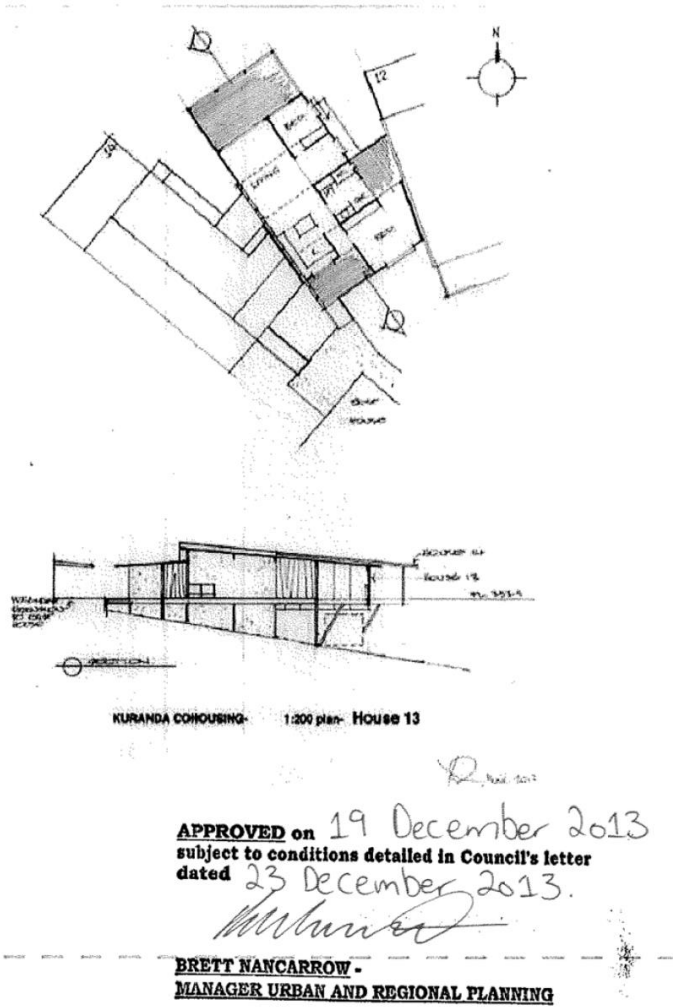
KURANDA COHOUSING - 1:200 plan - House 12

APPROVED on 19 December 2013
subject to conditions detailed in Council's letter
dated 23 December 2013.


BRETT NANCARROW -
MANAGER URBAN AND REGIONAL PLANNING

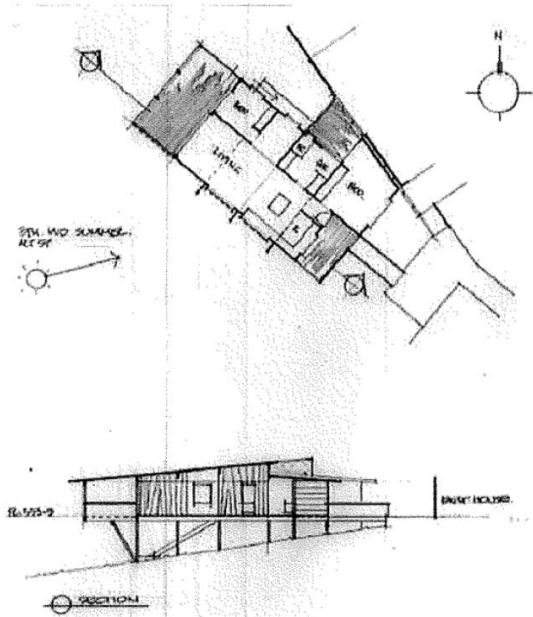
DECISION NOTICE - APPROVAL

36
23 December 2013



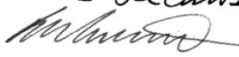
DECISION NOTICE - APPROVAL

37
23 December 2013



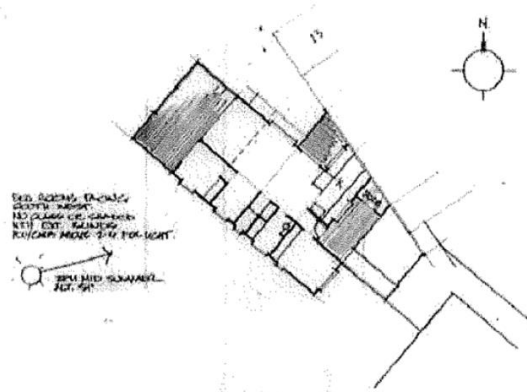
KURANDA COHOUSING - 1:200 plan. House 14

APPROVED on 19 October 2013
subject to conditions detailed in Council's letter
dated 23 October 2013


BRETT NANCARROW -
MANAGER URBAN AND REGIONAL PLANNING

DECISION NOTICE - APPROVAL

38
23 December 2013

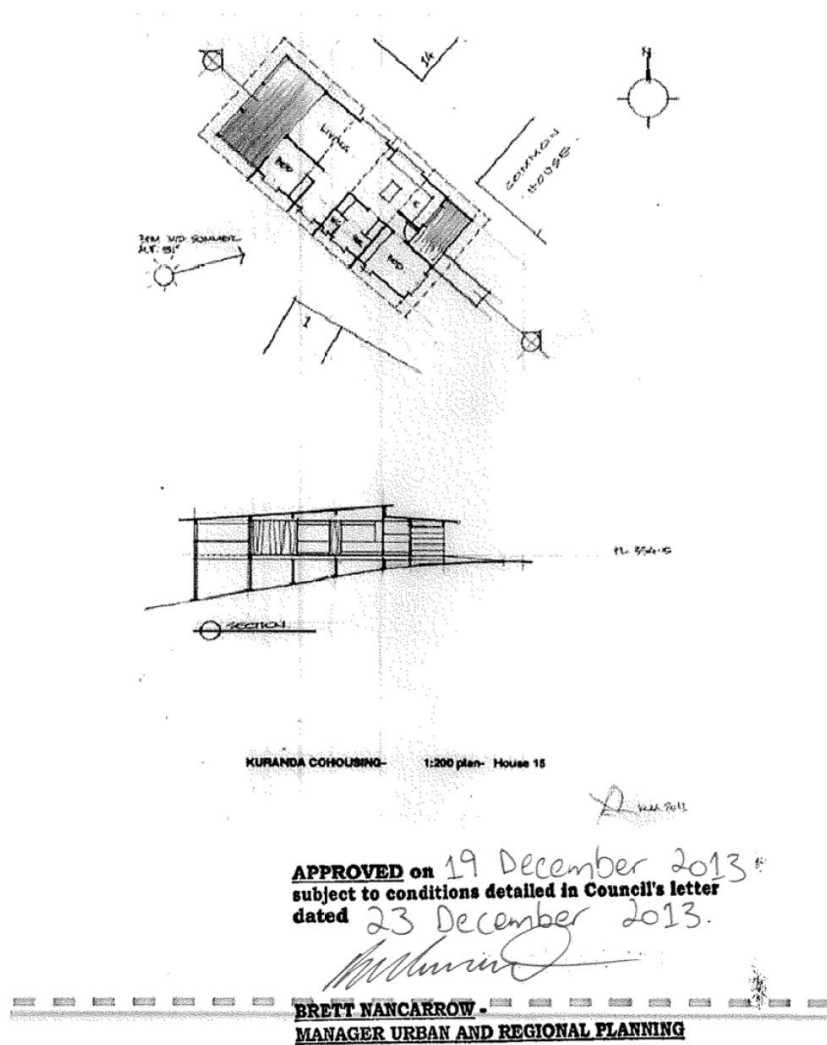


APPROVED on 19 December 2013
subject to conditions detailed in Council's letter
dated 23 December 2013

BRETT NANCARROW -
MANAGER URBAN AND REGIONAL PLANNING

DECISION NOTICE - APPROVAL

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23 December 2013



ATTACHMENT 2

12 December 2017

Please reply to:

PO Box 978

Kuranda

The Senior Planner
The Planning Department
Mareeba Shire Council
Rankin Street
Mareeba

Re: Extension to DA 13/0039 – Reconfiguration of a Lot at 19 Kullaroo Close, Kuranda

Dear Brian,

We wish to request an extension, of a further 4 years, to the period of currency of DA 13/0039.

We have commenced on ground works with Stage 1, in August this year, being a display house. Expected completion of this will be February 2018.

Interest in the project has been slower than expected but the physical presence of a display house has definitely renewed inquiries. We are hoping to submit a request for Stage 2 On ground works design approval within the next 6 months.

Please let me know if there is any further paperwork required and related fees.

Kind regards

Cathy Retter

Kuranda Cohousing Association

Yours sincerely

Cathy Retter

Cathy Retter and Garth Owen

ITEM-4 **LANDGOLD PTY LTD - MOTEL AND DRIVE THROUGH FAST FOOD - LOT 1 RP725711 - KENNEDY HIGHWAY, MAREEBA - MCU/08/0063.DOCX**

MEETING: Ordinary

MEETING DATE: 24 January 2018

REPORT OFFICER'S TITLE: Planning Officer

DEPARTMENT: Corporate and Community Services

APPLICATION		PREMISES	
APPLICANT	Landgold Pty Ltd	ADDRESS	Cnr Kennedy Highway, Mareeba Connection Road & Kenneally Road, Mareeba
DATE REQUEST FOR EXTENSION OF RELEVANT PERIOD LODGED	10 January 2018	RPD	Lot 7 on SP265039 (Formerly Lot 1 on RP725711)
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Motel		

FILE NO	MCU/08/0063	AREA	1.389 hectares
LODGED BY	Landgold Pty Ltd	OWNER	Landgold Pty Ltd
PLANNING SCHEME	Mareeba Shire Planning Scheme 2004 (Amendment No. 01/11)		
ZONE	Residential Zone		
LEVEL OF ASSESSMENT	Impact Assessment		
SUBMISSIONS	Nil		

ATTACHMENTS:

1. Decision Notice dated 9 February 2010
2. Applicant's request to extend relevant period dated 10 January 2018

EXECUTIVE SUMMARY

Council, at its Ordinary Meeting on 3 February 2010 approved in part only a development application made by Peter Robinson Planner on behalf of Landgold Pty Ltd for Material Change of Use - Motel and Drive Through Fast Food Outlet. The 'drive through fast food outlet'

component of the development application was refused by Council. The approval in part was granted subject to various conditions.

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

To date, no development works have commenced in relation to the approved development.

Council has previously extended the relevant approval period by a total of four (4) years with the last of these approvals due to end on 9 February 2018.

The applicant has subsequently lodged a further request to extend the relevant period of the approval for a further four (4) years from 9 February 2018 to 9 February 2022 (**Attachment 2**).

Landgold Pty Ltd advises that they have entered into a conditional sale contract with a party who has extensive motel management experience. Subject to a due diligence process, the sale contract would take effect on 1 April 2018.

It is recommended that the relevant period be extended for a period of two (2) years, from 9 February 2018 to 9 February 2020.

Notwithstanding the officer's recommendation, Council may approve the requested four (4) year extension if it chooses.

OFFICER'S RECOMMENDATION

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

APPLICATION		PREMISES	
APPLICANT	Landgold Pty Ltd	ADDRESS	Cnr Kennedy Highway, Mareeba Connection Road & Kenneally Road, Mareeba
DATE REQUEST FOR EXTENSION OF RELEVANT PERIOD LODGED	10 January 2018	RPD	Lot 1 on RP725711
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Motel		

and in accordance with the Planning Act 2016,

(A) The relevant period be extended for two (2) years from 9 February 2018 to 9 February 2020.

2. A Notice of Council's decision be issued to the applicant advising of Council's decision".

THE SITE

The subject land has an area of 1.087 hectares and is described as Lot 7 on SP265039 (formerly Lot 1 on RP725711), Parish of Tinaroo, County of Nares. The land is irregular in shape and is bounded on three of its four sides by roads. The northern boundary of the land fronts the Mareeba Connection Road. The south-eastern boundary fronts the Kennedy Highway and the south-western boundary fronts Kenneally Road.

The subject land is flat and fully cleared and grassed.

The subject land is positioned at the eastern entrance to the Mareeba Township, approximately 2.3 kilometres from the Mareeba Post Office.

To the immediate north of the site, across the Mareeba Connection Road, are a vacant former school reserve and a residential subdivision (The Edge subdivision), both of which are zoned Low Density Residential under the planning scheme. Land to the south and south-east of the subject land has been developed for single dwelling residential allotments. Land to the south-west has been developed as a caravan park.

The subject land is able to connect to town water supply and town sewerage on the northern side of Mareeba Connection Road and is capable of being serviced by all other urban infrastructure including telecommunications, electricity, refuse disposal, drainage and road access.



Map Disclaimer:

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

**Map Disclaimer:**

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

BACKGROUND

Council, at its Ordinary Meeting held on 3 February 2010, approved in part only, a development application made by Peter Robinson Planner on behalf of the applicant for a Material Change of Use - Motel and Drive Through Fast Food Outlet on land described as Lot 1 on RP725711, Parish of Tinaroo, situated at corner of Kennedy Highway, Mareeba Connection Road and Kenneally Road, Mareeba. The 'drive through fast food outlet' component of the proposal was refused by Council.

The approval was issued subject to various conditions in a Decision Notice dated 9 February 2010 (**Attachment 1**).

To date, no works have commenced on site in relation to the approved development, nor has the applicant paid any of the required infrastructure charges/contributions.

Council has previously extended the relevant approval period by a total of four (4) years with the last of these approvals due to end on 9 February 2018.

The applicant has subsequently lodged a further request to extend the relevant period of the approval for a further four (4) years from 9 February 2018 to 9 February 2022 (**Attachment 2**).

Landgold Pty Ltd advises that they have entered into a conditional sale contract with a party who has extensive motel management experience. Subject to a due diligence process, the sale contract would take effect on 1 April 2018.

Council officers have met with the prospective purchasers on several occasions and are satisfied that they have a genuine interest in proceeding with the development.

Approval of a four (4) year extension is not recommended because the sale contract remains conditional. A two (2) year extension would give sufficient time for the sale to be finalised and allow the new owner to progress with the development.

It is recommended that the relevant period be extended for a period of two (2) years, from 9 February 2018 to 9 February 2020.

ASSESSMENT AND DECISION REQUIREMENTS

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 new Mareeba Shire Council Planning Scheme 2016. The development remains consistent with the planning intent for the locality.

The conditions of development approval MCU/08/0063 remain comprehensive and any new development approval would not be expected to have significantly different requirements.

Development Approval MCU/08/0063 was not subject to fixed headworks charges/contributions.

The original development application was Impact Assessable and subject to public notification. No submissions were made in relation to the original development application.

A further development application would be Impact Assessable and subject to public notification. No submissions were made in relation to the original development application.

The original application triggered a referral to the Department of Transport and Main Roads as a Concurrence Agency. A concurrence agency is no longer required to consent to an extension of the relevant period.

Date Prepared: 11 January 2018

ATTACHMENT 1

Atherton Service Centre
PO Box 573, Atherton QLD 4883
Telephone: 1300 362 242

Urban & Regional Planning Group
Gary Searle, Planning Officer
Telephone: (07) 4043 4372
Facsimile: (07) 4092 3323
Email: info@trc.qld.gov.au

File Ref: MCU/08/0063
Our Ref: BN:GPS:mh

9 February 2010

Landgold Pty Ltd
c/- Peter Robinson
PO Box 4751
CAIRNS QLD 4870

Decision Notice Approval

Integrated Planning Act 1997 S 3.5.15

Dear Sir

**APPLICATION FOR MATERIAL CHANGE OF USE – MOTEL AND DRIVE THROUGH FAST
FOOD OUTLET
LOT 10N RP725711
SITUATED AT CNR KENNEDY HIGHWAY, MAREEBA CONNECTION ROAD AND KENNEALLY
ROAD, MAREEBA**

I wish to advise that, at Council's Ordinary Meeting held 3 February 2010, the above development application was -

- Approved in part for the following, with conditions -
- Motel only

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 –

This Decision Notice approves a **Development Permit for Material Change of Use – Motel made assessable by the Mareeba Shire Planning Scheme 2004.**

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.

DECISION NOTICE - APPROVAL

 2
 9 February 2010

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

LOCATION: Cnr Kennedy Highway, Mareeba Connection Road and Kenneally Road, Mareeba
PROPERTY DESCRIPTION: Lot 1 on RP725711, Parish of Tinaroo
AREA OF LAND: 1.389 hectares
MATERIAL CHANGE OF USE: Motel (Approved)
 Drive Through Fast Food Outlet (Refused)

(B) APPROVED PLANS

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

Plan/Document Number	Plan/Document Title	Prepared by	Dated	Date received by Council
628_DD A-101-A	Site Plan	CA Architects	14/05/2009	28/10/2009
628_DD A-201	Plan	CA Architects	20/01/2009	19/08/2009
628_DD A-202	First Floor	CA Architects	20/01/2009	19/08/2009
628_DD A-203	Typical Room Layouts	CA Architects	20/01/2009	19/08/2009
628_DD A-301	Site Elevations / Section	CA Architects	20/01/2009	19/08/2009
628_DD A-302	Elevations & Section	CA Architects	20/01/2009	19/08/2009

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

1. The Drive Through Fast Food Outlet part of the application is refused.
2. Development must be carried out substantially in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:
 - found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
 - to ensure compliance with the following conditions of approval.
3. Timing of Effect
 - 3.1 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.
 - 3.2 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.
 - 3.3 Prior to the commencement of use, the applicant must provide a letter from the Department of Transport and Main Roads confirming that all conditions of that Department have been complied with to the Departments satisfaction.

DECISION NOTICE - APPROVAL3
9 February 2010**4. General**

4.1 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.

4.2 All payments required to be made to Council (including contributions, charges and bonds) pursuant to any condition of this approval must be made prior to the issue of a building permit and at the rate applicable at the time of payment.

4.3 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.

4.4 Noise Nuisance

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

The applicant/developer must install and maintain suitable screening to all air conditioning, lift motor rooms, plant and service facilities located at the top of or on the external face of the building. The screening structures must be constructed from materials that are consistent with materials used elsewhere on the facade of the building. There are to be no individual external unscreened air conditioning units attached to the exterior building facade.

4.5 Waste Management

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

Certification by a Registered Professional Engineer of Queensland (RPEQ) must be provided to Council which demonstrates that internal access is of adequate design and construction to allow waste collection/delivery vehicle to enter and exit the site in a forward gear, prior to the issue of a building permit.

4.6 Flood Immunity

All buildings must be located such that the freeboard of the floor levels of all habitable rooms are a minimum of 300mm above 100 ARI year level.

4.7 Privacy

The buildings, including orientation of windows, are to be designed to ensure the use does not intrude on the privacy of residential neighbours, in accordance with the following:

- No windows have direct views into adjoining buildings.

5. Infrastructure Services and Standards**5.1 Access**

Access to the proposed site shall be as per Department of Transport and Main Road's requirements.

5.2 Stormwater Drainage

Prior to works commencing, the developer must apply for and receive an approval for Operational Works. A stormwater management plan must be lodged with Council demonstrating "No net increase in the rate of stormwater discharge from the development" to the satisfaction of Council's delegated officer. The plan must be accompanied by a report prepared and certified by a suitably qualified design engineer (RPEQ) clearly indicating measures taken and calculated impact. The design and construction of stormwater drainage for the proposed development is to be in accordance with the requirements of the Queensland Urban Drainage Manual (QUDM) (as amended) and the FNQROC Development Manual (as amended).

The applicant/developer (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.

5.3 Car Parking/Internal Driveways

- (a) The developer must ensure that the development is provided with a minimum of 73 on-site car parking spaces which are available for use solely for the parking of vehicles associated with the use of the premises. All car parking spaces must be sealed, line-marked and appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer.
- (b) Prior to works commencing, the developer must submit engineering plans and specifications for the construction of proposed car parking facilities and internal driveways demonstrating:
 - Compliance with Australian Standard AS2890;
 - Compliance with Australian Standard AS1428:2001 – Design for Access and Mobility.
- (c) Parking must be easily identifiable from the internal access road, and
 - illuminated at night; and
 - as close as possible to the units to be served.
- (d) Disabled parking is to be appropriately signed or marked.
- (e) A mini-bus set down area must be designed and constructed on site in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.
- (f) Shading of car parking areas
 - Trees that will grow to provide shade must be planted throughout the car park area and around its perimeter at the rate of one (1) tree per ten (10) car parking spaces or part thereof; or
 - Shade structures are provided over 40% of the car parking spaces.

5.4 Landscaping and Fencing

- (a) Prior to the issue of the Development Permit for Building Works, a landscape plan must be prepared for the site and submitted to Council's delegated officer for consideration and approval. The plan is to include the following:
 - Planting of a 3 metre wide buffer strip along all road boundaries, excluding driveways;

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- Planting of 1 metre wide landscaping strips adjacent to car parking areas, including appropriate edging to protect the landscaping from damage from vehicles;
 - Planting of shade trees adjacent to car parking areas, unless shade structures are provided as an alternative;
- (b) The landscaping of the site must be carried out in accordance with an endorsed landscaping plan, and irrigated, mulched and maintained to the satisfaction of Council's delegated officer.

5.5 Lighting

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

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

NOTE: The design is to integrate the principles of Crime Prevention through Environmental Design (CPTED) theory. Lighting design is to illuminate potential areas of concealment and is to project illumination so that a human face is easily discernible from 15 metres and there is to be sufficient night lighting, which renders people, colours, vegetation and objects correctly, i.e. 'white' light. Particular attention should be given to pathways, driveways and common external spaces

5.6 Frontage Works

The developer is required to construct the following works, designed in accordance with FNQROC Development Manual standards (as amended) for the applicable planning scheme area to the satisfaction of Council's delegated officer:-

- 5.6.1 Kerb and channel for the Kenneally Road frontage of Lot 1 on RP725711 from the approved subdivision boundary approximately 77.5 metres from the western boundary of Lot 1 to the new culdesac;
- 5.6.2 Widen the existing bitumen on Kenneally Road for the frontage of Lot 1 on RP725711 from the approved subdivision boundary approximately 77.5 metres from the western boundary of Lot 1 to the new culdesac by two (2) metres to the new kerb and channel;
- 5.6.3 Construct a concrete footpath from the eastern proposed driveway into the development, along the Mareeba Connection Road to Kenneally Road.
- 5.6.4 Construct a concrete footpath for the full Kenneally Road frontage.

Prior to works commencing, plans for the works described above must be approved as part of an Operational Works application.

5.7 Water Supply

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

Where the existing reticulated water supply does not currently service the site or is not at an adequate capacity, the developer is required to extend and augment the reticulated water supply infrastructure to connect the site to Council's existing

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infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended). The applicant is to connect the development to the 300mm AC water main located at the top of Haren Street.

The applicant is to provide calculations detailing the maximum rate of potable water draw off for the development and to provide hydraulic modelling to demonstrate that the distribution system has capacity or can be augmented to provide the required capacity to the development site.

5.8 Sewerage Connection

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.

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 and augment 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). The applicant is to connect the development to the sewer at Manhole 10146, located on Lot 157 on NR5658.

The applicant is to provide calculations detailing the maximum rate of wastewater discharge from the development to the wastewater reticulation system and to demonstrate that the wastewater reticulation system has capacity or can be augmented to provide the required capacity to dispose of wastewater generated by the development.

The Contractor is to allow in his contract price the cost for video checking (and rectification if necessary) of all new sewer work to the satisfaction of Council's delegated officer.

6. CONTRIBUTIONS/HEADWORKS**6.1 Water Headworks**

The developer must pay a contribution for 43.3 EDC's for water supply headworks to Council in accordance with Mareeba Shire Planning Scheme Policy 2 (Headworks Charges for Water Supply and Sewerage) at the rate applicable at time of payment.

6.2 Sewerage Headworks

The developer must pay a contribution for 50.6 EDC's for sewerage supply headworks to Council in accordance with Mareeba Shire Planning Scheme Policy 2 (Headworks Charges for Water Supply and Sewerage) at the rate applicable at time of payment.

(D) REFERRAL AGENCY RESPONSE

Department of Transport and Main Roads response dated 30 October 2009.

(E) ASSESSMENT MANAGER'S ADVICE**(a) 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

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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.nrw.qld.gov.au.

(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) Food Premises

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

(d) A Trade Waste Permit will be required prior to the commencement of use.

(e) Compliance with Acts and Regulations

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

4. 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
- Development Permit for Operational Works

5. IDAS referral agencies –

The IDAS Referral Agencies applicable to this application are –

For an application involving	Name of referral agency	Status	Address
MATERIAL CHANGE OF USE			
On land contiguous to a <u>State-controlled road</u>	Department of Main Roads	Concurrence or Advice	Department of Main Roads Peninsula District PO Box 6185 CAIRNS QLD 4870

6. Submissions -

There were no properly made submissions about the application.

7. 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.

8. When the development approval takes effect -

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This development approval takes effect –

- from the time the decision notice is given, if there is no submitter and the applicant does not appeal the decision to the court

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 **Planning Officer, Gary Searle** on the above telephone number.

Yours faithfully

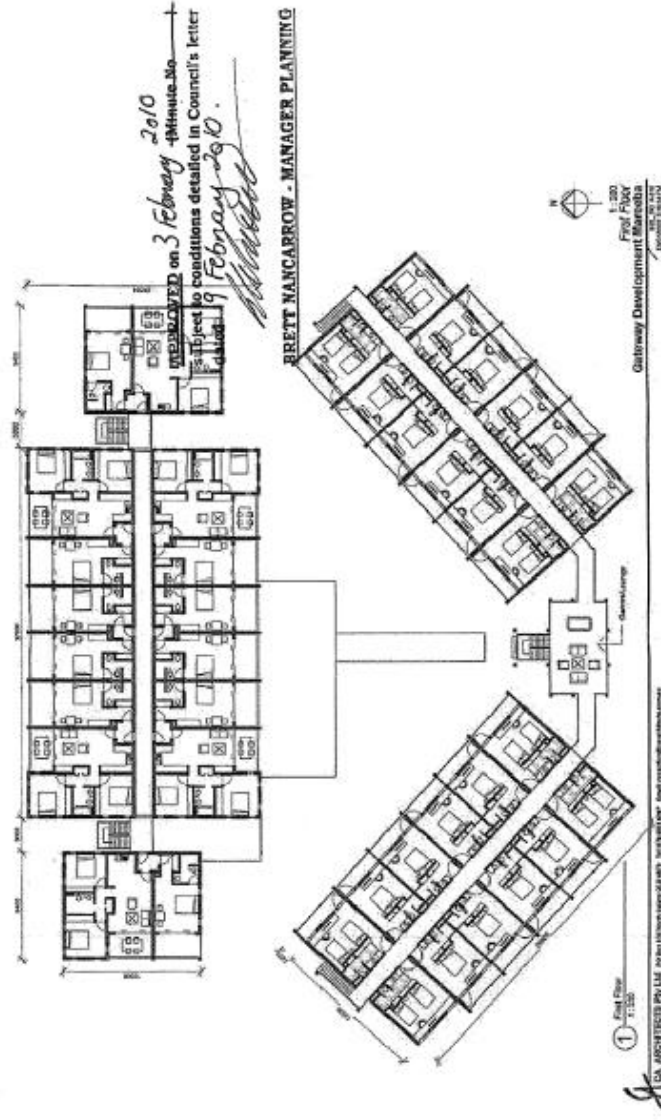
BRETT NANCARROW
MANAGER URBAN & REGIONAL PLANNING

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'

Copy: **Mr Malcolm Hardy**
Department of Main Roads
Peninsula District
PO Box 6185
CAIRNS QLD 4870

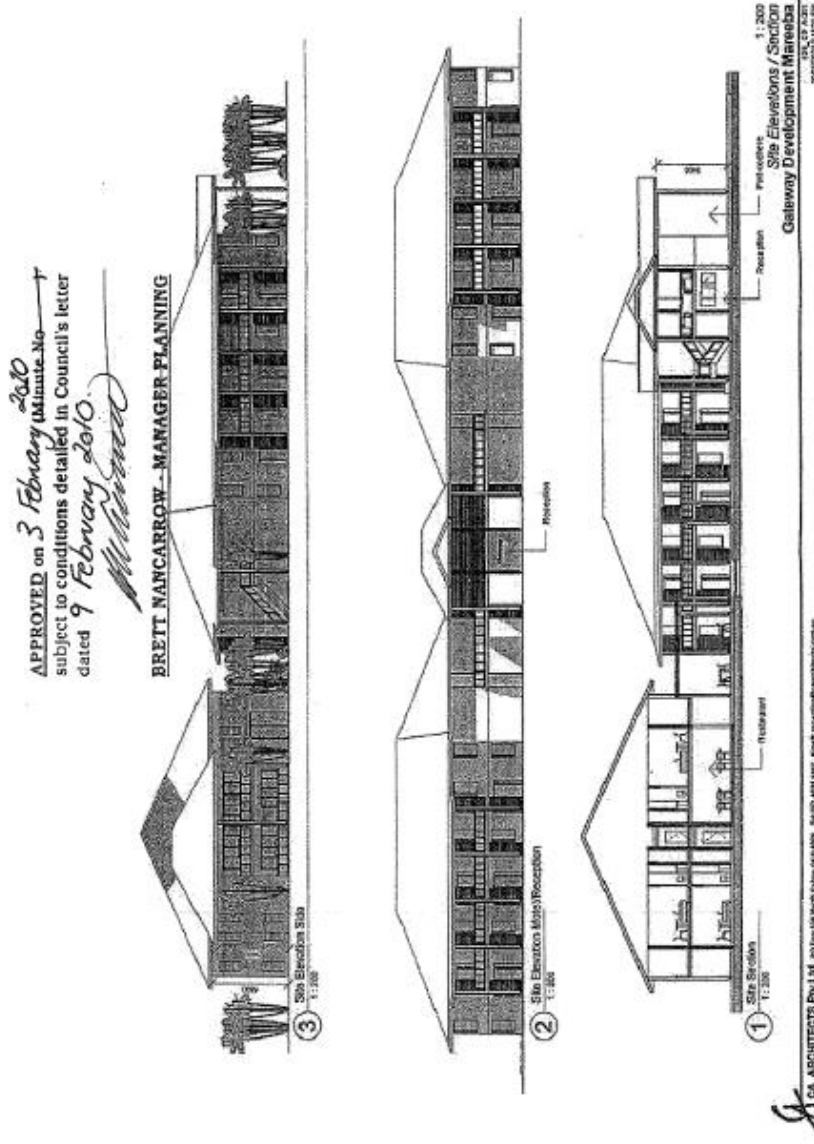
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1 Mareeba Copeland Road Elevation
1:200

2 Internal Elevation
1:200

3 Side Elevation 1
1:200

4 Side Elevation 2
1:200

5 Section 1
1:200

1:200 @ A2
Elevations & Section
Gateway Development Mareeba
10/02/2010

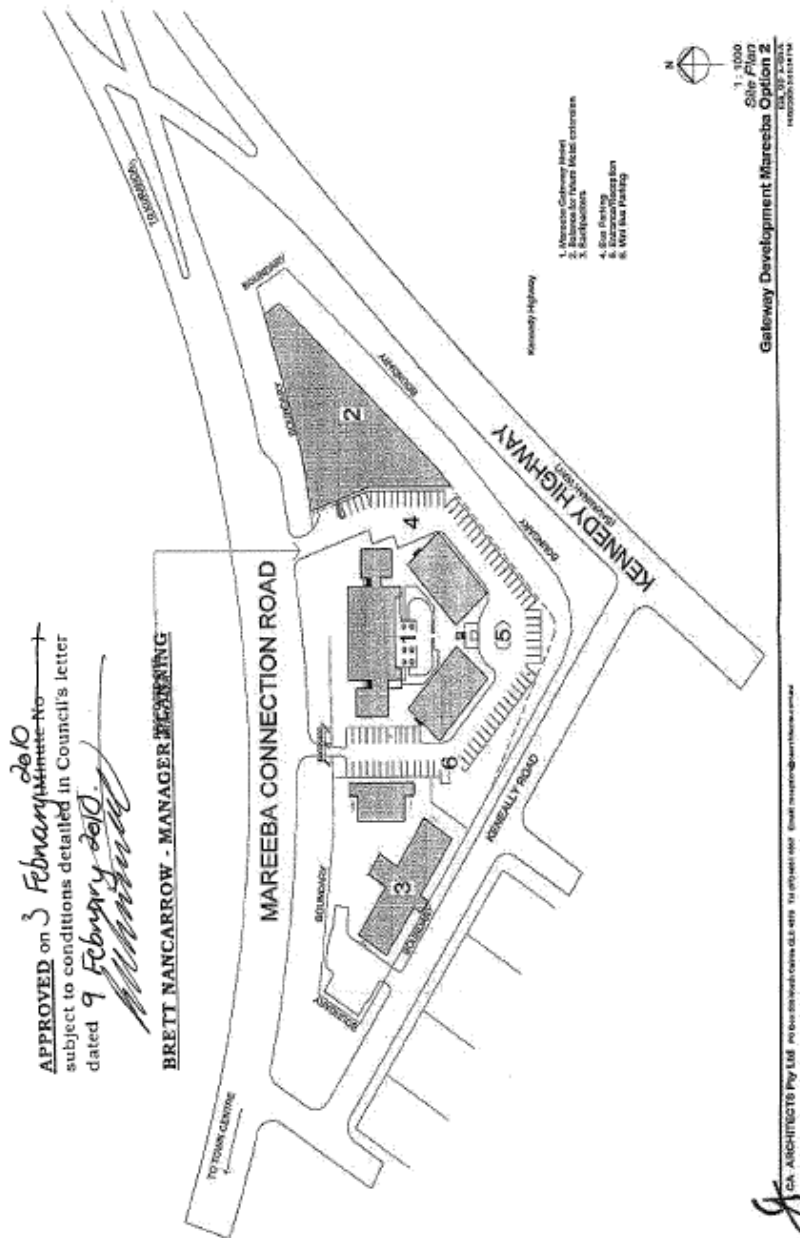
GA ARCHITECTS Pty Ltd
10/02/2010
10/02/2010
10/02/2010
10/02/2010

APPROVED on 3 February 2010
subject to conditions detailed in Council's letter
dated 9 February 2010

BRETT NANCARROW - MANAGER PLANNING

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Council Ref: MCU/08/0063

30 October 2009

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

Attention Brian Millard

Dear Mr Millard

THE ORIGINAL OF THIS DOCUMENT
CAN BE FOUND ON PHYSICAL FILE
.....
MCU/08/0063
.....
LOCATION Planning - M&A

Department of Main Roads

**Integrated Planning Act 1997 – Review of Referral Agency Response**

Applicant: Landgold Pty Ltd
Application: Material Change of Use (Motel & Drive Through Fast Food Outlet)
Location: Lot 1 on RP 725711, Parish of Tinaroo
At intersection of Highway & Mareeba Connection Road, Mareeba

I refer to:

- the above application received at Roads Assets & Operations (the part of the Department of Transport & Main Roads formerly known as the Department of Main Roads) 3 February 2009 requesting consideration of the above development,
- RAO letter of 18 February 2009 of conditions of development,
- an amended application received at RAO 19 March 2009 ignoring RAO conditioned "Exclusion Area",
- RAO letter of 23 March 2009 of retained conditions of development,
- an amended application received at RAO 8 May 2009 of staged development,
- RAO letter of 11 May 2009 of amended conditions of development,
- written representations from the applicant's consultant received at RAO 29 June 2009 concerning condition 4,
- RAO letter 22 July 2009 of retained conditions of development, and
- written representations from the applicant's consultant received at RAO 28 October 2009 with a revised site plan, deleting the drive through fast food outlet.

Pursuant to section 3.3.17 of the *Integrated Planning Act 1997*, the Department of Transport & Main Roads, as a Concurrence Agency, has reviewed the impact of the proposed development on the State-controlled road network and requires that Council include the following attached amended conditions of development for the subject application

Should you have any queries regarding the response please contact Malcolm Hardy on telephone 4050 5511.

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

Roads Business Group
Far North Regional Office
Floor 4 Cairns Corporate Tower 15 Lake Street
PO Box 8188 CAIRNS Queensland 4870
ABN 67 836 727 771

Our ref: 26432A1021091021
Your ref: MCU060063
Engages MALCOLM HARDY
Telephone +61 7 4050 5511
Facsimile +61 7 4650 6438

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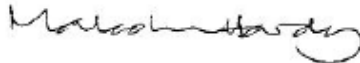
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This Department would appreciate a copy of Council's decision notice regarding the application.

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

Yours sincerely



Malcolm Hardy
Senior Planner (Road Assets & Operations) Far North

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**Conditions of Development
and
Statement of Reasons**

Council Ref: MCU/08/0063 **Date:** 30 October 2009
State-controlled road: Kennedy Highway (Cairns-Mareeba)
Proposal: Material Change of Use (Motel & Drive Through Fast Food Outlet)
Real property description: Lot 1 on RP 725711, Parish of Tinaroo
Site locality: Intersection of Highway & Mareeba Connection Road, Mareeba
Applicant: Landgold Pty Ltd

Conditions of Development	Reasons	Condition Basis
Layout 1. Unless otherwise approved in writing by Main Roads the development site layout must generally comply with CA Architects Gateway Development Mareeba Option 2, dated 14/05/2009. Land Requirement for Road Purposes 2. MR Plan No PD 266 Rev B dated 25/1/06 (copy attached) identifies the portion of the Subject Land required to accommodate future transport infrastructure along Kennedy Highway. This area is hereafter referred to as the 'Exclusion Area'. 3. The applicant/landowner shall not construct any structure's nor commence any development under, on or over the 'Exclusion Area' without the written approval of Main Roads.	To ensure the development proceeds in accordance with the proposal Main Roads has determined the land described in the condition as being within a proposed future land requirement area.	

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Conditions of Development	Reasons	Condition Basis
<p>4. Should the State of Queensland not have acquired the 'Exclusion Area' within twelve (12) months of:</p> <ul style="list-style-type: none"> The commencement of the approved road use, and The applicant/landowner formally requesting in writing the Regional Director of the Cairns office of Main Roads, or its successor or assign, to acquire/assume the land, then conditions 2 and 3 shall cease to have effect. 		
<p>Permitted Road Access Location</p>		
<p>5. Vehicular access between the state-controlled road (Mareeba Connection Road) and the Subject Land shall be via:</p> <ul style="list-style-type: none"> (i) A new driveway located about 85m west of the eastern boundary of the Subject Land, and (ii) A new ingress only driveway located about 155m west of the eastern boundary of the Subject Land. 	<p>Main Roads must ensure that access between the Subject Land does not adversely impact the safe and efficient operation of the state-controlled road</p>	<p>s. 62 Transport Infrastructure Act 1994 (Qld)</p>
<p>6. No additional direct vehicular access between the state-controlled road (Mareeba Connection Road) and the Subject Land is permitted.</p>		
<p>7. No direct vehicular access between the state-controlled road (Kennedy Highway) and the Subject Land is permitted.</p>		
<p>8. Vehicular access between the Mareeba Connection Road and the Kennedy Highway and the approved accommodation units on the Subject Land shall be via Kenealy Road, to the satisfaction of Tablelands Regional Council.</p>		
<p>Road Access Works</p>		
<p>9. Road access works at the permitted road access location, pursuant to Condition 5 (ii), are required and shall be constructed in accordance with:</p> <ul style="list-style-type: none"> Main Roads Road Planning and Design Manual, and Current Main Roads standards 	<p>Access works at the permitted access location are required to mitigate the impacts of development generated traffic onto the state-controlled road.</p>	<p>s. 13 Transport Infrastructure Act 1994 (Qld) Main Roads Road Planning and Design Manual</p>

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Conditions of Development	Reasons	Condition Basis
<p>A recent site inspection indicates the access works require the provision of the following within the state-controlled road reserve (Mareeba Connection Road):</p> <p>(i) A sealed driveway, in-only, to a minimum width of 6 metres from the edge line to the property boundary and a radius of 10m.</p> <p>(ii) Signage at the frontage of the Subject Land advising Entry Only visible to Mareeba Connection Road traffic and advising No Exit visible to on-site traffic.</p>		s. 50 Transport Infrastructure Act 1994 (Qld)
<p>10. The applicant/landowner shall obtain the written approval of Main Roads for road access works prior to works commencing within the state-controlled road reserve (Mareeba Connection Road).</p>		
<p>11. All required road access works must be completed to the written approval of Main Roads prior to the commencement of the approved Metal use.</p>		
<p>Intersection Works</p>		
<p>12. Road intersection works at the permitted road access location, pursuant to Condition 5 (i), are required and shall be constructed in accordance with:</p> <ul style="list-style-type: none"> • Main Roads Road Planning and Design Manual, and • Current Main Roads standards. 	<p>Access works at the permitted access location are required to mitigate the impacts of development generated traffic onto the state-controlled road.</p>	<p>s. 33 Transport Infrastructure Act 1994 (Qld) Main Roads' Road Planning and Design Manual</p>

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Conditions of Development	Reasons	Condition Basis
<p>A recent site inspection indicates the intersection works require the provision of the following within the state-controlled road reserve (Mareeba Connection Road):</p> <ul style="list-style-type: none"> (i) A channelised intersection including right turn lane from Mareeba Connection Road, left turn deceleration lane from Mareeba Connection Road and 30m tapered left turn acceleration lane from the Subject Land. (ii) Raised concrete islands with painted concrete infill extending to the existing median east of the intersection and extending at least 100m west of the intersection to Tablelands Regional Council requirements (iii) Appropriate streetlighting, line-marking, signage and other associated works. <p>A recent site inspection indicates the intersection works require the provision of the following within the state-controlled road reserve (Kennedy Highway):</p> <ul style="list-style-type: none"> (i) A left turn deceleration lane from Kennedy Highway into Mareeba Connection Road located about 3m clear of the existing road frontage of the Subject Land. (ii) Kerbside pedestrian refuge islands on both sides of Kennedy Highway to the east of the closed Kennally Road intersection. (iii) Appropriate streetlighting, line-marking, signage and other associated works. <p>To this end:</p> <ul style="list-style-type: none"> (i) The applicant/landowner shall obtain Main Roads approval prior to commencing any works within the state-controlled road reserves. (ii) The applicant/landowner shall submit to Main Roads for approval engineering drawings, certified by a Registered Professional Engineer of Queensland (RPEQ), of the proposed works. (iii) Subject to Main Roads approval of the engineering designs the applicant/landowner shall construct the works. (iv) All required access works within the state-controlled road reserves must be completed prior to the commencement of the approved Model use. 	<p>Any works within the state-controlled road reserve must have the written approval of the Chief Executive Officer</p>	<p>s. 50 Transport Infrastructure Act 1994 (Qld)</p>

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Conditions of Development	Reasons	Condition Basis
<p>Road Traffic Noise & Visual Treatments</p> <p>13. Visual Amenity Works</p> <p>The applicant/landowner shall provide landscaping along the Subject Land's frontages to the Kennedy Highway and Mareeba Connection Road, except for the access driveways, to screen the onsite vehicular circulation. The landscaping shall be designed and planted such that when the landscaping matures, it provides a minimum 1m high screening and complementary screen trees approximately 6m tall at 7m spacings.</p> <p>The species of plants used in the landscaping works shall be in accordance with Council's standards. If Council does not have standards, then the only requirements are that the species are native, low maintenance species that are effective at providing the necessary screening specified above and do not create a safety risk (that is, no thorns, poisonous fruits or berries or large nuts).</p> <p>All landscaping works shall be completed prior to the commencement of either the approved Motel use or approved Drive Through Fast Food Outlet use to the written approval of Main Roads.</p>	<p>To screen onsite vehicular circulation.</p>	<p>Main Roads Road Landscaping Manual</p>
<p>14. Location of Road Traffic Noise Ameliorative Works</p> <p>Road traffic noise ameliorative works shall be incorporated into the design of the development and the applicant/landowner shall have regard to the design criteria specified within AS3671. A noise barrier fence shall be located on the Subject Land, and suitably screened from the State-controlled roads with landscaping on the Subject Land. An acceptable alternative would be a noise barrier fence on the boundary of the Subject Land, with every second panel of the fence indicated a minimum of one metre with landscaping of the indicated areas. The fence would need to be suitably designed and painted to create a visually pleasing appearance.</p>	<p>The development is creating a noise sensitive use within the vicinity of the state-controlled road, a significant source of road traffic noise. Noise amelioration measures, such as architectural treatments, may reduce but not eliminate the impact of road traffic noise.</p>	<p>Main Roads Road Traffic Noise Management Code of Practice</p>

Conditions of Development	Reasons	Condition Basis
<p>15. Maximum Noise Levels and Time Horizons</p> <p>The following maximum road traffic noise levels are not to be exceeded before 10 years after the time of completion of the full development:</p> <ul style="list-style-type: none"> External noise levels must not exceed 60dB(A) L₁₀ (18 hour), where existing levels measured at the local government deemed-to-comply dwelling setback distances are greater than 40dB(A) L₉₀ (8 hour) between 10pm and 6am; or External noise levels must not exceed 57dB(A) L₁₀ (18 hour), where existing levels measured at the local government deemed-to-comply dwelling setback distances are less than or equal to 40dB(A) L₉₀ (8 hour) between 10pm and 6am; and Internal noise levels (that is, within buildings above ground floor level only) must not exceed the maximum noise levels specified in AS2107-2000. <p>External noise shall be defined as being all open space including verandahs, balconies, pool areas and gardens.</p>		
<p>16. Noise Testing</p> <p>The following parameters shall be used to determine the required noise amelioration works:</p> <ul style="list-style-type: none"> External noise levels shall be those predicted to occur on the Subject Land in areas likely to be frequently occupied by people for significant periods. Internal noise levels shall be determined in accordance with AS2107-2000 Noise monitoring shall be carried out in accordance with AS2702-1984 Noise predictions shall be carried out in accordance with Calculation of Road Traffic Noise (CRTNR8) United Kingdom Department of Transport. 		

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Conditions of Development	Reasons	Condition Basis
<p>17. Road Traffic Noise Report</p> <p>The applicant/landowner shall prepare a road traffic noise report, which demonstrates how the development is to be designed to conform to the requirements, pursuant to conditions 15 - 16. The report shall:</p> <ul style="list-style-type: none"> • Predict the road traffic noise levels • Identify the ameliorative works required within the Subject Land and the relevant buildings • Contain all relevant information and calculations upon which the calculations are based. <p>The applicant/landowner shall submit the report to Main Roads and if necessary, shall amend the report until Main Roads considers that the report reflects the requirements of this condition. The report and any subsequent amendments shall be completed prior to the applicant/landowner seeking Council or private certifier approval for a development permit to commence building works for the approved Motel use on the Subject Land.</p>		
<p>18. Incorporation of Works into the Development</p> <p>All noise ameliorative works required external to the building(s) on the Subject Land shall be completed prior to the commencement of the approved use.</p> <p>All ameliorative works required within the relevant building(s) shall be:</p> <ul style="list-style-type: none"> • Incorporated into the building design(s) prior to the applicant/landowner seeking Council or private certifier approval for a development permit to commence building works for the approved Motel use on the Subject Land, and • Incorporated into the building(s) prior to the commencement of the approved Motel use of the building. 		

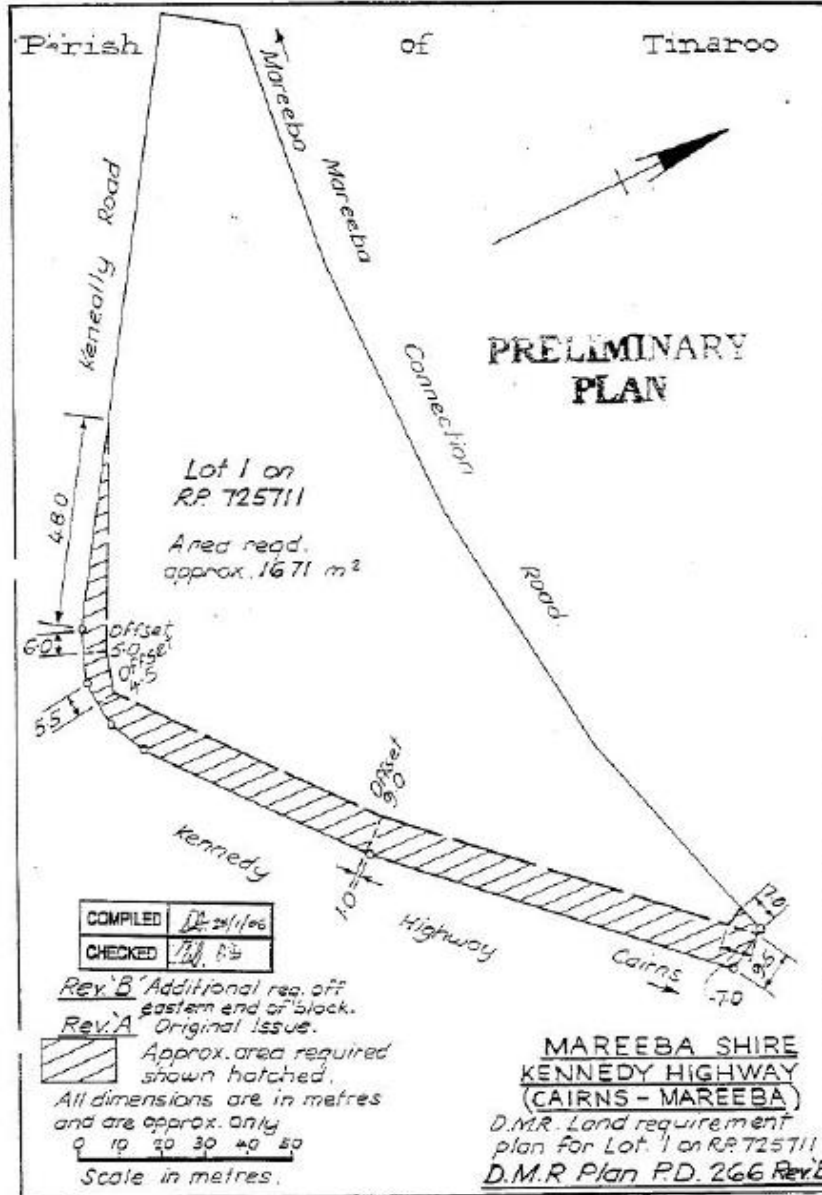
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Conditions of Development	Reasons	Condition Basis
Stormwater & Drainage 19. To protect the existing flood immunity of the state-controlled roads (Kennedy Highway and Mareeba Connection Road), the applicant/landowner shall seek the written approval of Main Roads prior to any works commencing on the Subject Land which may involve modifying the existing drainage flows on the Subject Land.	Changing the location, level or flow of water runoff to, across or along the state-controlled road can adversely impact the road in terms of safety, efficiency and planning.	s. 33 of the <i>Transport Infrastructure Act 1994 (Qld)</i>
Advertising 20. No advertising device for the proposed development is permitted within the state-controlled road reserves (Kennedy Highway and Mareeba Connection Road).	Advertising devices may obscure signage and distract motorists.	s. 50 <i>Transport Infrastructure Act 1994 (Qld)</i>
Parking 21. No parking associated with the development is permitted within the state-controlled road reserves (Kennedy Highway and Mareeba Connection Road).	Lack of on-site parking can cause vehicle queuing and conflict at an access to the state-controlled road.	

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ATTACHMENT 2

From: Tony Fiorenza
Sent: 10 Jan 2018 18:25:01 +1000
To: Info (Shared)
Subject: MCU/08/0063 - request for four year extension of time

Attention: Brian millard
MSC Senior Town Planner

This letter is a formal application to extent DA MCU/08/0063.

If I may recap on meeting held at council chambers(10/01/18): The site has a conditional executed sale contract(due diligence expiry 30/03/18);purchasers are well known locals with extensive motel management experience and intention to construct an upmarket motel.This would benefit the town and its economy immensely as it would attract a more discerning occupant,which presently,most likely would travel to Cairns.

I ask council for a four year extension.

YOURS FAITHFULLY
TONY FIORENZA
(MAN.DIRECTOR-LANDGOLD PTY LTD)

ITEM-5 ANTE SALINOVIC TTE & ANICA SALINOVIC TTE - OPERATIONAL WORKS (VEGETATION CLEARING) - LOT 101 SP 202702 & LOT 102 SP 202702 & LOT 103 SP 202702 & LOT 104 SP 202702 - 65-71 MASONS ROAD, KURANDA - OPW/17/0001.DOCX

MEETING: Ordinary

MEETING DATE: 24 January 2018

REPORT OFFICER'S TITLE: Senior Planner

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	A & A Salinovic	ADDRESS	25, 67-71 & 73 Mason Road, Kuranda
DATE LODGED	28 July 2017	RPD	Lots 101 to 104 on SP202702
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Operational Works – Clearing of Vegetation		

FILE NO	OPW/17/0001	AREA	136.65 hectares
LODGED BY	Veris	OWNER	A & A Salinovic
PLANNING SCHEME	Mareeba Shire Planning Scheme 2004 (Amendment No. 01/11)		
ZONE	Rural zone		
LEVEL OF ASSESSMENT	Code Assessment		
SUBMISSIONS	n/a		

ATTACHMENTS:

1. Proposal Plan
2. Contour 430m AHD
3. Visual Impact Assessment

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 documentation has been assessed against the relevant statutory planning instruments including the FNQ Regional Plan, the State Planning Policy and the Superseded Mareeba Shire Planning Scheme 2004 and does not conflict with any relevant planning instrument.

The key issues of the proposed development are the protection of water quality and reducing the developments impact on visual amenity to the extent reasonably achievable given the subject land's location and elevation.

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, subject to conditions.

OFFICER'S RECOMMENDATION

"1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	A & A Salinovic	ADDRESS	25, 67-71 & 73 Mason Road, Kuranda
DATE LODGED	28 July 2017	RPD	Lots 101 to 104 on SP202702
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Operational Works – Clearing of Vegetation		

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 Operational Works – Clearing of Vegetation

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
31059-01 B	Proposed Clearing Mason Rd, Kuranda	Veris	28/11/17

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)**(a) Development assessable against the Planning Scheme**

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

- found necessary by 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;
- to ensure the works comply in all respects with good engineering practice; and
- to ensure compliance with the following conditions of approval.

Council's examination of the documents should not be taken to mean that the documents have been checked in detail and Council takes no responsibility for their accuracy.

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 works except where specified otherwise in these conditions of approval.

2.2 Prior to the commencement of the works, 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 Hours of Work

(i) Work involving the operation of construction plant and equipment of any description, shall only be carried out on site during the following times:

- 7.00am to 6.00pm, Monday to Friday;
- 7.00am to 1.00pm Saturdays;
- No work is permitted on Sundays or Public Holidays.

(ii) No variation to the above working hours is allowed unless otherwise agreed in writing by Council.

3.3 Specific Vegetation Clearing Requirements

3.3.1 No vegetation clearing is to occur within 100 metres of Lot 1 on AP19290.

3.3.2 No vegetation clearing is to occur within 50 metres of Jumrum Creek and 25 metres of any other waterway.

3.3.3 Chemical clearing/thinning of vegetation is not permitted.

3.3.4 The clearing of vegetation must:

- retain all habitat trees; and
- retain all mature trees; and
- retain at least 70 immature trees per hectare below 430m AHD contour and at least 150 immature trees per hectare from the 430m AHD contour and above. The retained trees must retain:
 - the range of species in the area; and
 - the range of tree and shrub sizes; and
 - be spaced in a manner that closely represents the natural distribution as possible.

Habitat tree means a habitat or nest tree, where:

habitat trees are living trees with one or more visible hollows of 10 cm or more in diameter that are positioned at least two metres above the base of the tree. Habitat trees are used or potentially used by hollow-dwelling fauna.

nest trees contain an active bird's nest or the nest of a raptor or other bird which utilizes the same nest each year.

Immature tree is a tree or shrub, other than mature trees, that are two metres or more in height.

Mature tree is a tree with a diameter at 1.3 metres above ground (if there are several trunks, add the diameters of the two largest trunks together) of:

- 30 cm or more for *Eucalyptus*, *Corymbia*, *Lophostemon* and *Angophora* species, such as 'gum' or 'box' trees
- 20 cm or more for other tree species, such as wattles

3.3.5 The mechanical clearing of vegetation must:

- not involve the use of two tractors pulling a cable or chain
- not occur within 5 metres of the trunk of a mature or habitat tree
- retain at least 50% of the required immature trees beyond the 5 metre buffer around the mature trunks
- not damage a mature, habitat or retained immature tree
- not stack debris against a mature, habitat or retained immature tree

3.4 Prevention of the spread of weeds and pests

The applicant must ensure the development is carried out in a manner that prevents the spread of weeds, seeds or other pests into clean areas or away from any existing infested areas.

4. Infrastructure Services and Standards

4.1 Erosion and Sediment Control

- (a) The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land and waterways as a consequence of the development.
- (b) Where required appropriate interception devices that ensure removal of suspended matter and treatment of contaminated stormwater prior to crossing the boundary of the development or discharge into downstream roadside gutters, stormwater drainage systems or waterways are to be installed.

(D) ASSESSMENT MANAGER'S ADVICE

(a) 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.

(b) Environmental Protection and Biodiversity Conservation Act 1999

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

(c) Cultural Heritage

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

(d) Transportation of Soil

All soil transported to or from the site must be covered to prevent dust or spillage during transport. If soil is tracked or spilt onto the road pavements as a result of works on the subject site, it must be removed prior to the end of the working day and within four (4) hours of a request from a Council Officer.

(E) RELEVANT PERIOD

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

- Any other development – two (2) years (starting the day the approval takes effect).

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

- Nil

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Nil”

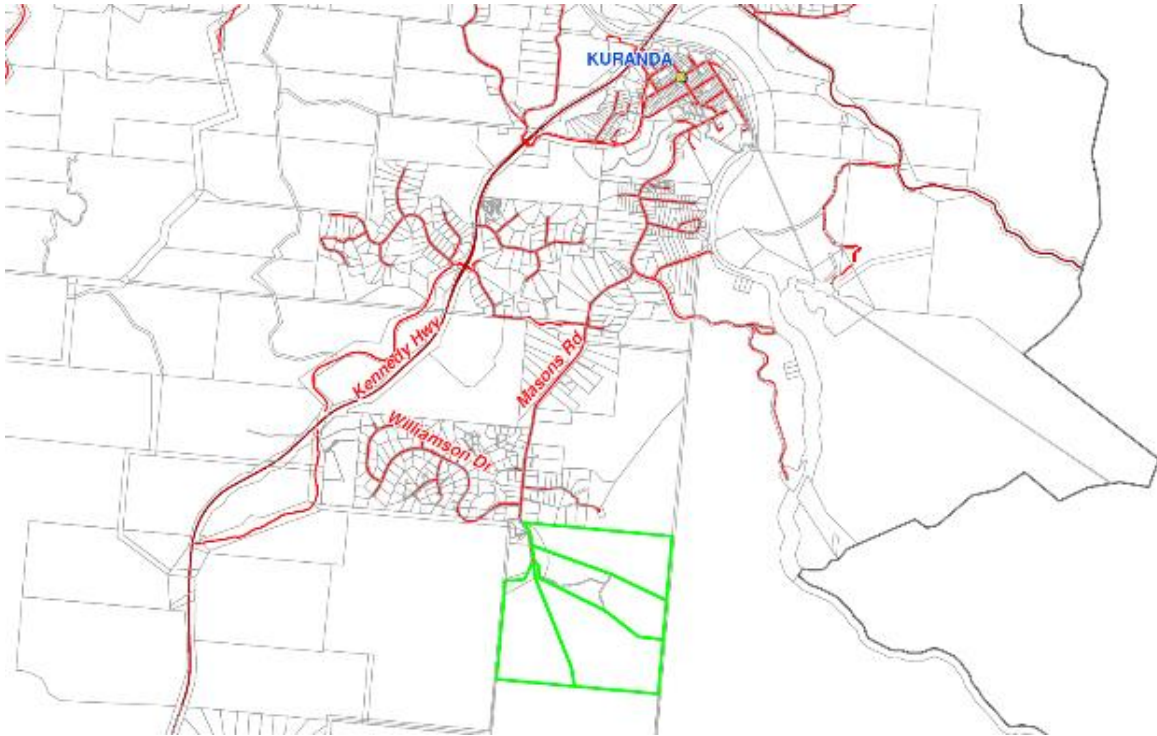
THE SITE

The subject site comprises land described as Lots 101 to 104 on SP2027022 situated at 25, 67-71 & 73 Mason Road, Kuranda. The site is approximately 3.8km south of Kuranda township at the southernmost end of Mason Road.

The site has a combined area of 136.65 hectares with a total frontage of approximately 368 metres to Mason Road. The site also has extensive frontage to two (2) unformed road reserves along the eastern and western boundaries.

A large elevated ridge sweeps through the subject land in a south-westerly direction. The scenic value of this ridge is recognised by the Planning Scheme.

Approximately 60% of the subject site remains covered by remnant vegetation. The north-western corner of the subject site has previously been cleared for grazing pastures, however regrowth vegetation has been permitted to re-establish since 1990. Several structures are established on Lots 103 and 104.



Map Disclaimer:

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



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The Barron Gorge National Park is located immediately to the east of the subject site and protected state forest (Lot 1 on AP19290) is located immediately to the west. Jumrum Creek and an unnamed waterway traverse the subject land.

BACKGROUND AND CONTEXT

Nil

PREVIOUS APPLICATIONS & APPROVALS

Council at its ordinary meeting held on 19 July 2017, approved a request for the development application for Operational Works – Clearing of Vegetation (code assessable) over land described as Lot 101-104 on SP202702, situated at Mason Road, Kuranda to be assessed under the Superseded Mareeba Shire Planning Scheme 2004 (Amendment No. 01/11).”

Accordingly, this development application has been assessed against the superseded planning scheme.

DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Operational Works – Clearing of Vegetation in accordance with the plans shown in **Attachment 1**.

It is proposed to clear that part of Lot 101 – 104 as depicted on Plan 31509-01B, to return the subject land to grazing use. Aerial imagery taken in 1990, indicates that the vegetation to be cleared is recent regrowth and this is supported by its categorisation as non-remnant vegetation under the Vegetation Management Act 1999.

Protected Plants Flora Survey Trigger mapping identifies that there is land onsite with a high risk of containing native plants protected under the Nature Conservation Act 1992. Prior to any vegetation clearing occurring within these areas, a flora survey will be undertaken to ensure that there are no protected species within the subject areas.

To allow the application to proceed in an orderly fashion, it is requested that approval is granted in two (2) stages being:

Stage 1 – Clearing of non-remnant vegetation identified as not being within a high risk area.
Stage 2 – Clearing the balance of vegetation identified as being within the areas identified as high risk. Stage 2 would only occur upon undertaking a flora survey in accordance with the Nature Conservation Act 1992 requirements.

Vegetation buffers will be maintained along Jumrum Creek and the unnamed waterway. No clearing is proposed within existing Covenants D, E and F on SP202702.

Clearing of the vegetation will be selective and will be undertaken with an excavator to ensure disturbance is minimised.

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:	Kuranda District Growth Node
Zone:	Rural zone
Overlays:	Natural & Cultural Heritage Features Overlay
	Airport and Aviation Facilities Overlay
	Significant Vegetation Overlay Natural Disaster Bushfire Overlay

RELEVANT PLANNING INSTRUMENTS

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

(a) Far North Queensland Regional Plan 2009-2031

Assessment against the Regional Plan is required because the plan is not reflected in the planning scheme. The following Desired Regional Outcome Land Use Policies are relevant to the assessment of the application:

DRO 2.1 Regional Landscape Values			
Land Use Policy		Complies	Comments
2.1.1	The value of the landscape for nature conservation, primary production, renewable energy resource areas, priority carbon sequestration, cultural heritage, outdoor recreation and scenic amenity is given appropriate recognition in land use planning and development assessment.	✓	The development will be conditioned to require the retention of all mature trees, all habitat trees and a minimum number of immature trees per hectare.
2.1.2	The significance of cultural landscapes is given appropriate recognition in land use planning and development assessment.	✓	The development will be conditioned to require the retention of all mature trees, all habitat trees and a minimum number of immature trees per hectare.

DRO 2.3 Scenic Amenity, Outdoor Recreation and Inter-Urban Breaks			
Land Use Policy		Complies	Comments
2.3.1	The visual amenity of the region's landscapes and seascapes is protected and enhanced by assessing proposed developments on landscapes that are vulnerable to visual impact due to their prominence, topography or degree of naturalness.	✓	The development will be conditioned to require the retention of all mature trees, all habitat trees and a minimum number of immature trees per hectare.

DRO 7.1 Protection of Waterways, Wetlands and Water Quality			
Land Use Policy		Complies	Comments
7.1.1	Development is planned, designed, constructed and managed in accordance with best practice environmental management to protect environmental values and meet water quality objectives of the Environmental Protection Policy (Water) 1997 (EPP Water) for regional surface water, groundwater and wetlands.	✓	A condition will be attached to any approval requiring a non-worsening effect on surrounding land and waterways as a consequence of the development.

The application is assessed as being capable of substantially complying with the relevant provisions of the Regional Plan, provided reasonable and relevant conditions are applied.

(b) State Planning Policy

The State Planning Policy is not reflected in the Planning Scheme and is, therefore, applicable to the assessment of the application.

An officer assessment of the proposed development against the provisions contained within the SPP has been undertaken and it is not considered to be in conflict with any relevant aspect of the SPP.

Queensland State Planning Policy		
State Interest	Complies	Assessment Requirements & Comments
Biodiversity A development application where the land relates to a matter of state environmental significance, if the application is for: <ul style="list-style-type: none"> (a) operational work, or (b) a material change of use other than for a dwelling house, or (c) reconfiguring a lot that results in more than six lots or lots less than five hectares. 	✓	Development: <ul style="list-style-type: none"> (1) identifies any potential significant adverse environmental impacts on matters of state environmental significance, and (2) manages the significant adverse environmental impacts on matters of state environment significance by, in order of priority: <ul style="list-style-type: none"> (a) avoiding significant adverse environmental impacts, and (b) mitigating significant adverse environmental impacts where these cannot be avoided, and (c) where applicable, offsetting any residual adverse impacts.

		<p>Comment</p> <p>The development will be conditioned to maintain vegetation buffers of 50 metres to Jumrum Creek and 25 metres to the unnamed waterway.</p> <p>All other areas of proposed clearing is outside the mapped MSES areas.</p>
<p>Natural hazards</p> <p>A development application for a material change of use, reconfiguring a lot or operational works on land within:</p> <p>(1) a flood hazard area, or</p> <p>(2) a bushfire hazard area, or</p> <p>(3) a landslide hazard area, or</p> <p>(4) a coastal hazard area.</p>	<p>✓</p>	<p>For all natural hazards:</p> <p>Development:</p> <p>(1) avoids natural hazard areas or mitigates the risks of the natural hazard, and</p> <p>(2) supports, and does not unduly burden, disaster management response or recovery capacity and capabilities, and</p> <p>(3) directly, indirectly and cumulatively avoids an increase in the severity of the natural hazard and the potential for damage on the site or to other properties, and</p> <p>(4) avoids risks to public safety and the environment from the location of hazardous materials and the release of these materials as a result of a natural hazard, and</p> <p>(5) maintains or enhances natural processes and the protective function of landforms and vegetation that can mitigate risks associated with the natural hazard, and</p> <p>Comment</p> <p>The proposed development will not increase the number of people living, working or congregating in a natural hazard area.</p>

(c) Mareeba Shire Planning Scheme 2004 (amendment no. 01/11)

Relevant Development Codes

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

- | | |
|--------------------|---|
| Part 5, Division 2 | Natural and Cultural Heritage Features Overlay Code |
| Part 5, Division 6 | Significant Vegetation Overlay 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
Natural and Cultural Heritage Features Overlay Code	The application can be conditioned to comply with the relevant acceptable/probable solutions contained within the code.
Significant Vegetation Overlay Code	The application can be conditioned to comply with the relevant acceptable/probable solutions contained within the code.

(e) Planning Scheme Policies

The following planning scheme policies are relevant to the application:

No. 4 - Development Manual

A condition will be attached to any approval requiring all relevant development works be designed and constructed in accordance with sound engineering practices.

REFERRALS

Concurrence

This application did not trigger a referral to a Concurrence Agency.

Advice

This application did not trigger a referral to an Advice Agency.

Internal Consultation

Technical Services

PLANNING DISCUSSION

Compliance with the relevant acceptable/probable solutions of the following Codes are summarised as follows:

Natural and Cultural Heritage Features Overlay Code

S3 Wetlands and Waterways

(a) *There are no significant adverse effects on identified wetlands and identified waterways in terms of:*

- (i) *habitat; or*
- (ii) *water quality; or*
- (iii) *landscape quality.*

(b) *For intensive agriculture, a buffer is maintained from the high bank of a waterway having regard to:*

- (i) *water quality, and*
- (ii) *fauna habitat corridor, and*
- (iii) *the retention of undisturbed vegetation, or*
- (iv) *revegetation of appropriate areas with local endemic species.*

PS3 *No probable solution provided.*

Comment

A waterway (Jumrum Creek) is mapped in the vicinity of the proposed development (Planning Scheme Map No. N1).

The significant vegetation overlay code calls for the maintenance of a 50 metre buffer of vegetation from the high bank of the mapped waterway in the Rural zone. It is reasonable for this same buffer width to be conditioned in response to S3 of the Natural and Cultural Heritage Features Overlay.

A second unmapped waterway is present on the land and the applicant has proposed that no clearing be undertaken within 25 metres of this waterway.

Vegetation clearing is proposed to be selectively carried out using an excavator to minimise disturbance.

The development will be conditioned to require appropriate interception devices that ensure removal of suspended matter (litter) and treatment of contaminated stormwater prior to crossing the boundary of the development or discharge into downstream roadside gutters, stormwater drainage systems or waterways.

A visual impact assessment has been undertaken by GGI Landscape Architects. The assessment was undertaken to demonstrate the extent of clearing as per original Proposal Plan 31059-01A.

In response to the visual impact assessment, the applicant has reduced the area of clearing to lessen the visual impact. The amended area of clearing is depicted on Proposal Plan 31059-01B. The visual impact of the amended area of clearing is depicted on the attached marked-up photographs.

The applicant further emphasises that the area to be cleared will not be clear-felled leaving a bare earth scar in the landscape, instead, it is to be selectively cleared using an excavator or similar style of machine.

The applicant has not provided any detail as to what criteria will be used in the selective clearing. Given the lack of applicant nominated selective clearing criteria, the conditions of any development approval should outline some minimum standards for tree retention.

It is proposed to apply the following tree retention density:

- (i) 70 trees per hectare below 430m AHD contour;
- (ii) 150 trees per hectare from 430m AHD contour and above.

The approximate location of contour 430m AHD is indicated by the red line shown on the attached plan (**Attachment 2**).

It is considered that the proposed development can be reasonably conditioned to comply with S3.

Significant Vegetation Overlay Code

S1 *Waterways and adjacent habitat are protected by:*

- (i) Maintaining bank stability by protecting against erosion and slumping; and*
- (ii) Maintaining water quality by filtering sediments, nutrients and other pollutants;*
and
- (iii) Maintaining aquatic habitat; and*
- (iv) Maintaining wildlife habitat.*

PS1.1 *In areas identified as Category A or B on Planning Scheme Maps V1 and V2, vegetation is retained along each side of a waterway, within at least:*

- (i) 50 metres of each high bank of a waterway in the Rural (lots with areas of two (2) hectares and above), Open Space and Conservation zone; and*
- (ii) 25 metres of each high bank of a waterway in the Rural Residential (lots with areas of two (2) hectares and above only) and Myola zone; and*
- (iii) 10 metres of each high bank of a waterway in the Rural Residential (lots with areas below two (2) hectares) and Rural (lots with areas below two (2) hectares) zone.*

PS1.2 *Vegetation is retained on land with a slope greater than 15%.*

Comment

PS1.1 - The subject land is mapped as Category A on Planning Scheme Map No . V1.

A waterway (Jumrum Creek) is mapped in the vicinity of the proposed development.

The significant vegetation overlay code calls for the maintenance of a 50 metre buffer of vegetation from the high bank of the mapped waterway in the Rural zone. It is reasonable for this same buffer width to be conditioned in response to S3 of the Natural and Cultural Heritage Features Overlay.

A second unmapped waterway is present on the land and the applicant has proposed that no clearing be undertaken within 25 metres of this waterway.

Vegetation clearing is proposed to be selectively carried out using an excavator to minimise disturbance.

The development will be conditioned to require appropriate interception devices that ensure removal of suspended matter (litter) and treatment of contaminated stormwater prior to crossing the boundary of the development or discharge into downstream roadside gutters, stormwater drainage systems or waterways.

PS1.2 - The applicant further emphasises that the area to be cleared will not be clear-felled leaving a bare earth scar in the landscape, instead, it is to be selectively cleared using an excavator or similar style of machine.

The applicant has not provided any detail as to what criteria will be used in the selective clearing.

Given the lack of applicant nominated selective clearing criteria, the conditions of any development approval should outline some minimum standards for tree retention.

It is proposed to apply the following tree retention density:

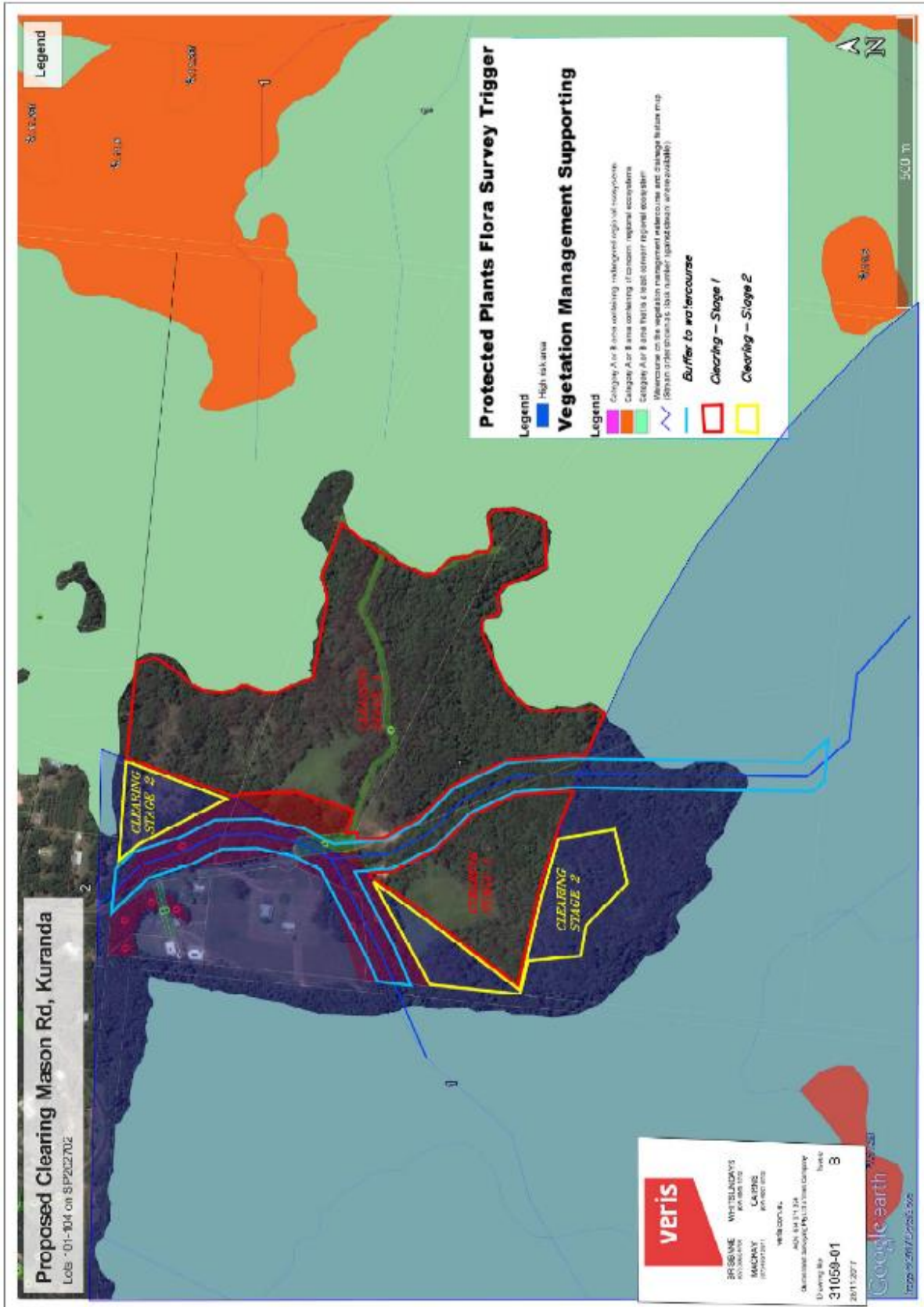
- (i) 70 trees per hectare below 430m AHD contour;
- (ii) 150 trees per hectare from 430m AHD contour and above.

The development can be conditioned to comply with S1.

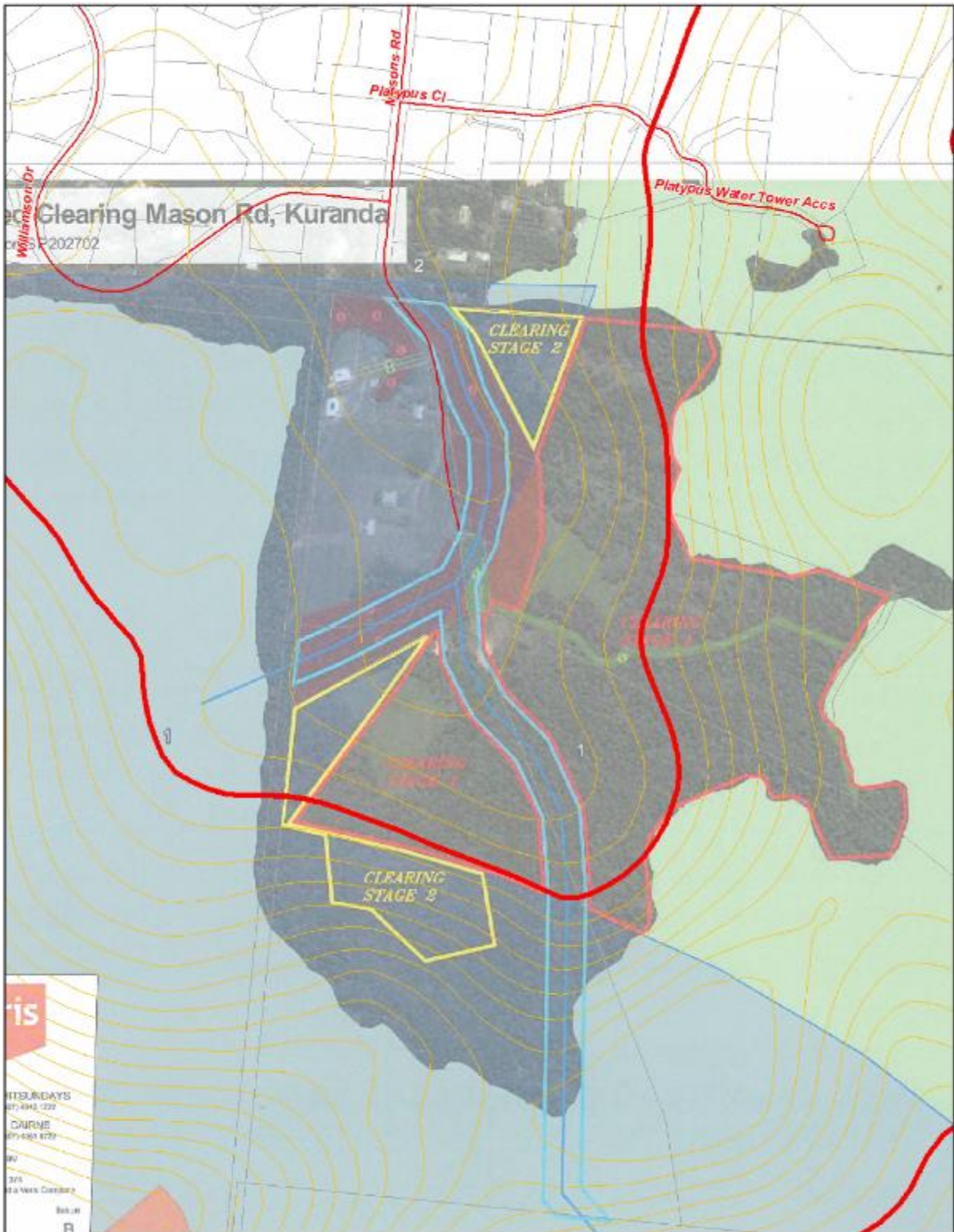
Date Prepared: 9 January 2018

ATTACHMENT 1

PROPOSED PLAN



ATTACHMENT 2



ATTACHMENT 3

Date: 23 November 2017

Ref: 31059

Council Ref: OPW/17/0001



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

Attn: Planning Department – C. Ewin
Via email: CarlE@msc.qld.gov.au

Dear Carl

**Re: Response to Information Request – Development Application OPW/17/0001
25, 65-71 & 73 Masons Road, Kuranda
Lots 101-104 on SP202702**

Reference is made to Council's Information Request dated 2 August 2017, regarding the above application. On behalf of the Applicants A. & A. Salinovic, please accept this correspondence and its accompanying attachments as the response to the information request in accordance with Part 3 Item 13.2 (a) of the Development Assessment Rules.

Item 1 – Landscape and Visual Impact Assessment

Parts of the subject land proposed to be cleared are mapped as 'Scenic Areas' on Planning Scheme Map N1. Please provide a landscape and visual impact assessment, prepared by a suitably qualified professional, evaluating the potential visual impact of the proposed development on surrounding properties, in particular, those properties along Fallon Road, Masons Road and the Kuranda Springs Estate.

Response

A visual impact assessment has been undertaken by GGI Landscape Architects and is attached as part of this response. The assessment was undertaken demonstrating the extent of clearing as per Proposal Plan 31059-01A. As a result of the assessment undertaken, the applicant proposes to reduce the area of clearing to minimise the visual impact as depicted on Proposal Plan 31059-01B. The visual impact of the proposed clearing will be reduced significantly as depicted on the attached photographs.

It has to be emphasized that the area to be cleared will not be clear-felled leaving a bare earth scar in the landscape, more so be selectively cleared using an excavator or similar style of machine. The visual impact to the surrounding area will be minimal as a result proposed clearing

Cairns
25 Crofton Street
PO Box 7627
Cairns QLD 4870
Australia

T 07 4051 6722
cairns@veris.com.au
veris.com.au

Office Locations
Over 20 offices
across Australia
veris.com.au/contactus

Queensland Surveying Pty Ltd
A Veris Company
ADN 25 804 671 374

**DEVELOP
WITH _____
CONFIDENCE™**



We trust that Council now have sufficient information to adequately assess this application. Should you require any further clarification on this matter, please contact the undersigned on (07) 4051 6722.

Yours faithfully

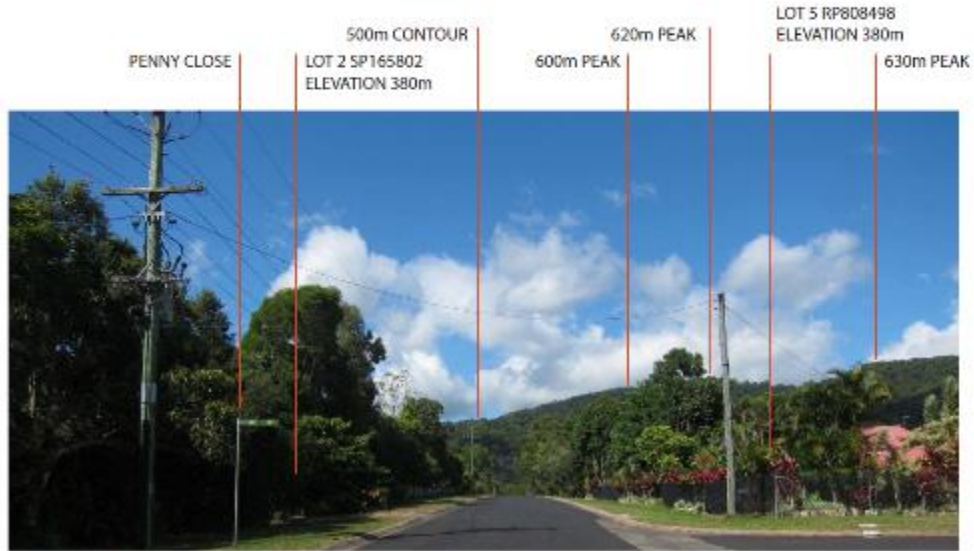
Veris

A handwritten signature in black ink, appearing to be the initials "MT" followed by a stylized flourish.

Michael Tessaro
PLANNER

Enc: Visual Impact Assessment;
Proposal Plan 31059-01B;

FIGURE 2. VISUAL ASSESSMENT SHEET 1.
L1706_VA1_170914



PHOTOGRAPH LOCATION P1 INTERSECTION OF MASONS ROAD & PENNY CLOSE, KURANDA.
EXISTING VIEW SOUTH. GROUND ELEVATION 380m.



PHOTOGRAPH LOCATION P1 INTERSECTION OF MASONS ROAD & PENNY CLOSE, KURANDA. GROUND ELEVATION 380m.
PROPOSED VIEW SOUTH.

REFER FIGURE 1 FOR PHOTO LOCATION & PROPOSAL.
PHOTO TAKEN WITH A CANNON POWERSHOT S95
DATE TAKEN: 26 AUGUST 2017 10:05AM

PHOTO COORDINATES: LAT-16.84573, LONG 145.62470
APPROXIMATE DISTANCE TO SITE MARKER, END OF MASONS ROAD, REFER FIG 1 = 700m



FIGURE 3. VISUAL ASSESSMENT SHEET 2.
L1706_VA2_170914



PHOTOGRAPH LOCATION P2. INTERSECTION OF MASON'S ROAD & PLATYPUS CLOSE, KURANDA.
EXISTING VIEW SOUTH. GROUND ELEVATION 380m.



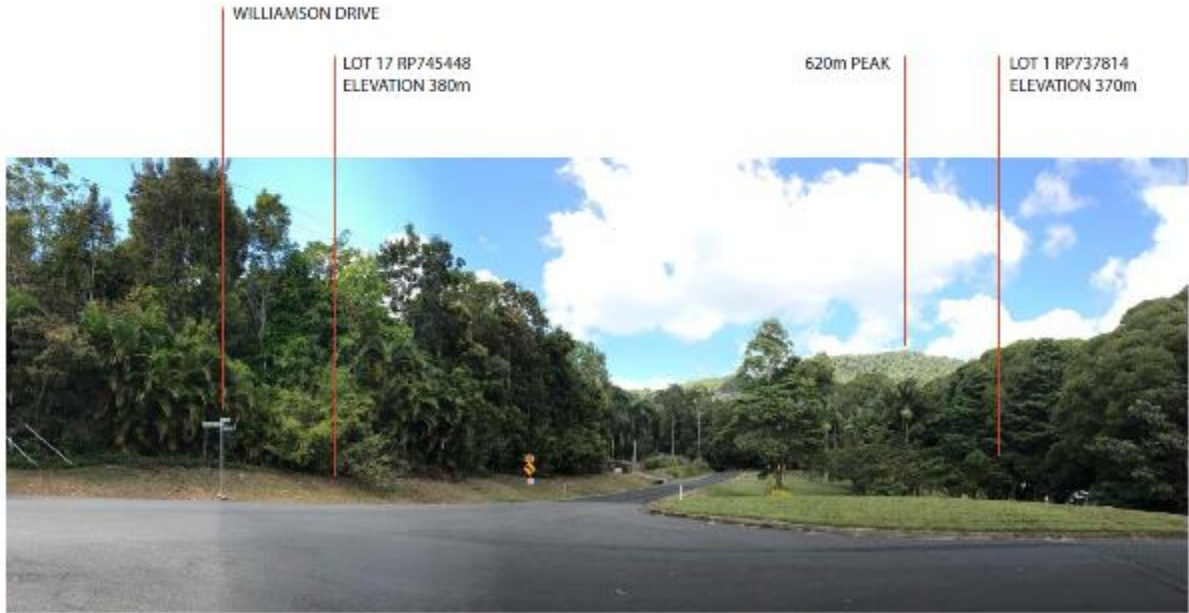
PHOTOGRAPH LOCATION P2. INTERSECTION OF MASON'S ROAD & PLATYPUS CLOSE, KURANDA. GROUND ELEVATION 380m.
PROPOSED VIEW SOUTH.

REFER FIGURE 1 FOR PHOTO LOCATION & PROPOSAL.
PHOTO TAKEN WITH A CANNON POWERSHOT 595
DATE TAKEN: 26 AUGUST 2017 10:10AM

PHOTO COORDINATES: LAT-16.84694, LONG 145.62457
APPROXIMATE DISTANCE TO SITE MARKER, END OF MASON'S ROAD, REFER FIG 1 = 575m



FIGURE 4. VISUAL ASSESSMENT SHEET 3.
L1706_VA3_170914



PHOTOGRAPH LOCATION P3. INTERSECTION OF MASON'S ROAD & WILLIAMSON DRIVE, KURANDA.
EXISTING VIEW SOUTH. GROUND ELEVATION 380m.



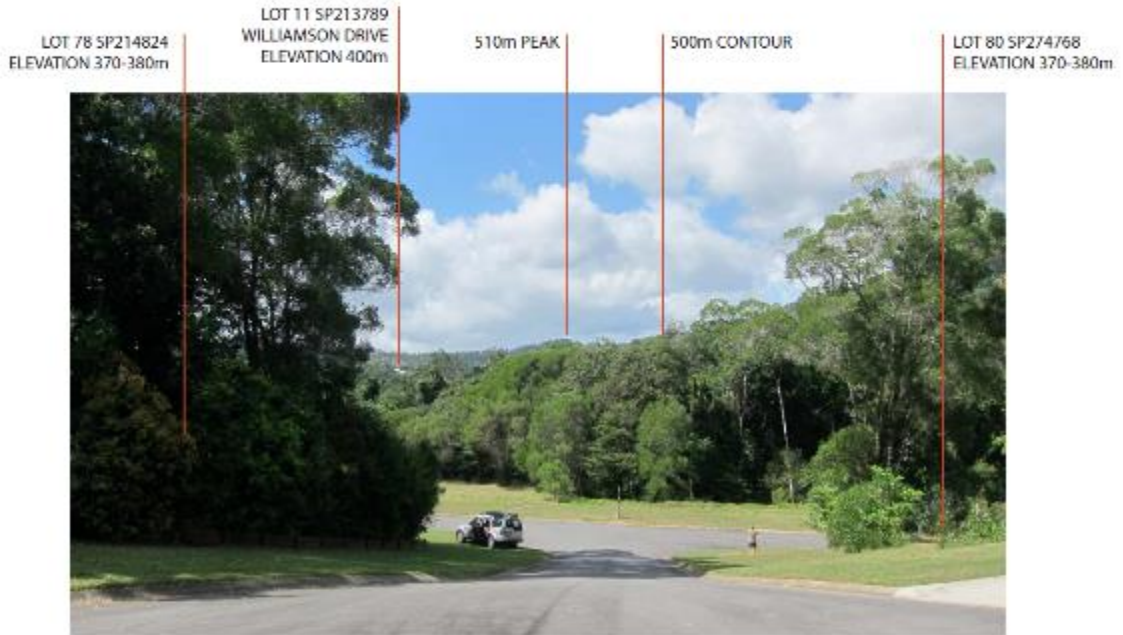
PHOTOGRAPH LOCATION P3 INTERSECTION OF MASON'S ROAD & WILLIAMSON DRIVE, KURANDA. GROUND ELEVATION 380m.
PROPOSED VIEW SOUTH.

REFER FIGURE 1 FOR PHOTO LOCATION & PROPOSAL.
PHOTO TAKEN WITH AN APPLE IPHONE 7 PANORAMA
DATE TAKEN: 26 AUGUST 2017 11:05AM

PHOTO COORDINATES: LAT-16.84805, LONG 145.62441
APPROXIMATE DISTANCE TO SITE MARKER, END OF MASON'S ROAD, REFER FIG 1 = 450m



FIGURE 5. VISUAL ASSESSMENT SHEET 4.
L1706_VA4_170914



PHOTOGRAPH LOCATION P4 CUL DE SAC OF PERRY CLOSE, KURANDA.
EXISTING VIEW SOUTH EAST. GROUND ELEVATION 380m.



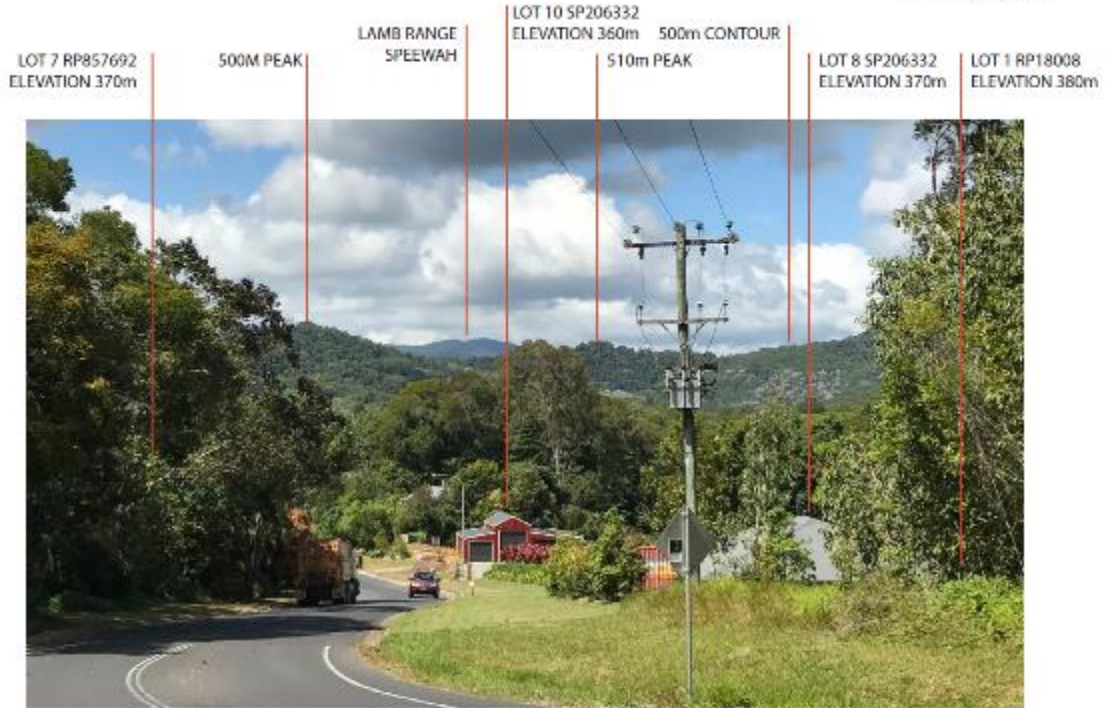
PHOTOGRAPH LOCATION P4 CUL DE SAC OF PERRY CLOSE, KURANDA. GROUND ELEVATION 380m.
PROPOSED VIEW SOUTH EAST.

REFER FIGURE 1 FOR PHOTO LOCATION & PROPOSAL.
PHOTO TAKEN WITH A CANNON POWERSHOT 595
DATE TAKEN: 26 AUGUST 2017 10:55AM

PHOTO COORDINATES: LAT-16.84262, LONG 145.61414
APPROXIMATE DISTANCE TO SITE MARKER, END OF MASON'S ROAD, REFER FIG 1 - 1585m



FIGURE 6. VISUAL ASSESSMENT SHEET 5.
L1706_VA5_170914



PHOTOGRAPH LOCATION P5 INTERSECTION OF FALLON ROAD & PADEMELON LANE, KURANDA.
EXISTING VIEW SOUTH . GROUND ELEVATION 380m.



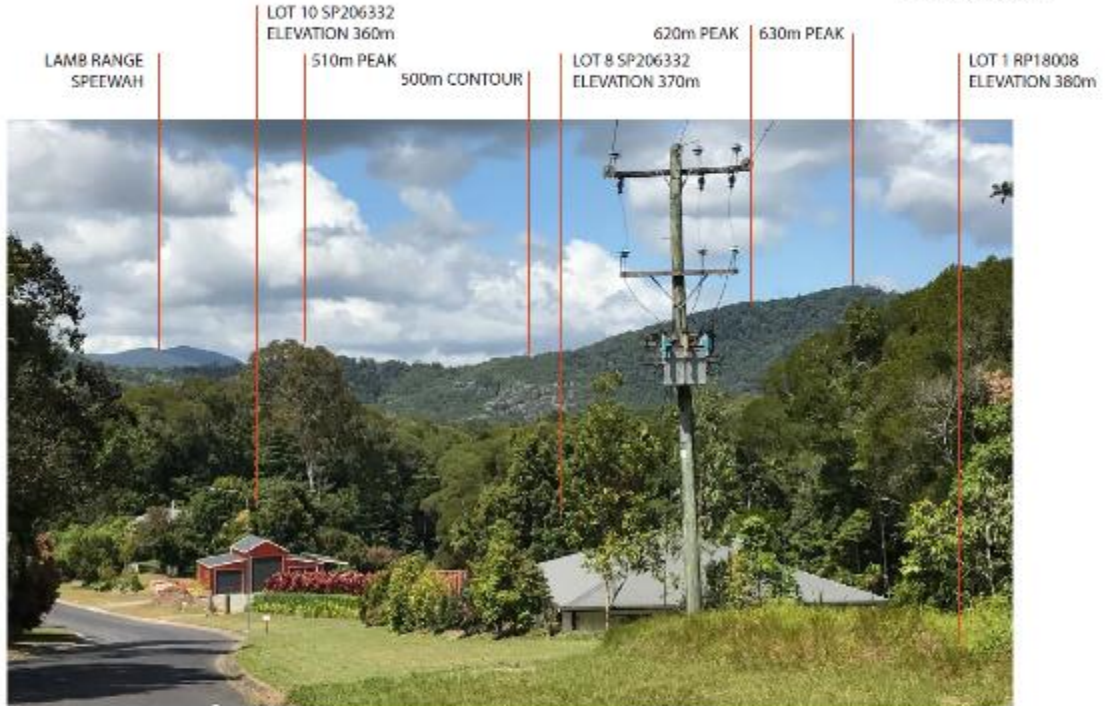
PHOTOGRAPH LOCATION P5 INTERSECTION OF FALLON ROAD & PADEMELON LANE, KURANDA. GROUND ELEVATION 380m.
PROPOSED VIEW SOUTH.

REFER FIGURE 1 FOR PHOTO LOCATION & PROPOSAL.
PHOTO TAKEN WITH AN APPLE IPHONE 7
DATE TAKEN: 26 AUGUST 2017 11.10AM

PHOTO COORDINATES: LAT-16.83232, LONG 145.62142
APPROXIMATE DISTANCE TO SITE MARKER, END OF MASONS ROAD, REFER FIG 1 = 2210m



FIGURE 7. VISUAL ASSESSMENT SHEET 6.
L1706_VA6_170914



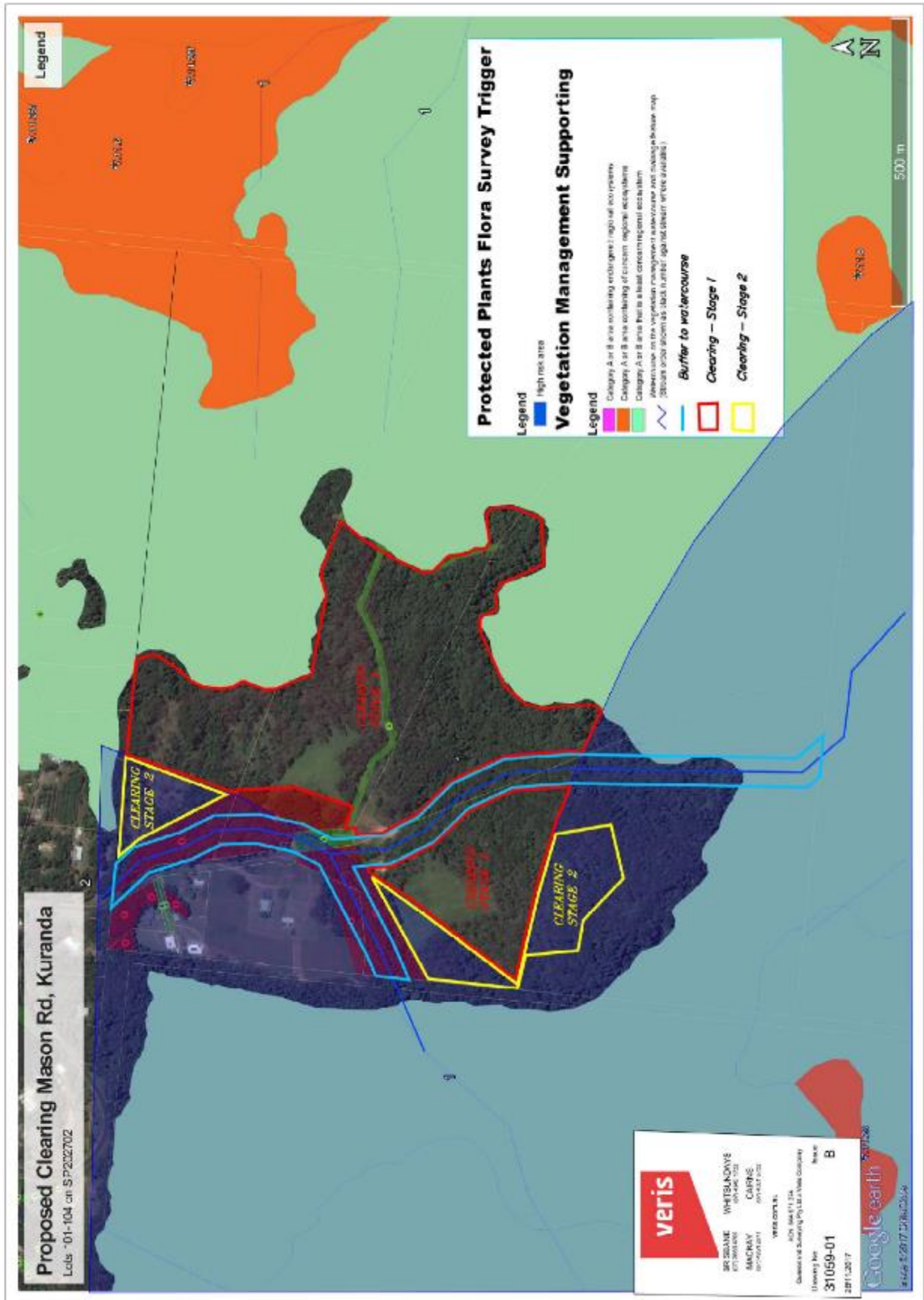
PHOTOGRAPH LOCATION P6 INTERSECTION OF FALLON ROAD & PADEMELON LANE, KURANDA.
EXISTING VIEW SOUTH . GROUND ELEVATION 380m.



PHOTOGRAPH LOCATION P6 INTERSECTION OF FALLON ROAD & PADEMELON LANE, KURANDA. GROUND ELEVATION 380m.
PROPOSED VIEW SOUTH.

REFER FIGURE 1 FOR PHOTO LOCATION & PROPOSAL.
PHOTO TAKEN WITH AN APPLE IPHONE 7
DATE TAKEN: 26 AUGUST 2017 11.10AM

PHOTO COORDINATES: LAT-16.83232, LONG 145.62142
APPROXIMATE DISTANCE TO SITE MARKER, END OF MASONS ROAD, REFER FIG 1 = 2210m





□ - Area of reduced clearing.



ITEM-6 **DIANE ROBYN WARD & GRAHAM STEWART WRIGHT -
 EXPANSION OF KENNEL/CATTERY - LOT 4 RP 749637 -
 131 BOYLES ROAD, KURANDA - MCU/07/0027.DOCX**

MEETING: Ordinary

MEETING DATE: 24 January 2018

**REPORT OFFICER'S
 TITLE:** Senior Planner

DEPARTMENT: Corporate and Community Services

APPLICATION		PREMISES	
APPLICANT	D Ward & G Wright	ADDRESS	131 Boyles Road, Kuranda
DATE REQUEST FOR EXTENSION OF RELEVANT PERIOD LODGED	8 December 2017	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)		

FILE NO	MCU/07/0027	AREA	15.64 hectares
LODGED BY	D Ward & G Wright	OWNER	D Ward & G Wright
PLANNING SCHEME	Mareeba Shire Planning Scheme 2004 (amendment no. 1 of 2007)		
ZONE	Myola zone (Rural zone under Mareeba Shire Council Planning Scheme 2016)		
LEVEL OF ASSESSMENT	Impact Assessment		
SUBMISSIONS	Twenty (20)		

ATTACHMENTS: 1. Negotiated Decision Notice dated 10 December 2008
 2. Applicant's request to extend relevant period dated 8 December 2017

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 the cattery aspect of development approval MCU/07/0027 for a further three (3) years from 10 December 2017 to 10 December 2020.

The applicants advise that they are in the process to obtaining bank finance to proceed with the cattery.

Due to the progress made to date, namely the completion and operation of the dog kennel component, it is recommended that a three (3) year extension be granted to allow completion of the cattery.

OFFICER'S RECOMMENDATION

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

APPLICATION		PREMISES	
APPLICANT	D Ward & G Wright	ADDRESS	131 Boyles Road, Kuranda
DATE REQUEST FOR EXTENSION OF RELEVANT PERIOD LODGED	8 December 2017	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 3 years from 10 December 2017 to 10 December 2020.
2. A Notice of Council's decision be issued to the applicant advising of Council's decision".

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.



Map Disclaimer:

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

The subject land is described as Lot 4 on RP749637, Parish of Formartine, County of Nares, having an area of approximately 15.64 hectares and a frontage of approximately 380 metres onto Boyles Road.

The site is situated approximately 1.2 kilometres from the intersection of Oakforest Road and 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 40 dog kennel exist on the subject land.

Vehicular access to the property is obtained solely off Boyles Road, which is bitumen sealed from its intersection with Oakforest Road to approximately 20 metres from the property entrance.

The subject land and immediately locality has a rural character.

BACKGROUND

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) and the approval was current until 10 December 2012.

Council at its Meeting held on 18 October 2012 resolved to extend the relevant period for a further one (1) year from 10 December 2012 to 10 December 2013. A further four (4) year extension was granted at the ordinary meeting held on 15 January 2014.

The dog kennel expansions have been completed and have been in use for several years.

The applicants have lodged an application to extend the relevant period for a further three (3) years from 10 December 2017 to 10 December 2020.

The applicants are in the process of obtaining finance for the cattery and the three (3) year extension is sought to allow sufficient time to complete these works.

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 new 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 on 10 December 2012.

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*.

Date Prepared: 3 January 2018

ATTACHMENT 1**TABLELANDS REGIONAL COUNCIL**File Ref: MCU/07/0027
Admin Ref: BJM:kcMr 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 4883PH: 07 4091 0700
FAX: 07 4091 4300Eacham Office
PO Box 3
MALANDA QLD 4885PH: 07 4096 5311
FAX: 07 4096 5086Herberton Office
PO Box 41
HERBERTON QLD 4887PH: 07 4096 2244
FAX: 07 4096 2689Mareeba Office
PO Box 154
MAREEBA QLD 4880PH: 07 4030 3900
FAX: 07 4092 3323Email: info@trc.qld.gov.au
Website: www.trc.qld.gov.au

C:\Documents and Settings\brianm\DataWorks\DataWorks LIVE\Temp\1766503\Negotiated Decision Notice- Ward & Wright- MCU070027.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

LOCATION: 131 Boyles Road, Kuranda

PROPERTY DESCRIPTION: Lot 4 on RP749637, Parish of Formartine

AREA OF LAND: 15.64 hectares

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)

APPROVED PLANS: 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:

- (a) 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
- (b) 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

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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.

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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.

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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 ¹	Area B ²
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 $L_{A90,T}$).

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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.

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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.

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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,adj,T} 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

(1) 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.

(2) 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.

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	the existing kennel and no additional infrastructure is required to accommodate the increased number of dogs. (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.
--	---

7. IDAS referral agencies -

The IDAS Referral Agencies applicable to this application are -

For an application involving	Name of referral agency	Status	Address
MATERIAL CHANGE OF USE			
For an <u>environmentally relevant activity (ERA)</u> , 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 For an <u>ERA</u> 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	Local Government	Concurrence	Mareeba Shire Council PO Box 154 MAREEBA QLD 4880

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 VanKoeverden	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	Amanda@alchemy.net.au
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.

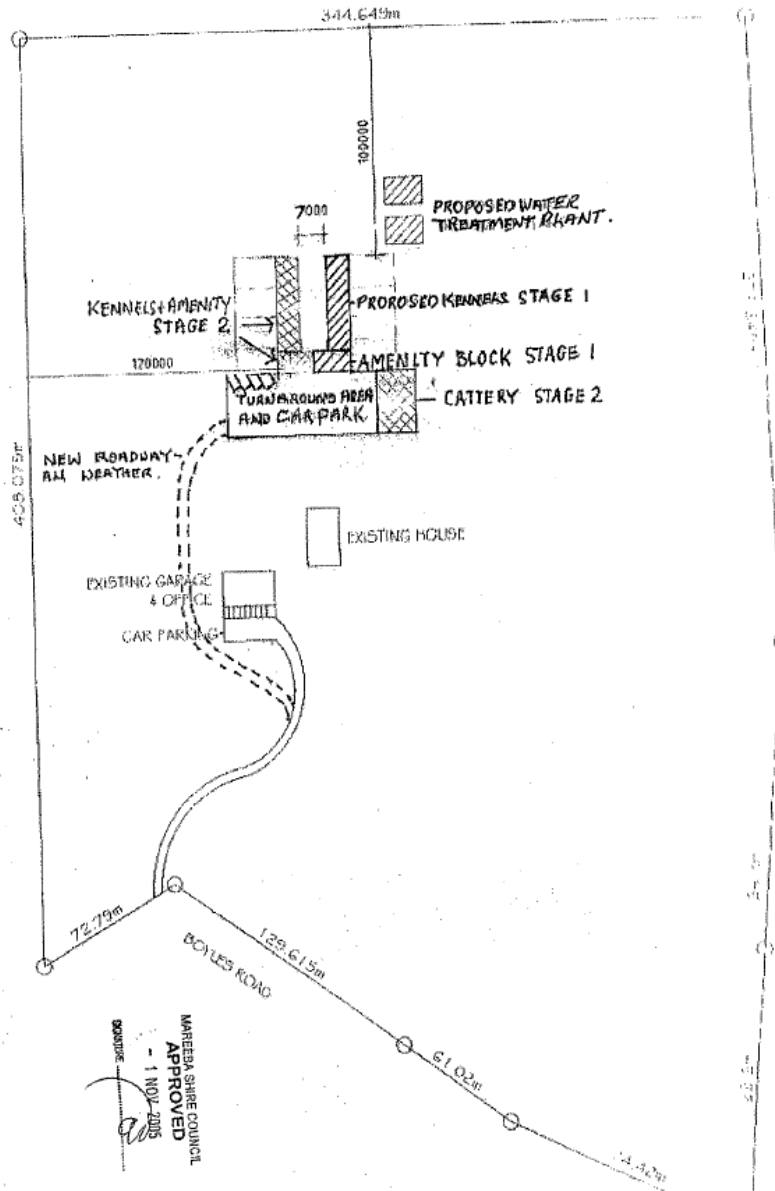
Yours faithfully

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 - APPROVAL13**Copy:**

Tablelands Regional Council
PO Box 154
MAREBA QLD 4880



SITE PLAN
SCALE 1:2000

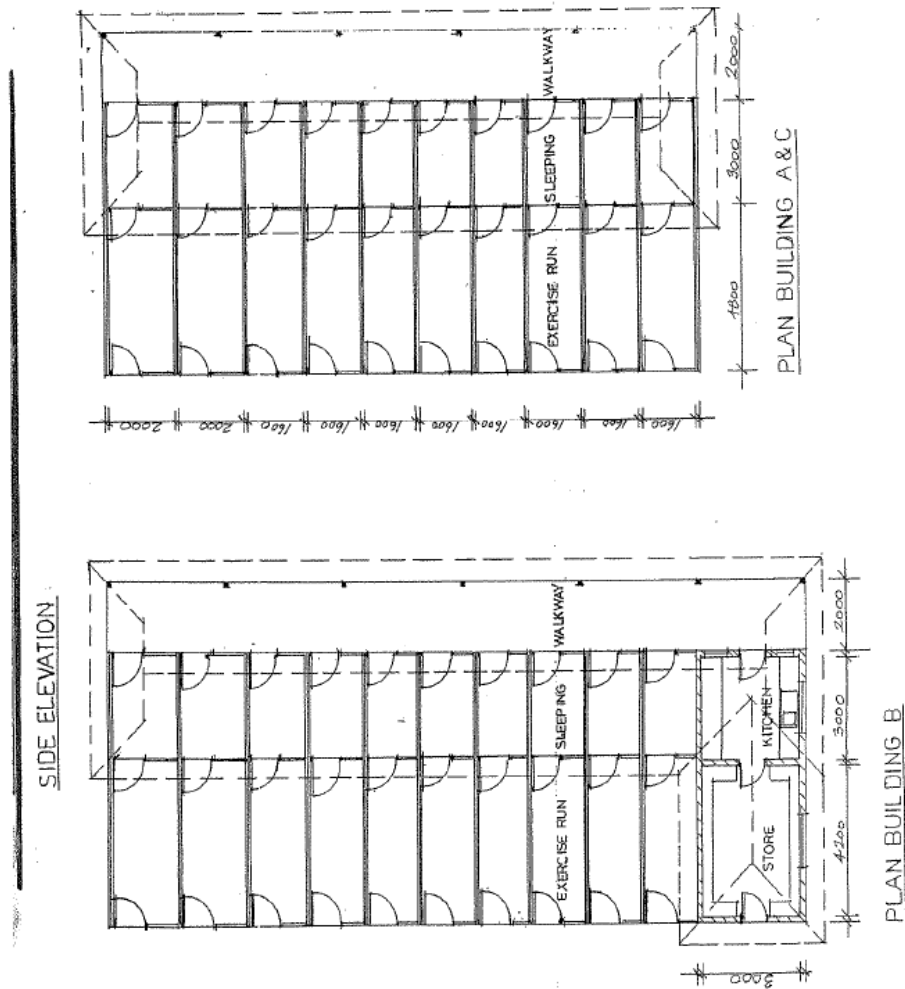
Proposed Dog Boarding Kennels

For D Ward
Lot 4 Boyles Road
Kuranda

Designed & Drawn by Bryan Peach QBSA # 5109
25.03.2005 SHEET NO:

APPROVED on 23.04.08 (Minute No)
subject to conditions detailed in Council's letter
dated 01.06.08

PHILLIP STARK - CHIEF EXECUTIVE OFFICER
IAN CHURCH



APPROVED on 23.04.08 (Minute No)
subject to conditions detailed in Council's letter
dated 01.05.08

[Signature]
PHILLIP STARK - CHIEF EXECUTIVE OFFICER
IAN CHURCH

ATTACHMENT 2

December 8, 2017

Brian Millard
Planning Department
Tablelands Regional Council,
Mareeba Office
PO Box 154
MAREEBA 4880



Dear Mr Millard,

Kuranda Pet Resort – Extension of Permitted time to commence cattery operations

At its meeting in January 2014, Mareeba Shire Council made its decision to extend the relevant period for the development of a 50-cat cattery here at Kuranda Pet Resort until the 10th December 2017.

We have now in the process of receiving a bank loan for construction of the cattery however just realised that this period is about to expire. Hence we seek a further extension of the relevant period for a further 3 years

We would appreciate your early consideration and advice as to whether such an extension is possible, and if so what fee is payable to Council.

Thankyou very much for considering our request for an extension, and we look forward to your written reply.

Yours sincerely

emailed

Diane Ward and Graham Wright
Kuranda Pet Resort

ITEM-7 MALCOLM HUGH MCDUGALL - RECONFIGURING A LOT - SUBDIVISION (1 INTO 23 LOTS IN TWO STAGES) – LOT 191 SP 284406 - 8579 MULLIGAN HIGHWAY, DESAILLY - DA/17/0011.DOCX

MEETING: Ordinary

MEETING DATE: 24 January 2018

REPORT OFFICER'S TITLE: Senior Planner

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	M McDougall	ADDRESS	8579 Mulligan Highway, Desailly
DATE LODGED	18 April 2017	RPD	Lot 191 on SP284406
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 23 lots and access easement in four stages)		

FILE NO	DA/17/0011	AREA	64,100 hectares
LODGED BY	Cardno	OWNER	M McDougall
PLANNING SCHEME	Mareeba Shire Planning Scheme 2004 (Amendment No. 01/11)		
ZONE	Rural zone		
LEVEL OF ASSESSMENT	Code Assessment		
SUBMISSIONS	n/a		

- ATTACHMENTS:**
1. Proposal Plan/s
 2. Department of Infrastructure, Local Government and Planning Amended Referral Agency Response dated 21 December 2017
 3. Department of Infrastructure, Local Government and Planning third party advice dated 14 July 2017

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.

It has been assessed against the relevant statutory planning instruments, including the Regional Plan and the Planning Scheme and does not conflict with any relevant planning instrument.

The key issues of the proposed development are the applicable standard of construction for the new rural road to be opened to.

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	
APPLICANT	M McDougall	ADDRESS	8579 Mulligan Highway, Desailly
DATE LODGED	18 April 2017	RPD	Lot 191 on SP284406
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 23 lots and access easement in four stages)		

and in accordance with the Sustainable Planning Act 2009, the applicant be notified that the application for a development permit for the development specified in (A) is:

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

And

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

(A) **APPROVED DEVELOPMENT:** Development Permit for Reconfiguring a Lot - Subdivision (1 into 23 lots and access easement in four stages)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
Q174001-003-PR-01E	Curraghmore Station Proposed Reconfiguration - Stage 1	Cardno	27 November 2017
Q174001-003-PR-02G	Curraghmore Station Proposed Reconfiguration - Stages 2A, 2B and 2C	Cardno	27 November 2017
Q174001-003-PR-03G	Curraghmore Station Proposed Reconfiguration - Stages 2A, 2B and 2C	Cardno	27 November 2017

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

 (a) Development assessable against the Planning Scheme

1. Development must be carried out substantially in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:
 - found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
 - to ensure compliance with the following conditions of approval.
2. Timing of Effect
 - 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the endorsement of the plan of survey for the respective stage, except where specified otherwise in these conditions of approval.
3. General
 - 3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure within the conditions of approval.
 - 3.2 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
 - 3.3 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to the endorsement of the plan of survey for the respective stage and at the rate applicable at the time of payment.

- 3.4 The developer must relocate (in accordance with FNQROC standards) any services such as water, sewer, drainage, telecommunications and electricity that are not wholly located within the lots that are being created/serviced where required by the relevant authority, unless approved by Council's delegated officer.
- 3.5 Where approved existing buildings and structures are to be retained, setbacks to any new property boundaries are to be in accordance with Planning Scheme requirements for the relevant structure and/or Queensland Development Code.
- 3.6 Prior to the endorsement of the plan of survey for each respective stage, the applicant must provide a letter from any Concurrence Agencies confirming that their conditions have been complied with and/or that they have no objection to Council's endorsement of the plan of survey.
- 3.7 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements and to the satisfaction of Council's delegated officer.
- 3.8 Flood Immunity
- 3.8.1 For Stage 2A and 2B, the applicant/developer must provide a plan showing the extent of a 100 ARI year flood event for proposed Lots 4, 5 and 8, certified by RPEQ (Registered Professional Engineer of Queensland). Where a proposed lot is impacted by the 100 ARI year flow, a building envelope of 2,000m² (minimum dimensions of 40m x 30m) must be provided at least **300mm** above 100 ARI year flood levels.
- Alternatively, proposed Lots 4, 5 and 8 must be amalgamated into an adjoining allotment (either Lot 3, 6, 7 or 9 respectively).
- 3.8.2 For all stages, all buildings on the proposed allotments must be located such that the freeboard of the floor levels of all habitable rooms are a minimum of 300mm above the 100 ARI year level.
- 3.9 No new building is to be erected within fifty (50) metres of the high bank of the McLeod River.
- 3.10 Bushfire Management
- 3.10.1 Any new dwelling erected on each lot shall:
- (i) Achieve a setback from hazardous vegetation of 1.5 times the predominant mature canopy tree height or 10 metres, whichever is greater.
 - (ii) Include on-site water storage of not less than 5,000 litres, with a 50mm male camlock fire brigade fitting where

necessary, to be provided at the same time the dwelling is constructed.

3.10.2 A Bushfire Management Plan will be prepared to the satisfaction of Council's delegated officer. The approved use must comply with the requirements of the Management Plan at all times.

3.11 Rural Addressing

The applicant must pay the relevant fee per additional lot for provision of rural addressing at the rate identified in the Fees and Charges Schedule at the time of payment.

3.12 Charges

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

4. Infrastructure Services and Standards

4.1 Access (Stages 2A, 2B and 2C)

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

4.2 Roadworks – Internal

The internal road (from the Mulligan Highway to the access into Lots 21 and 22) must be constructed to Rural Road Type 100-999vpd standard in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

The applicant may **defer** the bitumen sealing of the internal road until the endorsement of the plan of survey to create the first lot in Stage 2B.

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

4.3 Stormwater Drainage

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

4.4 On-Site Wastewater Management

At the time of construction of a new dwelling on any lot, any associated on-site effluent disposal system must be constructed in compliance with the latest version On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of the Council's delegated officer.

(D) ASSESSMENT MANAGER'S ADVICE

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

(b) 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.

(c) 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.

(d) Compliance with applicable codes/policies

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

(e) Notation on Rates Record

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

- conditions regarding bushfire management
- a registered easement over the subject site
- flood immunity
- waterway setback
- An on-site effluent disposal system must be constructed in accordance with an approved site and soil evaluation report

(f) Environmental Protection and Biodiversity Conservation Act 1999

The applicant is advised that referral may be required under the *Environmental Protection and Biodiversity Conservation Act 1999* if the proposed activities are likely to have a significant impact on a matter of national environmental

significance. Further information on these matters can be obtained from www.environment.gov.au.

(g) Cultural Heritage

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

(E) CONCURRENCE AGENCY CONDITIONS

Department of Infrastructure, Local Government and Planning conditions dated 21 December 2017.

(F) RELEVANT PERIOD

When approval lapses if development not started (s.341)

- Reconfiguring a Lot requiring Operational Works – four (4) years (starting the day the approval takes effect);

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

- Development Permit for Operational Works

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Access approval arising from condition number 4.1”

THE SITE

The subject site is Curraghmore Station, being land described as Lot 191 on SP284406, situated at 8579 Mulligan Highway, Desailly, and located approximately 17 kilometres west of Mount Carbine.

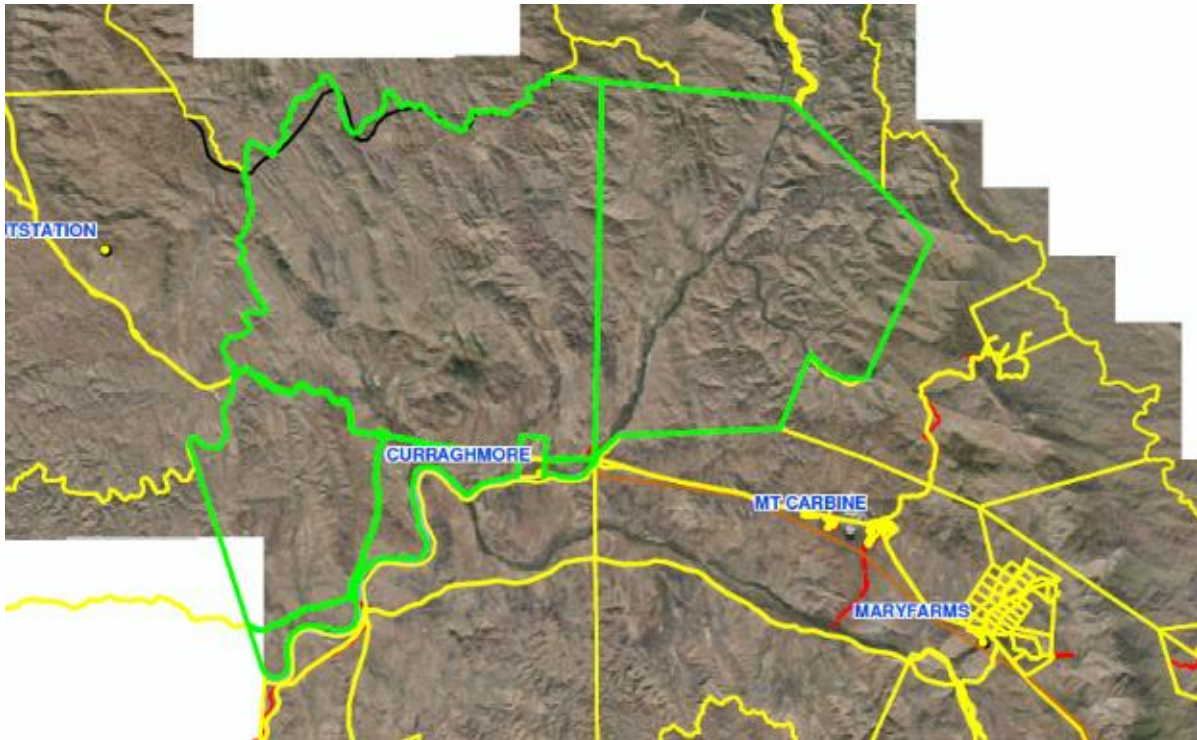
Lot 191 has an area of 64,100 hectares with extensive road frontages to the Mulligan Highway and numerous, mostly unformed, road reserves.

The Mulligan Highway transects the lower portion of Lot 191 in an east-west direction. The Mulligan Highway is a State controlled road and is constructed to a two (2) lane bitumen sealed standard.

The existing land use is primary industry (grazing). Most of the adjoining land is zoned Rural and currently used for various rural and wildlife conservation purposes. Land adjoining to the north is National Park and zoned Conservation. An established vehicle access extends from

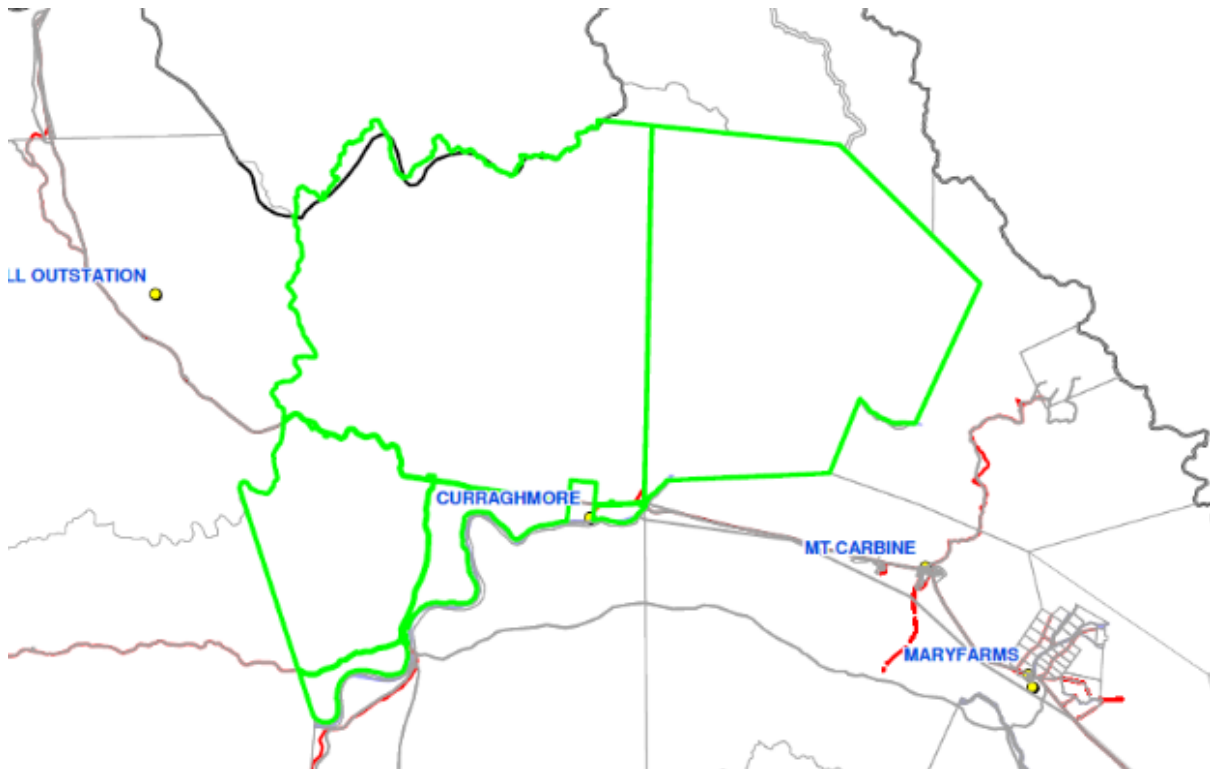
the Mulligan Highway to the northern boundary of Lot 191, allowing access to the National Park.

Remnant vegetation remains over the majority of Lot 191. The McLeod River traverses through the subject land.



Map Disclaimer:

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

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BACKGROUND AND CONTEXT

Nil

PREVIOUS APPLICATIONS & APPROVALS

Nil

DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Reconfiguring a Lot - Subdivision (1 into 23 lots and access easement in four stages) in accordance with the plans shown in **Attachment 1**.

The four (4) proposed stages are as follows:

Stage 1 - Subdivision into two (2) lots being Lot 191 - 49,212 hectares and Lot 22 - 14,888 hectares and the creation of a 50m wide access easement. The access easement will cover an existing internal vehicle access that intersects with the Mulligan Highway in the south and will burden Lot 22 and benefit Lot 191.

Stage 2A - A further subdivision of Lot 22 into five (5) lots and balance area and the opening of approximately 2.47 kilometres of new 50 metre wide road reserve. The proposed lots are:

- Lot 1 - 31 hectares, 787m to proposed road, 561m to unnamed road;
- Lot 2 - 30 hectares, 493m to proposed road;
- Lot 3 - 31 hectares, 405m to proposed road;
- Lot 4 - 31 hectares, 387m to proposed road;
- Lot 5 - 31 hectares, 401m to proposed road;

Stage 2B - A further subdivision of Lot 22 into 5 lots and the opening of approximately 2.34 kilometres of new 50 metre wide road reserve. The proposed lots are:

- Lot 6 - 31 hectares, 373m to proposed road;
- Lot 7 - 30 hectares, 424m to proposed road;
- Lot 8 - 30 hectares, 527m to proposed road;
- Lot 9 - 30 hectares, 513m to proposed road;
- Lot 10 - 30 hectares, 607m to proposed road.

Stage 2C - A further subdivision of Lot 22 into 12 lots and the opening of approximately 7 kilometres of new 50 metre wide road reserve. The proposed lots are:

- Lot 11 - 32 hectares, 928m to proposed road;
- Lot 12 - 31 hectares, 655m to proposed road;
- Lot 13 - 30 hectares, 439m to proposed road;
- Lot 14 - 48 hectares, 787m to proposed road;
- Lot 15 - 62 hectares, 627m to proposed road;
- Lot 16 - 65 hectares, 536m to proposed road;
- Lot 17 - 63 hectares, 469m to proposed road;
- Lot 18 - 62 hectares, 439m to proposed road;
- Lot 19 - 65 hectares, 802m to proposed road;
- Lot 20 - 64 hectares, 643m to proposed road;
- Lot 21 - 64 hectares, 701m to proposed road;
- Lot 22 - - 13,744 hectares, 50m to proposed road.

REGIONAL PLAN DESIGNATION

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

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

PLANNING SCHEME DESIGNATIONS

Zone:	Rural zone
Overlays:	Natural Disaster Bushfire Overlay

RELEVANT PLANNING INSTRUMENTS

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

(a) Far North Queensland Regional Plan 2009-2031

Assessment against the Regional Plan is required because the plan is not reflected in the planning scheme. The application is assessed as being capable of substantially complying with the relevant provisions of the Regional Plan, provided reasonable and relevant conditions are applied.

The following Desired Regional Outcome Land Use Policies are relevant to the assessment of the application:

DRO 2.4 Primary Production & Fisheries			
Land Use Policy		Complies	Comments
2.4.1	<i>Good quality agricultural land is protected from urban development outside the urban footprint.</i>	✓	The subject land is not mapped as good quality agricultural land.

DRO 2.6 Rural Subdivision			
Land Use Policy		Complies	Comments
2.6.1	<i>Further fragmentation of agricultural land in the regional landscape and rural production area is avoided to maintain economically viable farm lot sizes.</i>	✓	The area of each proposed allotment will exceed the 30 hectare minimum rural lot size nominated by the Mareeba Shire Planning Scheme 2004.

(b) State Planning Policy

The Department of State Development, Infrastructure and Planning has introduced a single State Planning Policy (SPP) to replace the various SPP's previously in place. As such, this State Planning Policy is not reflected in the Planning Scheme and is therefore applicable to the assessment of the application.

An officer assessment of the proposed development against the provisions contained within the SPP has been undertaken and it is not considered to be in conflict with any relevant aspect of the SPP.

Queensland State Planning Policy		
State Interest	Complies	Assessment Requirements & Comments
Biodiversity A development application where the land relates to a matter of state environmental significance, if the application is for: (a) operational work, or	✓	Development: (1) identifies any potential significant adverse environmental impacts on matters of state environmental significance, and

<p>(b) a material change of use other than for a dwelling house, or</p> <p>(c) reconfiguring a lot that results in more than six lots or lots less than five hectares.</p>		<p>(2) manages the significant adverse environmental impacts on matters of state environment significance by, in order of priority:</p> <p>(a) avoiding significant adverse environmental impacts, and</p> <p>(b) mitigating significant adverse environmental impacts where these cannot be avoided, and</p> <p>(c) where applicable, offsetting any residual adverse impacts.</p> <p>Comment</p> <p>An area of wildlife habitat is located near the intersection of the proposed access road/easement and the Mulligan Highway.</p> <p>The route of the proposed access road/easement is already largely cleared and there is unlikely to be further significant habitat loss.</p> <p>Numerous waterways traverse the subject land and converge with the McLeod River. The development can be conditioned to maintain appropriate vegetation clearing buffers to the respective waterways.</p>
<p>Natural hazards</p> <p>A development application for a material change of use, reconfiguring a lot or operational works on land within:</p> <p>(1) a flood hazard area, or</p> <p>(2) a bushfire hazard area, or</p> <p>(3) a landslide hazard area, or</p> <p>(4) a coastal hazard area.</p>	<p>✓</p>	<p>For all natural hazards:</p> <p>Development:</p> <p>(1) avoids natural hazard areas or mitigates the risks of the natural hazard, and</p> <p>(2) supports, and does not unduly burden, disaster management response or recovery capacity and capabilities, and</p> <p>(3) directly, indirectly and cumulatively avoids an increase in the severity of the natural hazard and the potential for damage on the site or to other properties, and</p> <p>(4) avoids risks to public safety and the environment from the location of hazardous materials and the release of these materials as a result of a natural hazard, and</p> <p>(5) maintains or enhances natural processes and the protective function of landforms and vegetation that can mitigate risks associated with the natural hazard, and</p> <p>Comment</p> <p>Proposed Lots 1 to 21 are not mapped as including areas of slope of 15% or greater. Both proposed Lots 191 and 22 contain areas of slope of 15% or greater, however both of these lots also contain areas of low slope adequate to accommodate any future buildings.</p> <p>Proposed Lots 4, 5 and 8 are entirely covered by the Level 1 Queensland Floodplain Overlay mapping. The remaining proposed allotments have sufficient area outside the predicted flood hazard to accommodate buildings.</p>

		<p>For proposed Lots 4, 5 and 8, the development will be conditioned to required a hydraulic (flood hazard assessment) report prepared by a RPEQ which demonstrates that each of these lots has adequate area with a 100 ARI immunity. Alternatively, proposed Lots 4, 5 and 8 must be amalgamated into an adjoining (either Lot 3, 6, 7 or 9 respectively).</p> <p>The subject land is mapped as a bushfire hazard area. Bushfire hazard mitigation conditions will be applied to any development approval.</p>
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(c) Mareeba Shire Planning Scheme 2004 (amendment no. 01/11)

Relevant Development Codes

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

Part 4, Division 14	Rural Zone Code
Part 5, Division 8	Natural Disaster - Bushfire Overlay Code
Part 6, Division 12	Reconfiguring a Lot 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	The application complies with applicable acceptable/probable solutions/performance criteria.
Natural Disaster - Bushfire Overlay Code	The application complies with applicable acceptable/probable solutions/performance criteria.
Reconfiguring a Lot Code	The application complies with applicable acceptable/probable solutions/performance criteria.

(e) Planning Scheme Policies/Infrastructure Charges Plan

The following planning scheme policies are relevant to the application:

No. 4 - Development Manual

All development works will be conditioned to be designed and constructed in accordance with the FNQROC Development Manual.

(f) Additional Trunk Infrastructure Condition (Section 650 of SPA)

The subject land is located outside the identified Priority Infrastructure Area (PIA).

Section 650 of SPA allows Council to condition additional trunk infrastructure outside the PIA.

The applicant will be required to construct new road in accordance with the FNQROC Development Manual and the Department of Transport and Main Roads requirements. The new road will intersect directly with the Mulligan Highway.

In such a circumstance, an additional truck infrastructure condition is not warranted.

REFERRALS

Concurrence

The application triggered a referral to the Department of Infrastructure, Local Government and Planning as a Concurrence Agency (SARA - State controlled roads).

That Department advised in a letter dated 21 December 2017 that they require the conditions to be attached to any approval (**Attachment 2**).

Advice

This application did not trigger a referral to an Advice Agency.

Third Party Advice

The application was referred to the Department of Infrastructure, Local Government and Planning for Third Party Advice.

A copy of the Department's statements is attached (**Attachment 3**).

The application has been assessed against the relevant State and Local Planning Instruments and has been determined to be in compliance.

Internal Consultation

Technical Services

PLANNING DISCUSSION

Rural Zone Code - Road Standard

S3 Functional, safe and convenient vehicular access and movement to the site for the particular activity.

PS3 Access to the site is provided in accordance with Planning Scheme Policy 4 - Development Manual Section D1.30.

Comment

Table D1.4 Rural Road Elements of the FNQROC Development Manual has the following requirements for rural roads:

- **1 to 99vpd:** 8 metre formation, 5.5 metre pavement, 4.5 metre seal. 'Council may consider a reduction of the seal width to 3.5 metres and for less than 50vpd, may consider relaxing of seal'.

- **100 to 999vpd:** 8 metre formation, 6.5 metre pavement, 6.5 metre seal.

Cardno has undertaken a review of the likely traffic generation of the proposed rural lots. Based on the location of the proposed lots and their rural nature, Cardno advise that 7.4vpd per dwelling/lot is more reflective of expected vehicle movements (Note: FNQROC standard is 10vpd).

Using 7.4vpd, the proposed development would generate the following vehicle movements:

- *Stage 1 & 2A - **44.4 vpd.***
- *Ultimate development (Stage 2C) - **170.2 vpd.***

The applicant proposes to stage the development with the first, second and third stages being serviced by a gravel easement and gravel road respectively.

Upon development of the fourth and final stage, the applicant proposes to construct a bitumen sealed road.

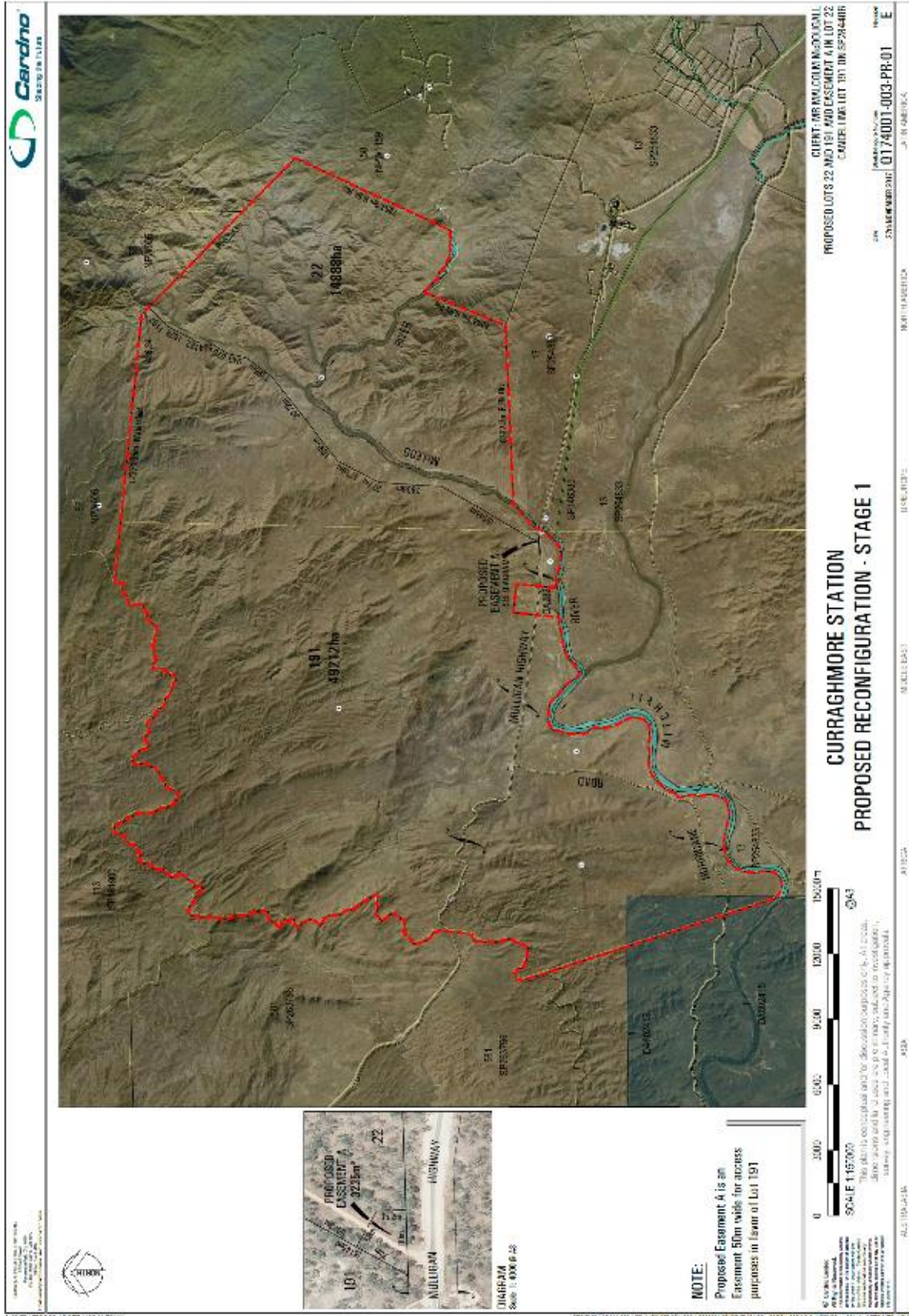
Stage 1 does not involve the opening of any new public road.

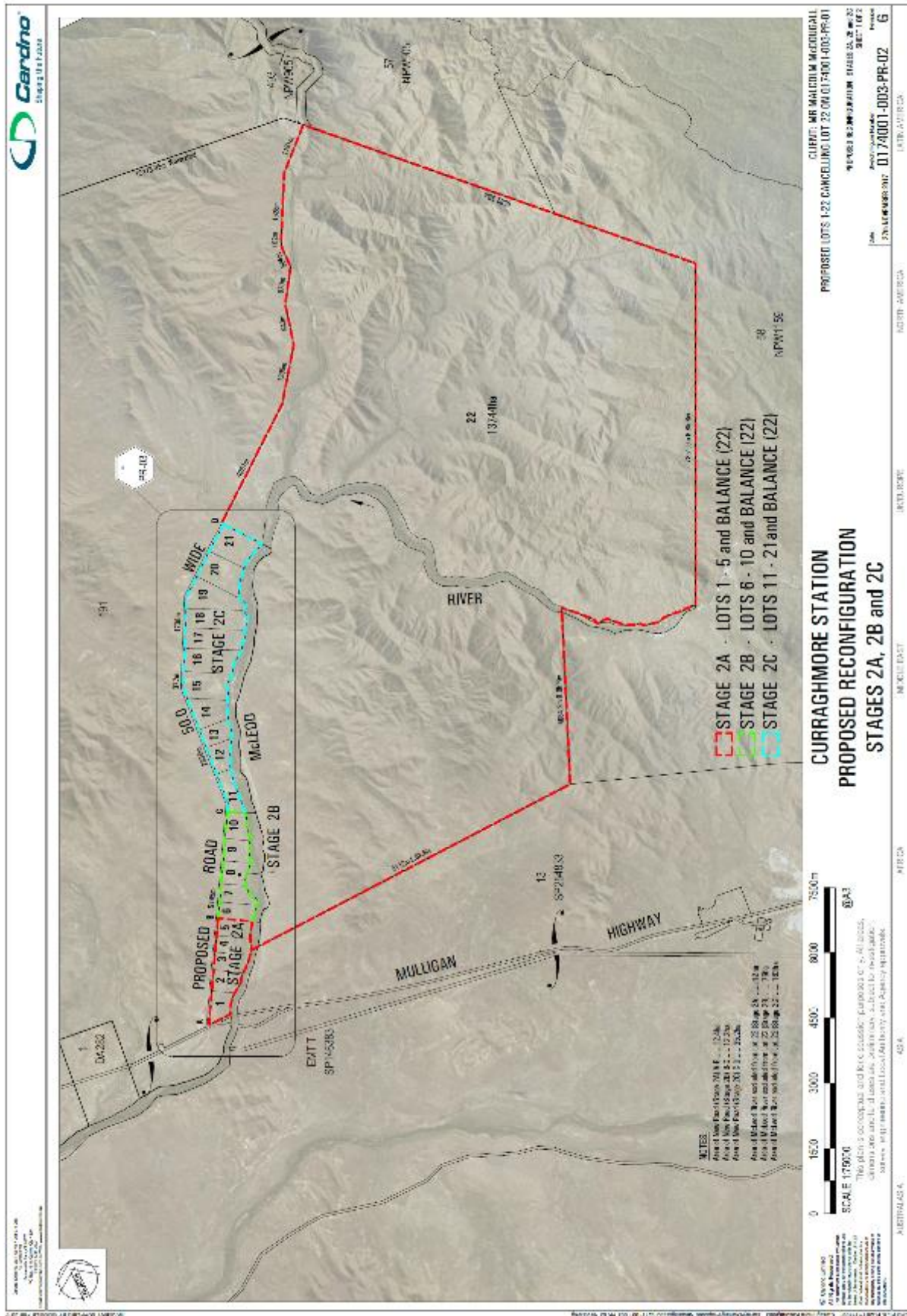
Applying the FNQROC Table D1.4 standards, the development will be conditioned to require a rural road (100-999vpd) standard, with the requirement for 6.5m bitumen seal to be triggered prior to the endorsement of the plan of survey to create the first allotment in Stage 2B. The bitumen seal will be required from the Mulligan Highway intersection up to the accesses into proposed Lots 21 and 22.

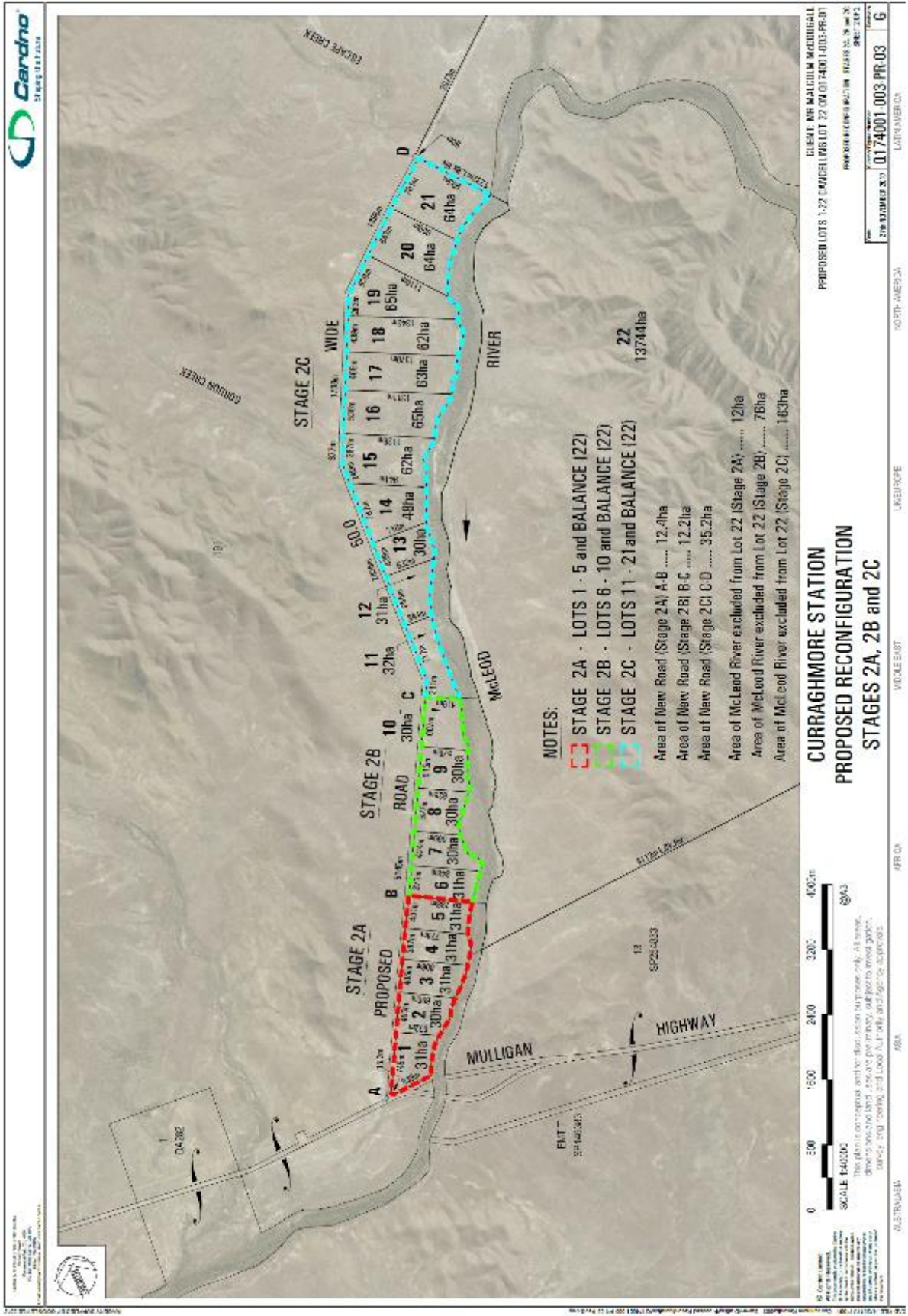
Date Prepared: 21 December 2017

ATTACHMENT 1

APPROVED PLANS







ATTACHMENT 2Department of Infrastructure,
Local Government and PlanningSARA reference: SDA-0717-040765
Council reference: DA/17/0011
Applicant reference: HRP16290

21 December 2017

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

Attn: Carl Ewin

Dear Sir / Madam

Amended concurrence agency response—with conditionsApplication for reconfiguring a lot (1 lot into 23 lots in two stages) on land situated at 8579 Mulligan Highway, Desailly and described as Lot 191 on SP284406
(Given under section 290(1)(b) of the *Sustainable Planning Act 2009*)The Department of Infrastructure, Local Government and Planning issued a concurrence agency response under section 285 of the *Sustainable Planning Act 2009* on 4 August 2017.On 6 December 2017, the department received representations from the applicant under section 320(1) of the *Sustainable Planning Act 2009* requesting that the department amend its concurrence agency response under section 290(1)(b)(i) of the *Sustainable Planning Act 2009*.**Applicant details**

Applicant name:	Malcolm McDougall
Applicant contact details:	C/- Cardno PO Box 1619 CAIRNS QLD 4870 dominic.hammersley@cardno.com.au

Site details

Street address:	8579 Mulligan Highway, Desailly
Lot on plan:	Lot 191 on SP284406
Local government area:	Mareeba Shire Council

Page 1

Far North Queensland Regional Office
Ground Floor, Cairns Port Authority
PO Box 2358
Cairns QLD 4870

Application details

Proposed development: Development permit for reconfiguring a lot (1 lot into 23 lots in two stages)

Aspects of development and type of approval being sought

Nature of Development	Approval Type	Brief Proposal of Description	Level of Assessment
Reconfiguring a Lot	Development permit	One lot into 23 lots, new road and access easement	Code Assessment

Referral triggers

The development application was referred to the department under the following provisions of the *Sustainable Planning Regulation 2009*:

Referral trigger Schedule 7, Table 2, Item 2—State-controlled road

Conditions

Under section 287(1)(a) of the *Sustainable Planning Act 2009*, the conditions set out in **Attachment 1** must be attached to any development approval.

Reasons for decision to impose conditions

Under section 289(1) of the *Sustainable Planning Act 2009*, the department must set out the reasons for the decision to impose conditions. These reasons are set out in **Attachment 2**.

Further advice

Under section 287(6) of the *Sustainable Planning Act 2009*, the department offers advice about the application to the assessment manager—see **Attachment 3**.

Approved plans and specifications

The department requires that the following plans and specifications set out below and in **Attachment 4** must be attached to any development approval.

Drawing/Report Title	Prepared by	Date	Reference no.	Version/Issue
Aspect of development: Reconfiguring a Lot (1 Lot into 23 Lots in three stages)				
Curraghmore Station: Proposed Reconfiguration – Stage 1 Proposed Lots 22 and 191 and Easement A in Lot 22 Cancelling Lot 191 on SP284406	Cardno	27 November 2017	Q174001-003- PR-01	E
Curraghmore Station: Proposed Reconfiguration – Stages 2A 2B and 2C, Proposed Lots 1-22 Cancelling Lot 22 on Q174001-003-PR-01	Cardno	27 November 2017	Q174001-003- PR-02 Sheet 1 of 2	G

SDA-0717-040765

TMR Layout Plan – Stage 1 (34B – 45.45km)	Queensland Government Transport and Main Roads	24/11/2017	TMR17-21827 (500-1132)	C
TMR Layout Plan – Stage 2 (34B – 45.42km)	Queensland Government Transport and Main Roads	26/07/2017	TMR17-21827 (500-1132)	B
TMR Layout Plan – Intersection (Stage 2A) (34B – 45.42km)	Queensland Government Transport and Main Roads	24/11/2017	TMR17-21827 (500-1132)	C
TMR Layout Plan – Intersection (Stage 2B/2C) (34B – 45.42km)	Queensland Government Transport and Main Roads	24/11/2017	TMR17-21827 (500-1132)	C
Rural property access specifically designed for articulated vehicles on a two-lane road	Austrroads: Guide to Road Design Part 4 Intersections and Crossings – General	2009	Figure 7.4	-
Basic right (BAR) turn treatment on a two-lane rural road	Austrroads: Guide to Road Design Part 4A Unsignalised and Signalised Intersections	2009	Figure 7.5	-

If you require any further information, please contact Jenny Sapuppo, Senior Planning Officer, Cairns SARA on 5644 3212, or via email jenny.sapuppo@dilgp.qld.gov.au who will be able to assist.

Yours sincerely



Brett Nancarrow
 Manager (Planning)

cc: Malcolm McDougall, C/- Cardno, email: dominic.hammersley@cardno.com.au
 enc: **Attachment 1**—Amended conditions to be imposed
Attachment 2—Reasons for decision to impose conditions
Attachment 3—Further advice
Attachment 4—Approved Plans and Specifications

SDA-0717-040765

SARA reference: SDA-0717-040765
 Council reference: DA/17/0011
 Applicant reference: HRP16290

Attachment 1—Amended conditions to be imposed

No.	Conditions	Condition timing
Development Permit - Reconfiguring a Lot (1 Lot into 23 Lots – Stages 1, 2A, 2B & 2C)		
Schedule 7, Table 2, Item 2: State-controlled road—Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of the Department of Transport and Main Roads to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:		
Stage 1 – Reconfiguring a Lot (1 Lot into 2 Lots and Access Easement)		
1.	<p>The road access and proposed access easement must be carried out generally in accordance with the following plans:</p> <ul style="list-style-type: none"> • Curraghmore Station: Proposed Reconfiguration – Stage 1 Proposed Lots 22 and 191 and Easement A in Lot 22 Cancelling Lot 191 on SP284406, prepared by Cardno, dated 27 November 2017, Drawing No Q174001-003-PR-01 and Revision E. • TMR Layout Plan – Stage 1 (34B – 45.45km), prepared by Queensland Government Transport and Main Roads, dated 24/11/2017, File Reference TMR17-21827(500-1132), Issue C. 	Prior to submitting the Plan of Survey for Stage 1 to the local government for approval.
2.	<p>(a) The applicant must register a reciprocal access easement on the title of proposed Lot 22 for the shared access.</p> <p>(b) The applicant must provide to the Department of Transport and Main Roads, Cairns Corridor Management team (Far.North.Queensland.IDAS@tmr.qld.gov.au), a copy of Registration Confirmation Statement/s and easement registration dealing number/s as evidence of the registration of the easement/s referred to in part (a) of this condition.</p>	<p>(a) At the time of survey plan registration for Stage 1.</p> <p>(b) Within 20 business days of registration of the easements.</p>
Stage 2A – Reconfiguring a Lot (1 Lot into 5 Lots, Balance Lot and New Road)		
3.	<p>The road access and proposed new road must be carried out generally in accordance with the following plans:</p> <ul style="list-style-type: none"> • Curraghmore Station: Proposed Reconfiguration – Stages 2A, 2B and 2C, Proposed Lots 1-22 Cancelling Lot 22 on Q174001-003-PR-01, prepared by Cardno, dated 27 November 2017, Sheet 1 of 2 Drawing No Q174001-003-PR-02 and Revision G. • TMR Layout Plan – Stage 2 (34B – 45.42km), prepared by Queensland Government Transport and Main Roads, dated 26/07/2017, File Reference TMR17-21827(500-1132), Issue B. 	Prior to submitting the Plan of Survey for Stage 2A to the local government for approval.
4.	<p>(a) The road access location, is to be located generally in accordance with TMR Layout Plan – Stage 2 (34B – 45.42km), prepared by Queensland Government Transport and Main Roads, dated 26/07/2017, File Reference TMR17-21827(500-1132), Issue B.</p> <p>(b) Road access works comprising of a sealed rural property</p>	(a) At all times.

SDA-0717-040765

No.	Conditions	Condition timing
	<p>access, (at the road access location) must be provided generally in accordance with TMR Layout Plan – Intersection (Stage 2A) (34B – 45.2km), prepared by Queensland Government Transport and Main Roads, dated 24/11/2017, File Reference TMR17-21827(500-1132), Issue C.</p> <p>(c) The road access works must be designed and constructed in accordance with Austroads Part 4: Intersections and Crossings – General, Figure 7.4 Rural property access specifically designed for articulated vehicles on a two-lane road, dated 2009.</p>	<p>(b) and (c): Prior to submitting the Plan of Survey for Stage 2A to the local government for approval.</p>
5.	<p>Signage is to be relocated and /or installed in accordance with:</p> <ul style="list-style-type: none"> • TMR Layout Plan – Intersection (Stage 2A) (34B – 45.2km), prepared by Queensland Government Transport and Main Roads, dated 24/11/2017, File Reference TMR17-21827(500-1132), Issue C; and • the Department of Transport and Main Roads' Manual of Uniform Traffic Control Devices. 	<p>Prior to submitting the Plan of Survey for Stage 2A to the local government for approval.</p>
Stage 2B – Reconfiguring a Lot (1 Lot into 6 Lots and new road) and Stage 2C – Reconfiguring a Lot (1 Lot into 11 Lots and new road)		
6.	<p>The road access and proposed new road must be carried out generally in accordance with the following plans:</p> <ul style="list-style-type: none"> • Curraghmore Station: Proposed Reconfiguration – Stages 2A 2B and 2C, Proposed Lots 1-22 Cancelling Lot 22 on Q174001-003-PR-01, prepared by Cardno, dated 27 November 2017, Sheet 1 of 2 Drawing No Q174001-003-PR-02 and Revision G. • TMR Layout Plan – Stage 2 (34B – 45.42km), prepared by Queensland Government Transport and Main Roads, dated 26/07/2017, File Reference TMR17-21827(500-1132), Issue B. 	<p>Prior to submitting the Plan of Survey for Stage 2B to the local government for approval.</p>
7.	<p>(a) The road access location, is to be located generally in accordance with TMR Layout Plan – Stage 2 (34B – 45.42km), prepared by Queensland Government Transport and Main Roads, dated 26/07/2017, File Reference TMR17-21827(500-1132), Issue B.</p> <p>(b) Road access works comprising of a sealed Basic right turn (BAR), (at the road access location) must be provided generally in accordance with TMR Layout Plan – Intersection (Stage 2B/2C) (34B – 45.42km), prepared by Queensland Government Transport and Main Roads, dated 24/11/2017, File Reference TMR17-21827(500-1132), Issue C.</p> <p>(c) The road access works must be designed and constructed in accordance with Austroads: Guide to Road Design Part 4A: Unsignalised and Signalised Intersections, Figure 7.5 Basic right (BAR) turn treatment on a two-lane rural road, dated 2009.</p>	<p>(a) At all times.</p> <p>(b) and (c): Prior to submitting the Plan of Survey for Stage 2B to the local government for approval.</p>

SDA-0717-040765

SARA reference: SDA-0717-040765
Council reference: DA/17/0011
Applicant reference: HRP16290

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- to ensure the development is carried out generally in accordance with the plans of development submitted with the application;
- to ensure access to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled road the number of road access locations are minimised;
- to ensure the development is carried out generally in accordance with the plans of development submitted with the application;
- to ensure the road access location to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled road;
- to ensure the design of any road access maintains the safety and efficiency of the state-controlled road;
- to maintain the safety and efficiency of the state-controlled road generally; and
- to ensure that the development achieves the relevant performance outcomes of Module 19—State transport network functionality of the State Development Assessment Provisions (version 1.10).

SARA reference: SDA-0717-040765
 Council reference: DA/17/0011
 Applicant reference: HRP16290

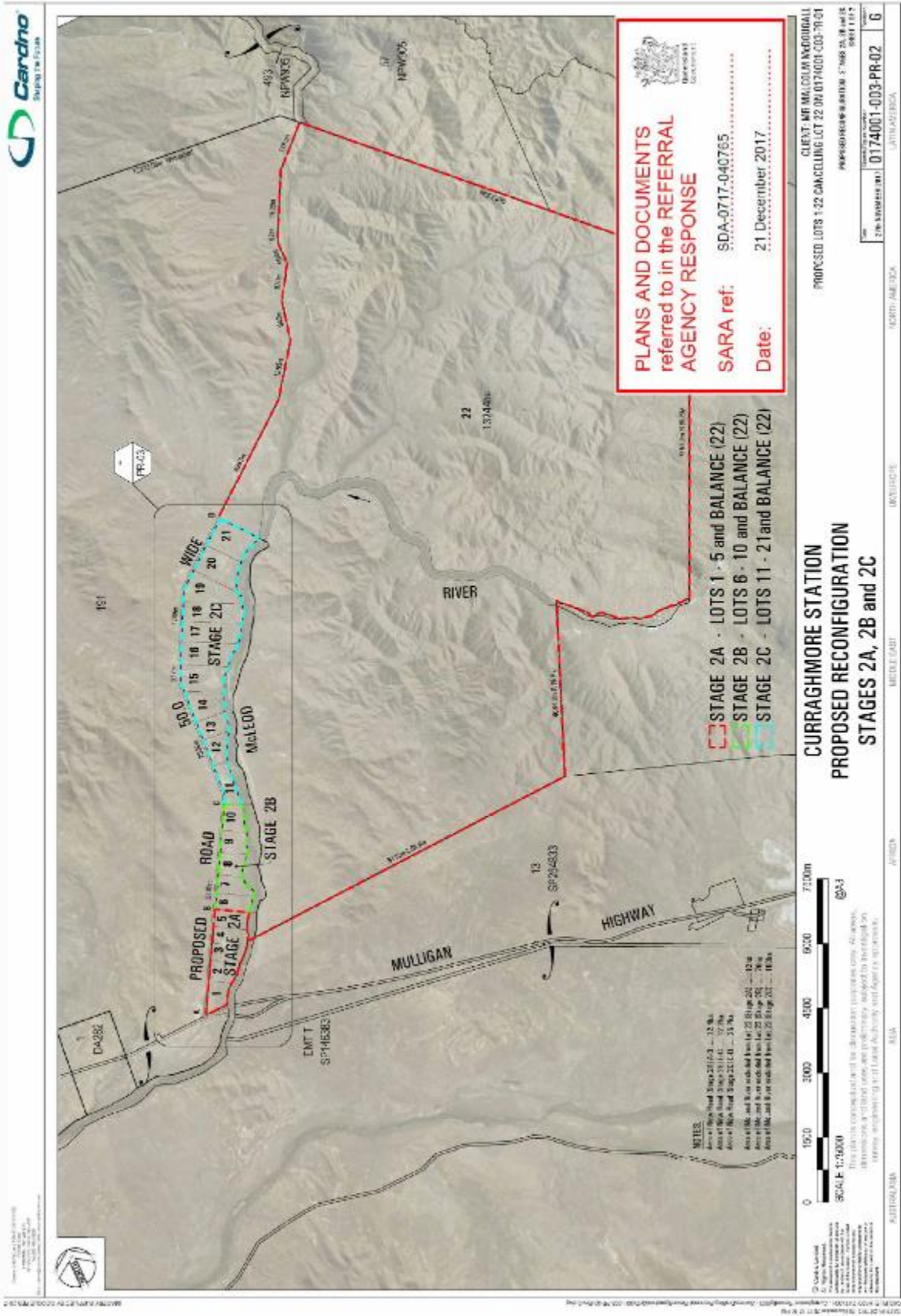
Attachment 3—Further advice

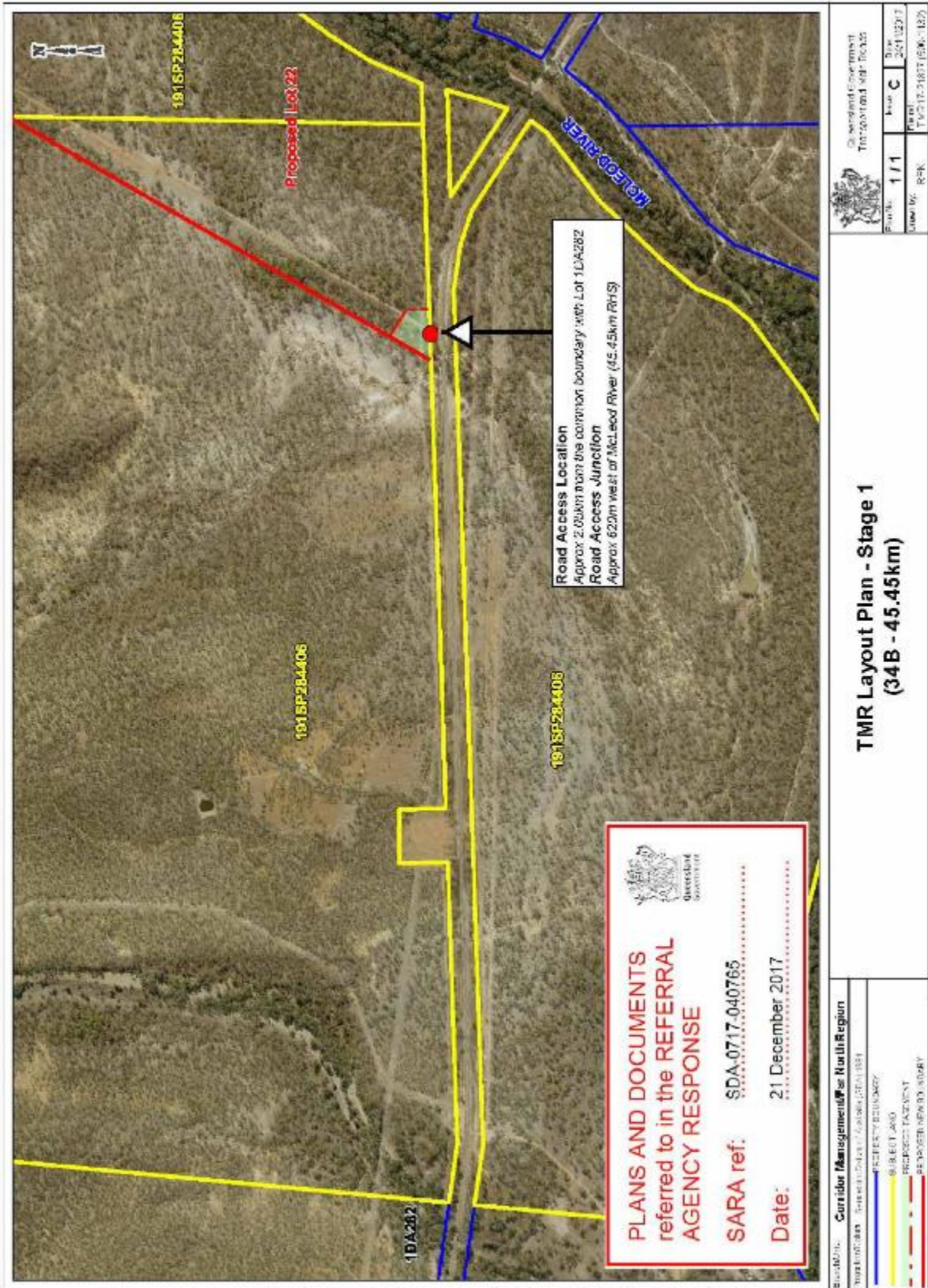
General advice	
Ref	Advertising devices
1.	<p>A local government should obtain advice from the Department of Transport and Main Roads (DTMR) if it intends to approve the erection, alteration or operation of an advertising sign or another advertising device that would be visible from a state-controlled road, and beyond the boundaries of the state-controlled road, and reasonably likely to create a traffic hazard for the state-controlled road.</p> <p>Note: DTMR has powers under section 139 of the <i>Transport Operations (Roads Use Management – Accreditation and Other Provisions) Regulations 2015</i> to require removal or modification of an advertising sign and/or a device which is deemed that it creates a danger to traffic.</p>
Further development permits, compliance permits or compliance certificates	
Ref	Road access works approval
2.	<p>Under sections 62 and 33 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from the Department of Transport and Main Roads to carry out road works that are road access works (including driveways) on a state-controlled road. Please contact the Cairns district office of the Department of Transport and Main Roads on 4045 7144 to make an application for road works approval. This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ).</p> <p>The road access works approval process takes time – please contact Transport and Main Roads as soon as possible to ensure that gaining approval does not delay construction.</p>

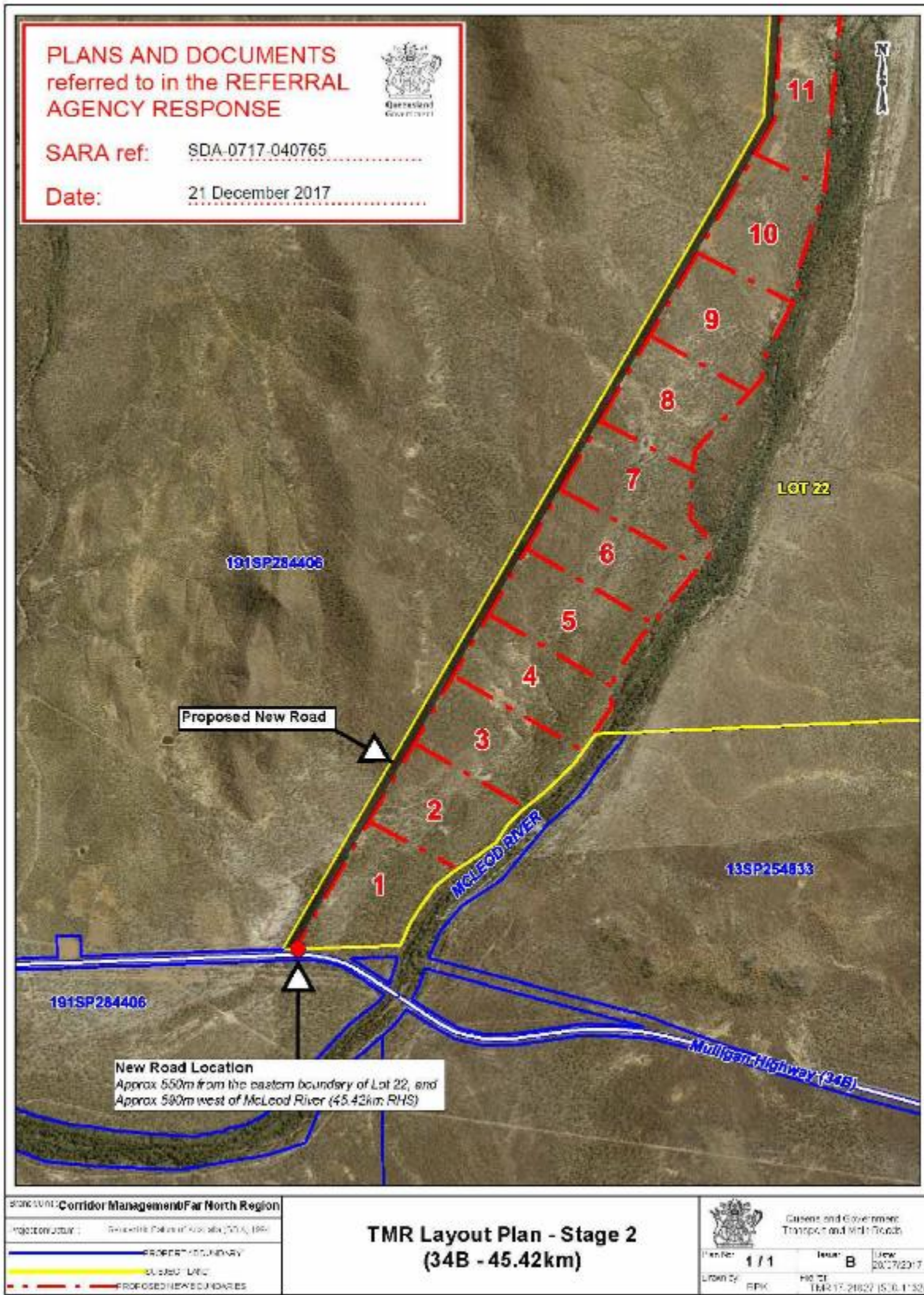
SDA-0717-040765

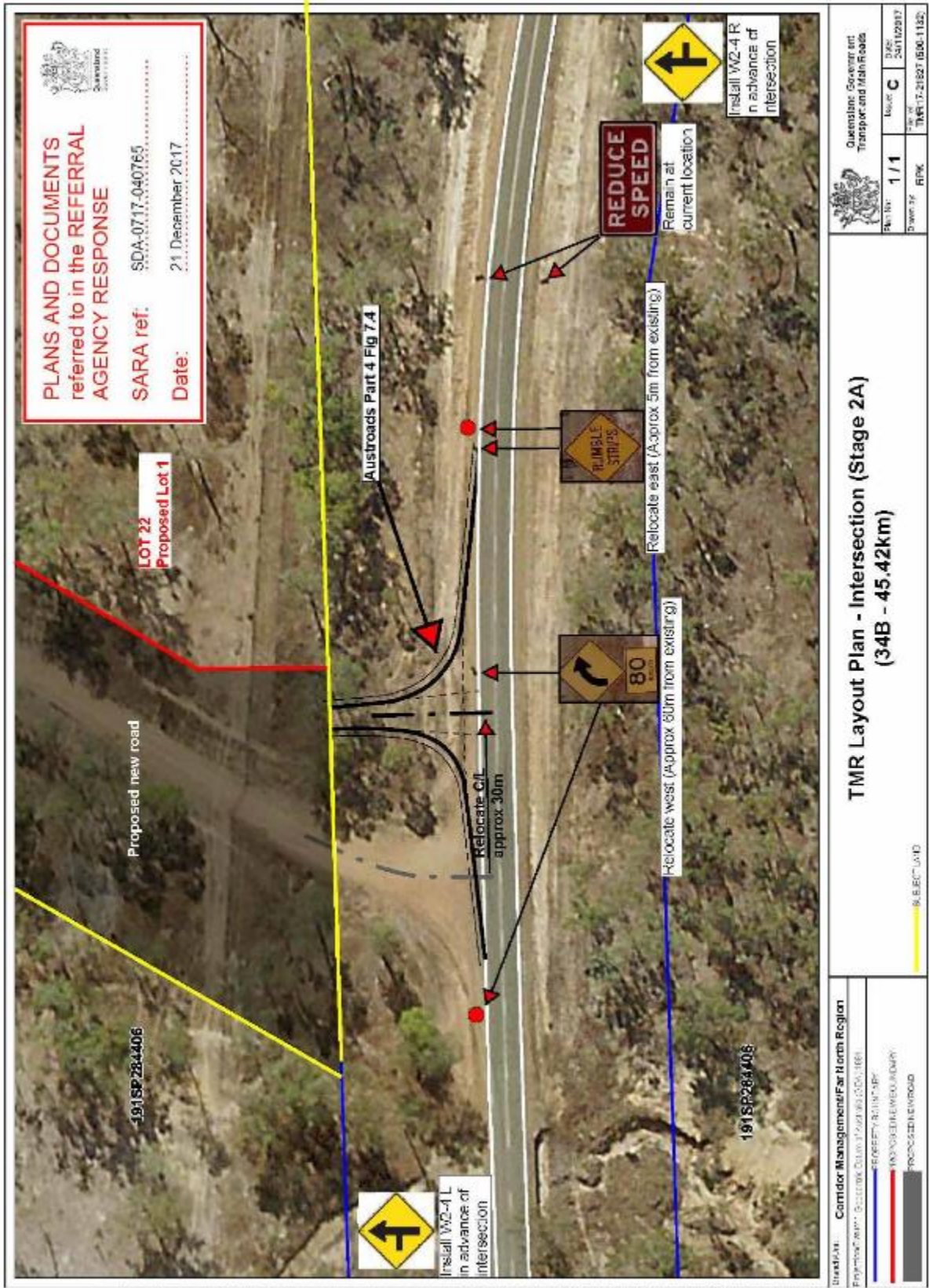
SARA reference: SDA-0717-040765
Council reference: DA/17/0011
Applicant reference: HRP16290

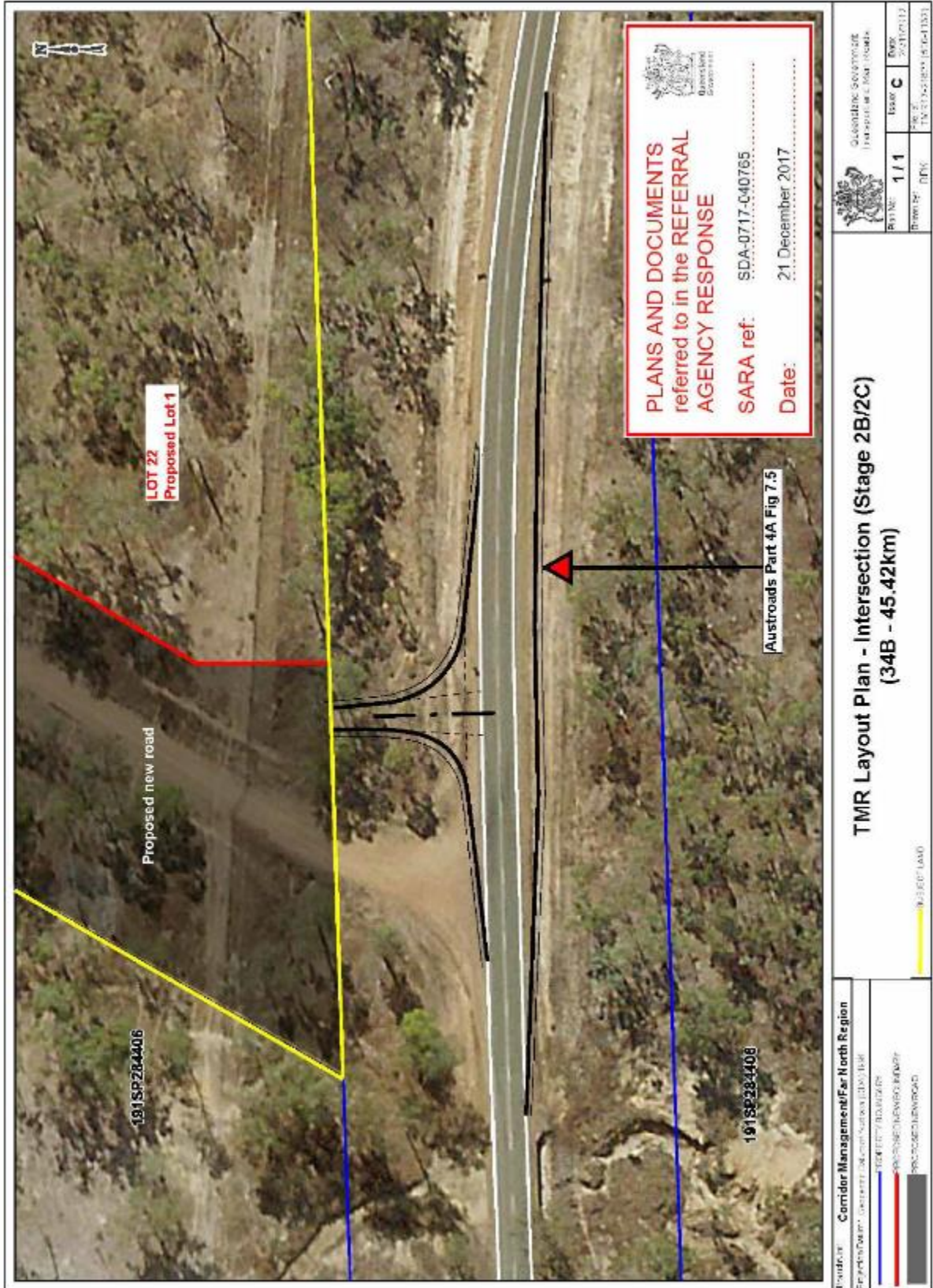
Attachment 4—Approved plans and specifications



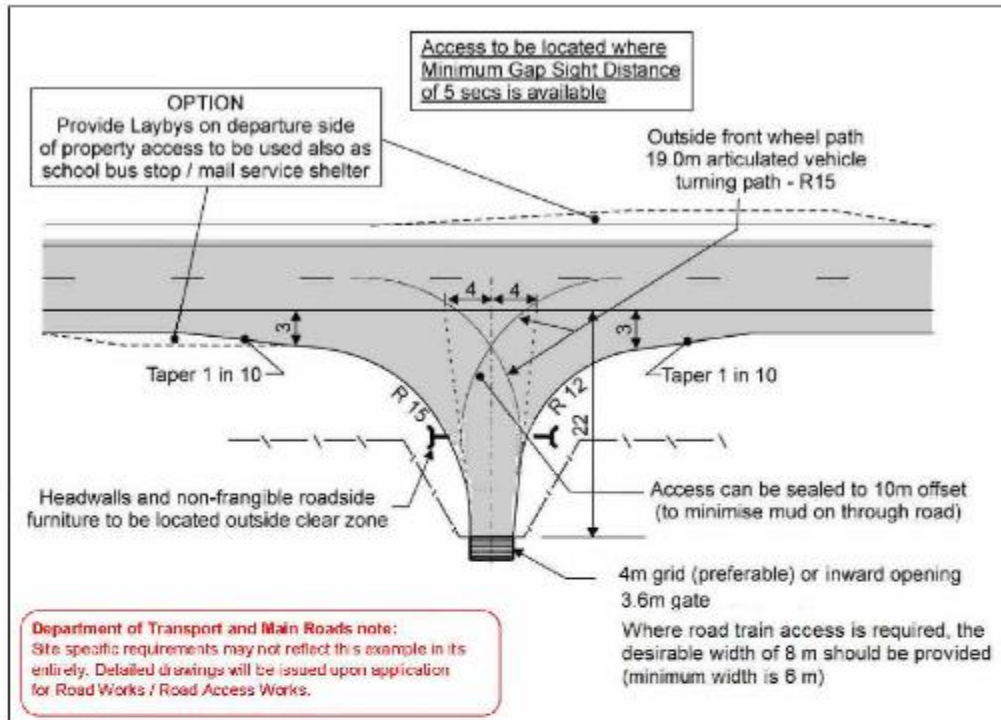








GUIDE TO ROAD DESIGN PART 4: INTERSECTIONS AND CROSSINGS – GENERAL



Note: Minimum requirement for a single carriageway with design AADT <2000 or minimum requirement for dual carriageway left-in – left-out access for single unit truck. Where AADT >1000 and access is required for a semi-trailer then use the layout.
Source: *Essays on Arterials* (2005)

Figure 7.4: Example of a rural property access specifically designed for articulated vehicles on a two-lane two-way road

7.3 Median Openings

7.3.1 General

The spacing of median openings is an integral part of access management planning. A typical mid-block median opening is shown in Figure 7.5. The justification for a median opening is an economic issue, requiring comparison of the cost of providing the opening with the cost of extra travel and inconvenience. The increase in the number of potential conflict points must also be considered in comparison with the traffic manoeuvres likely to occur without median openings.

The desirable spacing of median openings is a complex question to which there is no definitive answer. On the one hand it is desirable to space openings as far apart as possible, keeping the number of potential conflict points to a minimum. On the other hand, infrequent openings can significantly increase travel distances for local traffic and the demand for turning manoeuvres at intersections. Where the median is too narrow to accommodate a sheltered right-turn lane, a good design practice is to provide openings at most, if not all, intersecting streets with an important local service function. Where the median width is sufficient to accommodate right-turn lanes, a spacing of 120 m will permit successive development of right-turn lanes. Greater spacing is required where high storage demands occur.

Austrroads 2009

— 58 —

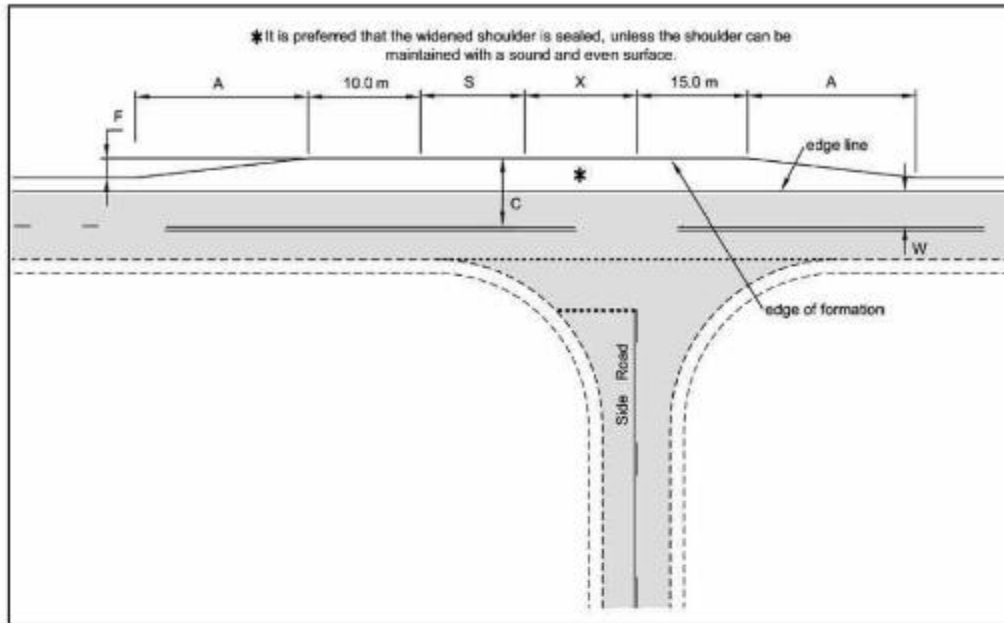
PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE



SARA ref: SDA-0717-040765

Date: 21 December 2017

Guide to Road Design – Part 4A: Unsignalised and Signalised Intersections



Notes:

1. This treatment applies to the right turn from a major road to a minor road.
2. The dimensions of the treatment are defined thus:

W = Nominal through lane width (m) (including widening for curves). Width to be continuous through the intersection.

C = On straights – 6.5 m minimum
7.0 m minimum for Type 1 & Type 2 road trains

On curves – width as above + curve widening (based on widening for the design turning vehicle plus widening for the design through vehicle).

$$A = \frac{0.5VF}{3.6}$$

Increase length A on tighter curves (e.g. those with a side friction demand greater than the maximum desirable). Where the design through vehicle is larger than or equal to a 19 m semi-trailer the minimum speed used to calculate A is 60 km/h.

V = Design speed of major road approach (km/h).

F = Formation/verge/shoulder widening (m).

S = Storage length to cater for one design turning vehicle (m) (minimum length 12.5 m).

X = Distances based on design vehicle turning path, typically 10–15 m.

Source: QDMR (2006).

Figure 7.5: Basic right (BAR) turn treatment on a two-lane rural road

7.5.2 Rural Channelised T-junction – Short Lane Type CHR(S)

The CHR(S) turn treatment shown in Figure 7.6 is a more desirable treatment than the BAR treatment because it provides greater protection for vehicles waiting to turn right from the centre of the road. This treatment is suitable where there are low to moderate through and turning volumes. For higher volume sites, a full-length CHR turn treatment (Figure 7.7) is preferred.

PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE

SARA ref: SDA-0717-040765

Date: 21 December 2017



Austrroads 2009

— 101 —

Department of Transport and Main Roads note:
Site specific requirements may not reflect this example in its entirety. Detailed drawings will be issued upon application for Road Works / Road Access Works.

ATTACHMENT 3

Our ref: D17/146124
Your ref: DA/17/0011

14 July 2017

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

Attention: Carl Ewin

Dear Sir

Third party advice regarding the subdivision of rural zoned land under the superseded planning scheme Mareeba Shire Council 2005 – Lot 191 SP284406 8579 Mulligan Highway, Desailly

Thank you for your letter to the Department of Infrastructure, Local Government and Planning dated 24 May 2017 requesting third party advice regarding the development application for subdivision of lot 191 on SP284406 into a total of 23 allotments. The development includes a string of 21 allotments along the reach of the McLeod River extending north of the Mulligan Highway, ranging from 30ha to 64ha.

The land on which the application is made is 64,000 hectares and is adjoined on two sides by national park. The land is predominantly vegetated with not-of-concern regional ecosystem, but includes some of-concern and some endangered regional ecosystems.

As you are aware, section 313(2) of the Sustainable Planning Act includes the requirement that, amongst other things, the assessment manager must assess against the following documents to the extent they are not identified in the planning scheme as being appropriately reflected:

- FNQ Regional Plan 2009-2031,
- State Planning Policy (April 2016).

The superseded Mareeba Shire Planning Scheme does not appropriately reflect the FNQ Regional Plan 2009-2031 or the current State Planning Policy (April 2016).

FNQ Regional Plan 2009-2031

The land falls within the Regional Landscape and Rural Production Area of the Far North Queensland Regional Plan 2009-2031 (the regional plan).

The regional plan contains an objective to manage rural subdivision as follows:
The region's rural production areas and natural resources are protected by limiting land fragmentation.

This objective is further refined in Land use policy 2.6.1 which states:

Further fragmentation of agricultural land in the regional landscape and the rural production area is avoided to maintain economically viable farm lot sizes.



Department of Infrastructure,
Local Government and Planning

The explanatory notes about this section discuss the intention to avoid the highly fragmented landscapes created by past settlement patterns, and which have created allotments of less than 40 hectares.

The application material has not demonstrated that the proposed development will maintain economically viable farm lot sizes.

State Planning Policy

The following State Planning Policy (SPP) matters are required to be considered by the assessment manager and are considered to be particularly relevant to the assessment of this application.

State Interest Biodiversity - Matters of State Environmental Significance (MSES) mapping identifies:

- Regulated vegetation intersecting a watercourse (within all proposed lots);
- Protected area (on the opposite bank of the McLeod River from the Brooklyn Nature Refuge and where land bounds a National Park);
- Wildlife habitat (over the southern proposed lots); and
- High ecological significance wetlands (upstream of the proposed subdivision and within Lot 191 on SP284406).

The development application is to be assessed against the following requirements:

Development:

- (1) enhances matters of state environmental significance where possible, and*
- (2) identifies any potential significant adverse environmental impacts on matters of state environmental significance, and*
- (3) manages the significant adverse environmental impacts on matters of state environmental significance by protecting the matters of state environmental significance.*

State Interest natural hazards, risk and resilience mapping identifies:

- Flood hazard (level 1 Qld floodplain assessment overlay); and
- Bushfire hazard (medium and high potential bushfire intensity).

The development application is to be assessed against the following requirements:

Development:

- (1) avoids natural hazard areas or mitigates the risks of the natural hazard to an acceptable or tolerable level, and*
- (2) supports, and does not unduly burden, disaster management response or recovery capacity and capabilities, and*
- (3) directly, indirectly and cumulatively avoids an increase in the severity of the natural hazard and the potential for damage on the site or to other properties, and*
- (4) avoids risks to public safety and the environment from the location of hazardous materials and the release of these materials as a result of a natural hazard, and*
- (5) maintains or enhances natural processes and the protective function of landforms and vegetation that can mitigate risks associated with the natural hazard.*

The development application has not demonstrated how the interim development assessment provisions identified above are met by the application.

We trust this information assists with your assessment.

If you require further information, I encourage you to contact Julie Colman, Senior Planning Officer, on 4037 3233 or by email at Julie.colman@dilgp.qld.gov.au.

Yours sincerely



Brett Nancarrow
Manager (Planning)

GOVERNANCE AND COMPLIANCE

ITEM-8 **BODY WORN CAMERA POLICY REPORT**

MEETING: Ordinary

MEETING DATE: 24 January 2018

**REPORT OFFICER'S
TITLE:** Manager Development and Governance

DEPARTMENT: Corporate and Community Services

EXECUTIVE SUMMARY

This report is to recommend Council adopt a policy in regards to using body worn cameras. The policy aims to ensure that any audio/video data collected through the use of these devices will only be used, or provided to any third party, in accordance with Council policies, procedures and legislative requirements.

OFFICER'S RECOMMENDATION

"That Council adopt the Body Worn Camera Policy."

BACKGROUND

Authorised Officers (Local Laws Officers and Environmental Health Officers) carry out a number of duties in accordance with their position descriptions.

The officers' as part of their normal duties are responsible for engaging with individuals or entities for the purpose of compliance and enforcement activities. In the performance of these duties council officers may encounter irate members of the public and have the option to utilise devices which record sound or sounds and images (listening devices).

The footage gathered from the body-worn cameras can be used for potential prosecutions or to determine if there is a breach of the Local Law or particular legislation. Any conversations between the Authorised Person and the customer can be reviewed for any possible admissions or breaches as well. The footage acts as evidence to prove any offence under Council's Local Law and relevant legislation.

The safety and wellbeing of the Officers are also considered as the Cameras will ensure that any misconduct by an irate customer will be recorded. Cameras can also be a deterrent for irate customers as they may be more reluctant not to carry out any misconduct knowing they are being recorded.

It is requested that the implementation of such devices (Body Worn Cameras) be utilised for Mareeba Shire Council Local Laws Officers and Environmental Health Officer for the purpose of evidence collection for actual or suspected breaches of legislation; as well as to promote,

maintain and improve community safety and to ensure the safety of and wellbeing of Council Officers and assets.

LINK TO CORPORATE PLAN

GOV 5:- Conduct a work management systems and procedures review to develop an efficient organisation supported by cost-effective work practices and systems

CONSULTATION

Internal

Executive Management Team
Manager Systems & Customer Service
Manager Organisational Development

External

AXON

LEGAL AND RISK IMPLICATIONS (STATUTORY BASIS, LEGAL AND RISKS)

This policy meets the requirements of the Information Privacy Act 2009 (QLD), Right to Information Act 2009 (QLD), Public Records Act 2002 (QLD), and other Council Policies.

FINANCIAL & RESOURCE IMPLICATIONS

Capital

\$6,000 to \$10,000 for initial licences and hardware

Operating

\$6,000 a year which will be recouped through licence and registration fees.

Is the expenditure noted above included in the 2017/2018 budget?

Unbudgeted increase in licences and registration will cover the costs in 2017/18.

IMPLEMENTATION/COMMUNICATION

All operators will receive training in the use of BWC including:

- Practical use of equipment.
- Operational guidance, e.g. when to commence and cease recording.
- Legal implications of using such equipment.

ATTACHMENTS

1. Body Worn Camera Policy

Date Prepared: 16 January 2018

Body Worn Camera Policy

Policy Type	Body Worn Camera Policy	Version:	1.0
Responsible Officer	Manager Development & Governance	Date Approved:	24 January 2018
Review Officer:	Manager Development & Governance	Review Due:	24 January 2022
Author:	Manager Development & Governance	Commencement:	24 January 2018

1. PURPOSE

The purpose of this policy is to outline principles relating to the implementation and operation of Body Worn Cameras (BWC) used by Mareeba Shire Council (Council) officers. It aims to ensure that any audio/video data collected through the use of these devices will only be used, or provided to any third party, in accordance with Council policies, procedures and legislative requirements.

2. POLICY STATEMENT

The purpose of Body Worn Cameras (BWC) is to protect staff and the public, discourage aggressive and abusive behaviour and provide evidence where required to investigate complaints.

The policy will set out the purpose of using BWC, what information will be recorded, who will have access to this information and how this information will be stored and disposed of.

3. PRINCIPLES

Authorised Officers who, as part of their normal duties, are responsible for engaging with individuals or entities for the purpose of compliance and enforcement activities, may utilise BWC. The use of these devices is intended to:

- Assist in the lawful collection of evidence for actual or suspected breaches of legislation, including Council local laws.
- Maintain and improve community safety.
- Mitigate identified risks to the health, safety and welfare of Council officers in the execution of their duties.
- Provide a record of the interaction between an officer and a potential complainant in situations that may result in an allegation of inappropriate behaviour or other complaint.
- Assist in the investigation of allegations of inappropriate conduct by officers.

The BWC will not be used as a tool to assist in the ad-hoc monitoring of officers.

4. SCOPE

This policy applies to all personnel employed or otherwise engaged by Council who may use BWC devices and/or the Digital Evidence Management Software (DEMS) and the subsequent management of any images obtained.

The policy is not intended to create or confer any entitlement on an employee. It does not form part of any employee's contract of employment. Any entitlement conferred under this policy or any associated procedure or guidelines, is conferred at the absolute discretion of Council.

Body Worn Camera Policy

Council may at its sole discretion, on a case by case basis, alter the manner in which this policy or any associated procedure is implemented to ensure it suits the particular circumstances of the case.

This policy does not apply to the administration and operation of fixed CCTV systems.

5. DEFINITIONS

Definitions are needed to explain the terminology used in the policy.

6. RESPONSIBILITIES

6.1 TRAINING

All operators will receive training in the use of BWC including:

- Practical use of equipment.
- Operational guidance, e.g. when to commence and cease recording.
- Legal implications of using such equipment.

6.2 EQUIPMENT SECURITY

BWC will be held at a secure location when not in use and will be issued to individual officers, who will be responsible for the correct operation and security of the device whilst in their possession.

The loss or theft of any BWC is to be immediately reported to the relevant responsible officer so that an investigation can be mounted to minimise damage, especially regarding the loss of any Personal Data.

6.3 USE PROTOCOLS

BWC will only be used when wearing Council uniform or clearly displaying Council identification, whilst on duty.

BWC will be used in an overt manner and worn on a prominent location on the officer's body, uniform, or clothing, and in a manner that maximises the camera's ability to capture video footage of the officer's activities.

Officers must not indiscriminately record entire duties or patrols and must only use recording to capture video and audio of specific incidents. For the purposes of this policy, an 'incident' is defined as:

- An engagement with a member of the public which in the opinion of the officer is, or may become, confrontational.
- The officer being approached by a member of the public in a manner perceived as aggressive or threatening.
- The officer is witnessing behaviour that they believe constitutes an offence as prescribed by Council's Local Laws or other applicable legislation.
- Any instance in which the officer feels they may be required to further substantiate their actions or decisions, or manner of interaction with a member of the public in a subsequent investigation.

Body Worn Camera Policy

In so far as is practicable, officers should restrict recording to areas and persons necessary in order to obtain evidence and intelligence relevant to the incident and should attempt to minimise collateral intrusion to those not involved.

Where practicable, officers will inform the individual (or group) that the BWC is switched on and recording. There may be occasions when to do so would escalate the incident or put the officer in danger if such a warning was given. However, in these cases, the officer may be required to justify such an action.

Recording should continue uninterrupted from the start of the recording until the conclusion of the incident. The officer should continue recording for a short period after any incident to clearly demonstrate that the incident has concluded. However, the nature of some incidents may make it necessary for the officer to consider the rationale for continuing to record throughout entire incidents.

If questioned, the officer must confirm to the enquirer that they are subject to recording and be prepared to answer questions as to the security of the data.

6.4 DATA MANAGEMENT

Any recordings must not be deleted from the BWC by the officer in the field, and must be retained as per the instructions in this policy.

Any recordings which have been made will be downloaded from the BWC for storage on Council's DEMS as soon as practicable, and subsequently deleted from the relevant BWC. All data will initially be classified as 'non-evidential' and stored for a period of 30 days, before being permanently deleted. In doing so Council will reduce the personal information it maintains greatly reducing the likelihood of misuse, loss and unauthorised access, modification or disclosure, as per Office of the Information Commissioner (OIC) guidelines.

If, at any time during the initial 30-day period, a recording is used as part of any internal or external investigation process or relates to the issuance of any form of compliance documentation, the relevant recording will be re-classified as per the Queensland State Archives Retention and Disposal Schedules and subsequently managed in accordance with Council's Record Management Policy.

BWC recordings will, upon request, be made accessible as soon as practicable to Queensland Police Service and other law enforcement agencies, if it is deemed 'reasonably necessary' for a law enforcement activity. In such circumstances, the relevant recording will be re-classified for longer-term retention as per above.

Any member of the public who has been identified as being recorded by BWC may request access to the footage, as per the Right to Information Act 2009 and Chapter 3 of the IP Act.

6.5 AUTHORISED OFFICERS

The following Council staff are authorised to administer the use and operation of BWC devices, and subsequently manage the records stored in Council's DEMS, including the delegation of applicable permissions to relevant operational personnel:

- Manager Development and Governance
- Manager Systems and Customer Service

Body Worn Camera Policy

7. RELATED DOCUMENTS AND REFERENCES

- *Information Privacy Act 2009 (QLD)*
- *Right to Information Act 2009 (QLD)*
- *Public Records Act 2002 (QLD)*
- *MSC Code of Conduct*
- *MSC Record Management Policy*
- *MSC Information Systems Access Policy*

8. REVIEW

It is the responsibility of the Manager Development & 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.

Director Infrastructure Services
All Managers

External
Nil

LEGAL AND RISK IMPLICATIONS (STATUTORY BASIS, LEGAL AND RISKS)

It is a statutory requirement for an assessment of progress in implementing the Operational Plan to be presented to Council at least on a quarterly basis.

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital
Nil

Operating
Nil

IMPLEMENTATION/COMMUNICATION

N/A

ATTACHMENTS

1. Operational Plan Progress Report

Date Prepared: 11 January 2018



OPERATIONAL PLAN

2017-2018

PROGRESS REPORT (OCT - DEC)



Mareeba Shire Council
OPERATIONAL PLAN 2017-2018

FINANCE					
Task/Activity	Corp Plan Ref	Outcome	Timeframe	Performance Measures/Officer Comment	Progress Comment
Enhance access to financial information.	GOV 5	More informed reporting and financial decision making.	Ongoing	<ul style="list-style-type: none"> More users able to operate financial systems and locate relevant documentation 	<ul style="list-style-type: none"> This is an ongoing process striving to continually improve the Tech One suite involving the creation of internal reports to assist in better decision making. We will endeavour to move more Council functions over to the work order system and implement the defect module to assist in better asset management. The defects module has now been purchased and will be progressively rolled out across the asset classes.
Timely preparation of Financial Statements and resolution of recommendations.	GOV 1	Financial Statements are prepared in accordance with legislation.	30 September 2017	<ul style="list-style-type: none"> Finalise Financial Statements within legislative timeframes and achieve unqualified audit 	<ul style="list-style-type: none"> The 2016/17 financial statements were prepared and audited within the legislative timeframe. Council achieved an unqualified audit
Review full cost pricing models to ensure equitable allocation of costs across departments.	GOV 3	To better reflect actual business unit costs and incorporate into fees and charges.	Ongoing	<ul style="list-style-type: none"> Review completed model and aim for more accurate cost allocation 	<ul style="list-style-type: none"> This ensures that a more accurate account of costs across Council is known and reported on. The corporate overhead model was completed with the results reflected in the Cost Recovery Fees and Budget for 2017/18.
Ensure long-term asset management planning and financial planning is updated to support financial sustainability.	GOV 1	Long term financial strategies in place for the ongoing financial management of Mareeba Shire.	30 June 2018	<ul style="list-style-type: none"> Compliance with LGA 2009 and provision of models to inform decisions regarding project priorities 	<ul style="list-style-type: none"> The Long Term Financial Forecast was part of the 2017/18 budget and adopted on 21 June 2017. Work on asset management plans is still continuing and this will be reflected in the LTFP as and when more information comes to hand. Whole of life costing (WOLC) will be introduced in the 2018/19 Capital Budget for a selection of infrastructure projects. This will provide information on the long term financial impact of capital budget decisions.

Mareeba Shire Council
OPERATIONAL PLAN 2017-2018

COMMUNITY WELLBEING					
Task/Activity	Corp Plan Ref	Outcome	Timeframe	Performance Measures/Officer Comment	Progress Comment
Update long term community plan.	GOV 1 GOV 4	Updated community priorities are reflected in a revised community plan which is aligned with the MSC Corporate Plan.	Dec 2017	<ul style="list-style-type: none"> Draft community plan is completed and adopted by Council Community priorities inform budgeting and Council decision making 	<ul style="list-style-type: none"> The town/district community plans will be presented at a workshop with Councillors in April/May 2018.

DEVELOPMENT AND GOVERNANCE					
Task/Activity	Corp Plan Ref	Outcome	Timeframe	Performance Measures/Officer Comment	Progress Comment
Local Government Infrastructure Plan.	ENV 1	Progress the development of the Mareeba Shire Local Government Infrastructure Plan to allow the LGIP to be adopted by Council before 1 July 2018.	December 2017	<ul style="list-style-type: none"> LGIP preparation is progressing in accordance with approved LGIP Project Plan 	<ul style="list-style-type: none"> Progress is continuing on LGIP. Council's deadline is December 2017 however the legislative deadline is July 2018.
Progress phases 2 and 3 of the sale of land within the Chillagoe Industrial Estate.	ECON 2	Leased land within the Estate is sold to current lessees or other interested parties: Phase 2 - sale of leased but undeveloped lots (no improvements erected); Phase 3 - sale of leased lots that have substantial improvements erected on them.	December 2017	<ul style="list-style-type: none"> Ministerial approval obtained for sale of developed lots direct to current lessees with sale of at least 10 lots 	<ul style="list-style-type: none"> The submission for approval to sell the land direct to leaseholders will be sent to the Minister in January.
Make new Local Laws and Subordinate Local Laws to replace the current suite of local laws carried over from Tablelands Regional Council.	ENV 2	New set of five (5) MSC Local Laws and Subordinate Local Laws adopted by Council. (Administration; Animal Management; Community & Environmental Management; Local Govt Controlled Areas, Facilities and Roads; Parking)	June 2018	<ul style="list-style-type: none"> New set of MSC Local Laws and Subordinate Local Laws adopted by Council 	<ul style="list-style-type: none"> Council has contracted Preston Law to facilitate the process of amending the local laws and introducing a new local law for waste. The process will continue with an aim to finalise the review by June 2018.

Mareeba Shire Council
OPERATIONAL PLAN 2017-2018

INFORMATION SYSTEMS & CUSTOMER SERVICE					
Task/Activity	Corp Plan Ref	Outcome	Timeframe	Performance Measures/Officer Comment	Progress Comment
Enhance Disaster Recovery capability for Council information systems.	GOV 5	All core information systems will remain accessible and functional in the event of a disaster rendering the primary site inoperable.	June 2018	<ul style="list-style-type: none"> All information systems are classified based on agreed BCP. A failover process is documented and can be demonstrated for each relevant system. 	<ul style="list-style-type: none"> Council's intention is to leverage the 'high availability' capabilities of cloud service providers to deliver DR/BCP as per the current ICT Strategy 2017-2020. This work is detailed in subsequent items.
ICT Strategy; Tranche 1: Adopt redundant Internet communications links.	GOV 5	Council Internet communications provided by diverse, redundant and high performance links.	June 2018	<ul style="list-style-type: none"> Internet communications delivered over redundant links sourced from disparate providers in support of Council's long term Cloud adoption strategy. 	<ul style="list-style-type: none"> Council has engaged Data3 to deliver a recommendation that supports Council's Cloud communications requirements. It is anticipated that the solution will utilise Software Defined WAN (SDWAN) to deliver the combination of redundancy and simplicity of management.
ICT Strategy; Tranche 1: Perform cloud readiness assessment – Office 365.	GOV 5	Deliver detailed design and planning document to support migration to Microsoft Office 365.	June 2018	<ul style="list-style-type: none"> Clear direction provided relating to the migration of relevant services to Office 365, including limited prototyping. 	<ul style="list-style-type: none"> Data3 have delivered an Office 365 migration planning report, detailing the steps required to transition Council's e-mail infrastructure to Microsoft's O365 Cloud. The activity is intended to commence once the internet communications link work is completed.

Mareeba Shire Council
OPERATIONAL PLAN 2017-2018

ORGANISATIONAL DEVELOPMENT					
Task/Activity	Corp Plan Ref	Outcome	Timeframe	Performance Measures/Officer Comment	Progress comment
Provide high level advice and support to the Senior Management Team in relation to the new industrial relations legislation, the Certified Agreement (CA) negotiation - framework, and implementation of the new Local Government Industry Award.	GOV 5	Managers and supervisors kept up to date with industrial relations requirements. Informed decisions made in relation to the negotiation of the new CA and new award conditions implemented as required.	Ongoing	<ul style="list-style-type: none"> Management action taken complies with new legislative and Award requirements New certified agreement negotiated and implemented 	<ul style="list-style-type: none"> Management action taken complies with new legislative and Award requirements Strategic analysis undertaken to ensure informed decisions are made on how to progress CA negotiations
Monitor, review and improve WHS policies, procedures, and systems to protect the health and safety of Council employees.	GOV 5	A reduction in incidents, accidents, and work related injuries. Lost time injuries managed to ensure injured employees return to work at the earliest opportunity	Ongoing	<ul style="list-style-type: none"> Reduced rate of work related injuries Duration of injury related absences reduced 	<ul style="list-style-type: none"> Accidents and work related injuries remain at relatively low rates and is reflected in a reduced workers' compensation insurance premium rate Suitable duties plans developed and applied to ensure duration of injury related absences remains low

WATER & WASTEWATER					
Task/Activity	Corp Plan Ref	Outcome	Timeframe	Performance Measures/Officer Comment	Progress Comment
Replace water main on Rob Veivers (Renewal) .	ECON 3	Upgrade and ensure that trunk infrastructure is planned and provided in an efficient and orderly manner.	Feb 18	<ul style="list-style-type: none"> Upgrading of the existing water main completed on time and within budget 	<ul style="list-style-type: none"> Works completed
Barang Street Pump Station Capacity Upgrade	ECON 3	Meet DEHP licence requirements.	Feb 18	<ul style="list-style-type: none"> Successful completion of project to DEHP's requirements 	<ul style="list-style-type: none"> A Capacity Upgrade assessment has been completed and reported to Council on 22nd of Dec. with recommendation the project be included in Council's PPT
Design and Construct new erosion and sediment control works	ECON 3	Meet DEHP licence requirements.	Jun 18	<ul style="list-style-type: none"> Successful completion of project to DEHP's requirements 	<ul style="list-style-type: none"> This project has met its 80% milestone as per the TEP and will be completed within the agreed time frames with DEHP

Mareeba Shire Council
OPERATIONAL PLAN 2017-2018

WORKS					
Task/Activity	Corp Plan Ref	Outcome	Timeframe	Performance Measures/Officer Comment	Progress Comment
Undertake capital roadworks and drainage projects (excluding reseals) in accordance with approved capital works schedule.	ECON 3	Council's road and drainage networks are progressively upgraded.	Individual projects scheduled throughout year	• Individual projects completed as per budget	• 16/17 carryover projects completed. 17/18 projects completed to date - Chewko Road, Sutherland Street, Oak Forest Road, Herberton Street footpath upgrade, Bi Lakes footbridge
Actively pursue 3 rd Party DTMR projects scheduled by the department within Mareeba Shire boundaries.	ECON 3	Increased revenue for Mareeba Shire Council	As 3 rd Projects are released by the DTMR	• Cumulative total of works at June 2018	• \$900k of resheeting work successfully tendered for & will take place April/May '18. Awaiting advice from DTMR regarding redesign of Almaden – Chillagoe sealed sections project. Estimate of \$11.3M submitted in late Nov
Undertake Parks & Gardens capital works projects in accordance with approved capital works schedule.	ECON 3	Council's parks, gardens, and reserves are progressively upgraded.	June 2018	• Individual projects completed as per budget	• All automation irrigation upgrade projects complete. Stage 2 of Sunset Park irrigation is programmed for late Jan
Maintain state controlled roads within Mareeba Shire effectively and efficiently within the constraints of the RMPC budget	ECON 3	State controlled roads are maintained in the most trafficable condition that the RMPC funds allow	June 2018	• State controlled road user complaints are minimized	• RMPC works on budget
Complete all Work For Queensland road and bridge projects within specified timeframe	ECON 3	Council's road and bridge networks are progressively upgraded.	November 2017	• Projects completed and claimed	• All 25 projects for W4Q1 completed & claimed within timeframe

Mareeba Shire Council
OPERATIONAL PLAN 2017-2018

TECHNICAL SERVICES					
Task/Activity	Corp Plan Ref	Outcome	Timeframe	Performance Measures/Officer Comment	Progress Comment
Upgrade and update Asset Management System and data	ECON 3 GOV2	Council's asset management system to be progressively upgraded and the quantum and quality of data be increased	June 2018	<ul style="list-style-type: none"> A more robust tool for decision making for Asset Management is in place for the next budget 	<ul style="list-style-type: none"> Asset management plans and maturity assessment in TechOne. Commenced using mobility app for capturing condition and defect data. Improved criteria for road upgrade and renewal assessment in the PPT.
Undertake the bitumen roads reseal and asphalt overlay program	ECON 3	All roads nominated in the program and endorsed by Council are completed and updated in the Asset management system	30 June 2018	<ul style="list-style-type: none"> Project completed on time and within approved budget 	<ul style="list-style-type: none"> Bitumen reseal program commenced under FNQRCC collective arrangement. Scheduled to be completed on time and within budget. Asphalt program being finalised and expected delivery from April 2018. Scheduled to be completed on time and within budget.
Design and documentation of projects listed in the Capital Works program	ECON 3	Design and documentation for all capital works projects are completed in sufficient time to allow all projects to be constructed prior to end of financial year	April 2018	<ul style="list-style-type: none"> Design & documentation of all projects completed on time 	<ul style="list-style-type: none"> Design work for majority of scheduled projects, including Works for Queensland projects (round 2) now completed
Complete all Work For Queensland Facilities projects within specified timeframe	ECON 2	<ol style="list-style-type: none"> Refurbishment of Mareeba Swimming Pool and extension of administration area Replacement of airconditioning plants at Leagues Club and Mareeba Library 	November 2017	<ul style="list-style-type: none"> All works completed within budget and on time 	<ul style="list-style-type: none"> All Works for Queensland projects (round 1) now completed and acquitted.
Mareeba Wastewater Treatment Plant refurbishment	ECON 3	The Mareeba sewerage treatment plant is of a fully refurbished.	Aug 2017	<ul style="list-style-type: none"> Project completed and commissioned within budget 	<ul style="list-style-type: none"> Mareeba Wastewater Treatment Plant was commissioned and officially opened 29 July 2017. Process-proving and plant optimization completed in November 2017. Demolition of redundant infrastructure at old sewage treatment plant was completed in December 2017.

Mareeba Shire Council
OPERATIONAL PLAN 2017-2018

TECHNICAL SERVICES (CONT)					
Task/Activity	Corp Plan Ref	Outcome	Timeframe	Performance Measures/Officer Comment	Progress Comment
Mareeba Airport Development.	ECON 2	Overall upgrade of Mareeba Airport including lengthening and strengthening of the runway, development of new lease area, new water supply and upgrade of the adjacent road network.	Aug 2018	<ul style="list-style-type: none"> • Project completed with in budget • Number of new leases issued at Airport 	<ul style="list-style-type: none"> • Early works packages completed including upgrades to surrounding roads and water reticulation and commencement of works to aviation commercial precinct. • Delays encountered due to tender prices for airside infrastructure being in excess of the remaining budget. • Amended scope to allow project to be delivered within budget. Anticipated commencement of construction from April/May 2018 with completion scheduled for early 2019.
2016 NDRRA Restoration Works.	ECON 3	Restoration of damage caused by the 2016 Event.	Nov 2016	<ul style="list-style-type: none"> • Project completed with in budget and allowable time. 	<ul style="list-style-type: none"> • 90% complete. Work suspended due to wet weather. Project scheduled for completion by June 2018 as per NDRRA requirements.

Complaints Management

Details of complaints received/processed during the quarter ending 31 December are displayed in the table below:

Complaints carried over from previous period (July to September 2017)	2
Complaints lodged during reporting period (October to December 2017)	20
Complaints finalised during reporting period (October to December 2017)	19
Complaints still in process (not finalised) during reporting period (Oct to Dec 2017)	3

BUILDING AND PLUMBING

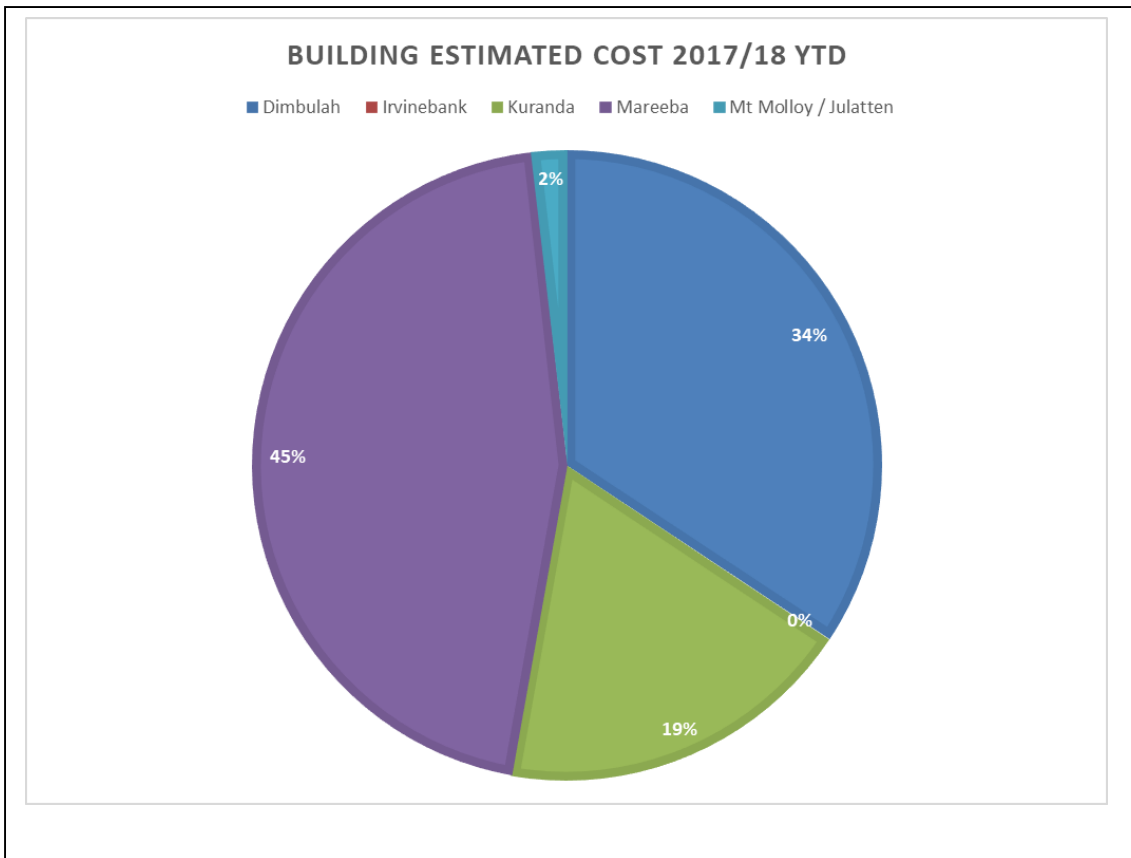
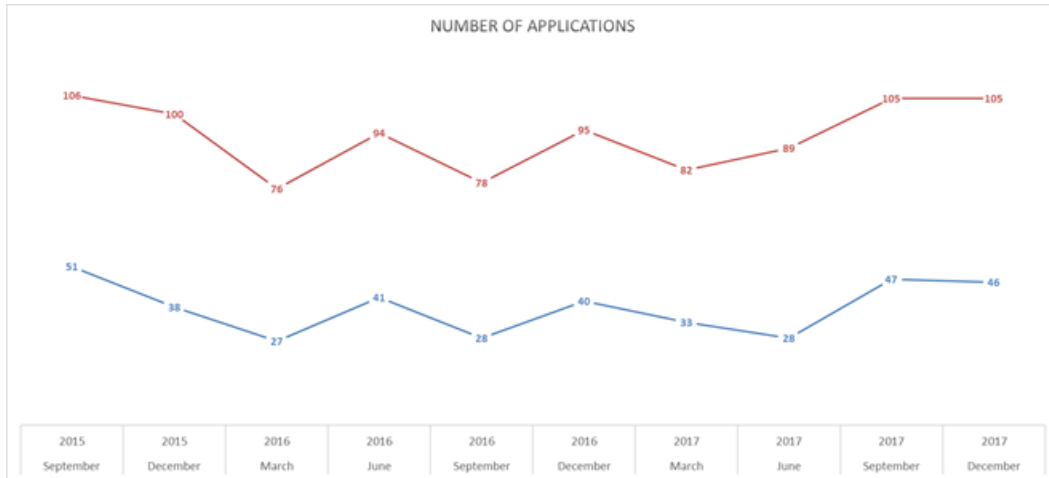
Building Approvals

Building Services statistic remained steady, on the back of another solid quarter for applications for new dwellings. The December and September 2017 quarters have seen the most applications submitted since September 2015.

The number of Commercial applications was slightly down, but value of works was up by 11% on the same quarter last year.

Type	Oct - Dec 2017		Oct - Dec 2016	
	\$	A	\$	A
Dwellings	10,325,597	46	8,796,787	35
10A (Sheds, ETC)	1,425,454	43	1,303,054	37
Commercial	3,216,464	10	2,885,765	14
Others	574,570	6	501,392	9
Total	15,542,086	105	13,486,998	99

Type	YTD 2017/18		YTD 2016/17	
	\$	A	\$	A
Dwellings	20,475,073	93	30,348,777	135
10A (Sheds, ETC)	2,681,331	77	5,449,683	160
Commercial	310,099,031	28	5,618,407	23
Others	737,226	12	951,042	26
Total	333,992,661	210	42,367,909	344



Regulatory Tasks

Building Services continues to deal with high numbers of customer requests, with 224 new formal requests received in this period, for a range of issues. New customer service targets have been implemented that saw initial response to all requests actioned within 3 business days.

REGIONAL LAND USE PLANNING

New Development Applications

17 development applications were lodged in the December quarter 2017 compared to 12 lodged in the December quarter 2016.

Development Applications received/approved during the quarter:

	Oct - Dec 2017	YTD 2017/18	YTD 2016/17
New Development Applications lodged	17	35	27
Decision Notices issued under delegated authority	9	21	24
Negotiated Decision Notices issued under delegated authority	0	0	0
Decision Notices issued (from Council Minutes)	10	15	13
Negotiated Decision Notices issued (from Council Minutes)	0	0	0
Extensions to relevant period issued	2	6	1
Change to existing Development Approval issued	0	1	1
Building Work approvals issued under delegated authority	8	10	10
Survey Plans endorsed	7	15	26
Notices issued under SPA	0		
Planning Appeals and other Court proceedings	0	0	0

LOCAL LAWS AND ENVIRONMENTAL HEALTH

Environmental Health

The Environmental Health section responded to a total of 81 enquiries, complaints and service requests for the quarter relating to the following matters:

	Oct - Dec 2017	2017 - 2018 YTD	2016 - 2017 YTD
Food Complaints	2	2	7
Food Enquiry	19	31	69
Health Enquiry	6	15	6
Pollution	29	52	22
Flying Foxes	20	22	8
Public Health Complaint, Enquiry	6	10	23
General Service Enquiry	5	11	11
Other	0	4	19
Total	81	141	165

Notices Issued, Inspections Carried Out, Applications Processed

	Oct - Dec 2017	2017 - 2018 YTD	2016 - 2017 YTD
Animals Impounded	164	296	329
Regulated Parking infringements issued	65	428	343
Animal Management infringements issued	14	26	67
Local Laws Infringements issued	136	292	163
Warning letters issued	28	45	36
Compliance Notices issued	164	296	329
Food Inspections done	5	112	107

Local Laws

Local Laws Officers dealt with a total of 335 complaints and enquiries during the quarter relating to the following matters

Animals

	Jul - Sep 2017	2017 - 2018 YTD	2016 - 2017 YTD
Dangerous Aggressive dogs	33	76	80
Missing/Lost/Found	32	66	83
Barking Complaints	46	123	83
Restrained for Collection	31	60	65
Council traps	33	69	96
Straying Animals	85	192	217
Too Many Animals	6	16	15
Enquiries, Unregistered, Hygiene, unleashed	67	168	260
Cruelty	2	3	0
Total	335	773	751

Other Areas

	Jul - Sep 2017	2017 - 2018 YTD	2016 - 2017 YTD
Pollution	7	17	10
Abandoned Vehicles	4	5	10
Overgrown	3	9	1
Commercial Use of Roads	2	5	6
Illegal Camping	7	21	21
Illegal Signs	5	8	0
Parking, illegal parking	13	20	0
Obstruction of Footpath	5	6	1
General Enquiries	6	14	14
Other	1	5	8
Total	53	110	71

Dog Registration

As at the 31 December 2017 council has a registered population of 3955 dogs in the shire.

	Jul - Sep 2017	2017 - 2018 YTD	2016 - 2017 YTD
New Registrations	269	601	508
Deceased	31	182	93
Left the area	29	145	57
Other	4	14	16

Animal inspection program was finalised during the period.

	Kuranda	Speewah	Mt Molloy
Properties visited	792	366	79
Warning letters issued	60	43	14
Fines issued	12	6	0
New Registrations during program	205 (in the three regions)		
Registered Dogs in the Regions	254	158	46
All Dogs Sighted	466	297	67

LINK TO CORPORATE PLAN

GOV 5 - Conduct a work management systems and procedures review to develop an efficient organisation supported by cost-effective work practices and systems

ENV 2 - Maintain a proactive response to public health and safety matters including incorporating CPTED principles in town centres and commercial developments

ENV 3 - Appropriate consideration is given to planning and development controls, design guidelines, traditional ownership and sustainable development principles when making planning decisions

CONSULTATION

Internal

Senior Planner
 Senior Building & Plumbing Officer
 Coordinator Environmental Health & Local Laws
 Governance & Compliance Adviser

External

Nil

LEGAL AND RISK IMPLICATIONS (STATUTORY BASIS, LEGAL AND RISKS)

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital

Nil

Operating

Nil

IMPLEMENTATION/COMMUNICATION

Nil

ATTACHMENTS

Nil

Date Prepared: *11 January 2018*

ITEM-11 DELEGATIONS UPDATE JANUARY 2018

MEETING: Ordinary

MEETING DATE: 24 January 2018

REPORT OFFICER'S TITLE: Manager Development and Governance

DEPARTMENT: Corporate and Community Services

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.

OFFICER'S RECOMMENDATION

"That:

1. Council delegates the exercise of the powers contained in the attached Tables of Delegable Powers to the Chief Executive Officer, with such powers to be exercised subject to any limitations.
2. Any prior delegations of power relating to the same matters contained in the attached Tables of Delegable Powers are revoked."

BACKGROUND

Council have delegated to the Chief Executive Officer the necessary statutory powers under various pieces of legislation to enable him to effectively perform the requirements of his role and efficiently manage the operations of the Council.

Council subscribes to a monthly delegations update service provided by MacDonnells Law, under which MacDonnells review the myriad pieces of legislation that provide statutory powers to local government and they then advise the subscribing Councils of any changes to legislation that require amendment of existing delegations or new delegations to be made by Council.

The attached Tables of Delegable Powers display the legislation recently reviewed by MacDonnells and the amendments or additions to be made as a result thereof. If you require the Table of Delegable Powers in its entirety please contact Manager Development and Governance.

Work Health and Safety Act 2011 ('WHS')

The WHSA has been amended by the *Work Health and Safety and Other Legislation Amendment Act 2017*. The amendment has resulted in new powers surrounding disputes and the appeal of decisions.

Planning Act 2016 ('PLAA')

A review of the *Planning Act 2016* has resulted in updates to our delegable powers documents to clarify the powers that a local government has in relation to trunk infrastructure costs.

Limitations to the Exercise of Power

All delegations are made subject to the following limitations:

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, the delegate in exercising delegated power in relation to that matter, will only commit the 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, the Council's relations with the public at large.
3. The delegate will not exercise any delegated power in relation to a matter which has already been the subject of a resolution or other decision of the 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 power which cannot lawfully be the subject of delegation by Council.
7. Where the delegate refuses a particular matter, or an appeal is made in respect of the delegate's decision, the delegate will refer the matter to Council.
8. Where enforcement action is taken such as the issue of a notice or an order requiring compliance, the details of such action will be reported to Council for information.
9. The delegate will not exercise any delegated power where an application under a planning scheme would result in conflicting land uses, including an existing use or existing use right.

LINK TO CORPORATE PLAN

GOV 5: Conduct a work management systems and procedures review to develop an efficient organisation supported by cost effective work practices and systems.

CONSULTATION

Internal

Director Corporate and Community Services

External

MacDonnells Law

LEGAL AND RISK IMPLICATIONS (STATUTORY BASIS, LEGAL AND RISKS)

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 Chief Executive Officer or obtained as a result of an appointment as an authorised person under particular statutes, will be invalid if they cannot be supported by an instrument documenting the particulars.

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

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital

Nil

Operating

Nil

IMPLEMENTATION/COMMUNICATION

Nil

ATTACHMENTS

1. Amendments to Tables of Delegable Powers

Date Prepared: 9 January 2018

Delegable Powers under the Work Health and Safety Act 2011 ("WHS Act")

Part 5 - Consultation, representation and participation

Division 7A – Work health and safety disputes

<u>Entity power given to</u>	<u>Section of WHSA</u>	<u>Description</u>	<u>Delegation to the CEO / Date of Resolution</u>	<u>Sub-Delegation to Officers</u>	<u>Date of Sub-Delegation</u>	<u>Limitations and Conditions</u>
<u>Party to the dispute</u>	<u>132B(2)</u>	Power to give the industrial registrar notice of the dispute .				
<u>A person dissatisfied with a decision made by the commission under this division.</u>	<u>102G</u>	Power to appeal the decision under the Industrial Relations Act 2016 .				

Part 7 - Workplace entry by WHS entry permit holders

Subdivision 2 – Role of Commission

<u>Entity power given to</u>	<u>Section of WHSA</u>	<u>Description</u>	<u>Delegation to the CEO / Date of Resolution</u>	<u>Sub-Delegation to Officers</u>	<u>Date of Sub-Delegation</u>	<u>Limitations and Conditions</u>
<u>A person dissatisfied with a decision made by the commission under this division.</u>	<u>142A(4)</u>	Power to appeal the decision under the Industrial Relations Act 2016 .				

Delegable Powers under the Planning Act 2016 ("PLAA")

CHAPTER 4 – INFRASTRUCTURE

Part 2 - Provisions for Local Governments

Division 3 – Development approval conditions about trunk infrastructure

Subdivision 2 – Conditions for extra trunk infrastructure costs

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	130(1)	In certain circumstances, the power to require the payment of extra trunk infrastructure costs.				
Local Government	130(1)(a)	Power to decide if the development: (i) will generate infrastructure demand of more than that required to service the type or scale of future development that the LGIP assumes; or (ii) will require new trunk infrastructure earlier than when identified in the LGIP; or (iii) is for premises completely or partly outside of the PIA.				
Local Government	130(1)(b)	Power to decide whether the development would impose extra trunk infrastructure costs on the local government and to take into account either or both of the following to decide: (i) levied charges for the development; (ii) trunk infrastructure provided, or to be provided, by the applicant under this part.				

FINANCE

ITEM-12 **FINANCIAL STATEMENTS FOR PERIOD ENDING 31 DECEMBER 2017**

MEETING: Ordinary

MEETING DATE: 24 January 2018

REPORT OFFICER'S TITLE: Manager Finance

DEPARTMENT: Corporate and Community Services

EXECUTIVE SUMMARY

The purpose of this report is to provide Council with an overview of financial matters for the period 1 July 2017 to 31 December 2017.

OFFICER'S RECOMMENDATION

"That Council note the financial report for the period ending 31 December 2017."

BACKGROUND

Financial Summary

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

For the period ending 31 December 2017, Council shows an operational surplus of \$1,083,720 compared to a budgeted loss of \$1,877,678. This variance is primarily due to a timing issue and it is anticipated that the actual surplus will realign with the budgeted surplus by 30 June 2018.

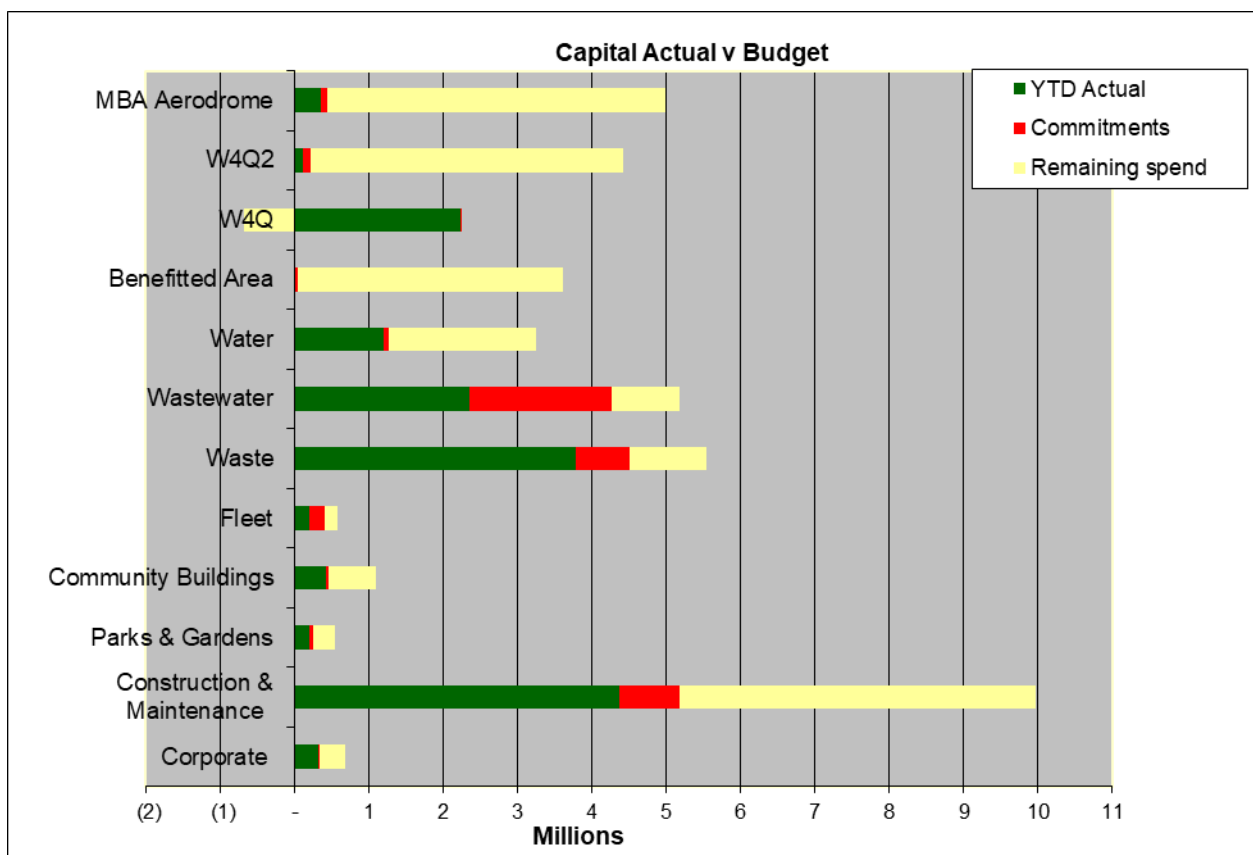
The budget reflects the 2017/18 Budget as adopted by Council at the 21 June 2017 meeting. There are no additional issues to discuss or areas of concern at this stage. As each month goes past, there will be more financial data to analyse and any areas of concerns will be highlighted.

December 2017 - Snapshot

Total Operating Income	\$	21,940,026
Total Operating Expenditure	\$	20,856,306
Operating Surplus/(Deficit)	\$	1,083,720
Total Capital Income (grants, developer contributions)	\$	6,702,275
Net Result - Surplus/(Deficit)	\$	7,785,995

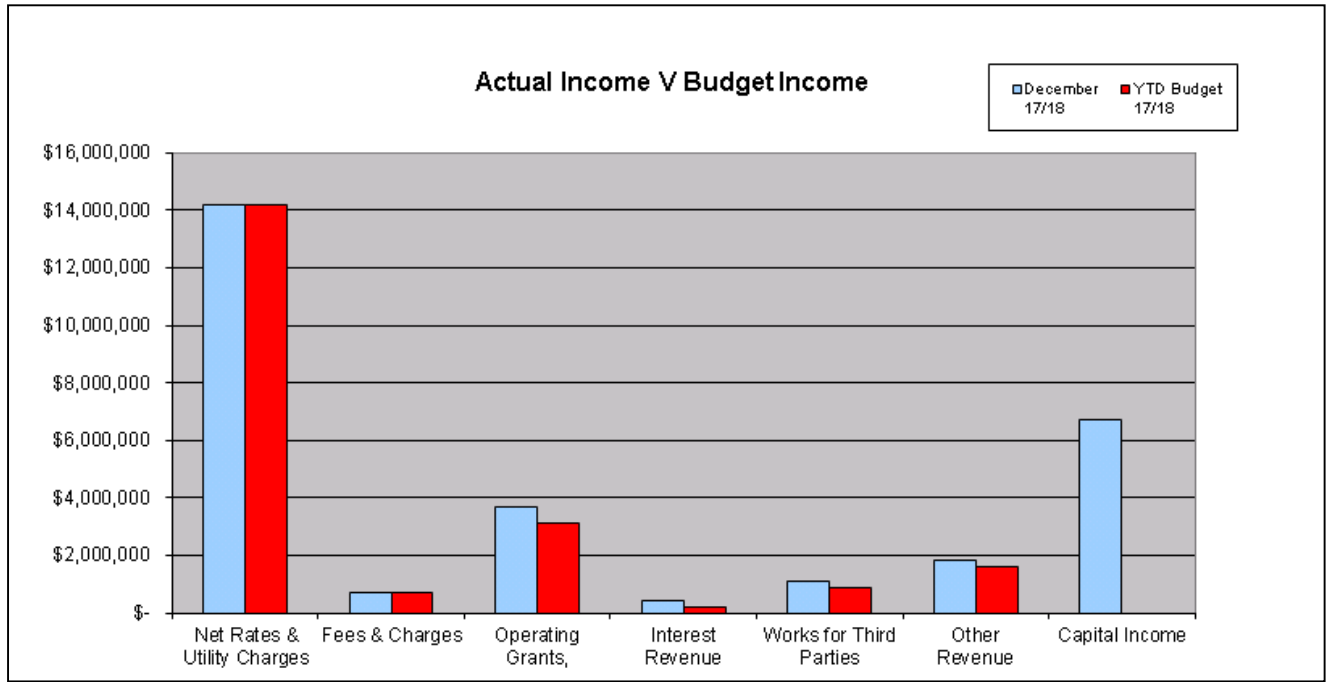
Capital Expenditure

Total capital expenditure of \$20,075,102 (including commitments) has been spent for the period ending 30 June 2018 against the 2017/18 adjusted annual capital budget of \$51,113,882. The annual adjusted capital budget includes the 2016/17 carry overs (\$29,190,145), additional projects for 2017/18 (\$2,742,763) and W4Q2 (\$3,710,000).


Income Analysis

Total income (including capital income of \$6,702,275) for the period ending 31 December 2017 is \$28,642,301 compared to the YTD budget of \$20,743,317.

The graph below shows actual income against budget for the period ending 31 December 2017.



Description	Actual YTD	Budget YTD	Note
Net Rates & Utility Charges	14,201,280	14,175,338	
Fees & Charges	717,069	735,093	1
Operating Grants, Subsidies & Contributions	3,669,542	3,141,223	
Interest Received	452,647	211,400	
Works for Third Parties	1,094,992	894,117	2
Other Revenue	1,804,496	1,586,146	3
Capital Income	6,702,275	-	4

Notes:

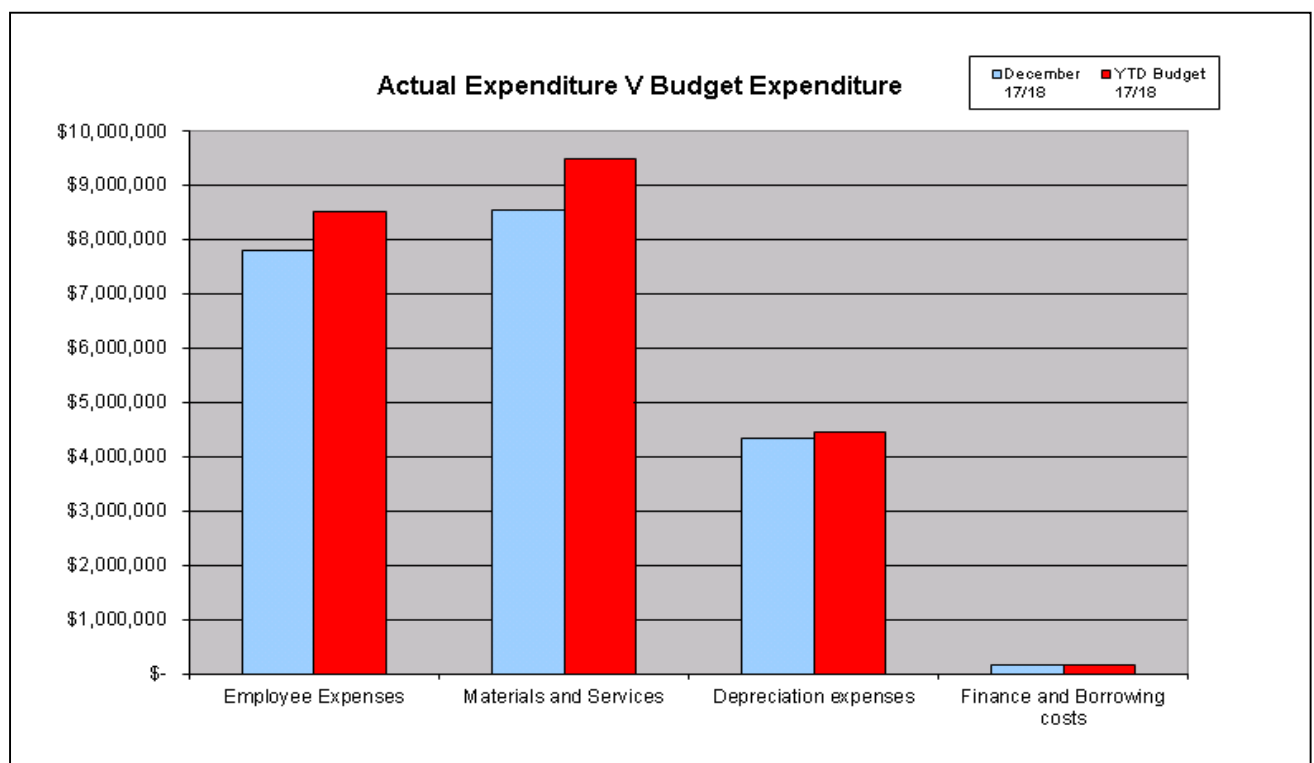
- Higher than anticipated revenue from town planning applications (\$31k) and animal revenue (\$46k). Cemetery income is lower than budget (\$89k).
- Favourable variance is due to additional 3rd party works which was not originally budgeted for. The associated costs form part of the operational expenses which were also not budgeted. The net impact of these additional works is likely to be a small surplus and will be reported at the completion of the works.
- To date we have received \$74k in insurance recoveries (no budget allocated) and leases and rental income is currently \$61k higher than budget however this is a timing issue and expected to even out closer to 30 June, sale of scrap metal to SIMS Metal Management have exceeded budget by \$98k.

4. Council has currently received \$6m in capital grants (TIDS, R2R, W4Q progress payment), \$226k in Developer Contributions and \$354k of Donated Assets for Bellevue Stages 1 – 3 and Wylandra Stages 6B – 6C, which were also not reflected in the budget.

Expenditure Analysis

Total expenses for the period ending 31 December 2017 is \$20,856,306 compared to the YTD budget of \$22,620,995.

The graph below shows actual expenditure against budget for the period ending 31 December 2017.



Description	Actual YTD	Budget YTD	Note
Employee expenses	7,812,093	8,526,291	1
Materials & Services	8,533,850	9,483,297	2
Depreciation expenses	4,332,157	4,445,749	3
Finance & Borrowing costs	178,206	165,658	

Notes:

1. There are no significant issues to report. The reason for the large variance at this point in time is a result of the spread of budget across the year - with employee expenses allocated

equally over 12 periods not equating precisely to the pay periods. Staff absences and staff working on capital projects also contribute to this favourable variance. The anticipated total spend on employee expenses is expected to align with budgets for the 2017/18 year.

2. The positive variance relates to a timing issue and it is anticipated that by 30 June 2018, the anticipated budget will be spent.
3. There will be an increase of depreciation of almost \$200k. This is due to the findings from the comprehensive asset valuation that was undertaken on bridges as at 30 June 2017.

Loan Borrowings

Council's loan balance as at 31 December 2017 is as follows:

QTC Loans	\$6,353,338
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Rates and Sundry Debtors Analysis

Rates and Charges

The total rates and charges payable as at 31 December 2017 is \$2,991,761 which is broken down as follows;

Status	31 Dec 2017		31 Dec 2016	
	No of properties	Amount	No of properties	Amount
Valueless land	72	2,008,795	69	1,011,011
Payment arrangement	156	88,499	139	60,526
Collection House	334	669,845	308	575,240
Exhausted – awaiting sale of land	8	78,541	18	193,857
Sale of Land	8	94,718	13	212,189
Other -	560	51,363	524	317,948
TOTAL	1138	2,991,761	1071	2,370,872

The procedure has commenced to acquire valueless land properties and will take up to 12 months to complete.

The Sale of Land process is now underway, with \$94,718 likely to be collected over the coming 5 months.

It is anticipated the next Rates Notices will be issued around 13 February 2018 with the discount due date being 15 March 2018.

Any properties with an outstanding balance of \$50 or greater have now been sent to Collection House for recovery.

Collection House collected \$75,212 for the month of December.

Sundry Debtors

The total outstanding for Sundry Debtors as at 31 December 2017 is \$1,045,375 which is made up of the following:

Current	30 days	60 days	90 + days
\$753,736	\$166,856	\$3,870	\$120,913
0.72%	0.16%	0.00%	0.12%

90+ days: \$110,474 currently under investigation, legal advice has been sought

LINK TO CORPORATE PLAN

Nil

CONSULTATION

Internal

Director Corporate & Community Services
Financial Accountant

External

Nil

LEGAL IMPLICATIONS (STATUTORY BASIS, LEGAL RISKS)

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.

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital

Nil

Operating

Nil

IMPLEMENTATION/COMMUNICATION

Nil

ATTACHMENTS

1. Financial Statements

Date Prepared: *10 January 2018*

MAREEBA SHIRE COUNCIL
**Budgeted Income Statement by Fund
 For the period ending 31 December 2017**

	Consolidated		General Fund		Waste Services	
	Actual YTD	Budget YTD	Actual YTD	Budget YTD	Actual YTD	Budget YTD
Revenue						
Rates and utility charges	45,104,549	45,075,668	8,369,440	8,279,708	1,776,888	1,759,518
Less Discounts and Pensioner Remissions	(900,269)	(800,548)	(600,269)	(600,548)	-	-
Net Rates and Utility Charges	44,204,280	44,275,120	7,769,171	7,679,160	1,776,888	1,759,518
Fees and Charges	717,069	735,093	715,698	720,093	-	-
Operating Grants and Subsidies	3,175,921	2,699,767	3,175,921	2,699,767	-	-
Operating Contributions	493,821	442,458	-	-	-	-
Interest Revenue	452,847	211,400	195,580	140,000	115,234	25,000
Works for Third Parties	1,084,892	891,117	1,068,042	866,500	-	-
Other Revenue	1,804,486	1,586,148	969,018	807,345	763,549	746,550
Total Operating Revenue	21,940,026	20,743,317	13,824,450	12,611,184	2,657,761	2,531,068
Expenditure						
Employee Expenses	7,812,093	8,126,291	7,028,099	7,754,408	186,667	148,376
Materials and Services	8,533,850	9,483,297	4,730,017	5,176,390	1,746,382	1,955,427
Depreciation expense	4,332,157	4,445,749	3,131,230	2,965,959	57,275	47,790
Finance and Borrowing Costs	176,206	165,658	105,057	93,640	-	-
Total Operating Expenses	20,894,306	22,020,995	14,994,393	15,989,287	1,990,324	2,151,653
Operating Surplus/(Deficit)	1,045,720	(1,277,678)	(1,169,843)	(3,378,103)	667,437	379,415
Capital Income						
Capital Contributions	226,052	-	187,265	-	-	-
Capital Grants and Subsidies	6,124,938	-	5,344,411	-	-	-
Donated Assets	354,285	-	354,285	-	-	-
Profit/(Loss) on Sale of Asset	-	125,000	-	-	-	-
Net Result	7,705,995	(1,077,678)	4,518,696	(3,378,223)	667,437	379,415
						759,433

COMMUNITY WELLBEING

ITEM-13 2017 COMMUNITY WELLBEING OUTCOMES

MEETING: Ordinary

MEETING DATE: 24 January 2018

**REPORT OFFICER'S
TITLE:** Manager Community Wellbeing

DEPARTMENT: Corporate and Community Services

EXECUTIVE SUMMARY

This report presents an overview of the main community outcomes delivered by the Community Wellbeing Group in 2017 to enhance the wellbeing of residents, grow the economy and improve the liveability of the Shire.

OFFICER'S RECOMMENDATION

"That Council note the community outcomes delivered in 2017 by the Community Wellbeing Group to enhance the wellbeing of residents, grow the economy and improve the liveability of the Shire."

BACKGROUND

Economic Development

- Promotional material prepared for the Mareeba Airport and Mareeba Industrial Park was selected for display at the Northern Australia Investors Forum in Cairns providing exposure to screened international investors.



The development of the Mareeba Airport is well under way, funded by Mareeba Shire Council, State and Federal Governments.

- Submissions for improved telecommunications led to the installation of two more mobile phone towers in the Shire (Irvinebank and Mt Carbine). A submission to the Commonwealth Senate Enquiry into the NBN resulted in an invitation to appear at the hearings in Townsville, and further advocacy by Council led to Federal MPs visiting Mareeba to learn first-hand about the telecommunications issues in the shire.
- The shire's investment assets were showcased to senior representatives of the Qld Treasury Corporation and Qld Investment Corporation during a tour hosted by the Mayor and the distribution of prospectus materials which had been prepared.



New and existing businesses continue to expand their operations at the Mareeba Industrial Park

Tourism Promotion

- The Kuranda Visitor Information Centre was recognised for outstanding customer service, named Overall Winner at the 2017 Queensland Information Centre Association Awards, also winning three other awards for customer service, business planning and marketing.
- At the 2017 Queensland Tourism Awards, the Centre was awarded Silver for best visitor services.



Staff and Volunteers at the Kuranda Visitor Information Centre celebrating the awards

- These awards are testament to the excellent visitor experiences delivered by the staff and volunteers to the 91,000 visitors to the Centre from January to November 2017.
- More than 10,000 chocolate eggs dropped from on high is the major draw card for masses of locals and visitors who found their way to Centenary Park for the Kuranda Easter Fair. The event serves to raise the profile of the Kuranda district in the lead up to the peak visitor season.



Tourism Kuranda's Easter Fair drawing locals and visitors and promoting Kuranda in the lead up to the peak tourist season

- Many other successful promotions and marketing initiatives were undertaken by Tourism Kuranda to position Kuranda as a priority tourist destination for domestic and international visitors, including promoting Kuranda to domestic and international industry tour operators and wholesalers at trade events. Hosting the recent visit by the Scottish Rugby League team was one such highlight gaining a lot of media attention for local attractions and businesses.
- Other destinations and experiences in the Shire have been promoted in publications and online to attract visitors. Promoting food tourism and cultural heritage experiences featuring Chillagoe, Irvinebank and Mareeba has been a focus. Council's membership of Tropical Tourism North Queensland, Tropical Tablelands Tourism and Savannah Way as well as partnering with the Queensland Parks and Wildlife Service has led to Council's limited promotional dollar stretching further to attract more visitors.
- Completing the successful transition to community management of the Mareeba Heritage Museum and Visitor Information Service has led to a new café and enhanced visitor experiences, drawing in more visitors to the Mareeba Heritage Centre in 2017.

A culturally vibrant Shire

- The inaugural Mareeba Arts Festival was held on Saturday 7 October 2017. Over 1200 attended throughout the day, with many reporting they thoroughly enjoyed the market stalls, free arts and crafts demonstrations and "have a go" activities, entertainment, food, music and relaxed, friendly "village green" festival atmosphere under the trees at Arnold Park.

- To public acclaim, world renowned artist Jenny McCracken produced a colourful 3D illusion mural depicting a wetlands scene and Gouldian finches, to be viewed from a particular position for the 3D effect, on the external wall of the IGA building in the Mareeba CBD.
- Kuranda artist, Robyn King, was the beneficiary of a call out to artists to apply for the opportunity to work on the public mural alongside Jenny. Robyn said she was most appreciative of this terrific experience and enjoyed it immensely. Robyn's talent and volunteer efforts were in turn greatly appreciated by Jenny.



Jenny McCracken, 3D Illusion Artist, created this mural on the IGA wall in Mareeba. The project was funded under the Regional Arts Development Fund, a partnership between Arts Queensland and Mareeba Shire Council.

- The schools workshop to create a 3D mural illusion held at the Mareeba High School by Jenny in the lead up to the Arts Festival was a big hit with high school students from Dimbulah, Kuranda and Mareeba.
- A total of \$38,560 was provided to seven community grants projects to help increase cultural tourism and the cultural vibrancy of the Shire. The projects were funded under Council's Regional Arts Development Fund on the recommendation of the RADF Advisory Committee.

Community Development and Engagement

- Assistance was provided to the Kuranda Community Precinct Advisory Committee to project manage the preparation of a master plan for the future development of the Kuranda Community Precinct. The plan is being developed with a grant provided under the Regional Arts Development Fund and with comprehensive community input.
- Residents were assisted to be better prepared for natural disasters with the production and distribution of Get Ready Guides in print and on USB's which were also used by community support services to assist vulnerable residents to store documents and pictures.



Councillor Nipper Brown and Margaret Yandell, Coordinator Kuranda Neighbourhood Centre, distributing the Get Ready Guides and USBs in Kuranda.

- Community safety is improved by the production and distribution of "Drive Left" wristbands for visitors and overseas workers. Signage at strategic locations in the shire to remind drivers to keep left is being installed with the assistance of state government funding.
- A map for town beautification improvements at Irvinebank was prepared as a result of the community morning tea held by Councillors with Irvinebank residents in Sept 2016. Local organisations and Council are working together on the town improvements.
- In accordance with respective Indigenous Land Use Agreements, the annual Capital Works Forum and Community Consultative Committee meeting has been held with the Native Title bodies and meetings are planned with the Traditional Owners across the Shire.
- A DVD is being produced to record the recollections of some community members and leaders in relation to the 1967 Referendum to formally recognise Aboriginal and Torres Strait Islander peoples and the 1992 High Court Native Title Decision. The project is funded by Reconciliation Australia and is in partnership with the Muluridji Regional Native Title Body Corporate and Mulungu Aboriginal Corporation. The DVD is due for public launch in February 2018 and will be used for community education and to encourage community reconciliation.
- 29 low income residents in Chillagoe will receive Council assistance for the purchase and installation of equipment to transition to the satellite TV network by late January 2018.
- Residents and businesses in drought affected areas were assisted and supported by the implementation of the Drought Support Project. Council established a project working group of community and service representatives, chaired by the Deputy Mayor, to guide the implementation of the state funded project. Northern Gulf Resource Management was contracted to deliver the services and activities decided by the project working group. As the shire is no longer drought declared, this project ceases 31 December 2017.
- A public mural to promote reef conservation efforts to locals and international visitors based on Djabugay cultural insights was installed outside the Kuranda Visitor Information Centre. It promotes Council's role as a Reef Guardian Council and was funded by the Great Barrier Reef Marine Park Authority.



The mural outside the Kuranda Visitor Information Centre draws upon Djabugay culture to educate locals and visitors about caring for the reef. It was produced with funds provided by the Great Barrier Reef Marine Park Authority's Marine Debris Program.

- A range of assistance, including project assistance, secretariat support and meeting facilitation was provided to the following Advisory Committees and Special Committees of Council:
 - Tourism Kuranda Advisory Committee
 - Regional Arts Development Fund Advisory Committee
 - Kuranda Community Precinct Advisory Committee
 - Local Disaster Management Group Community Support Sub Group
 - Multicultural Festival Committee.
- An Induction program for new Advisory Committee members was produced for new members as they come on board.

Support for Community Groups

- The volunteer efforts of 102 not-for-profit groups were supported by providing \$125,000 under the Community Partnerships Program in cash, rate rebates and remissions and in-kind assistance for festivals, community events, sporting activities, community support, arts and cultural activities, environmental protection and economic development.



A Family Fun Day in Arnold Park organised by community service providers with Council providing in-kind assistance under the Community Partnerships Program, drew a large crowd. Students walking home after school, carers and parents and other community members turned up for some fun and tasty food, but also found they could talk to community service providers about a wide range of assistance available to those in need.

- Individual and family wellbeing and the liveability of the Shire have been enhanced by the review of community leasing and level of Council assistance offered to not for profit groups. Affordable Council land and facilities have been made available to community groups and clubs to conduct community, recreational, cultural and sporting activities by way of subsidised community leasing and higher levels of rate rebates and water usage donations. The new and amended policies mean that decisions about community leasing and the level of Council assistance offered to community groups are transparent, consistent and fair.
- A Community group with the exclusive occupation and use of Council facilities and land is now able to manage the land and facilities as it sees fit on a long term basis and to receive a higher level of Council assistance than was previously available, yet is affordable by ratepayers. The same level of Council assistance for rate rebates and water usage donations is also available to those not for profit groups not occupying Council land and facilities.
- Two (2) interagency groups in the shire: Kuranda Interagency Network and Collaborating for Inclusive Outcomes in Mareeba; have been supported and provided with one-off financial assistance. The groups are attended by volunteer and government funded community support services, schools, government departments, a Mareeba Shire Council Councillor and Officer, chambers of commerce, churches and interested community members. The interagency groups have achieved increased coordination regarding the delivery of services and programs as well as provided a mechanism for "whole of community" collaborative responses to critical community issues when needed.
- The Mutchilba Community Hall and the Koah Hall are now both under community management and community use has increased. The development of a new policy to guide the community management of halls supports a local community to take command

of the local hall and manage it as they see fit, making it more relevant to modern community life and increase its utilisation.

- Under community management and with Council assistance and RADF funds, a master plan for the Koah Hall was developed. The master plan was used by the Koah Hall Committee as the basis of a successful grant application which has secured state government funding to develop the grounds for increased community use and enjoyment.

Community Housing for Seniors

- Tenants in 108 one and two bedroom units for seniors in Kuranda, Dimbulah, Mt Molloy and Mareeba were managed with a low vacancy rate recorded in 2017.
- \$193K was spent on maintenance and capital works for units including pest spraying, repairs, replacements and upgrades. For example, internal and external painting of identified units has been completed and the roll out of a program to install insulation to the roofs of all units to improve the comfort of tenants is well underway.
- Achieving certification under the Qld State Regulatory System for Community Housing means that Council was accredited as a registered community housing provider in June 2017, allowing a dedicated affordable housing service for seniors to continue operating in the Shire.

Library Services

- \$109K in grant funds from the State Library of Queensland for new library books, DVDs, e-resources and other library resources were made available for loan through the Chillagoe, Dimbulah, Kuranda and Mareeba library branches in 2017.
- Many library events and activities were conducted at the branches by staff and volunteers including those to celebrate Library Lovers' Day; arts and crafts activities for children in the holidays to help improve literacy and numeracy; weekly reading activities with pre-school children and their parents and carers; community education for responsible pet ownership; hosting events for different community groups including all abilities groups to help overcome stigma and increase community inclusion.
- A grant funded Coding and Robotics Program for young adults delivered in the school holidays has proved popular and met with high enthusiasm by young people wanting to increase their digital skills and experience. The robot resources purchased with the grant allows staff to continue to deliver an annual school holiday program for young adults. The grant also enabled a training session for educational and programs providers to be held.



Robotics resources purchased with grant funds for school holiday programs at the Mareeba Library

- The grant funded Rhymetime Program for young children in Dimbulah has steadily grown in numbers with the involvement of the Dimbulah Community Kindergarten.
- An efficiencies review of the library service has led to key changes implemented by library staff across the branch network resulted in the preparation of an annual calendar of library events and activities that is sustainable and meets community needs; the standardisation of opening hours at the two larger branches; and an increased focus on the reader's advisor service by transitioning some of the back office work to branches which has freed up highly experienced Technical Service Officers to spend more time with customers. All of which is good news for library customers.

Grant Funds

- Community groups and sporting clubs received 31 Community Grant Alerts providing information about grant programs in 2017.
- 29 community groups and organisations received a Letter of Support providing well thought out arguments in support of their grant application.
- 23 community groups were provided with individualised assistance for the preparation of a grant application.
- Council's investment of \$2.48M resulted in nearly a four-fold return in grant funds of \$9.7M approved for the Shire by the state and federal governments. Without this additional funding, Council could not afford to deliver all of the capital works and community wellbeing projects.
- Assisted Infrastructure Services team complete 10 successful grant applications which secured funds for the Mareeba water pressure improvement business planning, Kenneally Road sewer capacity increase, Byrnes St water main replacement and upgrade, Works for Queensland - general projects including kerbing and channelling, bridges upgrades.

- A further 10 grant applications led to the funding of festivals, arts and cultural development, community reconciliation, increasing community preparedness and resilience for disasters, community safety and support for drought affected residents and businesses.

LINK TO CORPORATE PLAN

Community Goal: Communities across the area share a sense of common identity whilst retaining local diversity, and enjoy equitable access to services and facilities based on effective partnerships.

CONSULTATION

Internal

Director Corporate and Community Services

External

Nil

LEGAL AND RISK IMPLICATIONS (STATUTORY BASIS, LEGAL AND RISKS)

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital

Nil

Operating

Nil

IMPLEMENTATION/COMMUNICATION

Nil

ATTACHMENTS

Nil

Date Prepared: 9 January 2018

ITEM-14 **DIMBULAH COMMUNITY KINDERGARTEN**

MEETING: Ordinary Meeting

MEETING DATE: 24 January 2017

**REPORT OFFICER'S
TITLE:** Senior Community Wellbeing Officer

DEPARTMENT: Corporate and Community Services

EXECUTIVE SUMMARY

This report details a request for Councillor consideration to support for the Dimbulah Community Kindergarten through the Community Partnerships Program 2017/18.

OFFICER'S RECOMMENDATION

"That Council approve the request from Dimbulah Community Kindergarten for a \$15,000 interest free loan and in-kind support of foregone interest of \$375 per annum under the Community Partnerships Program."

BACKGROUND

Council received a request from the Dimbulah Community Kindergarten on 11 January 2018 to provide support by way of an interest-free community loan. The funds will be used to contribute to the activities of the organisation until enrolments increase and its fund raising strategy is fully implemented.

Community Partnerships Program Request

The application to Council is for:

Loan Amount: \$15,000
Loan Term: 12 months
Repayment Frequency: Quarterly
Foregone Interest (In-kind support): \$375 per annum (2.5% interest)

The foregone interest will be recorded as in-kind support under the Community Partnerships Program.

Dimbulah Community Kindergarten Service

Dimbulah Community Kindergarten Inc. opened in September 1993 and families from Dimbulah, Mutchilba and surrounds have benefited from having instruction from a qualified Director/Teacher and qualified assistants in the community.

It delivers a kindergarten service on Monday, Tuesday and Wednesday and a day care service on Thursday and Friday. There are currently five (5) confirmed and two (2) potential enrolments for 2018 and indications are that there is potential to increase enrolments in

coming years due to the number of children in the pre-kindergarten age groups and in the community.

Community Kindergarten Funding Model

The Kindergarten is managed by a not for profit community organisation that operates on a fee-for-service basis. It is partially Government-funded and has additional income streams from enrolment fees and fundraising.

The funding model is based on enrolment numbers and includes enrolment fees, Queensland Government Funding (QKFS), fundraising and grants.

Community Support

The Committee is actively engaging with local groups (detailed below) with pledges to the value of \$4,500.

CWA

Lions

Dimbulah State School

St Anthony's school

Mutchilba School

Dimbulah Swimming Club

Nugget of the North

Parish Church Group

Mutchilba Community Centre

Families

LINK TO CORPORATE PLAN

COM 3: Encourage the building of strong partnerships with community, private sector and government so as to build community capacity and develop strategies to encourage and support leadership and self-responsibility in the community.

CONSULTATION

Internal

Community Wellbeing Officer

Senior Community Wellbeing Officer

Acting Manager – Community Wellbeing

Director – Corporate and Community Services

Chief Executive Officer

Councillor Nipper Brown

External

Dimbulah Community Kindergarten President

LEGAL AND RISK IMPLICATIONS (STATUTORY BASIS, LEGAL AND RISKS)

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital
Nil

Operating

Foregone interest amount will be recorded as an in-kind contribution in the Community Partnerships Program budget.

Is the expenditure noted above included in the 2017/2018 budget?

Yes, this expenditure will be covered in the funds allocated for new requests under Council's CPP budget.

IMPLEMENTATION/COMMUNICATION

The Management Committee of the Dimbulah Community Kindergarten will be formally advised of the outcome of this request.

Council's Finance Department will progress the loan agreement and formalise this arrangement with the Committee.

ATTACHMENTS

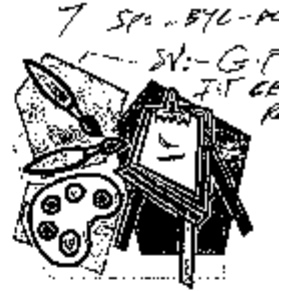
1. Request from Dimbulah Community Kindergarten

Date Prepared: 12 January 2018

ATTACHMENT 1



Dimbulah Community Kindergarten
PO Box 35 (14-16 Raleigh Street)
Dimbulah Qld 4872
Phone: 07 4093 5450
Email: dimb.kindy@bigpond.com
<http://www.candk.asn.au/dimbulah>



11th January, 2018

Dear Council,

Following our letter last December, requesting in kind support of the Dimbulah Community Kindergarten for \$5000, the management committee has reassessed the kindergarten's financial position for term one 2018 taking into account this years enrolment numbers and recent staff changes.

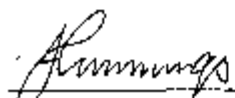
Based on previous years, we believe the kindergarten needs a minimum of \$25,000 to cover first term running costs. Currently we are looking at starting with approximately \$6000 once the December BAS is finalized. This balance includes \$4,500, the total arising from four local clubs and organizations coming forward with generous donations. This leaves us \$15,000 in arrears and while the funding received from government will cover most of this shortfall, it is not paid until the end of term one.

With this in mind, we are looking for greater council support to secure funding for the kindergarten going forward in 2018. An offer of an interest free loan, which could be paid back over the course of the year, has been one avenue suggested. If, at the end of term one, there is no clear path forward identified, the loan would be repaid upon receipt of the government funding.

As the outgoing management committee, we would be passing responsibility of the loan arrangement to the new committee to be elected on the 25th of January at the Kindergarten AGM. However, early discussion with the individuals showing intention of becoming committee members for 2018, have indicated that this is an arrangement that they would be in favor of.

We believe that completing the first term will allow us time to secure our financial position and move forward for the entire kinder year of 2018.

Thanking you,



Josie Cummings (Committee President)



INFRASTRUCTURE SERVICES

TECHNICAL SERVICES

ITEM-15 **MAREEBA CENTRAL BUSINESS DISTRICT (CBD) TRAFFIC MANAGEMENT STUDY**

MEETING: Ordinary

MEETING DATE: 24 January 2018

**REPORT OFFICER'S
TITLE:** Director Infrastructure Services

DEPARTMENT: Infrastructure Services

EXECUTIVE SUMMARY

The Mareeba Central Business District (CBD) Traffic Management Study has been completed under the 2016/17 Capital Works program. The study was a joint initiative of Council and the Department of Transport and Main Roads (TMR).

The purpose of the study was to undertake an assessment of current traffic conditions on TMR and Council-controlled roads in Mareeba CBD and develop staged upgrade options to address current safety and capacity issues.

An upgrade prioritisation plan has been developed as part of the report to provide a basis for staging the upgrades to the Mareeba CBD road network over the next 15 years. Three (3) proposed upgrades to Council-controlled roads in Mareeba CBD have been identified:

- *Rankin Street / Walsh Street Intersection*
- *Rankin Street / Walsh Street – Coles and Target Accesses*
- *Herberton Street / Constance Street Intersection*

OFFICER'S RECOMMENDATION

"That Council adopt the Mareeba CBD Traffic Management Study prepared by AECOM in draft form for consultation purposes."

BACKGROUND

AECOM Pty Ltd (AECOM) was commissioned by Mareeba Shire Council to undertake the Mareeba CBD Traffic Management Study. The study, which was jointly funded by Council under the 2016/17 Capital Works Program and the Department of Transport and Mains Roads (TMR), was initiated by Council due to concerns regarding:

- Congestion at the Rankin / Byrnes Street and Rankin / Walsh Street intersections and the interaction of vehicular and pedestrian traffic.
-

- Operation of the Coles and Target Shopping Centre accesses along Walsh Street.
- Operation of the McDonalds Restaurant carpark access from Rankin Street as well as the entry and exit from Curcio's Bakery.

The study extents were expanded in consultation with TMR to include various intersections along Byrnes Street and the intersection of Mareeba-Dimbulah Road and the Mulligan Highway.

The objectives of the study were to:

- Collect traffic data for the study area to determine current vehicular, pedestrian and cyclist demands.
- Develop upgrading options to address current safety and capacity issues at the various intersections.
- Model the upgraded intersection performance to determine the expected design life of the upgrade.
- Undertake an options analysis to determine the preferred options at each site.
- Prepare a concept estimate of cost for the preferred upgrading arrangements.
- Prepare a staging plan for the implementation of the proposed upgrade.

To ensure the known traffic and safety issues were considered in the study, site observations of the performance of the network were undertaken. In addition, meetings with officers from Council, TMR and the Mareeba Police Traffic Division were held to discuss the various issues that are currently known to exist.

Upgrade option layouts were developed and costed for each of the key intersections to address the issues identified at each of the intersections within the study extents. Each option was subject to an options assessment, based on cost, design life, suitability for pedestrians and cyclists, re-use of existing asset, property impacts and functionality of treatment (minimal loss of traffic movements), to determine a preferred upgrade.

A risk register was developed to capture the risks known at the time of preparing this study and to provide a record for the future use as the various projects enter the design development and construction phases. To ensure Safety in Design was addressed in the preparation of concept layouts, a Safety in Design (SiD) risk event schedule was developed. This schedule includes the identification of risk events along with actions to be taken to avoid, reduce or control risk during each of the project stages i.e. design, construction, operation and maintenance.

An upgrade prioritisation plan has been developed to provide a basis for staging the upgrades to the Mareeba CBD road network over the next 15 years. Three (3) potential upgrades to Council-controlled roads have been identified:

- Rankin Street / Walsh Street Intersection
- Rankin Street / Walsh Street – Coles and Target Accesses
- Herberton Street / Constance Street Intersection

The three (3) individual projects identified in the Traffic Study will be scoped, priced and included in Council's Project Prioritisation Tool (PPT) for future budget consideration following community consultation. Staging and timing of the projects will be subject to Council's priorities, available funding and coordination with other projects, including TMR upgrades.

The seven (7) potential upgrades to TMR-controlled intersections are outside the scope of Council's engagement scope. Separate consultation on these upgrades will be undertaken by TMR in accordance with TMR's engagement strategy.

The Mareeba CBD Traffic Management Study will be published on Council's website and the consultation period will be open until 30 March 2018.

LINK TO CORPORATE PLAN

ECON 3 - Undertake the management of Council's assets in accordance with the long term asset management plans developed for all infrastructure asset classes to ensure the Shire's infrastructure networks are maintained and renewed to maximise their long term benefit to industry and the community.

CONSULTATION

Internal
Manager Works

External
TMR Staff
Mareeba Police Traffic Division

LEGAL AND RISK IMPLICATIONS (STATUTORY BASIS, LEGAL AND RISKS)

A risk register was developed to capture the risks known at the time of preparing this study and to provide a record for the future use as the various projects enter the design development and construction phases. To ensure Safety in Design was addressed in the preparation of concept layouts, a Safety in Design (SiD) risk event schedule was developed.

There is a risk of community expectation that improvements will be undertaken once consultation commences. To ensure that the risk of negative community feedback is minimised, Council must engage in accordance with the Community Consultation Policy and Strategy and implement upgrades based on adopted capital works projects subject to Council's priorities, available funding and coordination with other projects, including TMR upgrades.

POLICY IMPLICATIONS

Community engagement is to be conducted in accordance with the Mareeba Shire Council's current Community Engagement Policy and Strategy.

FINANCIAL & RESOURCE IMPLICATIONS

Capital
\$55,000 was allocated in 2016/17 budget for the Traffic Study and DTMR have matched this amount.

Individual projects identified in the Traffic Study will be included in Council's Project Prioritisation Tool (PPT) for future budget consideration following community consultation.

Operating

Nil

Is the expenditure noted above included in the 2017/2018 budget?

Nil

If not you must recommend how the budget can be amended to accommodate the expenditure

Nil

IMPLEMENTATION/COMMUNICATION

Community engagement is to be conducted in accordance with the Mareeba Shire Council's current Community Engagement Policy and Strategy.

Individual projects identified in the Traffic Study will be included in Council's Project Prioritisation Tool (PPT) for future budget consideration following community consultation.

ATTACHMENTS

1. Mareeba CBD Traffic Management Study distributed to Council under separate cover.

Date Prepared: 16 January 2018

A Master Plan for Mareeba Riverside Caravan Park, prepared for Council by GHD Consulting Engineers & Planners, was completed in May 2014, and showed significant works to be undertaken over a 15-year period to make overall improvements to the park. This Master Plan forms part of the lease arrangement with lessees to implement the principles of the Master Plan in negotiation with Council and subject to practicality and financial viability.

At the Ordinary Meeting on 20 December 2017, Council resolved to allocate funding of \$32,000 to a new project "Riverside Caravan Park Fence" following a small number of community concerns regarding amenity adjacent the caravan park. The scope of work was based on works to install fencing in unfenced areas on the corner of Egan Street and Loudon Street and along the south-western section of the property towards the river.

Following location of utilities and survey undertaken in late December 2017, it was confirmed that the existing fencing on Egan Street and Loudon Street was outside the property boundary. Additionally, the presence of a number of buried services and proximity of three (3) temporary structures within the caravan park, meant it would be most practical to install the new fence along the current alignment, outside the property boundary. This method would also allow the allocated budget to be met but may present issues whereby Council knowingly installs a fence outside its property boundary. The section of fencing to be installed towards the river is slightly inside the boundary of the caravan park and its installation is not envisaged to create any issues.

Council is both the trustee of the caravan park reserve and the road manager under the Local Government Act and its local laws, thereby could decide that installation of the fencing off boundary alignment provides the best overall outcome for Council, the community and road users.

Section 60 of the Local Government Act 2009 ("the LGA") provides that a local government has control of all roads in its local government area. Section 60(2) defines a "road" widely for the purposes of the LGA. A "road" includes not just roads in the narrow sense, but also pedestrian and bicycle paths, bridges and culverts, and dedicated road reserves, which may include garden beds, verges, strips of park, esplanades and unformed dedicated roads.

Where Council has care and control over areas, including roads, Council has a general duty under the Civil Liability Act 2003 (the Civil Liability Act) and common law to take reasonable care to prevent a foreseeable risk of injury to persons using and accessing those areas. If Council fails to discharge its duty of care, and a person suffers loss and damage, a court may find that Council is wholly or partly liable.

Installation of the fencing outside the boundary has been determined as relatively low-risk from a legal perspective. Egan and Loudon Street are low-speed local streets with relatively low volumes of traffic, and the new fencing would not encroach further onto the verge towards the traffic lane than the existing trees and other vegetation. However, should an incident occur in the future whereby the presence of new, off-alignment fencing could be implicated, Council may be deemed wholly or partly liable by knowingly installing new fencing off alignment. Furthermore, Council may be viewed to have set a precedent by installing a fence off alignment in this area, and this may result in difficulties in managing general requests and complaints from residents and ratepayers regarding encroachment of fencing and other structures on road areas.

Alternatively, the three (3) temporary structures within the caravan park could be removed and the new fencing installed on the boundary line in this location. It should be noted that these

structures are associated with semi-permanent van sites, which, based on aerial photography, were installed some time prior to 1994. It would be costly to remove and re-establish these structures elsewhere in the park and require further additional funding. It is estimated that this work would add a further \$50,000 (approx.) to the project cost but is in accordance with the long term vision included in the Riverside Caravan Park Master Plan.

LINK TO CORPORATE PLAN

ECOM 3 - Undertake the management of Council's assets in accordance with the long term asset management plans developed for all infrastructure asset classes to ensure the Shire's infrastructure networks are maintained and renewed to maximise their long term benefit to industry and the community.

CONSULTATION

Internal

Investigations Officer
Project Manager – Building
Senior Facilities Officer

External

Riverside Caravan Park Lessee

LEGAL AND RISK IMPLICATIONS (STATUTORY BASIS, LEGAL AND RISKS)

Council has a duty of care to prevent for injury or damage to the public on its roads under the requirements of the Civil Liability Act 2003 (the Civil Liability Act) and common law.

Council has powers to manage roads in accordance with the provisions of Section 60 of the Local Government Act 2009 and its local laws.

POLICY IMPLICATIONS

N/A

FINANCIAL & RESOURCE IMPLICATIONS

Capital

Funding of \$32,000 has been allocated for the "Riverside Caravan Park Fence" project and is based on continuing the current (off-boundary) alignment of the fence. Installation of the fence on the boundary would add a further \$50,000 (approx.) to the project cost.

Operating

Nil

Is the expenditure noted above included in the 2017/2018 budget?

Yes

IMPLEMENTATION/COMMUNICATION

Nil

ATTACHMENTS

1. Plan of Riverside Caravan Park

Date Prepared: 16 January 2018

Riverside Caravan Park Fence



ITEM-17 **MOUNT SPURGEON ROAD, MOUNT CARBINE**

MEETING: Ordinary

MEETING DATE: 24 January 2018

REPORT OFFICER'S
TITLE: Director Infrastructure Services

DEPARTMENT: Infrastructure Services

EXECUTIVE SUMMARY

The Mt Spurgeon Road at Mt Carbine is an unsealed road which provides access to the Mt Spurgeon National Park and two (2) privately owned properties. This road is steep and narrow in sections and is also used by 4WD enthusiasts.

To reduce unnecessary damage to the road surface and to ensure the safety of the travelling public, it is proposed that the road be temporarily closed to all traffic, with the exception of the two (2) privately owned properties during the upcoming wet season.

OFFICER'S RECOMMENDATION

"That Council authorise officers to close Mt Spurgeon Road annually for duration of the wet season."

BACKGROUND

Mount Spurgeon Road at Mount Carbine is a steep and unformed road which is used to service two (2) properties and by research organisations undertaking fauna and flora surveys at Mt Spurgeon National Park in the Daintree Range.

Council resolved at the Ordinary Meeting of 21 September 2016 to close the road by erecting a gate at a suitable location and access be granted by permit only. A locked gate was installed on Mt Spurgeon Road approximately 2.5km from the Mulligan Highway intersection in early March 2017 and a key to the gate was issued to a number of parties.

Following complaints from local residents, businesses and tourists about the closure of the road, Council resolved at the Ordinary Meeting of 20 September 2017 to re-open the road on a trial basis. The gate was unlocked at this time.

While no specific issues have been encountered since Mt Spurgeon Road was re-opened, it has been identified that much of the substantial damage caused to the road is through being trafficked in the wet season. Due to the road's remoteness, steep geometry, tight configuration and the type of existing natural material on which the road is constructed, maintenance activities are very expensive requiring dozers and other track mounted equipment. To mitigate the need for costly repairs to the road during and following the wet season, and to ensure the safety of the travelling public, it is proposed for the gate be locked and Mt Spurgeon Rd to be closed annually for wet season period.

The Local Government Act 2009 Part 3 - Roads and other infrastructure - Clause 69 Closing roads Section (2) states;

"Also, the local government may close a road to all traffic or traffic of a particular class-
(b) if it is in the interest of public safety;

And:

(3) The local government must publish notice of the closing of the road, in the way that the local government considers appropriate (including on its website, for example).

(4) The local government may do everything necessary to stop traffic using the road after it is closed.

(5) If a road is closed to traffic for a temporary purpose, the local government may permit the use of any part of the road (including for the erection of any structure, for example) on the conditions the local government considers appropriate.

It is proposed that Council closes Mt Spurgeon Road to all traffic, with the exception of the two (2) properties under its powers in accordance with Section 69 of the Local Government Act following commencement of substantial and ongoing rainfall, which, in the opinion of Council officers, may result in substantial damage to the road (i.e. the start of the wet season). The closure will remain in place until such time that the road, in the opinion of Council officers, is safe to be re-opened following the cessation of substantial and ongoing rainfall (i.e. the end of the wet season).

Notification of the closure and subsequent re-opening of Mt Spurgeon Road will be published on the Council website immediately following the closure and re-opening. Council officers will also advise the property owners and the Department of National Parks, Sport and Racing (NPSR) when the road is closed and re-opened.

LINK TO CORPORATE PLAN

ECOM 3 - Undertake the management of Council's assets in accordance with the long term asset management plans developed for all infrastructure asset classes to ensure the Shire's infrastructure networks are maintained and renewed to maximise their long term benefit to industry and the community.

CONSULTATION

Internal
Manager Works

External
Nil

LEGAL AND RISK IMPLICATIONS (STATUTORY BASIS, LEGAL AND RISKS)

Council has a duty of care to prevent for injury or damage to the public on its roads under the requirements of the Civil Liability Act 2003 (the Civil Liability Act) and common law. Keeping

the road open during the wet season will result in increased risk to Council and/or expenditure of additional maintenance funds on this road.

Council has powers to close Mt Spurgeon Road in accordance with the provisions of Section 69 of the Local Government Act 2009.

POLICY IMPLICATIONS

Mt Spurgeon Road is managed in accordance with Council's Asset Management Policy.

FINANCIAL & RESOURCE IMPLICATIONS

Capital
Nil

Operating
Opening and closing of the road will be completed under the operational budget for road maintenance.

Is the expenditure noted above included in the 2017/2018 budget?
Yes

IMPLEMENTATION/COMMUNICATION

Notification of the closure and subsequent re-opening will be published on the Council website immediately following the closure and re-opening. Council officers will also advise the property owners and the Department of National Parks, Sport and Racing (NPSR) when the road is closed and re-opened.

ATTACHMENTS

Nil

Date Prepared: 16 January 2018

ITEM-18 STREET TREE MASTER PLAN**MEETING:** Ordinary**MEETING DATE:** 24 January 2018**REPORT OFFICER'S
TITLE:** Manager Works**DEPARTMENT:** Infrastructure Services, Works Group

EXECUTIVE SUMMARY

A Street Tree Master Plan has been completed under the 2016/17 Capital Works program.

Trees are a vital part of the urban fabric that make our communities unique. Trees provide more than just aesthetic appeal, they contribute to the comfort and wellbeing of the people that make up these communities.

A thoughtful street tree master plan will reduce future maintenance and infrastructure problems and allow the tree population to grow into a legacy for future generations.

OFFICER'S RECOMMENDATION

"That Council adopt the Street Tree Master Plan prepared by LANDPLAN in draft form for consultation purposes."

BACKGROUND

In the 2016/17 Capital Budget funds were made available to develop a Street Tree Master Plan for Mareeba concentrating on the CBD, with the intent to further expand the concept to all towns within Mareeba Shire.

It was identified that whilst some trees throughout the Shire were performing well, others were not thriving as expected. The purpose of the Street Tree Master Plan is to address these issues and provide guidelines for suitability, planting regimes and other general requirements.

LANDPLAN Landscape Architects from Cairns were engaged to undertake the works and a Street Tree Master Plan has been developed for Council's consideration. The Master Plan addresses the following areas:

- Overarching vision for Mareeba Shire and key objectives of the Master Plan
- Street tree guidelines including design principles, planting location guidelines
- Tree selection process
- Mareeba Shire species list
- Planting and establishment procedures and technical drawings
- Mareeba: opportunities and constraints, civic centre concept plan and visualisations

The Master Plan provides a starting point for consultation with key stakeholders and a will ensure a consistent approach is taken to implementation and management of street trees throughout the Shire. The Street Tree Master Plan is intended to be referenced in conjunction with other relevant planning documents, including the Mareeba Shire Council Planning Scheme, Mareeba CBD Traffic Study, Bicentennial Lakes Master Plan and Kuranda Infrastructure Projects Strategic Plan.

It should be noted that the Master Plan is a long term vision that will be implemented over time. Due to the scale of the overall Master Plan's vision, several sources of funding and/or staging works over a number of years will be required. Further concept plans and visualisations for other towns in the Shire, and planting schemes for entrance statements will be developed as part of a separate project in the future.

A number of the recommendations in the Street Tree Master Plan will be undertaken the current financial year using funding allocated for the Shire Beautification Program in the 2017/18 Capital Works Program. These works include:

- Revitalization of the Byrnes Street centre median island north of the Atherton Street between 113 Byrnes Street and 133 Byrnes Street (Joe Vella Insurance Brokers and the National Australia Bank).
- Revitalization of the western side of Byrnes Street which will be completed as part of the road rehabilitation works following the installation of the Byrnes Street Water Main upgrade later in 2018.

The remainder of the Master Plan will potentially take years to deliver and will need several sources of funding. As such, it will be imperative that a coordinated and inclusive approach is implemented to enable unified efforts towards the revitalization.

Relevant documentation and individual projects identified in the Master Plan will be scoped, priced and included in Council's Project Prioritisation Tool (PPT) for future budget consideration following community consultation. Staging and timing of street tree planting projects will be subject to Council's priorities, available funding and coordination with other projects.

The Master Plan will be published on Council's website and the consultation period will be open until 30 March 2018.

LINK TO CORPORATE PLAN

COM 2 - Conduct an analysis of current community facilities and develop a Shire wide community facilities plan to guide the assessment of maintenance programmes, possible capital upgrades of existing facilities and community requests for new facilities and ensure equity of access.

ECOM 2 - In partnership with local business, industry groups and economic and regional development organisations, continue to develop strategies to assist, strengthen, develop and promote existing and new businesses and industries.

CONSULTATION

Internal
Manager Works

Director Infrastructure Services

External

LANDPLAN Landscape Architects

LEGAL AND RISK IMPLICATIONS (STATUTORY BASIS, LEGAL AND RISKS)

There is a risk of community expectation that improvements will be undertaken will increase once consultation commences. To ensure that the risk of negative community feedback is minimised, Council must engage in accordance with the Community Consultation Policy and Strategy and build the Masterplan implementation into the Operation Plans of relevant Council functional areas.

There is a risk of losing the knowledge gained through the master planning exercise. This will be minimised with the registering and development of relevant documentation and inclusion of individual projects identified in the Master Plan in the PPT for future budget consideration.

POLICY IMPLICATIONS

Community engagement is to be conducted in accordance with the Mareeba Shire Council's current Community Engagement Policy and Strategy.

FINANCIAL & RESOURCE IMPLICATIONS

Capital

The Master Plan provides for consultation with key stakeholders with a view to developing documentation that will support delivery of individual projects into the future. Due to the scale of the overall Master Plan's vision of potential upgrades and improvements, several sources of funding and/or staging works over a number of years will be required.

Individual projects identified in the Master Plan will be scoped, priced and included in Council's Project Prioritisation Tool (PPT) for future budget consideration following community consultation.

Operating

Operating measures to sustain and maintain trees in accordance with the Master Plan will require additional annual operational funding.

Is the expenditure noted above included in the 2017/2018 budget?

N/A

If not you must recommend how the budget can be amended to accommodate the expenditure

N/A

IMPLEMENTATION/COMMUNICATION

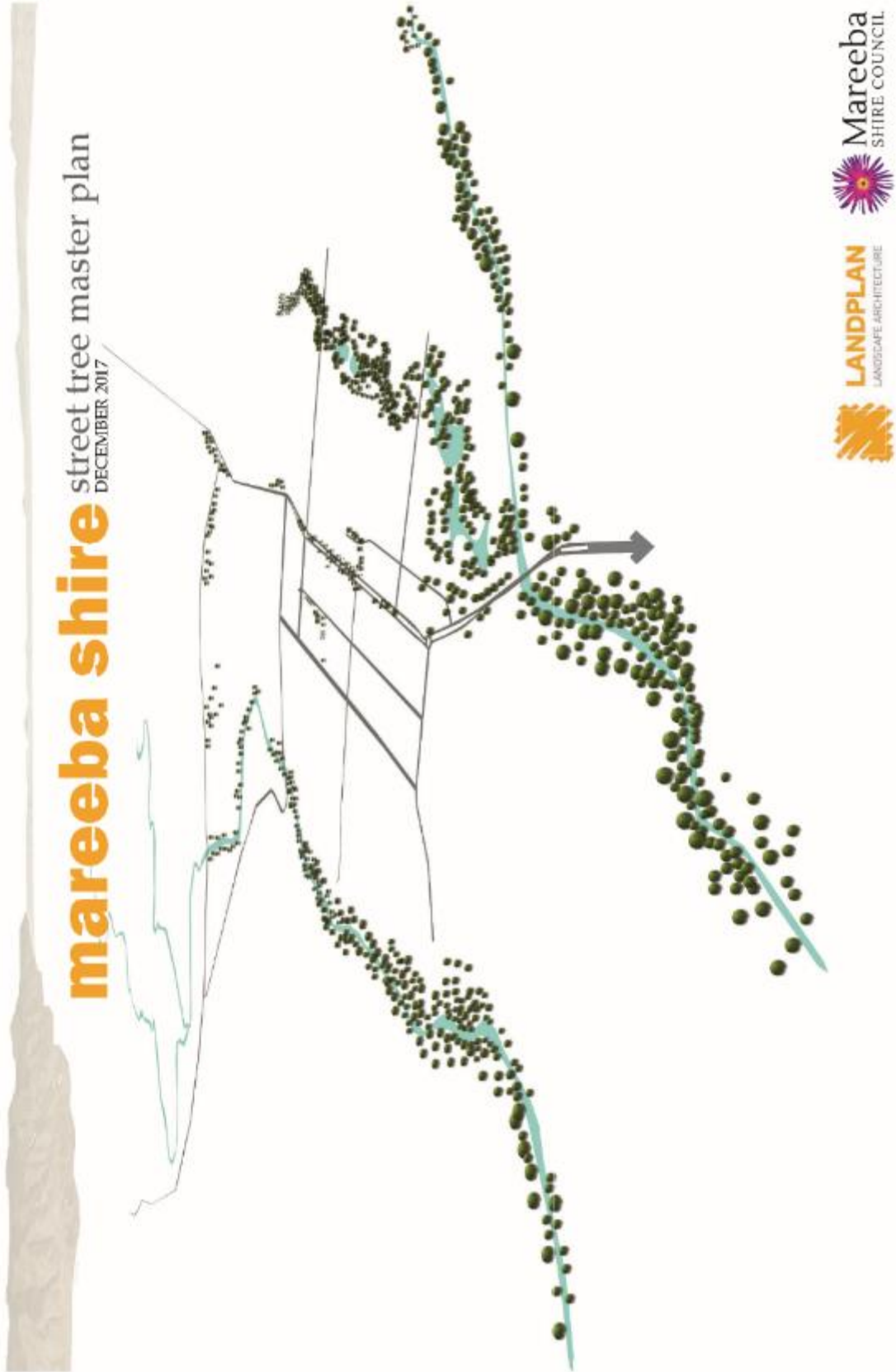
Community engagement is to be conducted in accordance with the Mareeba Shire Council's current Community Engagement Policy and Strategy.

A Street Tree Planting Guideline will be developed to assist Council, developers, businesses and residents to select appropriate street trees and planting regimes.

ATTACHMENTS

1. Street Tree Master Plan

Date Prepared: 10 January 2018



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Version	Date	Purpose
Revision 3	06/11/2017	For Approval

Vision Statement

"Our vision is to ensure that our shire is attractive to both locals and the visitor, offering an oasis of colour and shade across the shire."



The Vision

In 1999 the Mareeba Shire Council undertook a major project aimed at the beautification of the town of Mareeba, with the introduction of kerbside trees and the hedges which are now such a feature of the main street. After 20 years the project has now matured and the current Council has determined to continue this work with a view to ensuring that the streets of Mareeba serve as a welcome place with both shade and colour for years to come.

Funds have been appropriated in this current budget to begin this process which will include other towns and villages in the shire.

Our vision is to ensure that our shire is attractive to both locals and the visitor offering an oasis of colour and shade across the shire.

Inevitably the community will observe change in the work that is to be done, including the removal of a number of trees which are at end of life and which will be replaced with trees representing the new face of our towns.

Our vision extends to streets within the CBD of Mareeba, providing avenues of visual appeal down both Atherton Street and Lloyd Street as extensions to the first case Angac Park, and secondly, to highlight St Thomas's Catholic Church as a significant feature of the town.

The northern and southern entrances to the town of Mareeba will be considered for the planting of avenues of attractive flowering trees, with a view to these entrances to our town being a welcoming and colourful sight.



Byron Street - Mareeba

I Vision for Mareeba Shire

I.1 Background

Trees are a vital part of the urban fabric that makes our communities unique. Trees provide more than just aesthetic appeal, they contribute to the comfort and well-being of the people that make up these communities.

Trees can help provide a community with a sense of place. There are many examples of cities and towns from around the world with unique avenues of trees that help people to create an overall visual impression. These are often the memories they hold and share about a place.

Trees need time to reach their full potential and their growth is exponential. Therefore larger trees will provide greater benefit. However, trees have specific requirements to survive and ultimately thrive. A key requirement is adequate space. Streets provide a functional role of carrying vehicles and services to support an urban environment. There must be a balance between the potential benefit of a tree and its potential risk to infrastructure.

A thoughtful street tree master plan will reduce future maintenance and infrastructure problems and allow the tree population to grow into a legacy for future generations.



Some trees line the streets of Rowa's CBD (QLD). Known as Herosa Avenue, each tree is named for a local man killed in World War 1.

I.2 Key Objectives

The purpose of this master plan is to guide street tree planting throughout the shire's major centres. The shire's landscape, although beautiful, can be harsh and its major centres should provide a welcoming oasis for residents and visitors alike. To achieve this, requires:

- A thoughtful plan that fulfils this goal by describing how to place the right tree, in the right place, for the right reason and give it the right after care.
- The natural setting that surrounds the region and contributes to its character should be celebrated by bringing it into the town centres in the form of high quality canopy planting.
- The outcome should create colour, vibrancy and attraction. This will help to define gateways and give streets an individual identity.
- A Guide for Council's decision making and provide a tiered process to effect tree planting, maintenance, customer requests and development assessment.
- Taking advantage of the borrowed scenery of gardens, parklands, reserves and public planting.
- Emphasising the key entry points, intersections, main streets and corridors.

I.3 Using the Master plan

The street tree master plan responds to and is integrally linked to all the elements of the planning schemes strategic direction including amenity, public, built form, natural resources, environment, community identity, transport, infrastructure and economic development. The plan fits outside the Mareeba Shire Council Planning Scheme. However, it should be used alongside SC6.7 Planning Scheme Policy 6 - Landscaping and Preferred Plant Species.

It should be understood that this plan is a long term vision that will be implemented over time. It will be a guide for both Council officers and the general community.

Council officers will use the plan for ongoing planning and management of trees in road reserves. They will also use it for programming capital works and maintenance budgets.

Developers and their design consultants will use it when considering on street works associated with a particular project within a major centre.

Community members will use the plan when they wish to contribute to their street character by planting in front of their house lot.



2 Street Tree Design Guidelines

2.1 Design Principles

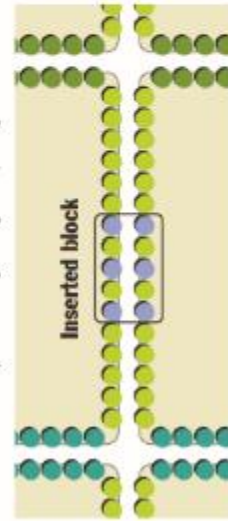
One of the key design principles that will lead to a successful street tree outcome is the provision of suitable space for tree growth. Trees need room for root growth, healthy soils and adequate water. It is critical that these things are considered for during the planning phase of any project involving street trees.

Once these biophysical design criteria are satisfied, there are a range of urban design principles that will help guide street tree progress.

- **Continuity and Unity** are fundamental principles of design that help to program a viewer's perception of the arrangement of elements within a streetscape. Since the composition of the street tree population of any neighbourhood or the whole community cannot be viewed in totality, except from an aerial view, a sense of unity of an overall street tree population is not a necessary measure of success. However, raw plantings on a street or segment of a street (between cross-arterials) can be easily viewed at a particular moment in time from a particular vantage or viewing position, allowing the observer to perceive the desired and/or resulting unity of the composition on that street. Row plantings or linear groupings of trees constitute one of the oddest and simplest forms of composition, and unity is achieved only when the planting is perceived as a continuous row rather than as individual elements.

- **The Character** of each major centre in the Mareeba Shire should be celebrated and reinforced in its street tree plantings. The masterplan should approach each major centre on its own merits and seek to reinforce its distinct 'sense of place'.

- **Repetition, Sequence, Balance and Scale** are the relevant design principles that when carefully applied will create functional and pleasurable streetscapes. These attributes will emerge from layout and complementary relationships between the elements resulting from the master plan and their surrounds. The application of these principles requires decisions to be made about the respective characteristics of the 'nature trees selected in terms of scale, form, foliage and colour. When trees are arranged uniformly spaced in rows, differences are highlighted and there is an increased sensitivity to mixing of species. Single species are the obvious choice for a uniform outcome, however most species are mutually complementary, regardless of differences in physical characteristics. The exception to this is when species display an extreme difference in scale, form, colour or foliage. In these instances, differences can be used to highlight key areas or establish repetitive motifs to achieve consistency when infilling existing street plantings.



Artwork used to highlight a mid block crossing

2.2 In Road Planting Opportunities

Many roads throughout the shire have opportunities for additional and longer street tree planting. If the planting is located within the vehicular carriage way or verge rather than the footpath. This allows trees to be planted in streets that have narrow grass strips or where overhead wires would otherwise present great challenges to achieving a successful tree planting.

Any in road street planting proposed will need to take into consideration the existing traffic and signage visibility, lot access and parking issues, underlying soil conditions and services. Careful attention will be given to minimise disruptive, or excessive removal of parking spaces. Special attention will be paid to achieving appropriate drainage towards the tree planting, together with suitable soil volumes, road pavement protection, and trunk protection where necessary via bollards or preferably barrier walls.

2.3 Footpath Street Tree Location

Locating street trees within footpath zones attracts a range of constraints. Distances from streetlights, elements such as street lights, driveways, curb inlets pits, intersectors and overhead power lines are important in determining final planting locations. Typically, this will require individual site assessment, and will be determined on a case by case basis.

Taking into account other relevant clearance requirements street trees are to be typically planted as follows:

- small trees – spaced at a minimum of 7 to 7.5 metre intervals
- medium trees – spaced at a minimum of 10 to 10 metre intervals
- large trees – spaced at a minimum of 15 to 20 metre intervals

2.4 Distances from Infrastructure

The alignment and placement of street trees measured from the tree at the established trunk size shall be in accordance with the following:

1. Greater than 4.0 metres from electricity or telecommunications poles or pillars.
2. Greater than 7.0 metres from streetlights to ensure effective street lighting.
3. Greater than 4.0 metre radius from high voltage transmission lines.
4. Greater than 2.0 metres from stormwater drainage pits.
5. Trees are to be placed a minimum of 600 mm and a maximum of 1000mm from the back of curb.
6. Trees are to be placed a minimum of three (3) metres from driveways.
7. At intersections trees are to be placed a minimum of ten (10) metres back from the face of the curb of the adjoining street.
8. Trees are to be located so as not to obstruct access to any services or signage.
9. Trees are to be located so as not to obstruct pedestrian or vehicular traffic, nor create traffic hazard or cause damage to existing trees.

2.5 Tree Removal

Unplanned tree removal over time without replacement can lead to a long term loss of streetscape character and amenity and compromise urban design principles for the wider community. Where a development is likely to impact existing trees within the streetscape, it is recommended a qualified arborist be engaged to assess the health of the trees in question. The arborist's report will then inform any decisions for design and/or potential removal of street trees. When assessing trees for removal, consideration needs to be given to the:

- Age of the tree
- Health of the tree
- Replacement value
- Time it will take to grow a replacement tree to a similar size and same size of that being removed.



View of Alberton Street, Mareeba showing in road planting opportunity

3 Street Tree Selection

3.1 Major Centres Approach

The Mareeba Shire Planning Scheme Strategic Framework states that Mareeba Shire towns as a vibrant and diverse community comprising a range of urban, semi-urban, rural and rural settings, which together provide a unique local and regional character. Urban settlements have a distinct small town feel through features including prominent wide main streets, character shopfronts and buildings that capture the evolution of Mareeba Shire. This existing character is maintained, promoted and enhanced by development in this shire, including sensitive redevelopment of activity centres.

This masterplan will reinforce this strategy by providing a clear direction for street tree implementation in the Shire's major activity centres. Sections 6 to 9 provides specific detail on the trees to be installed at gateways, key roads and major streets.

3.2 Selection Process

This section outlines the process to be taken when trees are to be planted in individual streets. The flow chart along with the master species list (section 4) and the Major Centre plans (section 6-9) should be used to guide species selection.

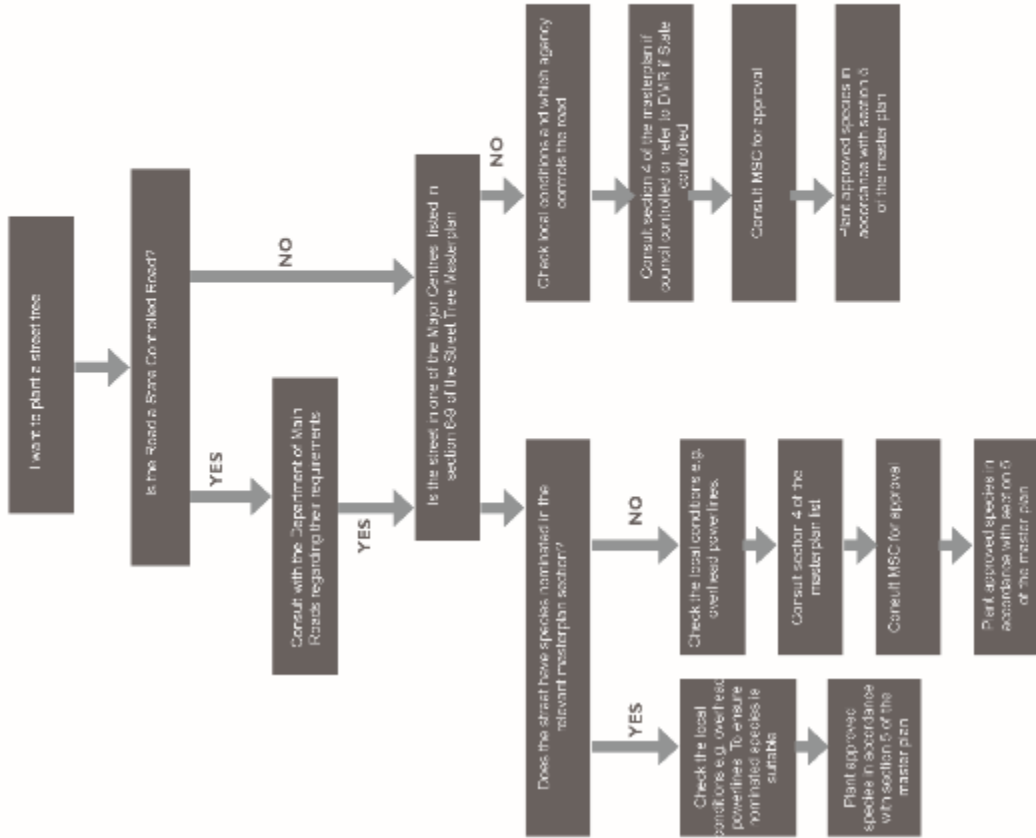
3.3 Selection Criteria

There are a number of factors that influence the decision to choose a particular street tree for a given street. The established species in a street should be a guide to the most suitable species for that street. Many of the species nominated in section 4.5 are based on existing species that are performing well. Some streets have a mix of different species, so it will take time to reach a point of consistency. The masterplan is not designed to be implemented immediately, but rather over time as the opportunity to replace or fill with new trees arises.

Species selection should consider the design guidelines outlined in section 2 which follows this selection process.

3.4 Key Streets, Nodes, Gateways and Connectivity

Key roads and gateways should be treated distinctly from the balance of the streetscape. There are opportunities to deviate from the continuity of the street tree palette in order to highlight town entries and improve legibility. Each major centre has been allocated a street tree palette for such key streets. Streets that provide connectivity between destinations have also been included in the palette.



Street tree selection process

4 Master Species List

Scientific Name	Common Name	Height Category	Provenance	Drought Hardy	Under Powerlines	Wide Median/verge only
<i>Acmena hemilampra</i>	Bleish satinah	M	N			
<i>Alloxylon flamméum</i>	Tree waratah	T	N			X
<i>Athertonia diversifolia</i>	Atherton Oak	M	N			
<i>Atractocarpus lizalanci</i>	Brown Gardenia	S	N		X	
<i>Barringtonia scatungula</i>	Freshwater mangrove	M	N			
<i>Barringtonia caryinata</i>	Mango pine	M	N			
<i>Bauhinia x blakiana</i>	l-long Kong orchid tree	M	E			
<i>Bombax caliba</i>	Bombax	M	E			
<i>Buchanania arborescens</i>	Satinwood	M	N			
<i>Buckinghamia celastriina</i>	ivory curl	M	N			
<i>Brachyctenon populneus</i>	Kurralong	M	N			
<i>Cassia brewsteri</i> ssp. <i>brewsteri</i>	Brewster's cassia	S	N	X	X	
<i>Cassia</i> sp. <i>pellucida</i> range	Golden shower	S	N	X	X	
<i>Cupaniopsis anacardioides</i>	Tuckeroo	S	N	X	X	
<i>Corymbia psychocarpa</i> x <i>ficifolia</i>	Smouldering red	M	N			
<i>Dealarchia tetraplylia</i>	Golden Bouquet	M	N			
<i>Findleria filifera</i>	Cairns Hickory	M	N			
<i>Harpulia pendula</i>	Tulipwood	M	N			
<i>Melaleuca elleryana</i>	Butterfly tree	M	N			
<i>Melaleuca laurifoliana</i>	Tea tree	T	N			X
<i>Melaleuca viridifolia</i> 'burgundy'	Burgundy weeper	M	N			
<i>Paltochthon pterocarpum</i>	Yellow flame tree	M	N	X		
<i>Stenocarpus sinuatus</i>	Firewheel	M	N			
<i>Sterculia shillingii</i>	Tulip stercculia	M	N			
<i>Strydom australe</i>	Creek satinash	S	N	X		
<i>Strydom baingaree</i>	Barnage satinash	T	N		X	
<i>Strydom caincootex</i>	Yellow satinash	T	N		X	
<i>Strydom corniflorum</i>	Bumpy satinash	T	N		X	
<i>Strydom forte</i> ssp. <i>forte</i>	White apple	M	N			
<i>Strydom forte</i> ssp. <i>potamocephalum</i>	Falvey-barked satinash	M	N			
<i>Strydom tomentosum</i>	River cherry	T	N			X
<i>Xanthostemon chrysanthus</i>	Golden Penda	M	N			

7

Legend

Height category	Provenance	
	T	N
M		E
S		
	Medium	
	Small	


 Cassia sp. 'Julesma range' **mareeba** SHIRE street tree master plan

5 Implementation

- 5.1 New tree planting
- Successful street tree planting requires careful planning and consideration of a number of factors:
- The quality and type of species selected
 - The size of the tree being installed
 - The method of installation and the level of aftercare.

The other factor that will impact on the success of a street tree planting will be the time of year that the installation takes place. The best time of year to carry out planting works is between the months of November and April.

Considerable time, money and resources can be spent on the installation of street trees but there always remains the risk of tree fatality. Council can mitigate this risk by introducing a tree procurement strategy.

All mature plant stock supplied to council should be part of supply contracts with one or more local reputable nurseries. Any plant stock supplied should conform with the NATSPEC "Guide for assessing the quality of and purchasing of landscape trees" by Ross Clark 2003. Council should supplement this with an internal nursery for growing on smaller stock to ensure mature species are always on hand for rapid planting.

The larger a new tree is when it is installed the better its chance of survival against impacts such as accidental damage or vandalism. However this needs to be balanced with the cost associated with supply and installation of large tree stock. Generally the minimum size for a suburban street tree should be 45L, this should increase to 100L for town centre streets and 400L for key streets and intersections.

The method of installation is a key factor in ensuring a successful outcome for a street tree.

- A site assessment should be conducted to ensure the tree does not have the potential to impact on surrounding infrastructure. Section 2 lists the parameters that should be followed here.
- The size of the pit excavated for a tree should be a minimum twice the diameter of the root ball. Where possible this should be increased to improve the opportunity for roots to divide, thus ensuring the diameter of roots is reduced before reaching kerbs or other infrastructure. Refer 5.3 technical drawings for planting requirements for tree pits. The installer should break up the base of the hole and loosen compacted sides of the hole to prevent confinement of root growth.
- The installer should cultivate and break up the subgrade to a depth of 200mm to each tree hole. Quality soil should be used to backfill the tree pits. 100mm of topsoil should be placed to the bottom of each hole, and thoroughly mix in the recommended quantity of fertiliser as specified eg. Osmocote (or equal as approved). Trees are then to be placed in the holes and backfilled with the specified topsoil. Ensure the topsoil is evenly compacted around the root ball and that trees are plumb vertically.
- Apply 'Eamrac Aunimone' (or equal as approved) root growth hormone to manufacturers recommendations. Finished levels of root balls and topsoil to suit depths of mulch.
- Soil conditioner such as 'Terracotem' should be used to provide the trees with the best opportunity for establishment.
- When mature nursery stock are supplied, their roots have generally

developed a radial formation. Prior to installation these roots need to be trimmed and trained to ensure they don't continue in this formation and stalling the growth of the tree.

- There are multiple proprietary options for reducing the impact of roots on infrastructure. These should be used particularly for median island planting.
- Mulch should be installed at the base of the tree to prevent weed growth and retain moisture.
- The trees should be exposed to a watering regime for the first 3 months of their establishment and formative pruning undertaken.
- Plants should be watered directly after planting prior to the spreading of mulch. The mulch shall be left just clear of the plant stem.
- After planting, damaged, dead, disease or crossing branches shall be removed by pruning.
- All street trees should be staked during establishment to provide some visual protection from accidental damage and also to prevent wind damage. Provide hardwood stakes that are straight, free from knots or twists, pointed at one end. Drive stakes into the ground at least one third of their length, avoiding damage to the root system. All stakes to be painted matt black. Staking as noted below takes precedence over drawing notes.

Stake Sizes
For plants > 2.5 m high: Three 50 x 50 x 2400 mm stakes per plant.



Formative pruning

- For plants 1 - 2.5 m high: Two 50 x 50 x 2400 mm stakes per plant.
- For plants < 1 m high: One 38 x 38 x 1200 mm stake per plant.
- Provide ties fixed securely to the stakes, one tie at half the height of the main stem, others as necessary to stabilise the plant.
- For plants > 2.5 m high: Two strands of 2.5 mm galvanised wire neatly twisted together, passed through reinforced rubber or plastic hose, and installed around stake and stem in a figure of eight pattern.
- For plants < 2.5 m high: 50 mm haspstan webbing installed in a figure of eight pattern and stapled to the stake.
- For advanced on-ground tree stock install a minimum of three (3) guys per tree, set at equal angles around the tree base.

5.2 Establishment

Formative pruning is an important part of after care for street trees. A successful street tree will ideally have a clear trunk with a dense canopy. To achieve this requires regular pruning while the tree is still young. This process can help avoid expensive problems as trees mature. Removing limbs when a tree is well established can be a costly exercise. It is far more economical for Council to undertake this process in the three to five years following planting installation. Trees that are supplied as mature bag stock will generally have been trained appropriately but this process must continue. Council should engage the services of a professional arborist to guide this process and train staff.

Where trees grow with a clear central-leading branch that grows upwards ahead of the other branches, it is important not to cut this central leader, as this could spoil the final shape of the tree.

Year one

- Remove all side branches from the lower third of the main stem.
- Shorten by half all the side-shoots on the middle third of the main stem.
- Leave the side-shoots on the top third of the main stem unpruned, apart from the removal of dead, diseased or damaged growth.
- C.U. to outward facing buds, so that the resulting growth extends outwards rather than into the centre of the tree.

Year two

- Remove completely the side-shoots that were shortened by half in year one (which should be now be in the lower third of the tree).
- Shorten by half the side-shoots on the middle third of the tree.
- Remove any crossing or misplaced branches in the upper third of the tree

Year three

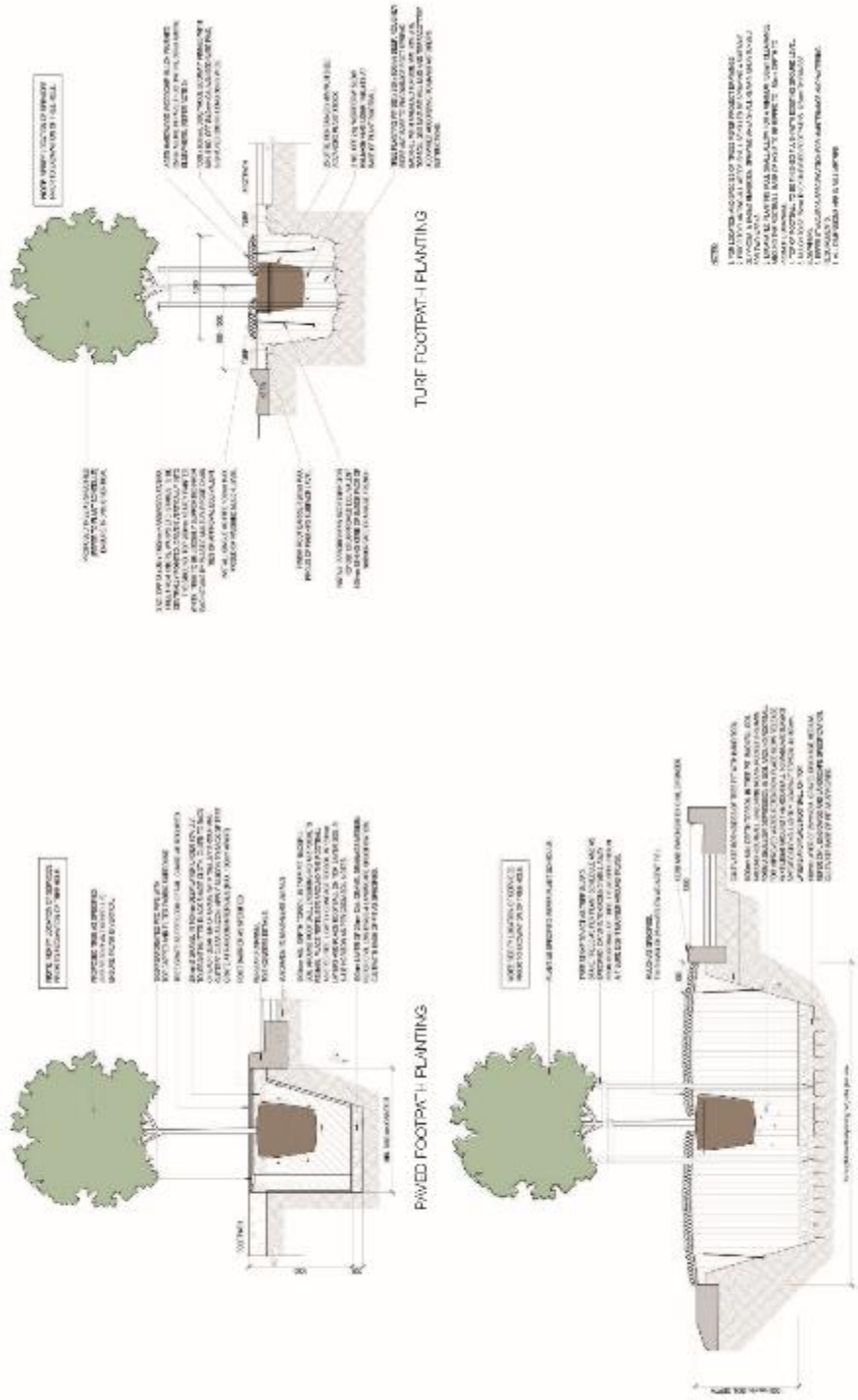
- Follow the same steps as for year two.

Years four and five

- Clear the trunk of side branches to the height desired
- Continue to remove any crossing, dead, diseased or misplaced branches from the canopy

Watering - Allow for 10% of the planted container volume to be applied every 2 days for the first 2 weeks and then 20% of the container volume once per week for 3-4 months. Despite above guideline, installer is to monitor and maintain soil moisture ensuring the rootball does not dry out and cause wilting. Ensure the bottom of the tree planting hole does not become saturated.

5.3 Technical Drawings
The following drawings provide standard details for street tree planting throughout the shire.



6 Mareeba

6.1 Opportunities and Constraints

Entry and Approaches

When approaching Mareeba from Cairns the driver's arrival experience is generally undefined, and could benefit from additional tree planting to form a gateway. There are some properties adjacent to the road whose boundary plantings do assist however these need to be bolstered. Existing natural bushland vegetation also adds to the arrival experience but again this could be added to with clusters of native vegetation.

Large open spaces between roads and parkland areas adjacent to the entry roads provide an opportunity for defining the approach to the town centre. By opening up views to these parkland areas and key sites, such as the museum, it improves legibility and helps convey the experience of entering an oasis.

The opportunity for a gateway treatment on Bynes Street at both ends of the town centre is present. This could be in the form of flowering trees, vertical signage elements or a combination of both.

Connectivity

To the east and west of Bynes Street, two river systems run parallel and are flanked by significant bands of vegetation. By linking these two corridors with a pathway system and complementary tree planting, linking open space pockets along the way, a valuable pedestrian network would result. The same concept can be applied to major activity nodes in the town. The introduction of street trees in such a way will provide, visual appeal, shading, sustainability and increased amenity.

Significant Views

The Mareeba township has a number of landmarks both natural and man made that are considered to be part of several significant view corridors



Gateway treatment example



Hort Street potential outcome

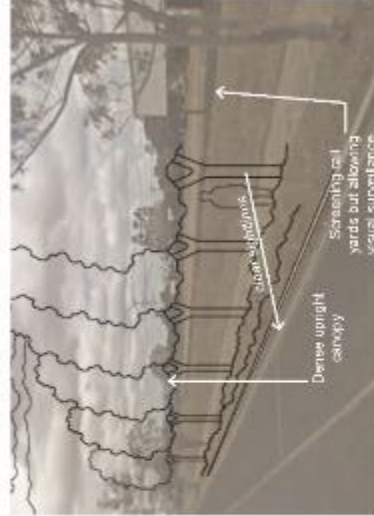
These views should be preserved and enhanced. Street trees can play a significant role in framing such views. The introduction of street trees along Hort Street would not only provide shade and amenity but would frame the view to St Thomas' Church. Most of the streets that run perpendicular off Bynes street would benefit from this type of treatment. Views to Granite Creek from the Main Road could be enhanced with some clearing of weed species and revegetation with native grasses and trees.

The view to the rail yards from Railway Avenue and several parts of Bynes Street could be screened to create a more pleasant outlook. This treatment could be an extension of an upgrade to the railway station precinct and assist with providing a stronger connection to Atherton Street.



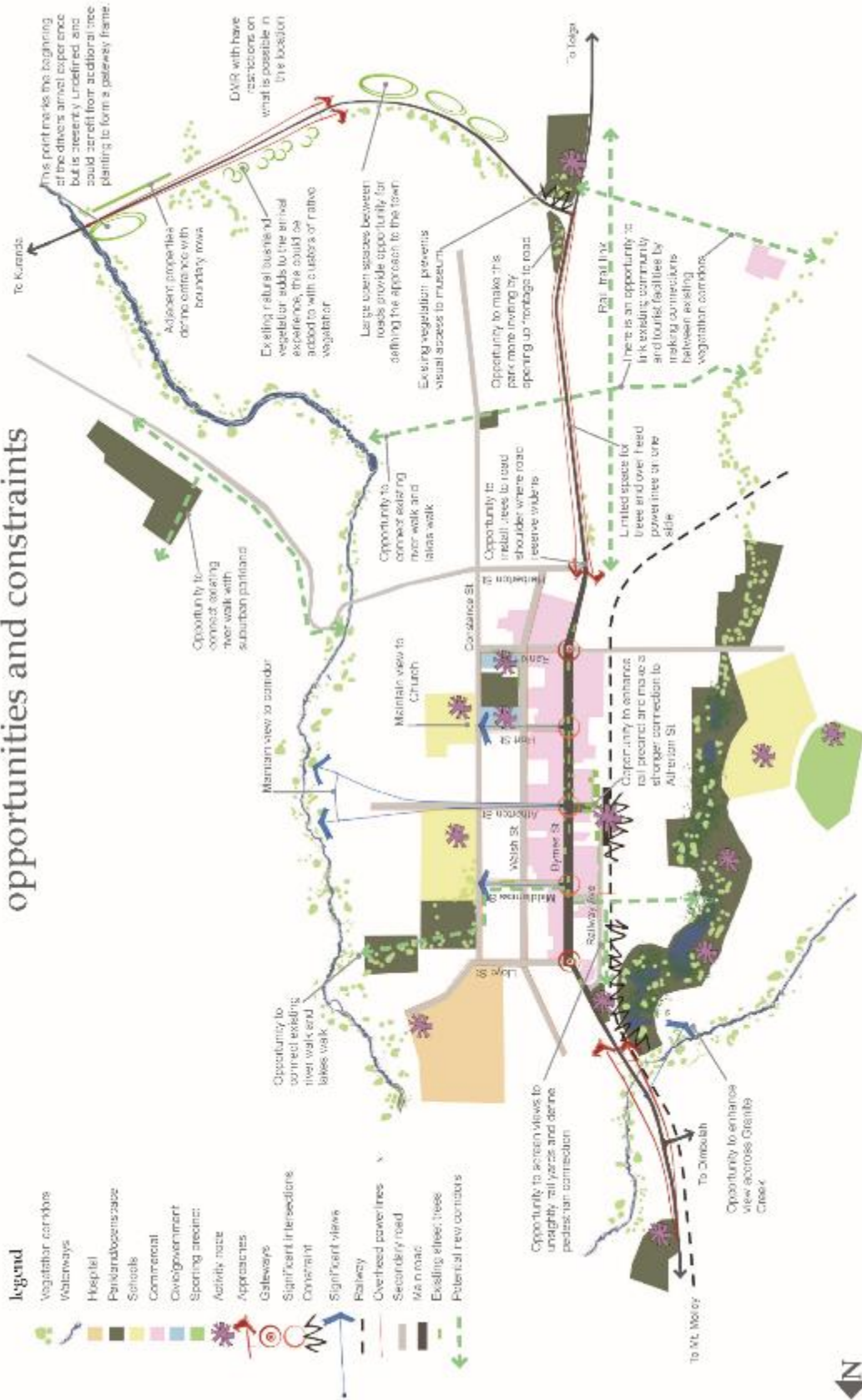
Bynes Street northern entry potential outcome

mareeba SHIRE
street tree master plan



Railway Avenue potential outcome

opportunities and constraints



6.2 Civic Centre Masterplan

Trees in the public realm contribute to the social, cultural, economic and environmental well-being of a community and are therefore important and highly valued by residents and visitors alike. The Civic Centre of Mareeba is bounded by Bymes and Walsh streets to the west and east respectively, and Lloyd and Rankine to the north and south. The focus of this masterplan will be within in these streets and those that pass between them.

Due to the constraints of overhead powerlines, underground services, building swirings and limited space requirements no tree planting has been recommended for footpath areas. The road reserves in the Civic Centre have a generous width allowing opportunity for the introduction of island planters in both the median strip and the road shoulder.

There are some existing island planters that will be suitable for replanting or retention with current plantings, however there are several island planters that have been considered with insufficient space to allow the tree planted to reach its potential. Some of these trees may be retained if it deemed

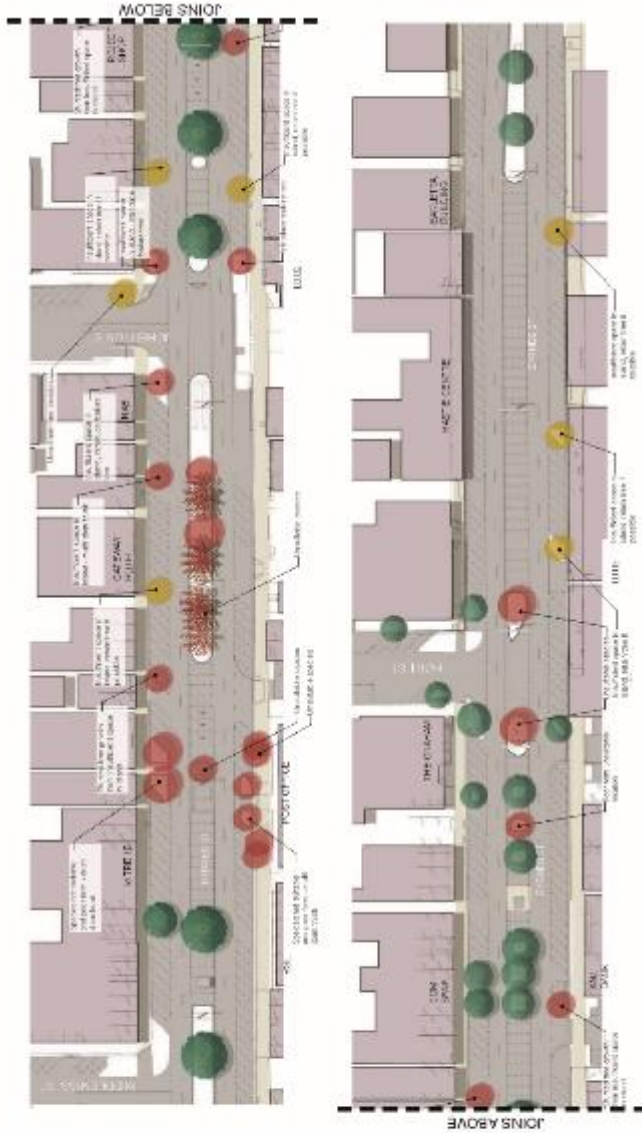


Example of island providing insufficient space in Bymes Street

possible by a qualified arborist, however the island planters will be required to be increased in size and in order to do this, the excavation process may change the tree root systems.

Some existing tree species have been determined to be unsuitable in terms of location or species. Those trees that are stunted, have poor form, don't contribute to the character and amenity of the streetscape or impact on services, pedestrians, vehicles or pose unreasonable maintenance demand, have been earmarked for removal. In most cases these will be replaced with more suitable species.

The trees shown in the following diagrams are located on Bymes Street between Middlemiss and Rankine Streets and are nominated for removal (red), retention (green), or retention if possible (orange).



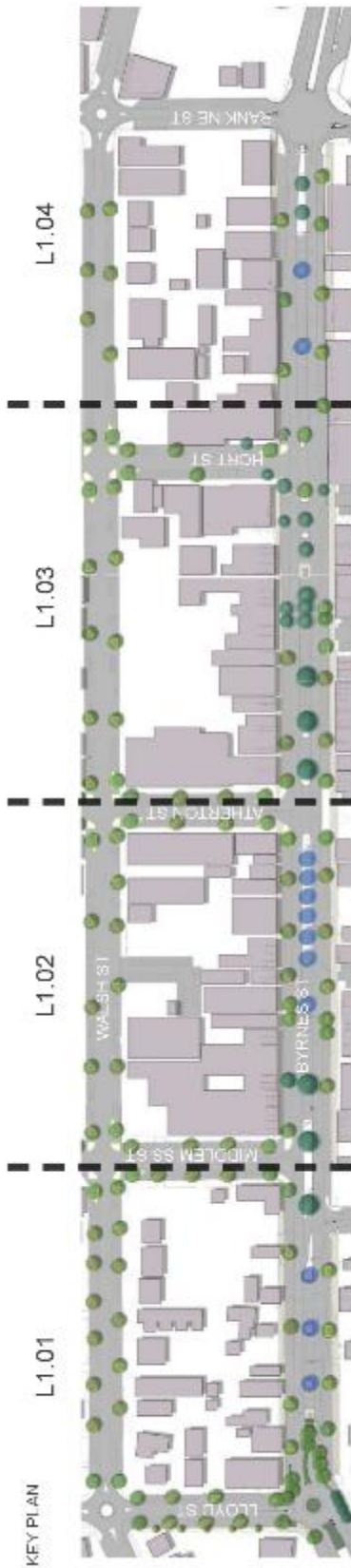
The following pages set out the proposed locations and types of new island planters for the Civic Centre. The large islands will generally replace the space required for two parking bays. The medium planters will generally replace the dead space found between parking bays and driveways. The island planters are located as expected in locations not suitable for parking. The number of parking bays estimated to be lost is listed below, however this is only a conservative estimate and may reduce during a detailed design process.

- Lloyd St – 9 spaces
- Walsh St (Lloyd-Middlemiss) – 20 spaces
- Walsh St (Middlemiss - Altherbit) – 5 spaces
- Walsh St (Altherbit-Hort) – 7 spaces
- Walsh St (Hort - Rankine) – 8 spaces
- Hort St – 3 spaces
- Altherbit St – 8 spaces
- Middlemiss St – 8 spaces
- Bymes (Lloyd-Middlemiss) – 8 spaces + 2 RV parks reduced to 1 regular space
- Bymes (Middlemiss - Altherbit) – 7 spaces + 1 RV space
- Bymes (Hort-Rankine) – 15 spaces

A schedule of proposed tree species and an indicative picture are provided for reference.



Example of insuitable location for tree in Bymes Street



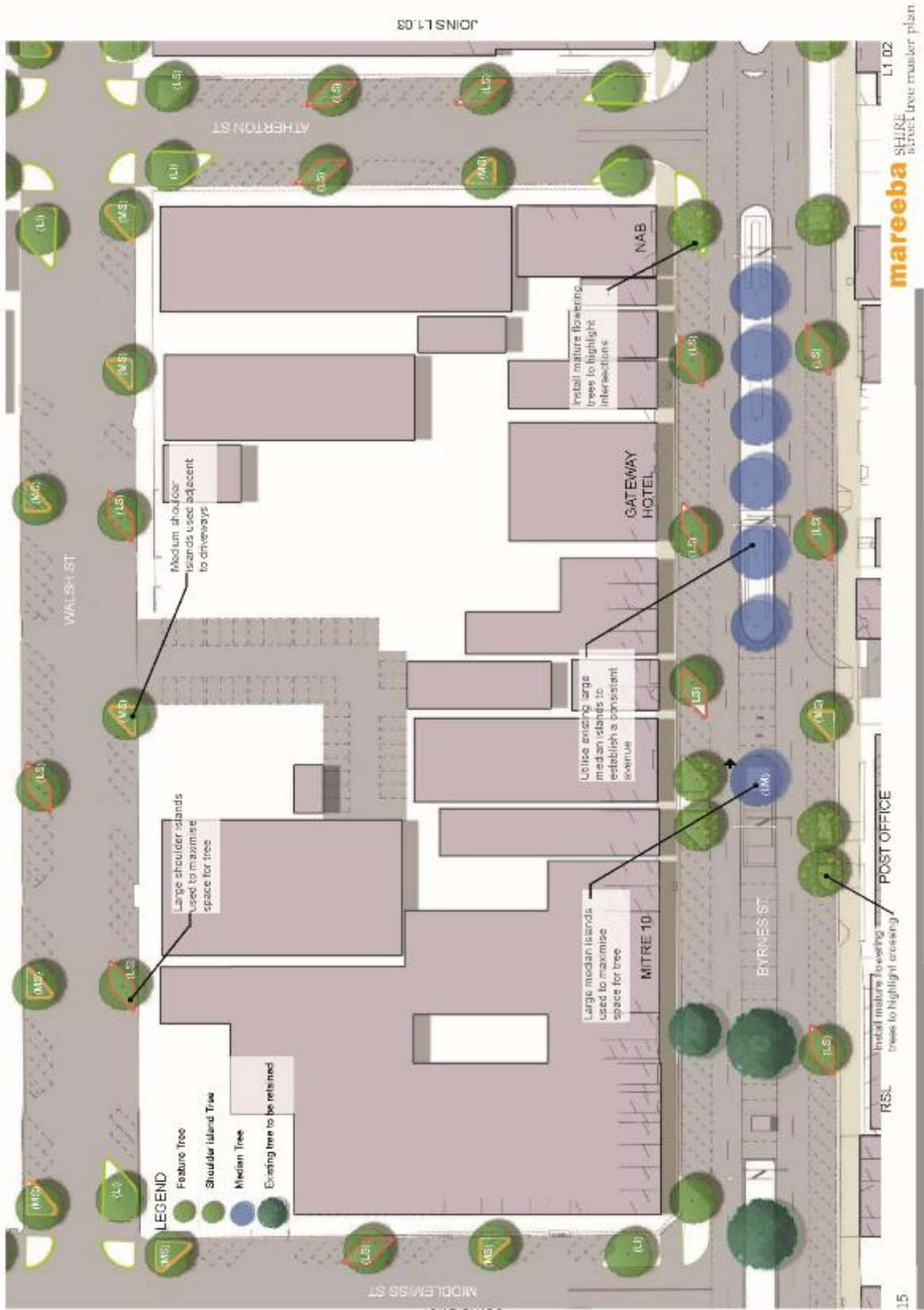
LEGEND

- Feature Tree
- Smaller Island Tree
- Median Tree
- Existing tree to be retained
- Large Median Island (LM)
- Medium Shoulder Island (MS)
- Small Intersection Island (SI)
- Large Shoulder Island (LS)
- Small Shoulder Island (SS)
- Large Intersection Island (LI)

STREET TREE SCHEDULE

Scientific Name	Common Name	BYRNES STREET	LLOYD STREET	WALSHT STREET	MIDDLEM STREET	THORNTON STREET	HORT STREET	RANKINE STREET
<i>Acacia saligna</i>	Golden shower	X						
<i>Coryla sp. pallida</i> n. sp.	SHOULDER ISLAND TREE							
<i>Amesia humboldtii</i>	Black Satinash	X						
<i>Burkholderia repens</i>	Warty nut			X				
<i>Bursera simarouba</i>	Simarouba						X	
<i>Dysoxylum glabrum</i>	Galton Bouquet				X			
<i>Harpala venusta</i>	Tillipooie							
<i>Syzygium corymbosum</i>	Banyan ash/ash			X				
<i>Melaleuca viridiflora</i> var. <i>argentea</i>	Burgundy messager					X		
<i>Stenocarpus attenuatus</i>	Fraxwood							X
MEDIAN ISLAND TREE								
<i>Syzygium bunyanga</i>	Bunyang ash/nut	X						









7 VISUALISATIONS



Byrnes Street - BEFORE



Byrnes Street - AFTER



Walsh Street - BEFORE



Walsh Street - AFTER



Hoyt Street - BEFORE



Hoyt Street - AFTER

8 References

- Inwintombia Regional Council, Street Tree Masterplan, 2011
- City of Botany Bay, Street Tree Masterplan, 2014
- City of Newcastle, Street Tree Masterplan, 2011
- City of Cairns, City in a Garden Masterplan, 2007
- City of Manning, Street Tree Masterplan, version 2 2005
- The Road to a Thoughtful Street Tree Masterplan, Ken Simons & Gerry R. Johnson, 2000
- Coffs Harbour, Street Tree Masterplan, 1999
- Mareeba Shire Planning Scheme, 2006

ITEM-19 **APPLICATION FOR PERMANENT ROAD CLOSURE OF AN AREA OF ESPLANADE ABUTTING LOT 510 HG748 - RA 1291 BRAUND ROAD, NORTHCOTE VIA DIMBULAH**

MEETING: Ordinary

MEETING DATE: 24 January 2018

REPORT OFFICER'S TITLE: Technical Officer Investigations

DEPARTMENT: Infrastructure Services, Technical Services

EXECUTIVE SUMMARY

Correspondence has been received from the applicant seeking Council's position on an application to permanently close an area of Esplanade abutting Leadingham Creek and the boundary of Lot 510 on HG748, 1291 Braund Road, Northcote via Dimbulah.

It is understood the request for closure is to incorporate the land into the applicant's existing freehold property.

OFFICER'S RECOMMENDATION

"That Council advise the Department of Natural Resources, Mines and Energy (DNRME) of no objection to the permanent road closure as detailed in this report."

BACKGROUND

As part of the Department of Natural Resources and Mines (DNRM) road closure application process, the DNRM requires a submission from the Road Manager prior to any decision on the application.

Accordingly, the DNRM is requesting Council's views as the Road Manager, to permanently close an area of Esplanade abutting Leadingham Creek and the boundary of Lot 510 on HG748.

The applicant wishes to close the esplanade to incorporate it into the adjoining freehold lot as the area of proposed permanent closure has access to Leadingham Creek.

The track and road are not maintained by Council and there are no current plans to use this section of road reserve.

LINK TO CORPORATE PLAN

ECOM 3 Undertake the management of Council's assets in accordance with the long term asset management plans developed for all infrastructure asset classes to ensure the Shire's

infrastructure networks are maintained and renewed to maximise their long term benefit to industry and the community.

CONSULTATION

Internal

Planning Section

Manager Waste and Water

Manager Works

Manager Development and Governance

Governance and Compliance Advisor

External

DNRME

Applicant

LEGAL AND RISK IMPLICATIONS (STATUTORY BASIS, LEGAL AND RISKS)

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital

Nil

Operating

Nil

IMPLEMENTATION/COMMUNICATION

Following publication of Council minutes prepare and send communication to DNRM advising of Council's decision.

ATTACHMENTS





1. Copy of DNRM Locality Plan;
2. MSC - GIS Map Info Plan;
3. MSC - GIS Map Info - Road Easement Plan.

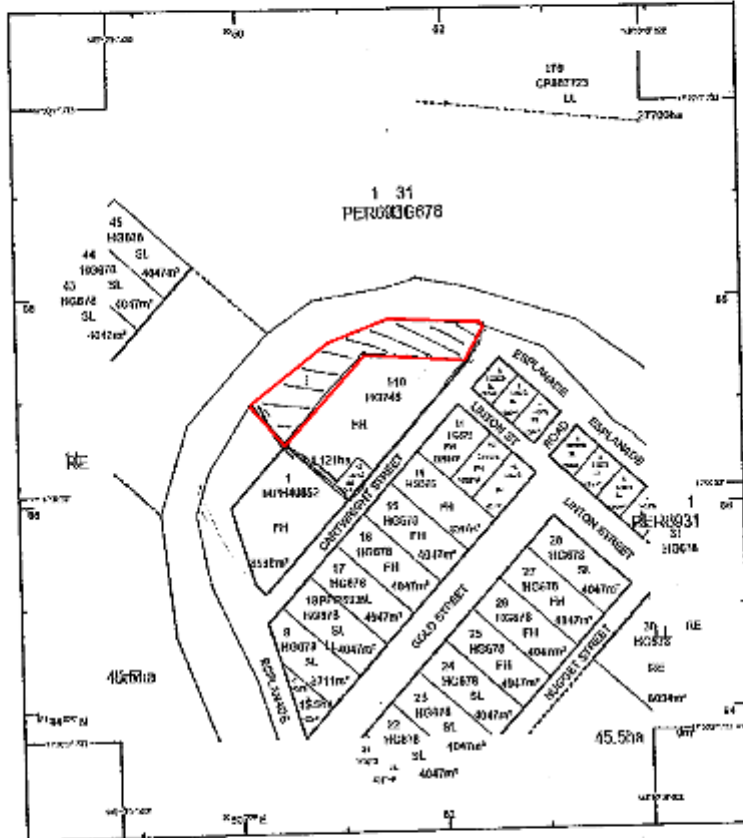
Date Prepared: 9 January 2018

Smartmap.pdf

Page 1 of 1

Word Online

    ...



STANDARD MAP NUMBER: 1293-2-0115

SmartMap
A GDA APPROVED
OFFICIAL MAP OF THE STATE OF QUEENSLAND
Scale 1:25,000 or greater but not
greater than 1:50,000

PROPERTY	OWNER	CLIENT SURVING STANDARDS
131 PER00036678	131 PER00036678	131 PER00036678

GDA



(c) The State of Queensland,
Department of Physical
Infrastructure and Heritage 2017.





ITEM-20 **MAREEBA AIRPORT UPGRADING - DECEMBER 2017
PROGRESS REPORT**

MEETING: Ordinary

MEETING DATE: 24 January 2017

**REPORT OFFICER'S
TITLE:** Director Infrastructure Services

DEPARTMENT: Infrastructure Services

EXECUTIVE SUMMARY

Council has received grant funding from the State and Australian Governments towards the upgrading of the Mareeba Airport.

Design and construction of the Mareeba Airport Upgrade Project is underway, this report sets out progress to date.

OFFICER'S RECOMMENDATION

"That Council note the December 2017 progress report on the Mareeba Airport Upgrade Project."

BACKGROUNDFunding

Council has received two (2) grants - \$13M from the Queensland State Government's Royalties for Regions program and \$5M from the Australian Government's National Stronger Regions Fund - towards the upgrading of the Mareeba Airport. Both these grants are for specific aspects of the proposed upgrading project.

Following a request from Council, the Australian Government has approved a variation to the funding agreement to remove the following elements: resurfacing and strengthening of the existing runway and taxiway, and installation of lighting elements for the airside works. The Queensland State Government has amended the milestone dates in the finding agreement to align with the revised programme.

Further funding has been sought under the Australian Government's Building Better Regions program for the balance of funding required to complete upgrade of the runway, taxiways and airfield ground lighting. Should Council be unsuccessful in securing additional funding, the work to construct the taxiways, lighting and runway resurfacing (without lengthening or strengthening) will commence in mid-2018.

Programme

A programme of works has been prepared which reflects the works and commitment made by Council in the funding agreements.

A number of early works have been completed to date, including:

- Airport Water Supply Upgrade
- Ray Road and Vicary Road Upgrade
- Vicary Road Leased Area Pavements
- Aviation Commercial Precinct - Early Works

Construction of the Airside Infrastructure was scheduled to commence in July 2017, however, assessment and negotiation of tenders has taken longer than anticipated. The Australian and Queensland governments have approved extensions to the interim milestones and project completion date from 31 August 2018 to 31 December 2018 and 30 April 2019 respectively.

Airside Infrastructure

Jacobs Engineering Group has been engaged to undertake the detailed design and documentation for the runway, taxiways, airfield lighting and aviation commercial precinct (western lease area). Trinity Engineering and Consulting (TEC) has been engaged to provide project management services for the project.

Four (4) firms were invited to tender on this work after being shortlisted through invitations for Expressions of Interest. Tenders closed on 9 May 2017 and tender prices being were higher than the available budget.

Council recalled these tenders following amendment of the scope of works and have now invited the four (4) shortlisted firms to tender under a new tender TMSC2017-25. Tenders close in early February 2018 and it is anticipated that the work will be awarded in March 2018 with work to commence after the 2017/18 wet season.

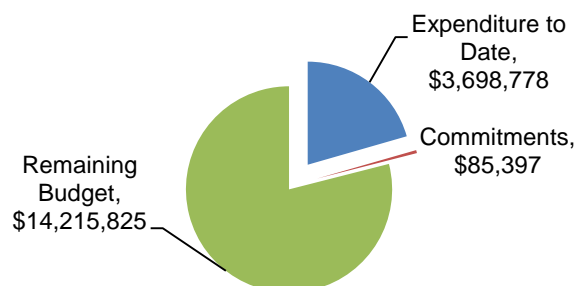
Stakeholder Engagement

A Communication and Stakeholder Engagement Plan has been developed, which sets out the engagement strategy for delivery phase of the project. Further engagement will be undertaken following tender award.

Aviation Commercial Precinct Leasing Opportunities

To date, four (4) applications have been received for leasing of sites within the new aviation commercial precinct. Council has received many enquiries regarding leasing of land, with further lease applications expected to be received when construction of the airside infrastructure commences.

Expenditure



LINK TO CORPORATE PLAN

ECON 3 - Undertake the management of Council's assets in accordance with the long term asset management plans developed for all infrastructure asset classes to ensure the Shire's infrastructure networks are maintained and renewed to maximise their long term benefit to industry and the community.

CONSULTATION

Internal
Manager Works

External
Australian and State governments
Jacobs Engineering Group
Trinity Engineering and Consulting
Mareeba Airport Users Group

LEGAL AND RISK IMPLICATIONS (STATUTORY BASIS, LEGAL AND RISKS)

As detailed in the funding agreements Council has signed with the State and Australian governments, Council is required to meet various milestone and reporting targets.

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital
The project is to be funded over the 2016/2017 and 2017/2018 financial years. Funding has been made available from the Australian and State Governments for the project.

Operating
To be included in future budgets.

Is the expenditure noted above included in the 2017/2018 budget?
Yes

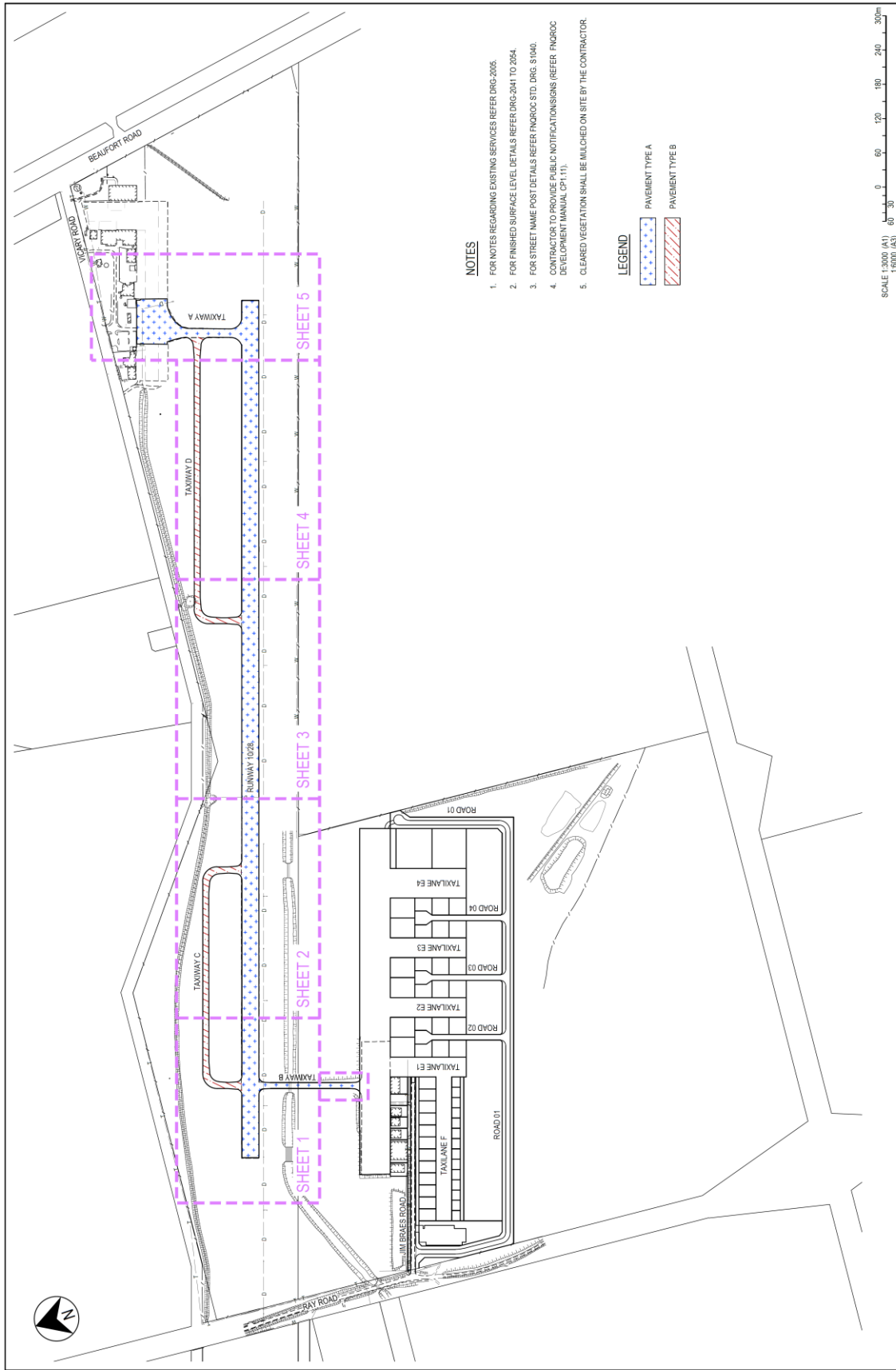
IMPLEMENTATION/COMMUNICATION

All communications are required to follow set out protocols within the funding agreements between the Commonwealth and State Governments.

ATTACHMENTS

1. Amended draft Mareeba Airport Upgrade design layout plan (December 2017)

Date Prepared: 15 January 2018



<p>CLIENT: MAREEBA SHIRE COUNCIL PROJECT: MAREEBA AIRPORT REDEVELOPMENT - STAGE 2</p>		<p>DATE: 11/01/2018 SCALE: 1:5000 (A1)</p>	
<p>DESIGNED BY: [Name] CHECKED BY: [Name]</p>	<p>APPROVED BY: [Name] DATE: [Date]</p>	<p>PROJECT NO: H066200-0000-CA-DRG-2010</p>	
<p>JACOBS</p> <p>150 COLLEGE AVENUE, SUITE 100 MAREEBA, VIC 3875 TEL: +61 3 4623 0000 WWW.JACOBS.COM.AU</p>		<p>Mareeba SHIRE COUNCIL</p>	
<p>NOT FOR CONSTRUCTION</p>			
<p>DATE: 11/01/2018 BY: [Name]</p>	<p>DATE: 11/01/2018 BY: [Name]</p>	<p>DATE: 11/01/2018 BY: [Name]</p>	<p>DATE: 11/01/2018 BY: [Name]</p>

**ITEM-21 INFRASTRUCTURE SERVICES - TECHNICAL SERVICES
MONTHLY ACTIVITIES REPORT - DECEMBER 2017****MEETING:** Ordinary**MEETING DATE:** 24 January 2018**REPORT OFFICER'S
TITLE:** Director Infrastructure Services**DEPARTMENT:** Infrastructure Services, Technical Services Group

EXECUTIVE SUMMARY

This report summaries Council's Fleet, Design, Soils Lab, Survey, Quality, GIS, Project Management and Investigation Services by the Technical Services Section of Infrastructure Services during the month of December 2017.

OFFICER'S RECOMMENDATION

"That Council receive and note the Technical Services Monthly Report for the month of December 2017."

BACKGROUND**Design**

- 2017/18 Capital Works
 - Malone Road Drainage, Mareeba - Detail design complete and waiting final checks
- Works for Queensland Round 2
 - Tinaroo Creek Road, Mareeba - Detail Design completed along with Quantities. Awaiting final checks
 - Petersen Street, Bibbohra Car Park – Preliminary Detail Design started
 - Royes Street, Mareeba – Site visit and preliminary detail design started
- Miscellaneous Works
 - Kuranda Regulated Parking – Modifications to original parking plans with addition to new signage and pavement markings
 - Julatten School Parking – Preliminary concept layout started

SUBDIVISIONS AND INVESTIGATIONS**Subdivisions**

- Current - Under construction
 - Amaroo Stage 9
- On Maintenance - Monitoring for 12 months as the Defects Liability Period prior to becoming a Council Asset

- Amaroo Stage 8
- Mt Emerald Wind Farm-Irrigation Pipeline Protection
- Springmount Road and Kippen Drive Upgrade
- G & A Trevisin – Wolfram Road
- Operational Works
 - 112 Barnwell Road - Dam Construction completed and being monitored
 - Access approved and monitoring for erosion issues.
 - Development Approval - 769 and 965 Bilwon Road (Reconfiguring a lot, boundary realignment and access easement)

PROJECT MANAGEMENT

Building

- PCYC Building Upgrade – Work substantially complete, minor tidy up works currently being undertaken
- Mareeba Landfill Leachate Pump Network – Project work completed and currently being commissioned
- Mareeba and Dimbulah Pool Filter Upgrades – Plans revised to a reduced scope of works. PIMS to quote on supplying new tanks.
- New Pump Shed Mareeba Small Pool - Council approval to proceed received, works proposed to commence in February 2018
- Mareeba Riverside Caravan Park Boundary Fence - On hold awaiting confirmation of fence alignment
- Dimbulah Cemetery Toilets - Waiting for certification of the wastewater treatment and disposal system before calling tenders.

Civil

- 2017-18 Bitumen Reseals Program – FGF temporarily mobilising to Mareeba Shire when works are weather affected on the coast. The Mareeba reseals works are scheduled last on the FNQROC program. Dimbulah – Mutchilba – Arriga work complete.

FACILITIES

Dimbulah Caravan Park

- Total of bookings for December 2017 – 1,058

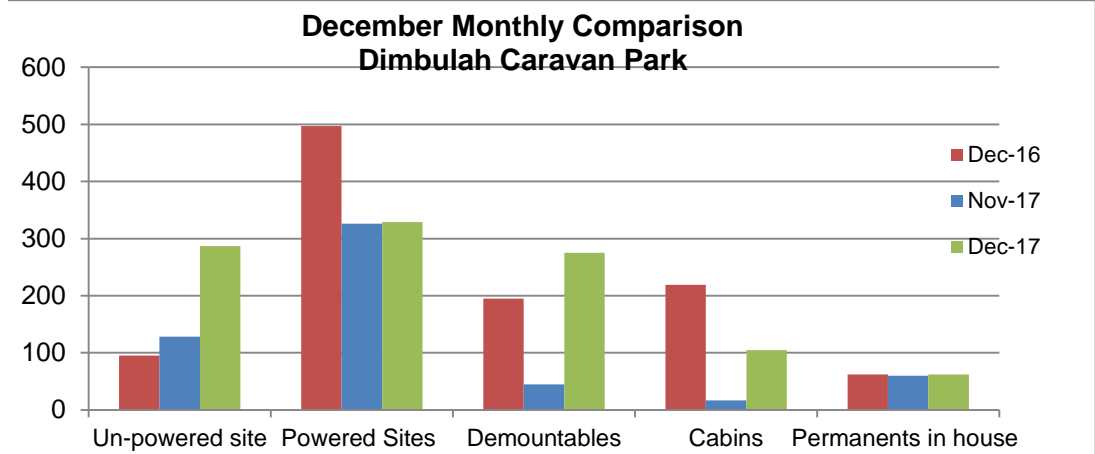


Figure 1. Monthly comparison Dimbulah Caravan Park

Mareeba Riverside Caravan Park

- Total of bookings for December 2017 - 2,728

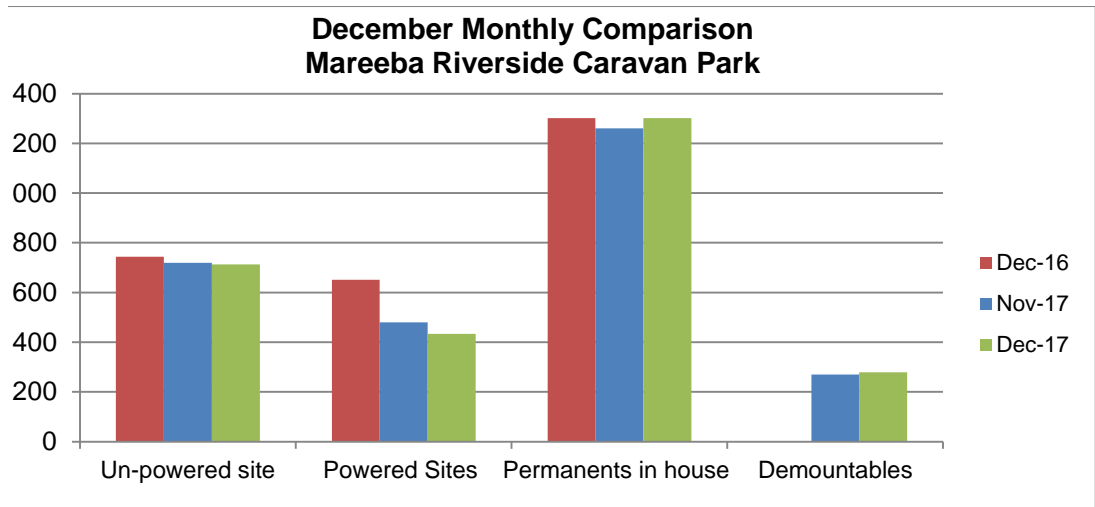


Figure 2. Monthly comparison Mareeba Riverside Caravan Park

Public Halls

- Total hall bookings for December 2017 - 87

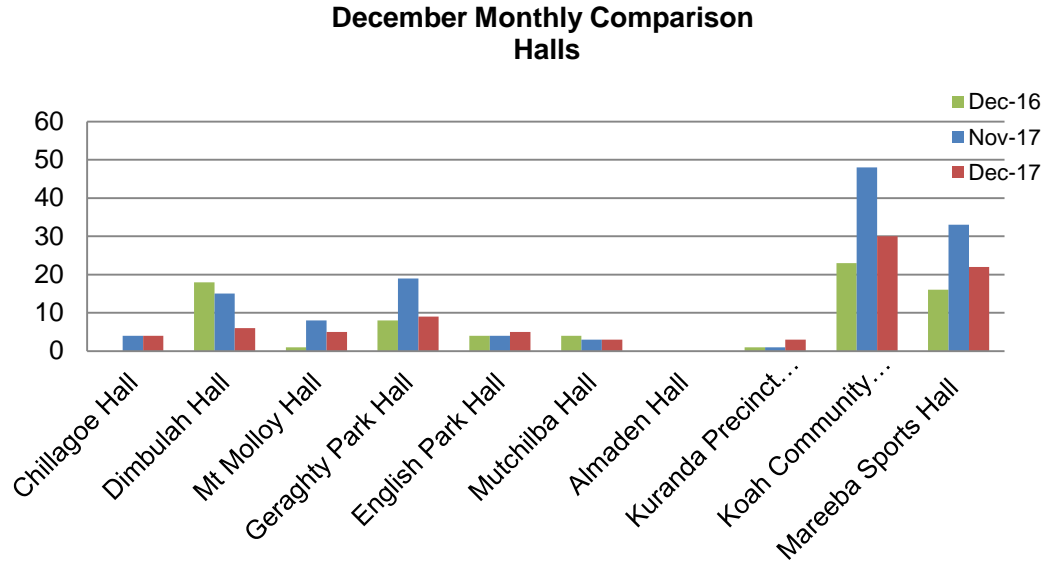


Figure 3. Monthly comparison halls

Swimming Pools

- Total of patron entries for December 2017
 - Mareeba 4,013
 - Kuranda 1,195
 - Dimbulah 425

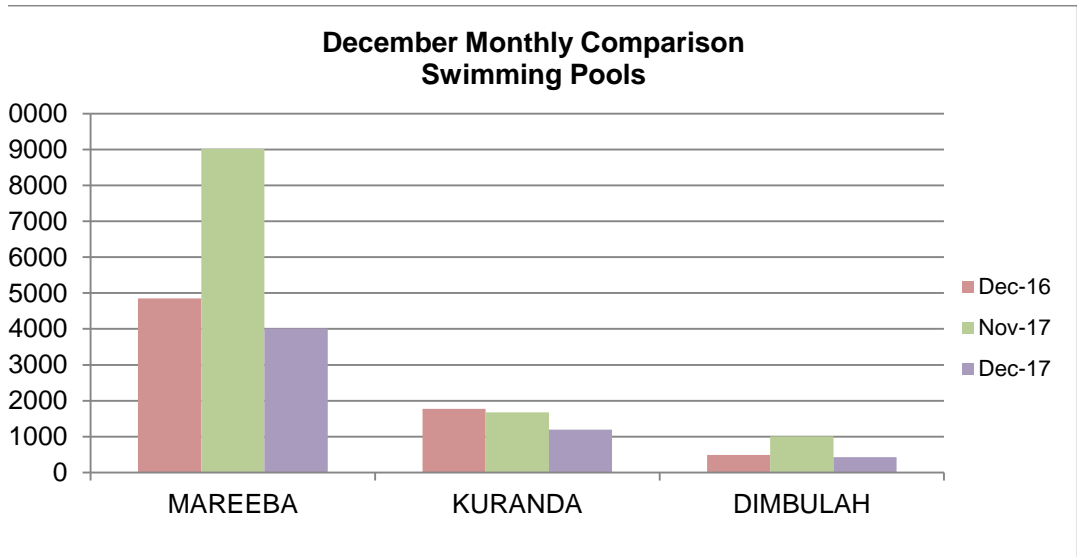


Figure 4. Monthly comparison swimming pools

Park Hire

- Total park bookings for December 2017 – 47.

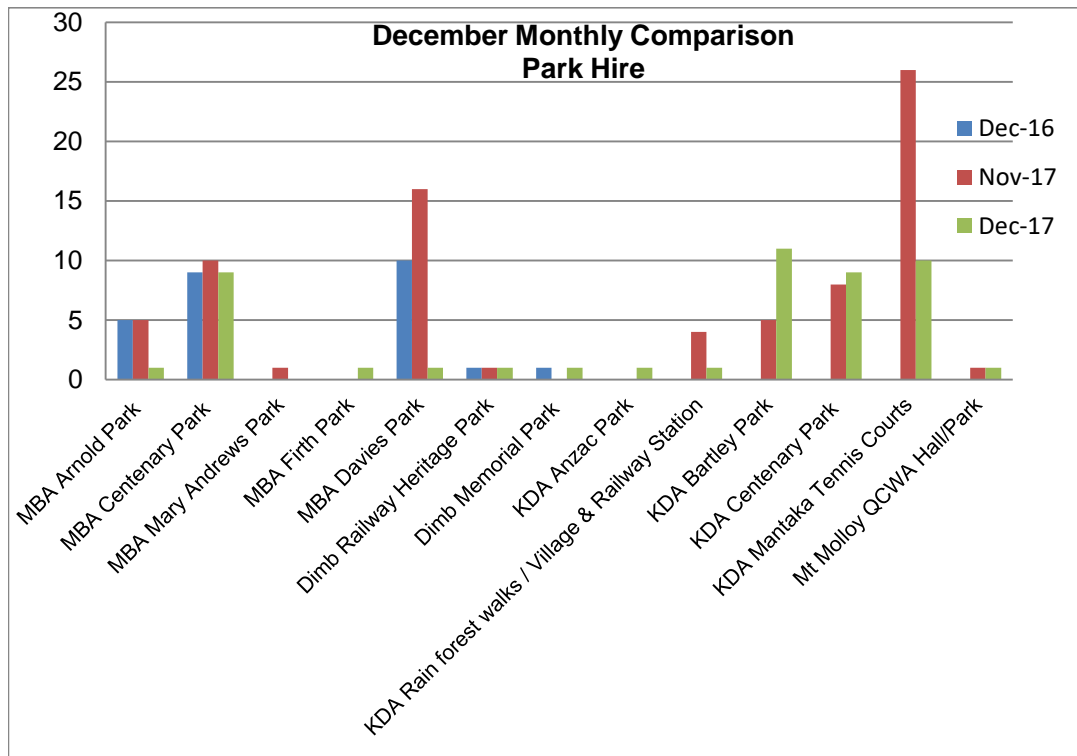


Figure 5. Monthly comparison Park Hire

Vandalism and Graffiti

During December 2017, seven (7) reports of graffiti and vandalism were recorded on Council's Facilities.

- Mareeba Library x 2
- Mareeba Cenotaph
- Mareeba Anzac Park
- Mareeba CWA Restrooms
- Speewah Roscommon Park
- Kuranda Windy Hollow Road

Graffiti and Vandalism	Year to date actuals
2015-16	\$2,134
2016-17	\$16,546
2017-18	\$12,691

Currently, there is no allocated budget for graffiti and vandalism; these costs are being booked to operational.

LINK TO CORPORATE PLAN

ECON 3:- Undertake the management of Council's assets in accordance with the long term asset management plans developed for all infrastructure asset classes to ensure the Shire's infrastructure networks are maintained and renewed to maximise their long term benefit to industry and the community.

CONSULTATION

Internal

Nil

External

Nil

LEGAL AND RISK IMPLICATIONS (STATUTORY BASIS, LEGAL AND RISKS)

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital

Nil

Operating

Nil

IMPLEMENTATION/COMMUNICATION

Nil

ATTACHMENTS

Nil

Date Prepared: 15 January 2018

WORKS

ITEM-22 TENDER EVALUATION TMSC2017-24 SUPPLY AND DELIVERY OF TYPE 4.3 ROAD BASE - BURKE DEVELOPMENTAL ROAD - GRAVEL RESHEET PROJECT

MEETING: Ordinary Meeting

MEETING DATE: 24 January 2018

REPORT OFFICER'S TITLE: Manager Works

DEPARTMENT: Infrastructure Services, Works Group

EXECUTIVE SUMMARY

Council has invited tenders under Tender TMSC2017-24 for the supply and delivery of Type 4.3 Road Base for the Burke Developmental Road - Gravel Resheet Project.

The report provides a comparison of tenders received and makes a recommendation on the preferred tenderer.

OFFICER'S RECOMMENDATION

"That Council award Tender TMSC2017-24 Supply and Delivery of Type 4.3 Road Base for the Burke Development Road Gravel Resheet Project to Miriwinni Lime Pty Ltd:

11,300 tonnes (approx.) Type 4.3 Road Base at \$22.90 per tonne (GST Inclusive); amounting to a total value of \$258,770.00 (GST Inclusive)."

BACKGROUND

A summary of the tenders received is as set out below.

Tenderer	Amount (Approx 11,300 tonnes)		Additional Information
	Rate per tonne	Total	
Conmat P/L	\$25.90	\$292,670.00	Including GST
Miriwinni Lime P/L	\$22.90	\$258,770.00	Including GST
Gunther Resources P/L	\$26.40	\$298,320.00	Including GST
M & G Crushing	\$27.83	\$314,479.00	Including GST
HTE Mining P/L	\$24.00	\$271,200.00	Including GST
Tableland Earthmoving & Raw Materials	\$31.50	\$355,950.00	Including GST

Miriwinni Lime is able to meet specification requirements with respect to gravel quality. The tender from Miriwinni Lime is the most advantageous supply arrangement for Council.

LINK TO CORPORATE PLAN

ECOM 3 - Undertake the management of Council's assets in accordance with the long term asset management plans developed for all infrastructure asset classes to ensure the Shire's infrastructure networks are maintained and renewed to maximise their long term benefit to industry and the community.

CONSULTATION

Internal
Infrastructure Services staff

External
Nil

LEGAL AND RISK IMPLICATIONS (STATUTORY BASIS, LEGAL AND RISKS)

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital
Included in 2017/2018 budget

Operating
Included in 2017/2018 budget

Is the expenditure noted above included in the 2017/2018 budget?
Yes

IMPLEMENTATION/COMMUNICATION

Advice is provided to residents and businesses affected by any activities.

ATTACHMENTS

Nil

Date Prepared: 12 January, 2018

ITEM-23 TENDER EVALUATION TMSC2017-25 SUPPLY AND DELIVERY OF TYPE 4.3 ROAD BASE - HERBERTON-PERTFORD ROAD - GRAVEL RESHEET PROJECT

MEETING: Ordinary Meeting

MEETING DATE: 24 January 2018

REPORT OFFICER'S TITLE: Manager Works

DEPARTMENT: Infrastructure Services, Works Group

EXECUTIVE SUMMARY

Council has invited tenders under Tender TMSC2017-25 for the supply and delivery of Type 4.3 Road Base for the Herberton-Petford Road - Gravel Resheet Project.

The report provides a comparison of tenders received and makes a recommendation on the preferred tenderer.

OFFICER'S RECOMMENDATION

"That Council award Tender TMSC2017-25 Supply and Delivery of Type 4.3 Road Base for the Herberton-Petford Road Gravel Resheet Project to Tableland Earthmoving & Raw Materials Pty Ltd:

5,800 tonnes (approx.) Type 4.3 Road Base at \$23.00 per tonne (GST Inclusive); amounting to a total value of \$133,400 (GST Inclusive)."

BACKGROUND

A summary of the tenders received is as set out below.

Tenderer	Amount (Approx 5,800 tonnes)		Additional Information
	Rate per Tonne	Total	
Wongabel Quarries	\$28.60	\$165,880.00	Including GST
Conmat P/L	\$37.40	\$216,920.00	Including GST
Gunther Resources P/L	\$26.40	\$153,120.00	Including GST
Kidner Contracting P/L	\$36.00	\$208,800.00	Including GST
HTE Mining P/L	\$24.00	\$139,200.00	Including GST
Tableland Earthmoving & Raw Materials	\$23.00	\$133,400.00	Including GST

Tableland Earthmoving & Raw Materials is able to meet specification requirements with respect to gravel quality. The tender from Tableland Earthmoving & Raw Materials is the most advantageous supply arrangement for Council.

LINK TO CORPORATE PLAN

ECON 3 - Undertake the management of Council's assets in accordance with the long term asset management plans developed for all infrastructure asset classes to ensure the Shire's infrastructure networks are maintained and renewed to maximise their long term benefit to industry and the community.

CONSULTATION

Internal
Infrastructure Services staff

External
Nil

LEGAL AND RISK IMPLICATIONS (STATUTORY BASIS, LEGAL AND RISKS)

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital
Included in 2017/2018 budget

Operating
Included in 2017/2018 budget

Is the expenditure noted above included in the 2017/2018 budget?
Yes

If not you must recommend how the budget can be amended to accommodate the expenditure
Nil

IMPLEMENTATION/COMMUNICATION

Advice is provided to residents and businesses affected by any activities.

ATTACHMENTS

Nil

Date Prepared: 12 January, 2018

ITEM-24 TENDER EVALUATION TMSC2017-26 SUPPLY AND DELIVERY OF TYPE 2.2 ROAD BASE - TINAROO CREEK ROAD, MAREEBA - WIDEN AND SEAL PROJECT

MEETING: Ordinary Meeting
MEETING DATE: 24 January 2018
REPORT OFFICER'S TITLE: Manager Works
DEPARTMENT: Infrastructure Services, Works Group

EXECUTIVE SUMMARY

Council has invited tenders under Tender TMSC2017-26 for the supply and delivery of Type 2.2 Road Base for the Tinaroo Creek Road, Mareeba – Widen & Seal project.

The report provides a comparison of tenders received and makes a recommendation on the preferred tenderer.

OFFICER'S RECOMMENDATION

"That Council award Tender TMSC2017-26 Supply and Delivery of Type 2.2 Road Base for the Tinaroo Creek Road, Mareeba - Widen and Seal Project to Conmat Pty Ltd:

16,500 tonnes Type 2.2 Road Base at \$19.25 per tonne (GST inclusive); amounting to a total value of \$317,625 (GST inclusive)."

BACKGROUND

A summary of the tenders received is as set out below.

Tenderer	Amount (Approx 16,500 tonnes)		Additional Information
	Rate / Tonne	Total	
Wongabel Quarries	\$49.50	\$816,750.00	Including GST
Conmat P/L	\$19.25	\$317,625.00	Including GST
Tableland Earthmoving & Raw Materials	\$23.45	\$386,925.00	Including GST

Conmat P/L is able to meet specification requirements with respect to gravel quality. The tender from Conmat P/L is the most advantageous supply arrangement for Council.

LINK TO CORPORATE PLAN

ECON 3 - Undertake the management of Council's assets in accordance with the long term asset management plans developed for all infrastructure asset classes to ensure the Shire's

infrastructure networks are maintained and renewed to maximise their long term benefit to industry and the community.

CONSULTATION

Internal
Infrastructure Services staff

External
Nil

LEGAL AND RISK IMPLICATIONS (STATUTORY BASIS, LEGAL AND RISKS)

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital
Included in 2017/2018 budget

Operating
Included in 2017/2018 budget

Is the expenditure noted above included in the 2017/2018 budget?
Yes

If not you must recommend how the budget can be amended to accommodate the expenditure
Nil

IMPLEMENTATION/COMMUNICATION

Advice is provided to residents and businesses affected by any activities.

ATTACHMENTS

Nil

Date Prepared: 12 January, 2018

**ITEM-25 INFRASTRUCTURE SERVICES - WORKS SECTION
 ACTIVITY REPORT - DECEMBER 2017**
MEETING: Ordinary

MEETING DATE: 24 January 2018

**REPORT OFFICER'S
 TITLE:** Manager Works

DEPARTMENT: Infrastructure Services, Works Group

EXECUTIVE SUMMARY

This report sets out works undertaken by the Transport Infrastructure, Parks and Gardens, Bridge Sections and Pest Management of Infrastructure Services during the month of December 2017.

OFFICER'S RECOMMENDATION

"That Council receive and note the Transport Infrastructure, Parks and Gardens, Bridge Sections and Pest Management Activities Report for the month of December 2017."

BACKGROUND
Maintenance Activities

Maintenance activities accruing more than \$1,000 in expenditure were carried out in December at the following locations:

Description	Activity
Chettle Road, Arriga	Bitumen patching
Glynn Street, Dimbulah	Road furniture
Chapmans Road, Julatten	Grading unsealed roads
Churchill Creek Road, Julatten	Grading unsealed roads, slashing
McDougall Road, Julatten	Grading unsealed roads, road inspections
Mount Perseverance Road, Julatten	Grading unsealed roads, road inspections
Nine Mile Road, Julatten	Grading unsealed roads
Richards Road, Julatten	Grading unsealed roads
Koah Road, Koah	Bitumen patching, slashing
Black Mountain Road, Kuranda	Culvert repairs, road furniture, slashing
Myola Road, Kuranda	Bitumen patching, line marking, slashing, vandalism repairs including graffiti
Oak Forest Road, Kuranda	Bitumen patching, culvert repairs, slashing
Byrnes Street, Mareeba	Bitumen patching, concrete footpath maintenance, road furniture
Malone Road, Mareeba	Bitumen patching
McGrath Road, Mareeba	Clean inlet/outlets culverts, grading unsealed roads, prep work for reseals
Bakers Road, Mt Molloy	Grading unsealed roads

Description	Activity
Fraser Road, Mt Molloy	Bitumen patching, grading unsealed roads, prep work for reseals, road inspections, slashing
Main Street, Mt Molloy	Road furniture, slashing
Wetherby Road, Mt Molloy	Grading unsealed roads, slashing
Wessel Road, Mt Molloy	Grading unsealed roads
Bradley Road, Mt Molloy	Grading unsealed roads
Speewah Road, Speewah	Slashing

The table below shows the current budget position of road maintenance for Mareeba Shire Council at the end of December.

Annual Budget	Year to Date Budget	Year to Date Actual
\$3,338,972	\$1,666,302	\$1,535,532

2017/18 Capital Works

Sutherland Street Mareeba – Traffic Management Upgrade

Work commenced in the second week of December on the Traffic Management Upgrade at Sutherland Street, Mareeba. The scope of the project included the construction of a new footpath, installation of disabled parking bays and formalised traffic islands and the widening of Sutherland Street adjacent to the Mareeba State Primary School.

The project was completed 21 December 2017.



TMR Routine Maintenance Performance Contract (RMPC)

Routine maintenance activities were undertaken during December 2017 at the following locations;

Primary Location	Activity Name
Kennedy Highway - Cairns/Mareeba	Rest area servicing
Mulligan Highway - Mareeba/Mt Molloy	Gravel supply, heavy shoulder grade
	Heavy shoulder grading rural, includes traffic control
	Light shoulder grading rural, includes traffic control
	Herbicide spraying, includes traffic control
Mulligan Highway - Mt Molloy/Lakeland	Herbicide spraying, includes traffic control
	Rest area servicing
	Roadside litter collection, rural
Mossman - Mt Molloy Road	Emergency call out / traffic accident
	Herbicide spraying, includes traffic control
	Tractor slashing, rural, includes (2) x traffic control
Mareeba Connection Road	Repair signs (excluding guide signs)
Mareeba - Dimbulah Road	Gravel supply, heavy shoulder grade
	Heavy shoulder grading rural, includes traffic control
	Light shoulder grading rural, includes traffic control
	Other surface drain work
	Surface correction, premix / a/c (manual <150 linear m per 1km) includes traffic control
	Tractor slashing, rural, includes (2) x traffic control
Burke Developmental Road	Herbicide spraying, includes traffic control
	Medium formation grading (western) with extras and 2 water carts, excludes traffic control
	Other formation work

The total claim to DTMR for the works listed above for the month of December 2017 was \$210,682.73.

Parks and Gardens Section

Maintenance Activities

Parks and Gardens maintenance activities accruing more than \$1,000 in expenditure were carried out in December at the following locations:

Location
Mowing, Mareeba Streets
Library, CBD and Streets, Kuranda
Byrnes Street Medians, Mareeba
Basalt Gully and Bi-Centennial Lakes, Mareeba
Mary Andrews Gardens, Mareeba
Centenary Park, Mareeba
Furniture and Playground Equipment, Mareeba
Anzac Park, Mareeba
Parks and Gardens, Chillagoe
Sunset / Sunbird Park, Mareeba
Pool and Carpark, Kuranda
Arnold Park, Mareeba
Council Office and Library, Mareeba
Borzi Park, Mareeba
Davies Park, Mareeba
Esplanade, Kuranda
Anzac Avenue, Mareeba

The table below shows the current budget position of Parks and Gardens maintenance for Mareeba Shire Council.

Annual Budget	Year to Date Budget	Year to Date Actual
\$1,794,335	\$894,795	\$831,352

Bridge Section

Maintenance Activities

Bridge maintenance activities accruing more than \$1,000 in expenditure were carried out in December at the following locations:

Location
John Doyle Bridge
Re-active Maintenance

Annual Budget	Year to Date Budget	Year to Date Actual
\$562,213	\$279,848	\$199,828

Land Protection Section

Annual Budget	Year to Date Budget	Year to Date Actual
\$446,906	\$222,734	\$202,379

Property Inspections: Council officers visited rural properties in Julatten / Mt Molloy and inspected for the presence of Parthenium Weed. Staff also provided advice on current best practice controls of Rats Tail Grass and other weeds of primary production.

Bicentennial Lakes Weeds Clean-up: Land Protection staff treated witchweeds, Water Lettuce, Salvinia and Frog Bit. Biological control agents were used and where necessary sprayed with approved herbicides.

Navua Sedge: All Council roads around Julatten and Mt Molloy were treated with registered herbicides.

Multi Species Weeds Clean Up on the Upper Walsh: Rubber vine, Bellyache bush, Siam and Rats Tail Grass was targeted. Work was done in conjunction with affected landowners.

Wild Dogs: Coordinated baiting occurred on broad scale primary production properties in the Gulf country. Feral pigs were strategically targeted on those properties.

LINK TO CORPORATE PLAN

ECON 3 - Undertake the management of Council's assets in accordance with the long term asset management plans developed for all infrastructure asset classes to ensure the Shire's infrastructure networks are maintained and renewed to maximise their long term benefit to industry and the community.

CONSULTATION*Internal*

Infrastructure Services staff

External

Nil

LEGAL AND RISK IMPLICATIONS (STATUTORY BASIS, LEGAL AND RISKS)

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS*Capital*

Included in 2017/2018 budget

Operating

Included in 2017/2018 budget

Is the expenditure noted above included in the 2017/2018 budget?

Yes

IMPLEMENTATION/COMMUNICATION

Advice is provided to residents and businesses affected by any activities.

ATTACHMENTS

Nil

Date Prepared: 12 January 2018

WATER & WASTE

ITEM-26 **INFRASTRUCTURE SERVICES - WASTE OPERATIONS REPORT - DECEMBER 2017**

MEETING: Ordinary

MEETING DATE: 24 January 2018

**REPORT OFFICER'S
TITLE:** Manager Water and Waste

DEPARTMENT: Infrastructure Services, Water and Waste Group

EXECUTIVE SUMMARY

This report summarises Council's Waste activities undertaken by the Infrastructure Services Department during the month of December 2017.

OFFICER'S RECOMMENDATION

"That Council receive and note the Infrastructure Services, Waste Operations Progress Report, December 2017."

SUMMARY OF WASTE ACTIVITIES

The following is a 'snapshot' of the waste activities undertaken during the month of December 2017.

1. Waste Operations

- 6,078 vehicles entered Mareeba waste facility (to drop off or pick up waste).
- 420 vehicles deposited waste to Mareeba Landfill (total).
- 156 Suez vehicles deposited waste to Mareeba Landfill.
- 38 Suez vehicles removed waste from Mareeba WTS to recycling facility in Cairns.
- 126 m³ of mulch sold (45 in bulk sales and 81 in small lots less than m³).
- Current Mareeba Landfill Compaction Rate of 0.99 tonnes per m³.
- Both Mareeba and Kuranda WTS were broken into and recycling material removed.
- All transfer stations and Mareeba landfill are currently operational.

2. Mareeba Old Mareeba Landfill Capping Project Update

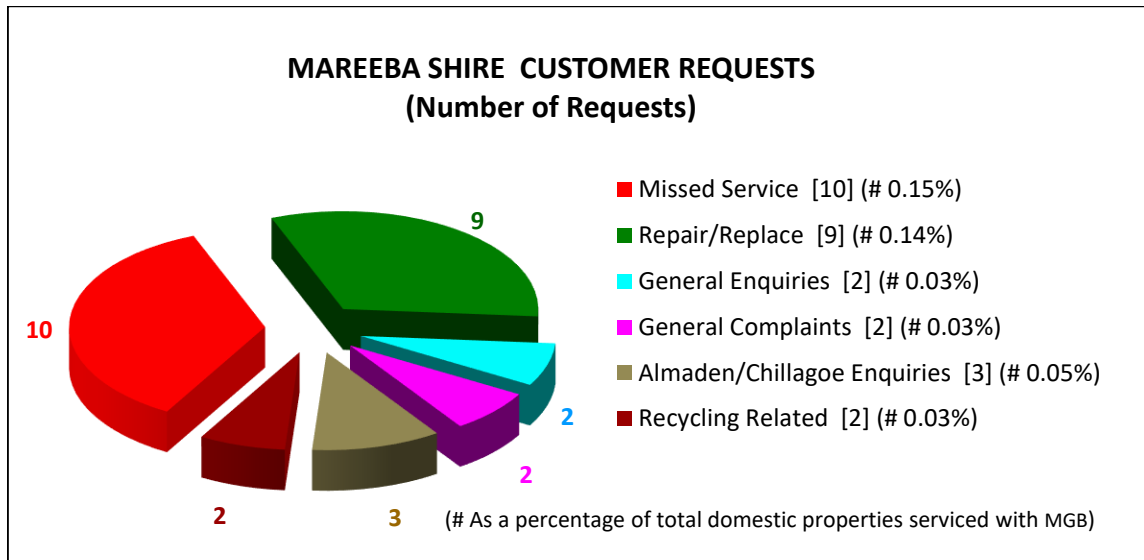
With the sprinkler system installed on 22 December construction has now been completed. The turf cover is establishing well.



Grass established following capping of Old Mareeba Landfill

3. Customer Service Waste Statistics

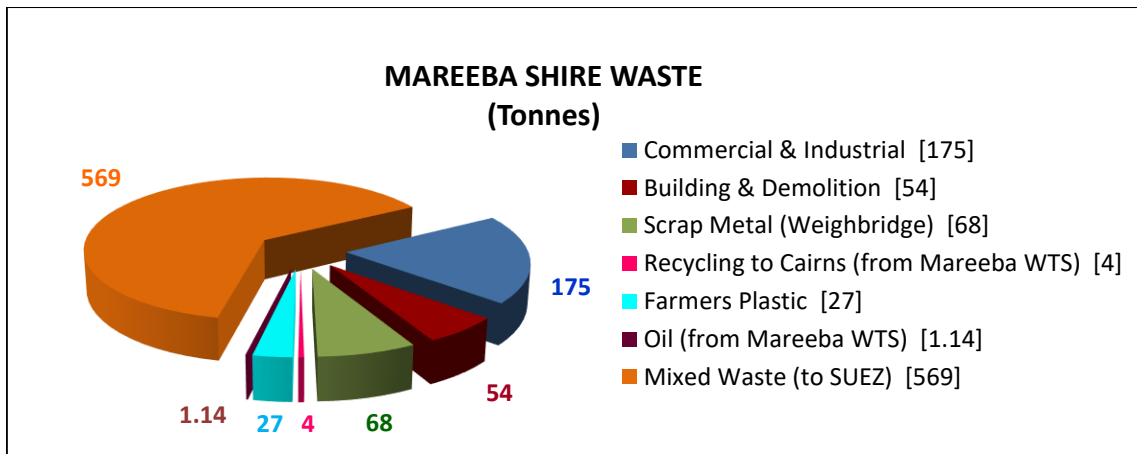
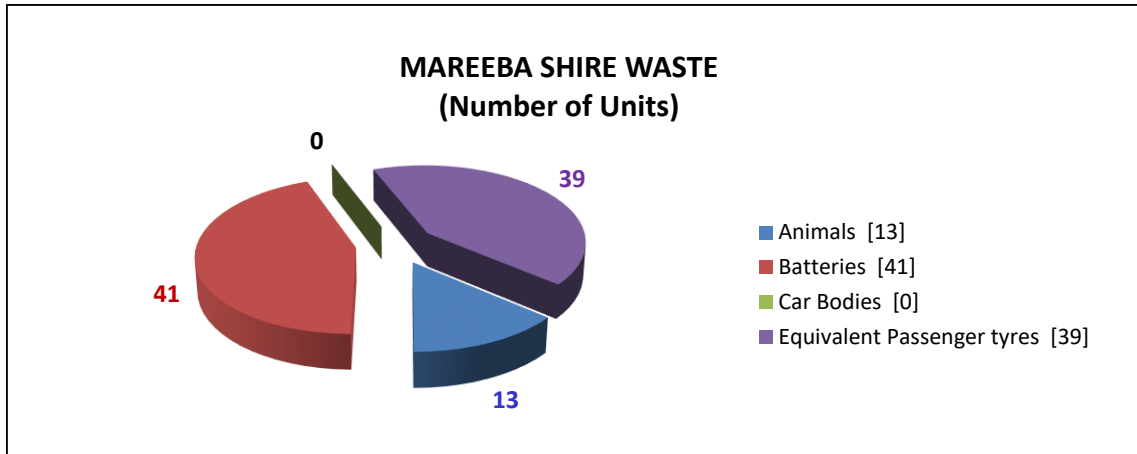
The following graph displays customer requests logged in the Customer Request Management (CRM) system during the month of December 2017.



4. Waste Collected at Each of the Transfer Stations

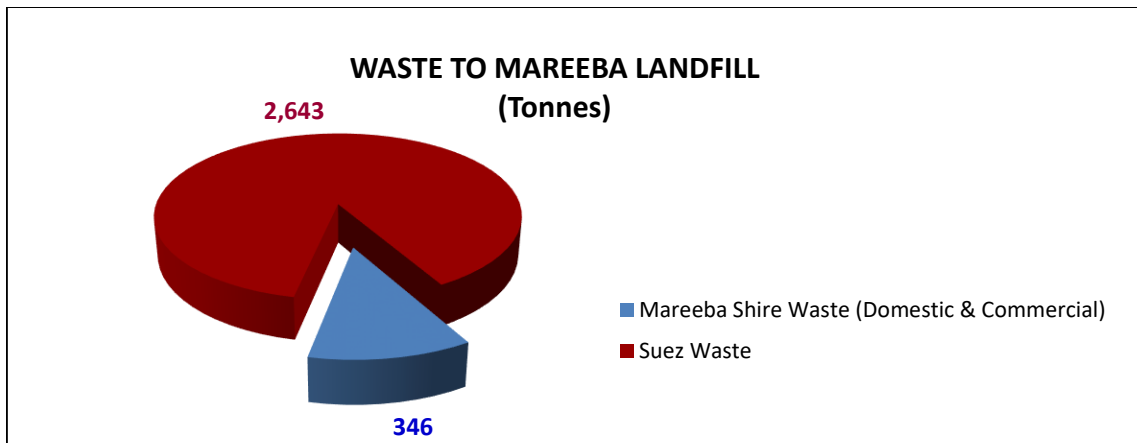
Waste material collected at each of the waste transfer stations is either deposited directly to the Mareeba landfill, recycled or transported to the Suez facility in Cairns for processing.

The following pie charts are separated into waste received as whole units and waste received as accrued tonnage.



5. Waste to Mareeba Landfill

The Mareeba Shire waste shown in the pie chart below is the waste collected at each of the waste transfer stations (Mareeba included), and deposited directly to the Mareeba landfill. The commercial waste shown below is derived from the Suez recycling plant in Cairns and deposited into the Mareeba landfill.



6. Revenue

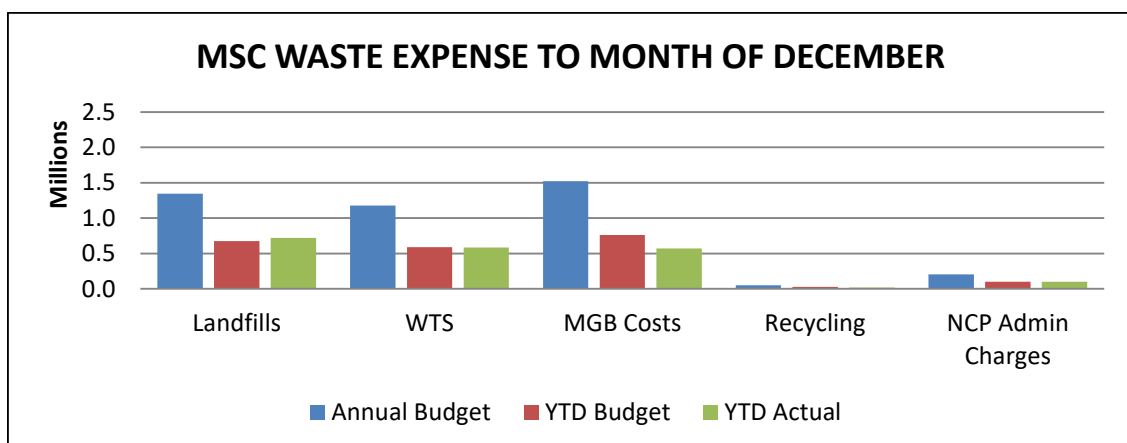
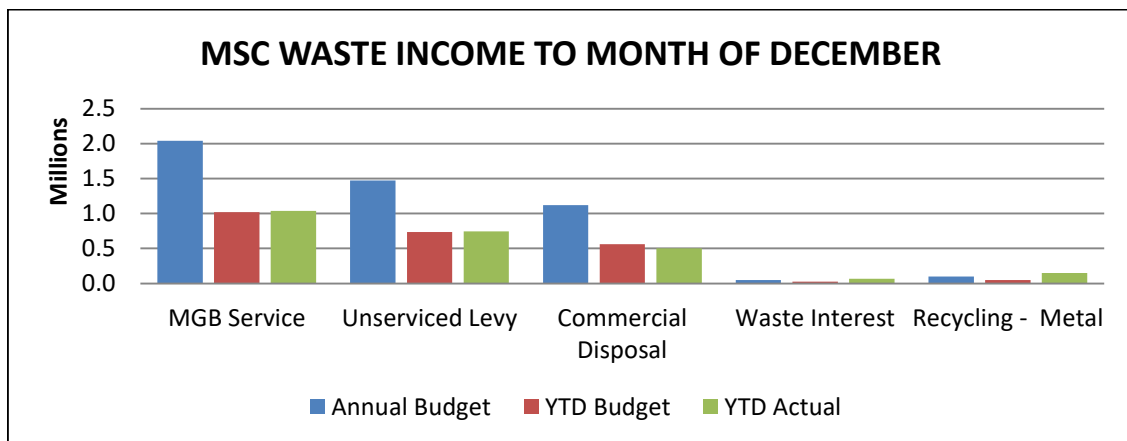
The income is derived from:

- Commercial disposal (predominantly Suez)
- Interest earned
- Interest on Constrained Works
- Recycling (steel, batteries)
- Rates

The expenditure is derived from:

- Waste administration
- Landfill management
- Transfer station management

7. Financial Operational Budget Information Per Budget Section Overall



LINK TO CORPORATE PLAN

ECON 3 Undertake the management of Council's assets in accordance with the long term asset management plans developed for all infrastructure asset classes to ensure the Shire's infrastructure networks are maintained and renewed to maximise their long term benefit to industry and the community.

GOV 3 Undertake a whole of council service level review to establish sustainable operational costs across core local government business and consult with communities.

CONSULTATION

Internal

Director Infrastructure Services
Waste Staff

External

Nil

LEGAL AND RISK IMPLICATIONS (STATUTORY BASIS, LEGAL AND RISKS)

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital

Nil

Operating

Nil

Is the expenditure noted above included in the 2017/2018 budget?

Yes

IMPLEMENTATION/COMMUNICATION

Nil

ATTACHMENTS

Nil

Date Prepared: 3 January 2018

**ITEM-27 INFRASTRUCTURE SERVICES - WATER AND
WASTEWATER GROUP MONTHLY OPERATIONS -
DECEMBER 2017**

MEETING: Ordinary

MEETING DATE: 24 January 2018

**REPORT OFFICER'S
TITLE:** Manager Water and Waste

DEPARTMENT: Infrastructure Services, Water and Waste Group

EXECUTIVE SUMMARY

The purpose of this report is to summarise Council's Water and Wastewater activities undertaken by the Infrastructure Services Department during the month of December 2017.

OFFICER'S RECOMMENDATION

"That Council receive and note the December 2017 Monthly Water and Wastewater Report."

LINK TO CORPORATE PLAN

GOV 3 Undertake a whole of Council service level review to establish sustainable operational costs across core local government business and consult with communities.

1. Capital and Maintenance Works Projects

- Old Mareeba Wastewater Plant demolition completed on 15 December.



Site reinstatement following demolition of old Mareeba Wastewater Treatment Plant

- Kuranda WWTP embankment slip – there was a slip in the embankment that supports the roadway and other critical infrastructure during December. A geotechnical specialist has carried out an assessment on the slip and has been asked to provide a rectification design, plan and costings for Council.



Kuranda WWTP embankment slip

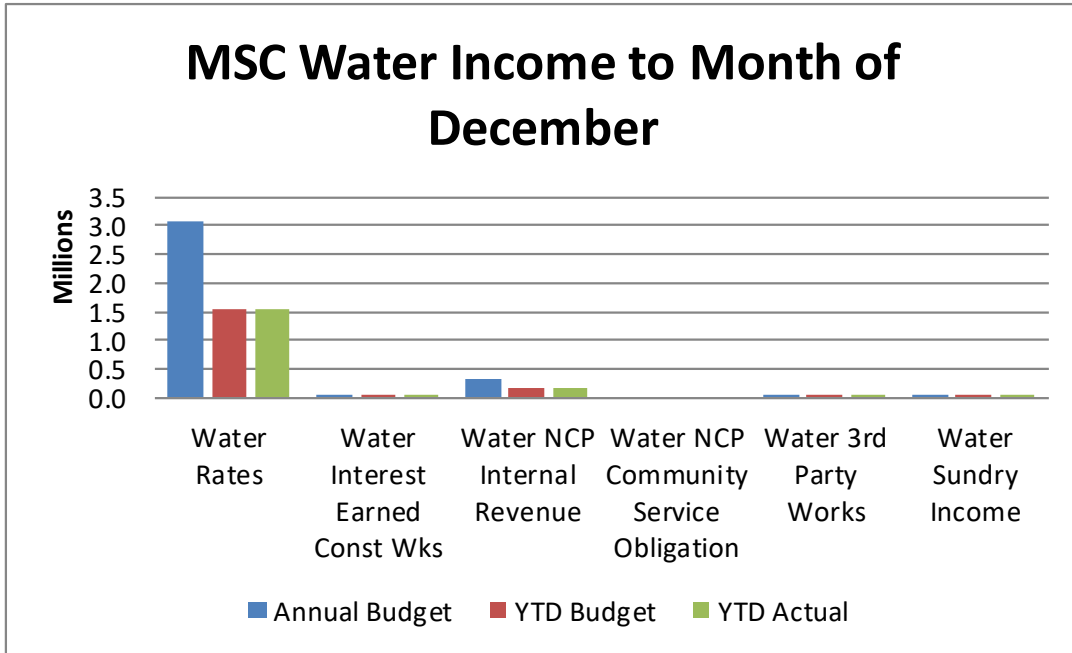
2. Environmental Monitoring - Treatment

- Mareeba WWTP - continues to perform well. Effluent water quality results are compliant with licence limits with one exception of pH (21/11/17). Mareeba WWTP is no longer under a TEP with DEHP. Two Mile Creek bimonthly monitoring continues.
- Kuranda WWTP - Remains compliant with licence conditions.

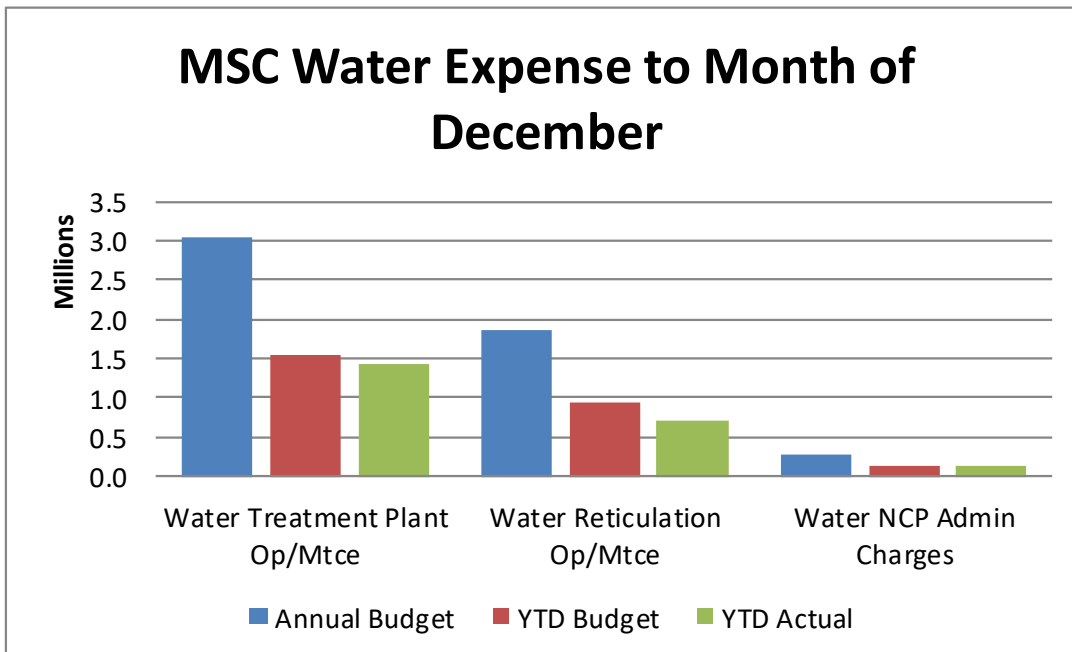
An environmental incident occurred at the Kuranda STP on Thursday 4 January 2018. The incident was the result of a power brown out which resulted in an overflow whereby treated Return Activated Sludge discharged to Jumrum Creek. Internal investigations have been completed and two new SCADA alarms need will be set up to mitigate the incident from occurring again. Department of Environment & Science (DES, formerly DEHP) were notified and attended the site. A report on the incident is being provided to DES.

3. Budget - Water

Graphical - Revenue

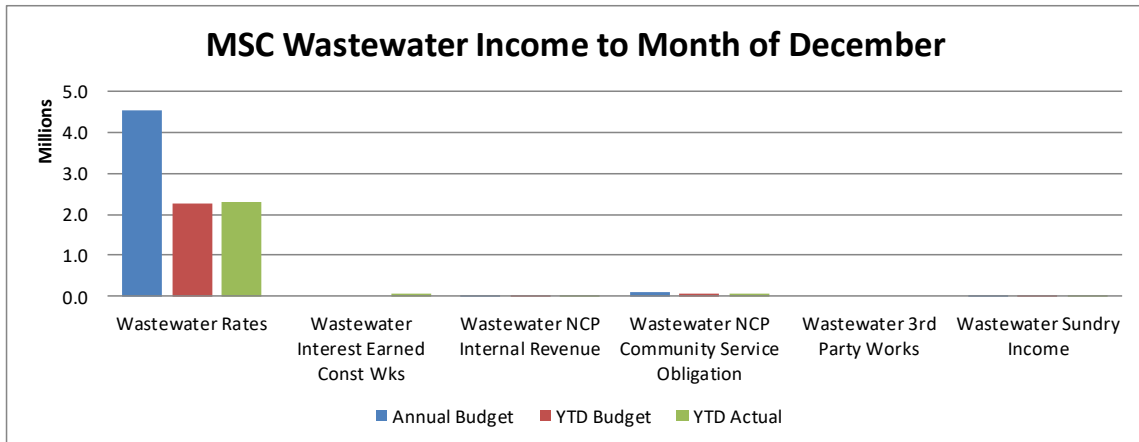


Graphical – Expense

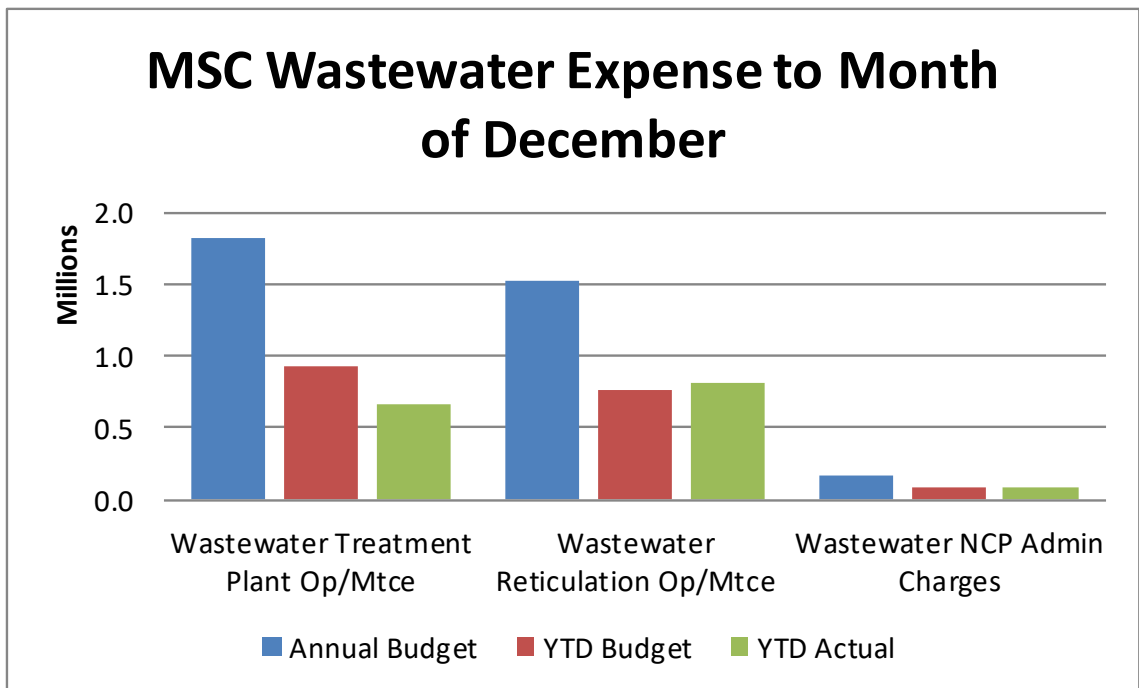


4. Budget - Wastewater

Graphical – Revenue

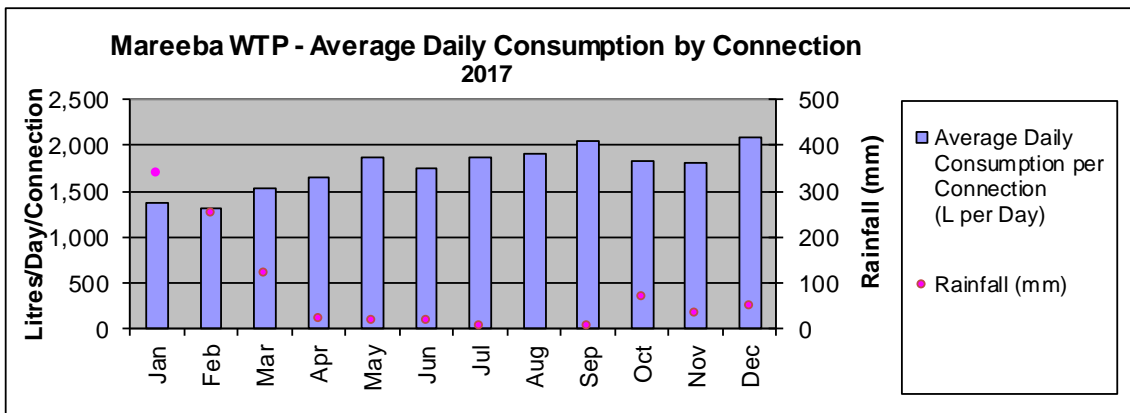
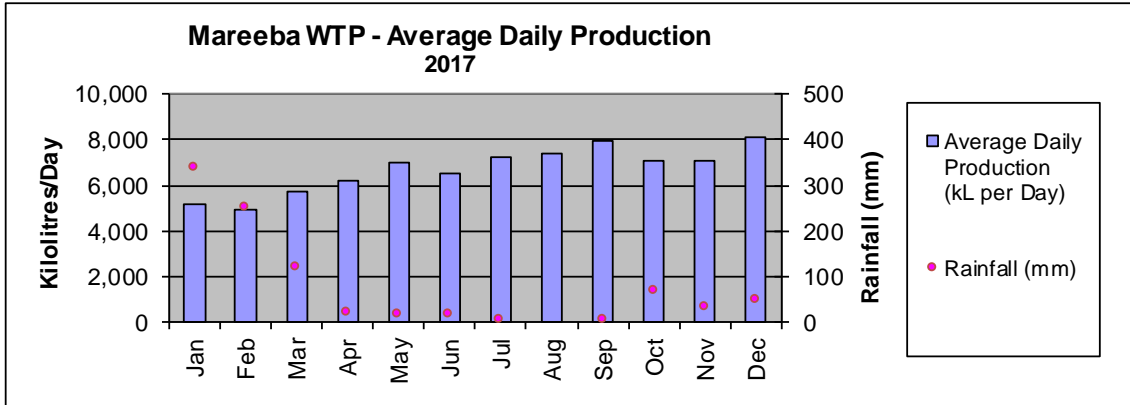
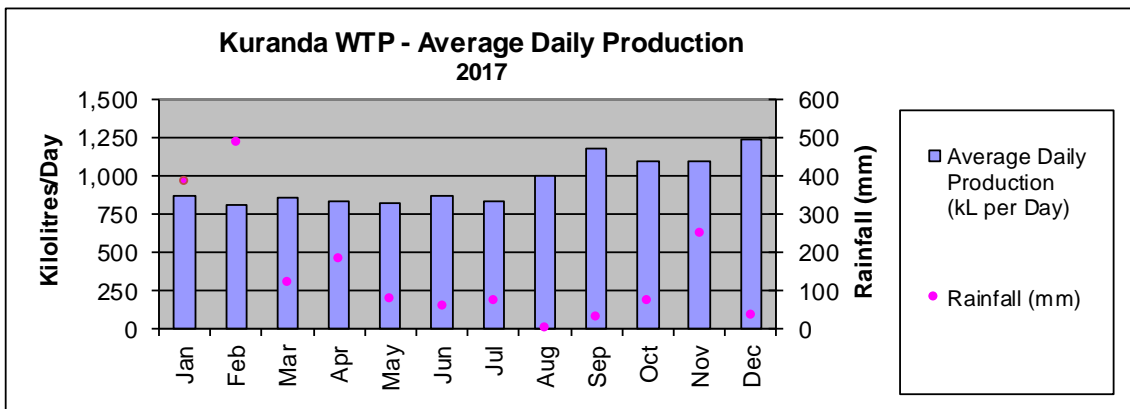


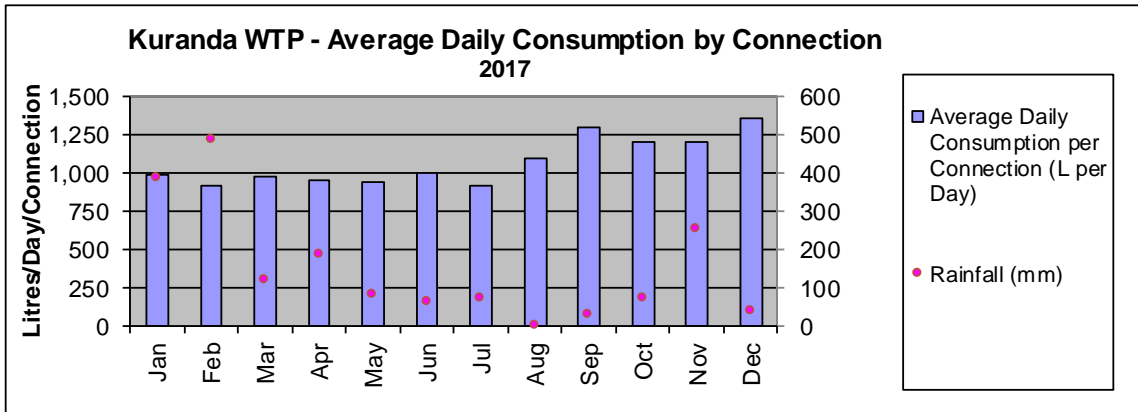
Graphical – Expense



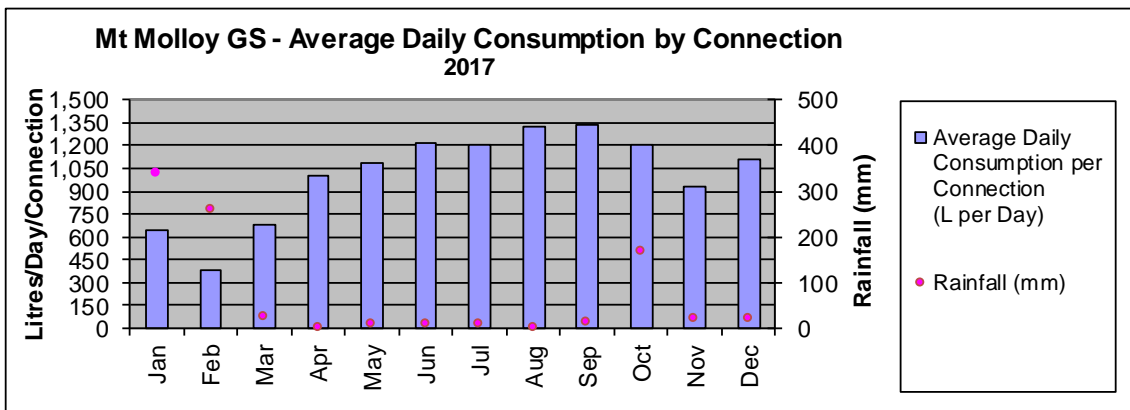
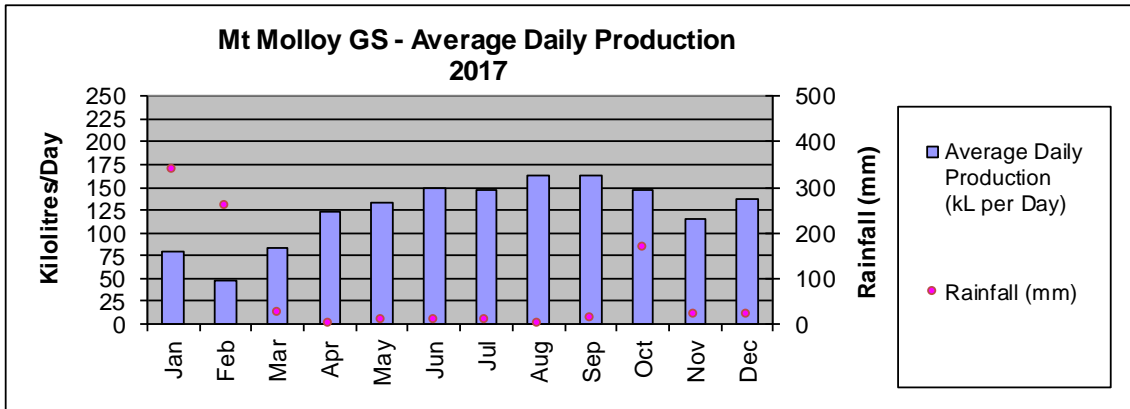
5. Chlorine Residual Readings

December 2017	Chlorine Residual Readings 2017												
	Australian Drinking Water Guidelines Maximum 5mg/L												
	Fri 1st	Mon 4th	Wed 6th	Fri 8th	Mon 11th	Wed 13th	Fri 15th	Mon 18th	Wed 20th	Fri 22nd	Mon 25th	Wed 27th	Fri 29th
Mary Andrews Park Mareeba	0.81	0.35	1.32	1.33	0.85	0.94	0.91	1.18	1.18	1.18	1.12	1.30	1.44
Wylandra Drive Mareeba	0.45	0.24	0.23	0.70	1.01	0.94	0.83	0.69	0.61	0.65	0.53	0.87	0.80
Gregory Terrace Kuranda	1.03	0.96	0.82	0.88	0.90	0.76	0.89	0.62	0.91	0.80	1.03	0.84	0.87
Mason Rd PS Kuranda	1.45	1.20	1.20	1.20	1.10	1.12	1.12	0.87	1.33	1.13	1.24	1.21	1.30
Chillagoe	1.24	1.23	1.27	1.23	1.27	1.06	1.32	1.22	1.26	1.29	1.29	1.20	1.13
Dimbulah	1.24	1.10	1.08	1.18	1.08	1.42	1.35	1.42	1.22	1.19	1.19	1.06	1.20

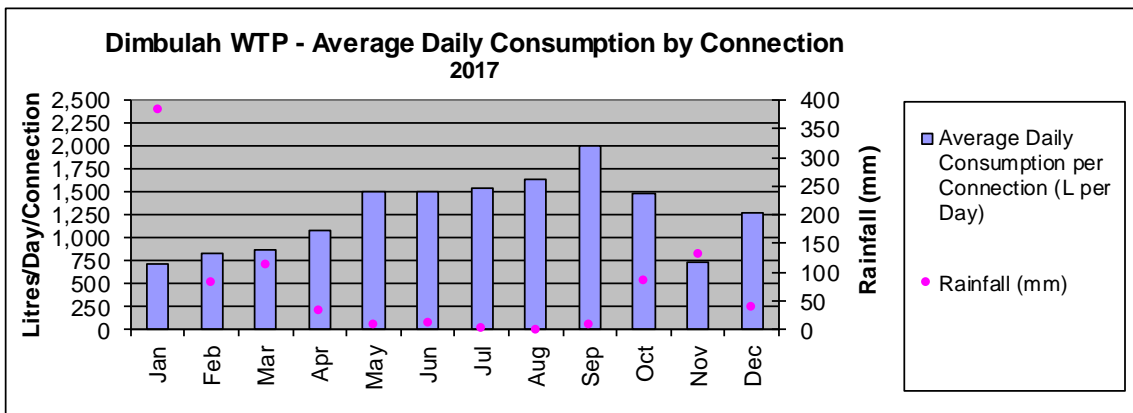
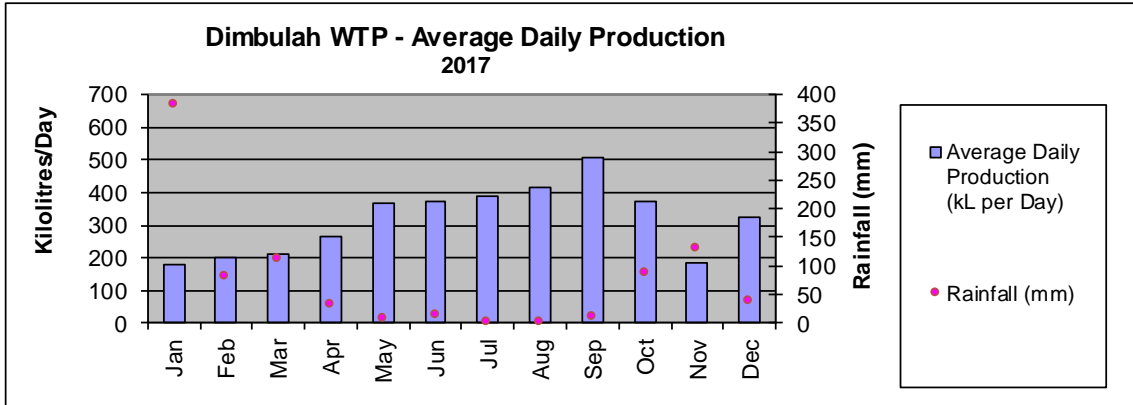
6. Mareeba Water Supply Scheme – Operations Data

7. Kuranda Water Supply Scheme - Operations Data




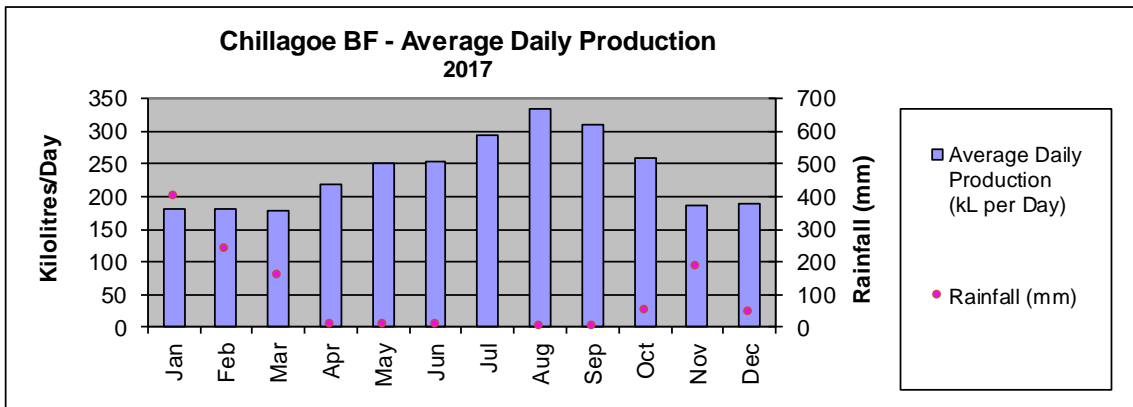
8. Mount Molloy Water Supply Scheme - Operations Data

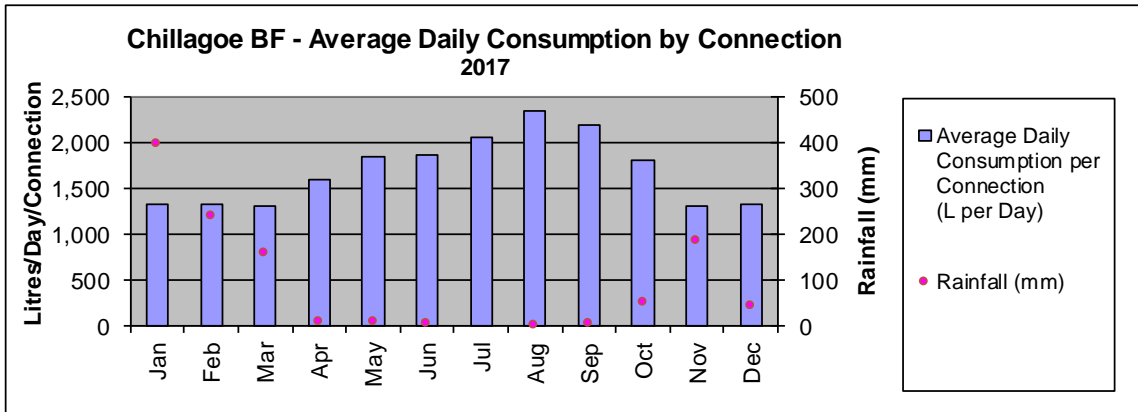


9. Dimbulah Water Supply Scheme - Operations Data

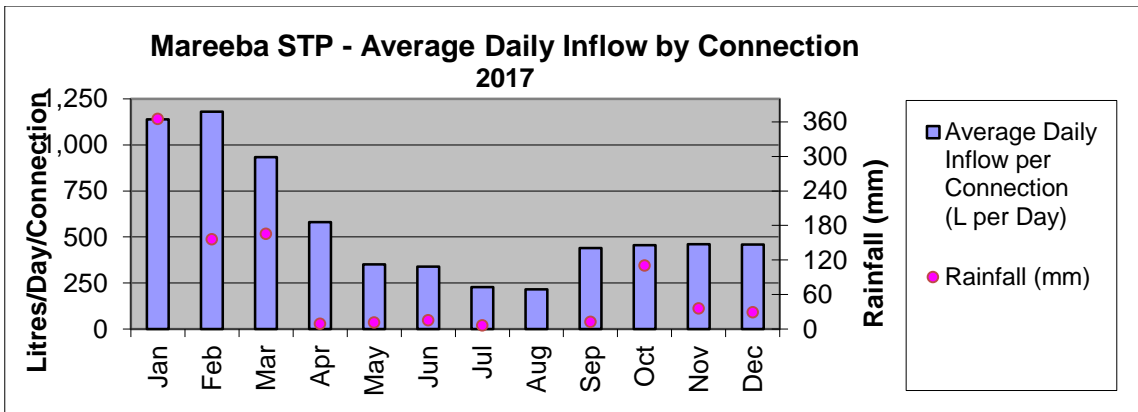
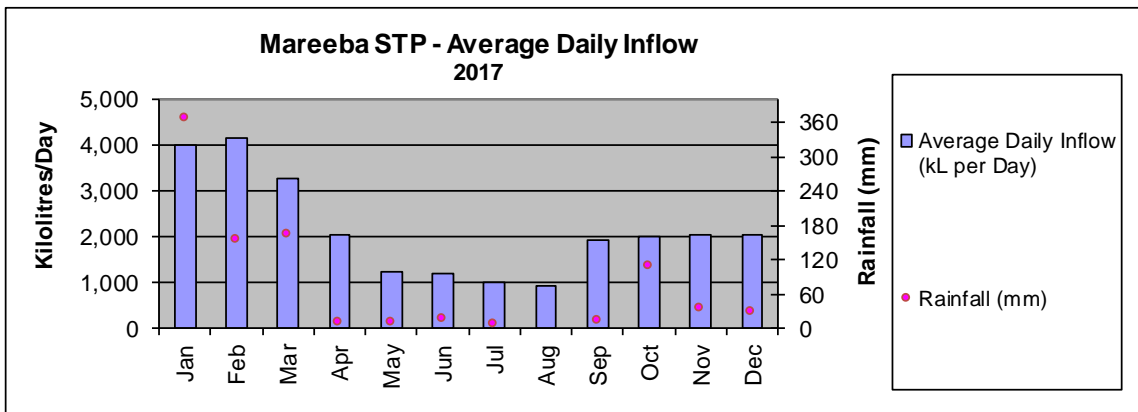


10. Chillagoe Water Supply Scheme - Operations Data

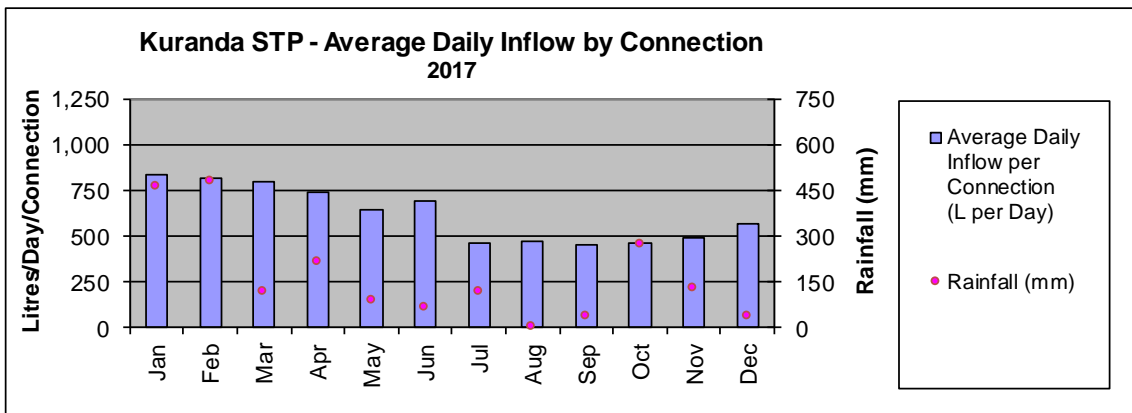
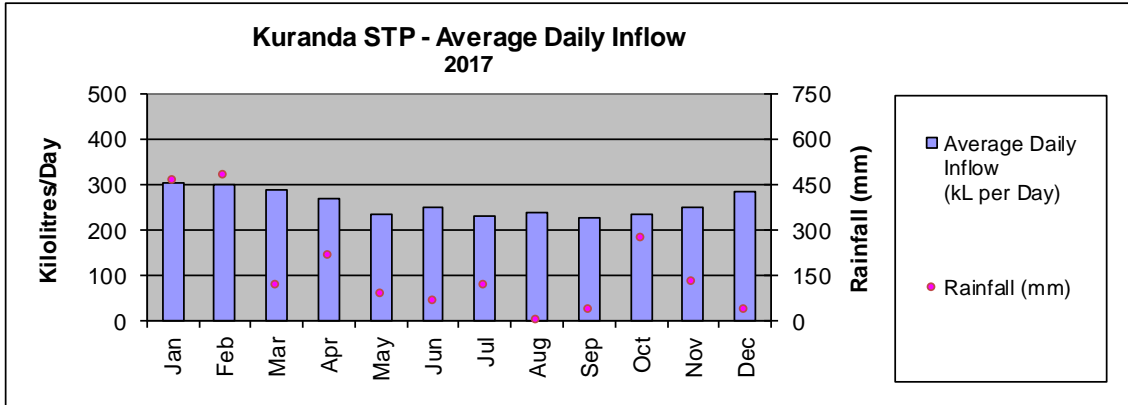




11. Mareeba Wastewater Treatment Plant - Operations Data



12. Kuranda Wastewater Treatment Plant - Operations Data



Date Prepared: 9 January 2018

CHIEF EXECUTIVE OFFICER

PETITION

ITEM-28 **REPORT REGARDING PETITION REQUESTING THE WITHDRAWAL OF DELEGATED AUTHORITY FROM THE CEO**

MEETING: Ordinary

MEETING DATE: 24 January 2018

REPORT OFFICER'S TITLE: Chief Executive Officer

DEPARTMENT: Office of the CEO

EXECUTIVE SUMMARY

At the 20 December 2017 meeting, Council received a Petition “requesting the withdrawal of delegated authority from the CEO” and requested that a report be presented to the January 2018 meeting. A copy of the report and Petition are attached for Councils reference.

The petition calls for the revocation of all planning delegations made on 21 June 2017. The withdrawal of these delegations will have considerable impact on Council operations. These impacts include, service delivery times, the frequency of Council meetings, the quantum of reports and agendas that would have to be prepared. Further a number of these delegations pertain to simple administrative functions which Council itself could not actually perform. These impacts will be further detailed in the body of the report.

OFFICER'S RECOMMENDATION

"That Council maintains the Planning Delegations of 20 June 2017 and requests that any further Planning application with regard to the property in Kuranda known as the old “Barnwell” property, currently owned by Reeve and Ocean, be presented to Council for decision."

BACKGROUND

At the 20 December 2017 meeting, Council received a Petition “requesting the withdrawal of delegated authority from the CEO” and requested that a report be presented to the January 2018 meeting. The petition calls for the revocation of all planning delegations made on 21 June 2017.

A copy of the report and Petition are attached for Councils reference.

[Legislative basis for the delegated authority](#)

The Local Government Act provides for two forms of delegations. Firstly, delegations that Council gives to the CEO and then a second set of delegations which the CEO makes to further delegate the Council delegations to officers as clearly the CEO, like Council, simply could not make all the required decisions that a Local Government is expected to make on a daily basis.

Limitations for use of delegated authority

Councils delegations have an overriding caveat that where a matter would be of concern or particular interest to the Community that this should be referred to Council for decision. Since this Council was reformed in 2014 this provision has existed and this is the only instance where there has been a concern raised by decisions being made under delegated authority. It should be noted that the delegations made in June 2017 were as a result of the new Planning Act but in reality these delegations have been in place for many years.

It has been identified that due to the nature of the proposed development it is appropriate to refer all future applications regarding the property in question to Council.

Application processing lodgement

With regards to Planning matters it should be noted that anyone can lodge multiple applications over a specific parcel of land at any one time. Each application has to be assessed on its own merits and any other applications or past record of the applicant cannot be taken into account when an application is assessed.

The staff who received and assessed the application in question viewed the application as a straight forward Code Assessable one. The application was for a very limited time period (until June 2018) with limited numbers of day visitors and requiring minimal permanent infrastructure to be constructed, and as such did not require referral to Council.

When the assessed application was brought to the attention of senior staff the view was taken that while the assessing staff were technically correct and that while this was a minor application, there were members of the community who would have concerns regarding any application made by this developer and therefore believed the matter should be referred to Council.

However, it was then established that there was insufficient decision making time left for it to be tabled at the next Council as, as a Code Assessable application there is a specific legislative time limit in which a decision has to be made. Failure to issue a decision notice would result in a Deemed Approval under current legislation and Council would have difficulty imposing conditions. The imposition of conditions would have to be done through a Court process and the Court would view Council in a particularly bad light as the delays caused by having Court imposed conditions applied would severely impact what was a short term project and could potentially result in a successful damages claim.

It should also be noted that in terms of legislation Council is obliged to approve, with conditions if necessary any Code assessable application if it meets the Codes as set out in the Planning Scheme. As a result, it was decided that the best approach would be for a copy of the proposed decision notice to be sent to the Councillors for their perusal and comment before a decision notice was issued.

Operational impacts of removing the delegated authority

The withdrawal of these delegations will have considerable impact on Council operations, in some cases would make it impossible for Council itself to actual perform its required functions. The following points highlight operational concerns should the delegated authority be removed:

- A number of these delegations pertain to simple administrative functions which the Council as a statutory body itself could not perform as they have to be performed by individuals. For example, accepting development applications, issuing decision notices and show cause notices, implementing Ministerial directions, keeping documents and registers as required by legislation and providing public access to these etc.
- Should the decision then be only to revoke the non-administrative delegations and require that all development applications are put before Council there would still be considerable impact including, service delivery times, the frequency of Council meetings, the quantum of reports and agendas that would have to be prepared. Given the fact that every planning application, irrespective of its type or level of complexity would have to be served before Council, there would be a requirement for Council to meet at least fortnightly, if not weekly.
- This Council has a reputation as one that works proactively with developers and investors to promote economic growth and development. One of the cornerstones of this is the very prompt turnaround times our Planning staff deliver when applications are made. If Council is going to be the decision maker, there will be a requirement to meet very frequently so as to maintain this reputation and to continue to promote and support the growth and development the Shire is enjoying.
- Allied to this would be the requirement for additional staff.
- Firstly, in the planning area the planners would be required to prepare full Council reports for each and every application, rather than the summary and decision notices they currently do. To do this would require an additional full time administrative assistant and may necessitate the engagement of an additional planner.
- Secondly the Council agendas and minutes are built, distributed and recorded primarily by the Senior Executive Support Officer in the CEO's office. Each meeting takes her approximately three days of work spread over more than a week. Since the cancelation of second meeting per month she has taken on the role of the administrator of Councils Disaster Management function following the reallocation of other duties by a retiring staff member. Should we decide that Council meetings are to be held more frequently additional staff will be required at the rate of at least 0.2 FTE per meeting.

Outcome

Staff are now aware that any planning application regarding the old "Barnwell" property is to be brought before Council. It should be noted that other applications, such as building applications, will be assessed and processed by the Building Certifier as legally no one else in Council is qualified to undertake this work and in fact could be undertaken by Private Certifiers.

LINK TO CORPORATE PLAN

Governance Goal: Sound decision-making based on the understanding and confidence of the community, reflected in responsible long-term financial sustainability and clear strategic direction built around core local government business and affordable levels of service.

CONSULTATION

Internal
Nil

External
Nil

LEGAL AND RISK IMPLICATIONS (STATUTORY BASIS, LEGAL AND RISKS)

There are no significant risks to Council if the current delegations are maintained.

POLICY IMPLICATIONS

There are no policy implications if the current delegations are maintained.

FINANCIAL & RESOURCE IMPLICATIONS

Capital
Nil

Operating
Nil if the current delegations are maintained. Should the non-administrative delegations be withdrawn the minimum additional staff costs would be in the order of \$80,000 pa.

IMPLEMENTATION/COMMUNICATION

The chief petitioner and the first signatory of the letter be written to and a copy of the report be attached for their information.

ATTACHMENTS

1. Copy of 20 December 2017 report and attachments

Date Prepared: 8 January 2018

Mareeba Shire Council

OFFICER'S REPORT

SUBJECT: PETITION FOR REQUESTING THE WITHDRAWAL OF DELEGATED AUTHORITY FROM THE CEO

MEETING: Ordinary

MEETING DATE: 20 December 2017

REPORT OFFICER'S TITLE: CEO

DEPARTMENT: CEO

EXECUTIVE SUMMARY

This report introduces a petition which was received by Council on 6 December 2017, from representatives of the Kuranda Region Planning Group. The petition reads "We the undersigned petition councillors, as our elected representatives, to take back management oversight of the development application assessment and approval process by withdrawing the delegation to the CEO which was enacted on 21 June 2017". A copy of the petition is attached along with a follow up email of comments.

In addition to this petition a letter was received by Council, via Cr Wyatt, which essentially raises the same issue with Council and while it is titled a letter it takes the form of a Petition. A copy is attached.

Given the similarity the two documents are being presented together.

OFFICER'S RECOMMENDATION

"That Council receive the petition and consideration stand as an order of the day for the meeting or for a future meeting"

BACKGROUND

In terms of Council's Standing Orders, Council has three (3) options with regard to petitions that are tabled and these are:

1. The petition be received and consideration stand as an order of the day for the meeting; or for a future meeting; or
2. Petition be received and referred to a committee or officer for consideration and a report to the local government; or
3. The petition not be received.

The petition meets the requirements as per the Standing orders, in that it is legible and has more than 10 signatures. The Petition has 189 signatures and a list of an additional 109 names, addresses and email addresses who purportedly support the petition.

The petition reads as follows:

"We the undersigned petition councillors, as our elected representatives, to take back management oversight of the development application assessment and approval process by withdrawing the delegation to the CEO which was enacted on 21 June 2017".

The Petition is attached as part of this report.

Given that the petition relates directly to a Council decision that affects the authority of the CEO it would not be appropriate to have an officer report prepared making recommendations other than to say the withdrawal of these delegations will have considerable impact on Council operations. These impacts include, service delivery times, the frequency of Council meetings, the quantum of reports and agendas that would have to be prepared.

For Councillors information attached is a copy of the Council Report tabled on 21 June 2017 in regard to the Planning delegations which list the 13 pages of delegations.

As stated in the Executive Summary a letter from "MSC Ratepayers and Neighbouring residents of 112 Barnwell Road" was received by Council, via Cr Wyatt. This letter essentially raises the same issue as the Petition above and while it is titled a "Letter" it takes the form of a Petition and is signed b21 individuals. A copy is attached.

It is proposed that Council deal with this matter at the same time as the Petition.

LINK TO CORPORATE PLAN

GOV Sound decision-making based on the understanding and confidence of the community, reflected in responsible long-term financial sustainability and clear strategic direction built around core local government business and affordable levels of service.

CONSULTATION

Internal
Nil

External
Nil

LEGAL AND RISK IMPLICATIONS (STATUTORY BASIS, LEGAL AND RISKS)

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital
Nil

3

Operating

While it is difficult to quantify there will be additional operational costs should these delegations be withdrawn.

Is the expenditure noted above included in the 2017/2018 budget?

No

If not you must recommend how the budget can be amended to accommodate the expenditure

There are no additional funds available so budget overruns would be required.

IMPLEMENTATION/COMMUNICATION

The Head Petitioner will be notified of Council's decision.

ATTACHMENTS

1. Copy of petition;
2. Copy of "letter";
3. Copy of delegations report from 21 June 2017.

Date Prepared: 8 December 2017

KRPG - Participatory Contingent

Topic: Community Petition- withdrawing the delegation

Code: BARN321848

Web version: www.kurandaregion.org

Contact: info@kurandaregion.org



MCU/17/0012 NR
URP-GEN-ENG
Mayor
SP-CEO
:-URP

OVERVIEW

The recent approval of the Development Application, on the property where the proposed Kur World development may be built, highlights an issue which may be happening across the State.

The MSC unelected CEO Peter Franks was given authority to review and approve code assessable DA's under a delegated authority. That included MCU /17/0012 on the old Barnwell block, for a Nature based tourism business.

Councillors expected to be a part of the decision process and request conditions. They were upset to find that they had no rights because they had delegated them away to the unelected CEO in June this year. Councillors would have been able to include conditions on advice from the community had they not delegated it away. Please sign our petition to support them in their attempt to regain this decision making from the unelected CEO.

DA's and the Planning scheme form the structure of our community lifestyle, outlining what can be done where and for what purpose. This supports us with the community lifestyle we have chosen to be a part of. Please sign to give Councillors the ability to influence these decisions based on their knowledge and our community input. As we have just seen on the old Barnwell block, without Councillors taking this delegation back, we get approvals without community input about conditions.

PETITION TO MAREEBA SHIRE COUNCILLORS

We, the undersigned, petition Councillors, as our elected representatives, to take back management oversight of the development application assessment and approval process by withdrawing the delegation to the CEO which was enacted on 21 June 2017.

RESULTS

Paper version: 190

Digital version: 104 (data extract sent to info@msc.gov.au)

Total (5 Dec 17): 294

REFERENCES

- https://msc.qld.gov.au/download/council_meetings_2017/Council-meeting-Minutes-21-June-2017.pdf
- <http://kurandaregion.org/media-release-kur-world-developer-mcu-approved-by-mareeba-shire-council-delegated-authority/>
- <http://kurandaregion.org/petition-gain-back-the-right-for-our-elected-councillors-to-represent-us/>
- <http://kurandaregion.org/21-june-2017-the-day-democracy-died-in-mareeba-shire/>

DE-IDENTIFIED COMMUNITY COMMENTS PROVIDED ON PETITION (48)

Kuranda "Decisions concerning Development Application Assessments should be seen to follow correct procedure and be made by those who were elected and are accountable to the people living in the area. Delegating this decision making is avoiding responsibility of the role of Councillor."

Koah "Withdrawal of the delegation of authority to the CEO is essential, one person cannot have full authority to make these decisions without community consultation, basically it is corruption."

Barron Falls "This is a significant issue which relates directly to, and would seem to undermine, our democratic rights."

Kuranda "Revoke the delegation. Put this back in the hands of councillors answerable to the electorate."

Speewah "As members of our community, we should have the right to elected representatives who act on our behalf. Isn't this called democracy?"

Barron Falls "I wasn't even aware this happened, and I am shocked. What are our elected council representatives for?"

Barron Falls "To our council it is important to honour and respect each others community's. This is something, I think the mayor Tom Gilmore has lost sight of and the CEO really should keep his unelected beak out of. Us the community and our present councillors have a great responsibility to protect and build on the work of 100s of volunteers from around the world who have worked tirelessly to reforest our beautiful river line and properties to make Kuranda ecologically more sound and to protect our waterways and wild life .10's of thousands come to visit each year. Yes tourism fills the coffer's. This re vegetation work is being done after our pioneers ripped the guts out of precious rainforest thoughtlessly, like Ken Lee for bloody cattle and profiteering. It is yours and my job to protect and regrow our special forests .we need to protect species like the frogs , the amazing cassowaries ,tree kangaroos, muskyrat kangaroos and many other rare and even undiscovered species for our future generations for 1000's of years into the future Remembering we are all here for only a short time .one mans ambitions Ken Lee should not over take what really matters. A man of the mayors maturity should certainly be able to recognise the importance and the significance of the damage he is helping create in a small rainforest village community, and I would hope the lovely people of Mareeba and surrounds, and in fact people of the world will support the fight against any such development that threatens to urbanize our efforts to protect and if u google earth it you will see this very unique and tiny part of Australia. Let's be leaders not followers. Finally councillors will your grand children come to Kuranda in the future to be astounded and amazed by our housing projects and resorts wow or one of the most unique natural areas on the planet its your call stand up and fight like a tiger."

Myola "Just so wrong and corrupt.. Cant believe that your behaviour can possibly be considered legal.. Disgusting behaviour from elected officials"

Mit Haren / Warril Dye "Without representative input that are elected to represent the people, how can any decision be made that is free from bias and personal beliefs, and and/or will lead to a breach and conflict of interests."

Barron Falls "We elect Councillors for a reason. Given the CEO attempted to block our community members recently from meeting with Councillors on a local issue [but later backtracked!] , it concerns me the 'delegated authority' leaves such decision making processes open to bias and corruption, thus also leaving the Council open to legal implications and actions both by DA applicants and by residents who object to the decision. This is a strange and dangerous use of authority and stymies the democratic process and ability for Resident representation. How did such an erosion of democracy occur!"

Kuranda "Is this legal to give away authority to an unelected person? Give the Councillors back there rights, what is the MSC trying to cover up, are they on the take, what have they promised to the developers, what's in it for them??"

Kuranda "There has and continues to be a complete lack of respect by this Council towards the local Kuranda community - who will be directly impacted by any Barnwell Road/ Kur-World/ Kur-Cow development.

The lack of communication and transparency, with the associated delegation of authority appears to be a deliberate means of avoiding any accountability. Please recognise that the community as a whole needs to be

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informed - it's not ok to suggest that Councillors are engaging with the community when they sit on various Kuranda committees."

Koah "Kuranda is a diverse community with special needs both environmentally and community...we need a voice within the shire..."

Koah "Please sort out this muddle!"

Speewah "Represent the community as you were elected to do, not represent whoever presents the biggest \$\$ for council coffers."

Kuranda "Yes we must do this! I fully agree! And I do not want Kur World to go ahead, sick to death of these wealthy privileged developers especially from overseas taking our rights and just riding rough shod all over us!!!! Very Angry!!!!"

Kuranda "There are a lot of things wrong with this proposed "development"."

Oak Forest "How can this be approved without a completed EIS.7 or did local govt hold hands under the table with state govt without any consultation with its constituents after labour got in again. I wonder how our endangered species are going to celebrate this festive season? This is despicable and unwarranted let alone again retrospective. We do as we like here, not what our elective public ask of us. Its been this way forever. Nothing Changes in a hurry! The delegated authority needs to be de elected by his own councillors who he has kept in the dark. You will be accountable for your actions, as they are yours. Own it."

Barron Falls "I would vote for investigating any involvements between the councillors and Ken Lee including donations and/or other benefits of all types."

Kuranda "Kuranda people who are most affected by changes to the community seem to have no say in these changes."

Barron Falls "Ridiculous that as residents of Kuranda we are not able, through our elected councillors, to have a voice in these decisions that drastically affect our community."

Barron Falls "I petition Councillors, as our elected representatives, to take back management oversight of the development application assessment and approval process by withdrawing the delegation to the CEO which was enacted on 21 June 2017."

Rest of World "Development must always use best practices for the outcome. Considering the environment & community values for long term health."

Speewah "It's called Democracy. We have elected representatives and we expect them to be part of the process."

"I find it very concerning that the people who will be hardest hit and most effected with the proposed Kur development have been muted by a neutered council. What do I pay taxes for? I, and every person in the shire deserve fair and adequate representation. This unelected delegate is not representing our community interests and is skating a line of legality in doing so. If you want development then work with the residents. Using unelected delegates to assess a development who do not consult with the community circumvents democracy and the entire reason we have elevated officials and can be contested slowing the development entirely which is also not good for the region. Please restore our elected officials and our voice."

Speewah "THANK CHRIST THIS BLOODY LOT OF COUNCIL DWELERS WILL BE GOTTEN RID OF NEXT ELECTION AND REPLACED BY ONES THAT WILL DO THINGS FOR ALL WE THE PEOPLE ARE NOT PUTTING UP NO MORE WITH --yes we will look at it OR lets see what happens later on NO WE WANT A BRAND NEW LOT OF COUNCLERS FROM A MAYOR DOWN THAT WILL STOP THINGS LIKE KUR-WORLD & AEROPLAINES TAKING OF

FROM KOAH RUINING THE LIVES OF THE PEOPLE WHO MOVED HERE IN THE FIRST PLACE. so remember people if they LET THIS HAPPEN –THE MAREEBA COUNCIL--ITS GOING TO BE ON THERE HEADS .”

Myola “please respect the views of the residents directly effected by development decisions, with which they disagree, councillors must do the job they were elected to do -represent the community”

Speewah “Mareeba Shire Council don't really care what the people of Kuranda what, all they can see are the dollar signs. The money that KUR-WORLD would bring to the area means more money for Mareeba. As usual MSC uses Kuranda as a wallet full of money and they aren't backward in exploiting our natural beauty. I thought Lenore Wyatt would be good for Kuranda but like all the other politicians she seems to do exactly what the Mayor wants. Our voices don't count. If this was happening in Mareeba all hell would break loose. But as it is Kuranda we are just thought of as those hippies in the rainforest. Most of us that live here have a higher intelligence level than some other people. We just choose to live like we do. I am not saying that I have a higher intelligence level than other people but I also don't go round treating those we think of as tree huggers as idiots.”

Kuranda “We moved to Kuranda three years ago when my husband got a job in Cairns. We selected Kuranda because of its unique natural heritage, biodiversity values, wildlife and community feel. The Kuranda community- all communities, should have a right to determine the types of development that will impact on them. The way to do that is through our democratically elected local councillors who should be listening to and working for the community, not unelected council staff.”

Barron Falls “I encourage all to sign this important petition and give back the councillors that we elected their voice”

Barron Falls “Please can our representatives really consider the damage to our fragile environment when outsiders are solely bent on raping the land without any consideration for the community being disrupted all for the sake of extracting as much wealth as possible without putting anything back into the economy. Construction jobs are short lived but the effects of the destruction will linger far into the future.”

Kuranda “This is so wrong. Local government the last bastion of real community connection and input into planning decisions. Why is an UNELECTED bureaucrat getting the power we have entrusted to our ELECTED representatives ?

I think our councillors need some help here. It's a huge learning curve and it appears only the people who gain from this decision give advice to our councillors. Is there a union which covers councillors ? I think they need some advice which considers them , the job they have been entrusted to do and the will of the people who voted for them rather than some attempt to streamline development applications which rely on local knowledge and public comment in order to not disadvantage or impose unacceptable pressures on local residents and communities.

In a situation where all involved in creating the application, providing supporting information and assessing are all INVESTED in some way in seeing the application be approved, there needs to be a fact check balance using local knowledge and an examination of the full range of impacts which may flow - not just those that might be put by the applicant nor those which might occur to the assessor. Public notice, public comment and engagement of councillors in the process is critical if no wrong, unintended or otherwise, is to arise out of a development being approved.

Please councillors your job is too important to our sense of trust in local government to be handed to someone unelected.”

Kuranda “At best, Kuranda has no council representative. But worse still, an unelected employee of the Council speaks on our behalf. This is unsatisfactory and probably illegal.”

Kuranda “Please stop this development we can't take anymore traffic on the Kuranda Range. Everyday it is a nightmare then when the range is closed we can't get to work or get home from work. We have been caught a

few times and arriving home at midnight or 2am. Please we don't need this crazy development unless we get a total upgrade of minimum of a 4 lane road up from Smithfield. I guess all of you people making this decision only think of dollar signs and don't have to battle the range on a daily basis."

Barron Falls "Asserting our right to contribute to decisions that affect us in this community, via the representative that we have elected."

Barron Falls "We need people in council to represent the community of Kuranda, Speewah & Koah. Listen to the local residents, we live here, we are not just visitors and we want what is best for our community. Our elected councillors will hear our views and represent locals. We don't want non elected people making decisions on what happens in our region, they don't live where the proposed development is or be affected by it."

Barron Falls "If we wish to remain a democracy, then we cannot allow corporate hegemony"

Barron Falls "One man should never have that authority, especially someone not trained specifically in this area."

Barron Falls "I think the rate payers should have the final say with anything to do with Kuranda."

Kuranda "Why have councillors if they don't get to vote on proposals like quad bikes in a protected rainforest"

Rest of World "My wife and I have visited Kuranda regularly during the winter months for our holidays. I am deeply disturbed to read that the unelected CEO of Mareeba Shire can exercise decisions re planning permits and development applications that are denied to the elected MSC councillors themselves! Such a situation is very unsatisfactory and in my view it represents a travesty of democracy, the principle upon which local council government is supposed to be based and by which it should function.."

Barron Falls "Peter Franks is not an elected member, and Kuranda is not getting fair representation."

Koah "As a resident of the wider Kuranda community, I am not at all happy that our elected councillors have no say in rural planning, having inadvertently given them away to a CEO. It is of utmost importance to us as the ratepayers that we are able to inform our councillors of our wishes and in turn have them implemented. I back the Mareeba councillors and demand they be given back the right to speak and act on behalf of the residents who voted them in for that purpose. To leave such important and controversial decisions such as KURWORLD in the hands of one unelected CEO is anathema to democracy."

Barron Falls "This is a basic test of democracy, and it is difficult to see how this type of oversight might occur, I definitely see the need for a separation of interests here, as the opinion of the CEO in this and similar matters, should represent the people in the community through their representatives, and not be a judgement at this level, which obviously could have issues of conflict of interest involved in the regulation aspects that a delegated authority opens the door to."

Barron Falls "We need a representative who lives in Kuranda and is switched on to what our local community needs. Not some out of townner who has no idea."

Koah "Councillors please represent the community. This is what we elected you to do."

Speewah "Unsuitable development that will impact both on the flora and fauna of the area, Also a possible exodus of residents from the area, reducing services such as ours Teacher, physiotherapist and nurse."

Barron Falls "Underhand behaviour towards gagging councillors appears to be deceptive. Other councils have been identified where developers pay quietly to get their developments rushed through. Dishonesty does get exposed eventually. Infrastructure appears totally inadequate for this development- Kuranda Range poses massive more traffic and fatalities for an inferior narrow road used by thousands daily. White elephant !!!!!"



We the undersigned petition councillors, as our elected representatives, to take back management oversight of the development application assessment and approval process by withdrawing the delegation to the CEO which was enacted on 21 June 2017.

MAIL-ADDRESS: KURANDA REGION RESIDENT PETITION
 RETURN TO PO BOX 578 KURANDA QLD 4881 OR HOME OFFICE, KURANDA ORIGINAL MARKETS
 www.kurandarregion.qld.gov.au

First name	Last name	Address	Signature	Date	Postcode
River	Toft	PO Box 425 Kuranda	<i>[Signature]</i>	25/11/17	4881
Berida	Worfield	8 Shira Close	<i>[Signature]</i>	25/11/17	4881
Loika	Nozai	8 Levers Drive Special	<i>[Signature]</i>	25/11/17	4881
Carolin	Cooper	16 159 Kuranda	<i>[Signature]</i>	25/11/17	4881
Shed	O'Dairon	220 Boyles Rd	<i>[Signature]</i>	25/11/17	4881
Jack	Road	26 Gregory Ln, Kuranda	<i>[Signature]</i>	25/11/17	4881
William	Sokolac	233 STEWART RD	<i>[Signature]</i>	25/11/17	4881
MICHOELAS	PETERS	45 PETERSON CV	<i>[Signature]</i>	25/11/17	4881
Karen	PETERS	45 PETERSON CV	<i>[Signature]</i>	25/11/17	4881
Solar	WERN	14 Kuranda Crest	<i>[Signature]</i>	25/11/17	4881
Helena	Cek	PO Box 792 Kuranda	<i>[Signature]</i>	25/11/17	4881
Jenny	Kayleyseyn	PO Box 792 Kuranda	<i>[Signature]</i>	25/11/17	4881
Keila	Lejabunk	6 Merced St Kuranda	<i>[Signature]</i>	25/11/17	4881
Michael	Shaw	6410 302 Doyle Rd	<i>[Signature]</i>	25/11/17	4881
Jessica	Haring	29 Watsons Road	<i>[Signature]</i>	25/11/17	4881



We the undersigned petition councillors, as our elected representatives, to take back management oversight of the development application assessment and approval process by withdrawing the delegation to the CEO which was enacted on 21 June 2017.

PLEASE VISIT: KARRUNDA REGION RESIDENT PETITION
 RETURN TO PO BOX 978 KARRUNDA QLD 4811 OR HONEY HOUSE, KARRUNDA ORIGINAL MONIERS
 petitionresidents@karrundaregion.qld.gov.au

First name	Last name	Address	Signature	Date	Postcode
AORRINE	RYLES	1 WARRILL DR	[Signature]	25-11-17	4881
Ryle	Ryle	WARRILL DRIVE	[Signature]	25-11-17	4881
SIBSIN	HOSKINS	46 BULLION FALLS RD	[Signature]	25-11-17	4881
GILLIAN	LELDOT	56 BRADON FALLS RD	[Signature]	25-11-17	4881
LINDA	SMILEY	7, GLENNIS RD.	[Signature]	25-11-17	4881
MARION	DOUGLASS	9 STANLEY RD.	[Signature]	25-11-17	4881
JULIETTE	FRANZOSKIN	17 Lejos Way	[Signature]	25-11-17	4881
Dylan	Clarke	3 Mason Rd	[Signature]	25-11-17	4881
Margaret	Zehntner	81 Karrunda Ht Rd	[Signature]	25/11/17	4881
Colin	MacIntosh	4 MURPHY DRUG	[Signature]	25/11/17	4881
Dennis	Dennis	6 Spina Dr	[Signature]	25/11/17	4881
Cathy	Morris	2 VIOUSTRY	[Signature]	25-11-17	4882
GARY	Schierichsky	RILSON HILL KARRUNDA	[Signature]	25-11-17	4881
HUCK	SMITH	BOX 535	[Signature]	25-11-17	4881
IAN	HANSEN	30 ENGIN CREEK	[Signature]	25/11/17	4881



We the undersigned petition councillors, as our elected representatives, to take back management oversight of the development application assessment and approval process by withdrawing the delegation to the CEO which was enacted on 21 June 2017.















MAIL STOP 12: KURANDA REGION RESIDENT PETITION
 RETURN TO PO BOX 978 KURANDA QLD 4861 OR MONEY ORDER, AUSTRALIA, ORIGINAL MARKETS
 www.kurandarregion.qld.gov.au

First Name	Last Name	Address	Signature	Date	Postcode
Ashley	Hairworth	80 Enginwade Road		25/11/17	4881
Christine	Child	802 Boyes Rd		25/11/17	4881
Julie	DAWSON	115 Kuranda Hs Rd		25/11/17	4881
Trisha	Henderson	154 MYOLA RD		25/11/17	4881
Dion	Child	302 Boyes Rd		25/11/17	4881
LORINE	MURPHY	33 KWAIS A.		25/11/17	4881
Lizabek	Longhurst	121 Gangan Dr Kuranda		25/11/17	4881
Krishna	Erwin	23 Denial Kuranda		25/11/17	4881
CATERINA	LANCET	51 MURRAY CROSS ROAD		25-11-17	4881
Terry	SAGE	100 Kuranda Hs Rd		25-11-17	4881
KATHRYN	THOMAS	413 Myola Rd Kuranda		25-11-17	4881
Blair	COX	413 Myola Rd Kuranda		25-11-17	4881
Kate	CLARY	469 Oxbow rd		25/11/17	4881
CHERYL	LOVICK	7 Blk 1 Curraman Rd		25/11/17	4881
Hans Zehn	Zehn	8 Kuranda Hs Rd		25/11/17	4881



We the undersigned petition councillors, as our elected representatives, to take back management oversight of the development application assessment and approval process by withdrawing the delegation to the CEO which was enacted on 21 June 2017.

Return to: PO BOX 978 KURANDA, QLD 4881 OR LOCKY HOUSE, ALPAMPA ORIGINAL MARKET
 www.kurandarregion.qld.gov.au

First name	Last name	Address	Signature	Date	Postcode
Ruthie	SCHULTZ	17 Horton St Kuranda		25/11/17	4881
Janetlyn	SCHULTZ	310 Gerslawe		25/11/17	4888
Dea	Bennett	16 Green Rd Kuranda		25/11/17	4881
Walter	van Lael	10/29 Solomona Dr.		25/11/17	4881
Deborah	Loay	99 Oak Forest Rd		25/11/17	4881
Jan	Bretthorpe	10 Shinn Chase		25/11/17	4881
MIKE	Dunn	10 Finlay Rd		25/11/17	9081
Kathy	Whipp	47 Masons Bldg Kur		25/11/17	4881
ODE	SEHRKE	18 Puckett Close Winton		25/11/17	4881
Ernstine	Riber	11 Shannan Kuranda		25/11/17	4881
ROBERT	SOMAN	18 Margaret Street		25/11/17	4881
Ken	Thompson	11 Ashurst Rd Kuranda		25/11/17	4881
Elaine	Bolly	PO Box 101 S. Field		25/11/17	4870
Henk	van OSTA	PO Box 101 S. Field		25/11/17	4880
Louise	Reynolds	9 Sarawak Rd		25/11/17	4881



We the undersigned petition councillors, as our elected representatives, to take back management oversight of the development application assessment and approval process by withdrawing the delegation to the CEO which was enacted on 21 June 2017.




RETURN TO: PO BOX 978 KURANDA QLD 4881 OR HOVEY HOUSE, KURANDA REGIONAL MARKETS
 www.kurandarregion.qld.gov.au
 www.kurandarregion.qld.gov.au

First name	Last name	Address	Signature	Date	Postcode
BEULAH	WATSON	11 MYCIA RD, KURANDA	<i>[Signature]</i>	25/11/17	4881
Chris	Melagyll	65 Green past Rd	<i>[Signature]</i>	25/11/17	4881
Melanie	Melagyllin	65 Green past Rd Kuranda	<i>[Signature]</i>	25/11/17	4881
MARGARET	BURGAS	78 BARRETT	<i>[Signature]</i>		4881
JAMES	BURGAS		<i>[Signature]</i>		4881
BARBARA	de BRUYNE	53 ED. ESPAR ASPD	<i>[Signature]</i>		4881
KEVIN	de BRUYNE	"	<i>[Signature]</i>		"
MICHEL	CELANIAN	2415 Kool Rd Kuranda	<i>[Signature]</i>	25/11/17	4881
LISA	Neuber	23 Forest close	<i>[Signature]</i>	25/11/17	4881
Mark	Neko	23 Forest Close	<i>[Signature]</i>	25/11/17	4881
Rose	MOLISNER	5 Christina Road	<i>[Signature]</i>	25/11/17	4881
LORETTA	MOSSNAK	14 MOUNTAIN ST	<i>[Signature]</i>	25/11/17	4881
SHANEY	Tennifer	11-13 Magoon Rd	<i>[Signature]</i>	25/11/17	4881
HELEN	BOEL	TEETER RD	<i>[Signature]</i>	25/11/17	4881
SHARVA	GORN	4-Cutlock Cres, Kuranda	<i>[Signature]</i>	25/11/17	4881



We the undersigned petition councillors, as our elected representatives, to take back management oversight of the development application assessment and approval process by withdrawing the delegation to the CEO which was enacted on 21 June 2017.

PLEASE RETURN TO: PO BOX 578 KURANDA QLD 4881 OR HOUSE HOUSE, KURANDA ORIGINAL MAILERS
 www.kurandarregion.qld.gov.au

First name	Last name	Address	Signature	Date	Postcode
Peter	Kenyon	115 Kuranda Hume Rd.		21/1/17	4887
SUE	ROBERTSON	244 Boyes Rd.		26/1	4881
Peter	CONWAY	40 Roma Cross		25-11-2017	4887
John	KELLYZYN	61 Stearns Hill Rd		25-11-2017	4887
Stevie Wynnes	BYRNES	28 Biddings Street		25-11-2017	4881
Heek Wynnes	TYRONE	34 Forrester Street		25/1/2017	4881
Whitaker	SCARLETON	45 Pitt Rivers Rd		25/1/17	4881
ANNAN	QUINN-HAYEN	43 Pitt Rivers Road		25/1/17	4881
Donna	CHAS	374 Roma Cross		25/1/17	4881
Richard	CLEVES	274 Roma Cross		25/1/17	4881
Archie	O'CONNOR	10 Spring Creek		25/1/17	4881
Wendy	GIBSON	5 GARDINER RD		25-11-17	4881
ERIC	GENSLER	5 BRICKWORKER RD		25-11-17	4881
Neil	M'LANE	41 Roma Cross		25/1/17	4881
Stuart	M'LANE	41 Roma Cross		25/1/17	4881



We the undersigned petition councillors, as our elected representatives, to take back management oversight of the development application assessment and approval process by withdrawing the delegation to the CEO which was enacted on 21 June 2017.

RETURN TO: NO BOX 578 KURANDA QLD 4881 OR HOVEY HOUSE, JUNIPERO, DINGIDJAL, MARKET'S
 www.kurandaregion.qld.gov.au

First name	Last name	Address	Signature	Date	Postcode
JOHN	JOHNSON	84 CARDINIA RD	<i>[Signature]</i>	25/11/2017	4881
TRINE	DOMESTONE	84 CARDINIA RD	<i>[Signature]</i>	25/11/2017	4881
ROB	RICHARDSON	24 CADBAGE DR	<i>[Signature]</i>	25/11/2017	4881
Peter	Shawahan	25 Cadage Drive	<i>[Signature]</i>	25/11/2017	4881
Margaret	HUMPHREY	46 Victoria Place	<i>[Signature]</i>	25-11-17	4881
Orinuel	Orinuel	60 Jeffrey Rd	<i>[Signature]</i>	25/11/17	4881
GHR	Shawahan	26 Kellorie Close	<i>[Signature]</i>	25/11/17	4881
Dorethy	Sibly	48 Means Rd	<i>[Signature]</i>	25/11/17	4881
Kristin	Mackenzie	23 McKenzie St Neph	<i>[Signature]</i>	25/11/17	4881
Asher	Meadows	23 McKenzie St Neph	<i>[Signature]</i>	25/11/17	4881
Farrell	ASHMORER	67 Seagrass Drive	<i>[Signature]</i>	25/11/17	4881
Sharon	Smith	19 Queen St.	<i>[Signature]</i>	25-11-17	4881
STUDY	ANDREWS	278 Boyles Rd	<i>[Signature]</i>	25-11-17	4881
STILL	BENWELL	33 Natasha Close	<i>[Signature]</i>	25-11-17	4881
RICHARDS	BENWELL	38 NATHAN CLOSE	<i>[Signature]</i>	25-11-17	4881



We the undersigned petition councillors, as our elected representatives, to take back management oversight of the development application assessment and approval process by withdrawing the delegation to the CEO which was enacted on 21 June 2017.











PLEASE ADDRESS: CURANDA REGIONAL DEVELOPMENT PETITION
 RETURN TO PO BOX 978 KURANDA, QLD 4881 OR ROSEY HILLS, KURANDA ORIGINAL MARKETS
 www.kurandarregion.com.au

First name	Last name	address	Signature	Date	Postcode
Margie	Kerr	2 Newcastle Kuranda	M Kerr	25/11/2017	4881
Loiselle	Christensen	Myrtle	Loiselle	25/11/2017	4881
Korryn	Prentice	101 Palm Valley Rd	Korryn	25/11/17	4881
Kim	Prentice	101 Palm Valley Rd	Kim	25/11/17	4881
Kathleen	O'Keefe	51 Kingford Dr	Kathleen	25/11	4881
Joseph	Reil	22 Loftholme Myrtle	Joseph	25-11	4881
LISA	SERPA	3 FOREST CROSE	Lisa Serpa	25-11	4881
OMYRA	SERPA	3 FOREST CROSE	Myra Serpa	25-11	4881
Sarah	Isaac	345 TANKIN ROAD	Sarah Isaac	25-11	4881
Sarah	Squire	293 Spence Rd	Sarah Squire	25/11	4881
Rita	Squire	" "	Rita Squire	"	"
MIKE	COLE	38 MARISSA CR KERR	Mike Cole	25/11/17	4881
STEVEN	HOWARTHSKI	29 Black Mt Rd, Kuranda	Steven	25/11/17	4881
Françoise	NOZHC	8 Leivers Drive Spence	Françoise	25/11/17	4881
PAUL	NOZHC	8 Leivers Drive Spence	Paul	25/11/17	4881



We the undersigned petition councillors, as our elected representatives, to take back management oversight of the development application assessment and approval process by withdrawing the delegation to the CEO which was enacted on 21 June 2017.

MAIL-ADDRESS: KURANDA REGION RESIDENT PETITION
 RETURN TO PO BOX 978 KURANDA QLD 4811 DE HONEY HOUSE, KURANDA ORIGINAL MANAGERS
your.kuranda@curanda.qld.gov.au / facebook.com/curanda.qld

First name	Last name	Address	Signature	Date	Postcode
Bruce	CHURCHILL	1 VICTORIA ST		25/11/17	4881
Kyle	SHARPEL	7 GARDNER RD		25/11/17	4881
Ronald	GILCHRIST	44 WINDYBUSH CRT.		25/11/17	4881
Joan	ALLEN	16 GARDNER RD		25/11/17	4881
DAVID	DOUGLASS	9 JAMES H LANE		25/11/17	4881
DAVID	SPRENGER	1078 COOK RD, KRAV		25/11/17	4881
Sadie	SPRINGUE	1078 COOK RD, KRAV		25/11/17	4881
R	ARMY	14 BATH RD		25/11/17	4881
Mandy	DEWEY	KILBANE CL KURANDA		25/11/17	4881
Kevin	KELLY	1071 Baylis Rd.		25/11/17	4881
LUCY	MORRIS	55 VERA DR, SPANISH		25/11/17	4881
Andrew	HARRISON	55 VERA DR, SPANISH		25/11/17	4881
KUON	HONDEGES	23 GREENHILL RD, WINDY		25/11/17	4881
LEE	EDWARDS	73 GREENHILL RD, WINDY		25/11/17	4881
Stacey	RUSSEN	8 MORAN CT		25/11/17	4881



We the undersigned petition councillors, as our elected representatives, to take back management oversight of the development application assessment and approval process by withdrawing the delegation to the CEO which was enacted on 21 June 2017.

RETURN TO PO BOX 908 KURANDA QLD 4881 OR HOBY HOUSE, KURANDA, ORIGINAL MEMBERS
 yves@hobys.com.au | info@hobys.com.au

First name	Last name	Address	Signature	Date	Partcode
KOBYLKI	KINDY	PO Box 544 KURANDA	<i>[Signature]</i>	25/11/17	4881
EDDY	HYMES	119 BURN FOREST RD	<i>[Signature]</i>	25/11/17	4881
GRANT	HYMES	"	<i>[Signature]</i>	25/11/17	4881
RICHARD	ASHWIN	3 Marsden Rd	<i>[Signature]</i>	25/11/17	4881
SEBILIN	ASHWIN	11 MOUNT ROAD	<i>[Signature]</i>	25/11/17	4881
JAMES	BRASHEW	78 Burnwell Rd	<i>[Signature]</i>	25/11/17	4881
MARLEEN	BRIDGEMAN	"	<i>[Signature]</i>		4881
KRISTINE	LOVE	426 Oak Forest Rd	<i>[Signature]</i>	25/11/17	4881
CHRIS	LOVE	"	<i>[Signature]</i>	25/11/17	4881
DEBRA	ZIMMERBRODT	53 BUTLER DR.	<i>[Signature]</i>	25/11/17	4881
COLMAY	HARRISON	9 SCARUS ST	<i>[Signature]</i>	25/11/17	4881
GLORIA	NICKOLIS	Speers Rd	<i>[Signature]</i>	25/11/17	4881
RUSS	WAMMAN	Speers Rd	<i>[Signature]</i>	25/11/17	4881
NOEL	MOONZIE	KORORA	<i>[Signature]</i>	25/11/17	4881
HELEN	DOONAN	17 Mt Kessie St	<i>[Signature]</i>	25/11/17	4881



We the undersigned petition councillors, as our elected representatives, to take back management oversight of the development application assessment and approval process by withdrawing the delegation to the CEO which was enacted on 21 June 2017.
















Return to: PO BOX 578 KUMARU QLD 4881 OR HOUSE, KUMARU ORIGINAL MARKETS
www.karrandaregion.com.au

First name	Last name	Address	Signature	Date	Postcode
Shilo	Paulis	R. Conde Dr		3/12/17	4801
Michael	Michael	210 Elroy Rd		3/12/17	4881
Gordian	Tarsel	12 Hill Collier St.		3.12.17	4881
Kaymas	Gauley	19 Manara Ct.		3.12.17	4881
Rebecca	Anderson	10 Kumanu cres		3.12.17	4881
Jessica	Gard	10 Kumanu cres		3.12.17	4881
Gray & Steve	CUTLACK	2. Coednut Grove		3.12.17	4881
Anthony	Morston	2 Mason Rd		1.12.17	4881
Liza	Davey	5A Kullaroo Close		3-12-17	4881
Geoff	Lucas	24 Williamson Dr		3-12-17	4881
Bob	Murphy	37 Cleburne St		3-12-17	4881
MARY	HARRISON	37 ROBERTS RD		3.12.17	4881
Jack	Shepherd	9 nevos st		3.12.17	4881
Terriann	Erwin	29 Norton St		3.12.17	4881
WILL	VICKEY	1058 KOAH RD		3.12.17	4881



We the undersigned petition councillors, as our elected representatives, to take back management oversight of the development application assessment and approval process by withdrawing the delegation to the CEO which was enacted on 21 June 2017.









RETURN TO PO BOX 573 KARRATHA QLD 4861 OR HONEY HOUSE, KARRATHA ORIGINAL MARKETS
www.karratharegion.qld.gov.au

First name	Last name	Address	Signature	Date	Postcode
GAYLE	HANNAH	412 Rob Wevers Drive		11/2/2017	41851
Jodie	COHEN	40 Pencil Close HANNAH		2/12/17	4881
Michael	HARLES	23 BOMANG		2/12/17	4881
RATY	BAXTER	235 Palm Valley Alkay		2/12/17	4881
SYVA	BARNES	18 BARKEN HILLS RD.		3-12-17	4881
Diede	BRUNSON	3 Pentagon St.		3-12-17	4881
Ronnie	BRUNSON	4 PUNCH CLASS		3-12-17	4881
Meliss	Scalon	1 Mason Rd		3-12-17	4881
Teri	KORPER	29/Leander St		3-12-17	4881
ED	HAINES	11. SAUNDALWOOD		3-10-17	4881
DAVE	STROUVER	29-31 Rob Weirs Dr.		3/12/17	4881
Lisa	ALEY	9 Meaton		3-12-17	4881
Honda	Smith	2 doney street		3-12-17	4881
Sonpi	Richardson	PO Box 356		3-12-17	4881
Dickson	Schial	PO Box 723		3-12-17	4881



We the undersigned petition councillors, as our elected representatives, to take back management oversight of the development application assessment and approval process by withdrawing the delegation to the CEO which was enacted on 21 June 2017.

RETURN TO PO BOX 578 KURANDA QLD 4851 OR HONEY HOUSE, KURANDA ORIGINAL MARKET
 mareeba@mareebacouncil.qld.gov.au | info@mareebacouncil.qld.gov.au

First name	Last name	Address	Signature	Date	Postcode
Muel	Kuipers	10 Sandalwood Ct		2-12-17	4881
Alexandra	Silvester	Barrow St		3/12/17	4881
Pat	Stokely	8 Fuller St		3/12/17	4881
Melanie	Wells	20 Baumgarten Pl		03-12-17	4881
PETER	STRENSCH	11 KREMLIN RD		23-12-17	4851
SENTH	SOENKIE	44 HASSELL ROAD		03-12-17	4881
Stephan	Hutchins	" Kuranda Crescent		"	"
Karla	Walker	Urnai Drive		2-12-17	4881
Josephine	Leard	Post-Box		3-12-17	5260
Clayton	Smith	16 Park Ct		3-12-17	4881

RF
T

KRPG - Participatory Contingent

Topic: Community Petition- withdrawing the delegation

Code: BARN321848

Source URL: <http://kurandaregion.org/petition-gain-back-the-right-for-our-elected-councillors-to-represent-us/>


104 rows

Community	Name	Email	Street Address	Entry Date
Kuranda	Yvonne Druppers	Foreston@gmail.com	4 Fairyland rd kuranda	05-12-17 10:01
Kuranda	Nico Wouhara	Nicowouhara@hotmail.com	4 Fairyland rd kuranda	05-12-17 10:00
Speewah	Elizabeth Younghusband	elizabethyoung@bigpond.com	127 Ganyan Drive, Kuranda 4881	05-12-17 8:42
Barron Falls	Nicky Fry	Nicky.fry@live.com	8 Marwa St Freshwater	05-12-17 6:33
Barron Falls	Bark Richardson	buckrichardson@leapfrogz.com.au	3 Mason Road	05-12-17 6:27
Barron Falls	Rita & John Squire	ritesquire@gmail.com	293 Speewah Rd.	05-12-17 4:57
Oak Forest	Graham Bell	gbell@bigpond.com	520 Oak Forest Rd	05-12-17 4:23
Kuranda	JULIE DAWBARN	julie.dawbarn@my.iq.edu.au	115 kuranda hts rd	05-12-17 1:58
Mantaka	Patricia Green	pattgreen57@gmail.com	220 Boyles Rd, Kuranda	05-12-17 1:48
Speewah	Paul Curtis	pcurtis@bigpond.com	8 Kauri Close	05-12-17 1:34
Barron Falls	Frank	frankburton@gmail.com	41 Wrights Lookout Road	05-12-17 1:11
Barron Falls	Robert Blackwell	robblackwell@gmail.com	32 Warril dr Kuranda	05-12-17 0:13
Speewah	Bob Modden	bobmodden@gmail.com	81 Velvets Drive,	05-12-17 0:10
Kowrowa	Ruth Von de Velde	rjeveld@bigpond.com	12 River St	05-12-17 0:00
Speewah	Ann Harth	annharth@bigpond.net.au	7 Smiths Track	04-12-17 23:51
Speewah	Dean Mooney	dean@newsair.net.au	70 Cardinia Blv, Speewah	04-12-17 23:09
Speewah	Fiona Mooney	fiam@newsair.net.au	70 cardinia blvd, Speewah	04-12-17 23:08
Speewah	Mark Newton	marknewton4881@gmail.com	23 Forest Close, Speewah, 4881	04-12-17 22:44
Barron Falls	Frank Burton	frankburton@gmail.com	41 Wrights lookout road	04-12-17 21:34
Koah	Bernie Delmer	berniedelmer@gmail.com	2373 Kennedy Highway Koah 4881	04-12-17 13:59
Barron Falls	Robyn Klag	robysklag00@yahoo.com.au	41 Mason Road	04-12-17 10:46
Barron Falls	Daryl styles	dazmag@gmail.com	27 high chapparral road kuranda 4881	04-12-17 10:16
Kuranda	Lyn Carr	lgarr@ozopt.net.au	7 Cool Springs Close, Kuranda	04-12-17 9:22
Koah	Philip Simpson	phil@simpson@bigpond.com	341 Fentins Road, Koah	04-12-17 8:58
Kuranda	Terry Eager	teager@gmail.com	100 Kuranda Heights Rd	04-12-17 8:35
Kowrowa	Shaun Grant	shaungrante@hotmail.com	Oak Forest Road	04-12-17 8:02
Russell Park	Jack Morris	yakovmorris@hotmail.com	Rosewood drive Russell Park	04-12-17 8:00
Myola	Joe Bell	jb@nczimo@yahoo.com.au	Boyles Rd Myola	04-12-17 7:32
Kowrowa	Lisa O'Mara	lom4@bigpond.com	811 Oakforest rd	04-12-17 7:26
Kuranda	Mikhele Woods	mi_woods@msn.com	17 Therwine Street	04-12-17 7:05
Kuranda	STEVEN J LARKIN	slarkin@ozemail.com.au	10, GreenHills Road	04-12-17 6:53
Mc Haren / Warril Drive	Geoff Cohen	geoff@helprwithcomputer.com.au	7 Warril Drive, Kuranda, QLD	04-12-17 6:34
Barron Falls	Julie Brunt	memming147@gmail.com	922 Koah Road Koah 4881	04-12-17 6:19
Kuranda	Ren Parsons	par556@qld.chariot.net.au	11 Ohane Court Kuranda	04-12-17 6:02
Kuranda	Linda Smart	linda.jnc39@gmail.com	7 Greenhills Road, Kuranda.	04-12-17 5:52
Barron Falls	Jonathan Troppell	slgg@mc@gmail.com	56 Barron Falls Road	04-12-17 5:42
Kuranda	Deanna Henderson	deanna@mimbearewildlife.com.au	15 Barrag Street	04-12-17 3:35
Koah	Eleanor Gilbrison	intropica_fashions@yahoo.com.au	245 Koah Rd	04-12-17 3:33
Koah	Salish Abdulah	scottsalidah@bigpond.com	961 Koah Road	04-12-17 2:40

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Speewah	Hayley Smith	hayley_s101@hotmail.com	2 Mahogany Ave	04-12-17 1:27
Speewah	Dorothy Clews	dorothy.clews@spin.net.au	374 Ganjan Drive	04-12-17 1:18
Barron Falls	Gareth Owen	cozogg@gmail.com	19 Kullaroo Close	04-12-17 1:15
Kuranda	Michael Falconer	mikefalconer@hotmail.com	18 Rob Veivers drive Kuranda	04-12-17 1:14
Kuranda	Mari Kilman	m-o-r-i@bigpond.com	Wrights Lookout Rd	04-12-17 0:26
Barron Falls	Peter Saunders	petesworld2005@yahoo.com.au	17 Palmvalley RD	04-12-17 0:18
Barron Falls	Peter Saunders	petesworld2005@yahoo.com.au	17 Palmvalley RD	04-12-17 0:04
Oak Forest	scannie mcArthur	scannie.mcarthur@gmail.com	20 crothers rd kuranda	03-12-17 23:57
Barron Falls	heta	mailheta@yahoo.com.au	143 Oak Forest Rd.	03-12-17 23:45
Marbaisa	Judy Andrews	judyandrews1@bigpond.com	278 Boyles Rd	03-12-17 23:42
Kuranda	Ronald Todd	rtodd10@gmail.com	10a Morton Street	03-12-17 23:30
Barron Falls	Sue Schwass	susan_schwass@yahoo.com	8 Butler Drive, Kuranda	03-12-17 23:18
Barron Falls	julie ruth	julie@cairns.net.au	8 clay lane kuranda 4881	03-12-17 23:15
Barron Falls	Susan Zilberstein	kobisa@westnet.com.au	10 Butler Drive	03-12-17 23:18
Barron Falls	Hannah Wattel	tomam25@hotmail.com	P.O Box 473	03-12-17 23:16
Kuranda	ANDREW BRIDGMAN	andbfield@collinsbooks.com.au	9 Greenhill Road, Kuranda	03-12-17 23:41
Kowrowa	Garry Pley	garrypley53@gmail.com	261 oakforest rd	03-12-17 22:39
Rest of the World :-)	Ingrid Marler	idmarler@kiva@hotmail.com	1311 Tully Mission Beach Rd Carmar	03-12-17 22:27
Kuranda	Sarah Jane Hart	Sarah.Jane.Hart@tpw.qld.gov.au	9 Barag St Kuranda	03-12-17 22:08
Speewah	Sera stews	Sera.stews@icloud.com	97 , Hoey Rd	03-12-17 21:50
Speewah	WARREN FINE	WAZZAK1966@GMAIL.COM	DODGIAS TRACK	03-12-17 21:20
Kuranda	Annette Bryan	am.bryan@hotmail.com	78 Merano Ct	03-12-17 21:17
Myela	dely	patdely_1@hotmail.com	17 scrub street	03-12-17 21:08
Speewah	Jo Anne Fine	joanne59@hotmail.com	Douglas Track	03-12-17 20:58
Speewah	Udo Schorfelkt	uds_hw@icloud.com	36 Kelly Road	03-12-17 20:38
Kuranda	Maree Kerr	maree.treadwellkerr@gmail.com	7 Merano St Kuranda	03-12-17 20:31
Barron Falls	John Krylyayn	jkrylyayn@hotmail.com	61 Barron falls rd	03-12-17 19:56
Barron Falls	Beverly Henderson	bwhender@sigimus.com.au	2 Christenson Road, Kuranda, 4881	03-12-17 19:41
Barron Falls	Rosemary Marks	orchidart3@gmail.com	165 Boyles Road, Kuranda	03-12-17 19:26
Kuranda	Gayle Hannah	hannay@bigpond.com	47 Rob Veivers Drive Kuranda 4881	03-12-17 18:16
Barron Falls	Peter Cleary	petemdcleary@gmail.com	469 Oak Forest Rd	03-12-17 18:15
Kuranda	Helem Douglas	helem@hallydesign.com	8 Shane Court Kuranda	03-12-17 17:20
Barron Falls	David Gormley	david@hallydesign.com	8 Shane Court, Kuranda	03-12-17 17:18
Barron Falls	Milly Cobham	milycob@gmail.com	3 Black Mountain Rd, Kuranda	03-12-17 17:07
Barron Falls	Hugh Cobham	hughcops@yaho.com.au	3 Black Mountain Rd	03-12-17 17:06
Kuranda	Jac Bergerson	Emirojac@gmail.com	1 Pademelon Lane	03-12-17 17:48
Kuranda	Robert Lund	robert.lund08@gmail.com	12 Bangalow Place, Kuranda, 4881	03-12-17 17:45
Kuranda	Barbara Rosewear	barbara09au@bigpond.com	27 Warril Drive	03-12-17 17:40
Barron Falls	Annoel Muls	annoel.muls@gmail.com	61 Morton Road Kuranda	03-12-17 17:33
Barron Falls	Adele Hornsworth	adelehorn@aol.com	10 Enigma Close Speewah	03-12-17 17:29
Barron Falls	Ian Broadman	broadbman@gmail.com	88 Kuranda Heights Road	03-12-17 17:13
Barron Falls	Janet Hoyle	hoylejanet@gmail.com	10 Weir Road	03-12-17 17:12
Top of the Range	Lynne Lund	lynne.lund@tyrarn@gmail.com	12 Bangalow Place Kuranda	03-12-17 17:07
Barron Falls	Judy Davies	judydav@bigpond.net.au	Morton Street, Kuranda	03-12-17 16:56
Cairns	Natasha Chapman	natashabriechapman@hotmail.com	21 Thecleer Vista Trinity Park	03-12-17 16:49
Kowrowa	Astro Brim	astrobrim@gmail.com	104 crothers rd	03-12-17 16:38
Kuranda	Heidi Madson	Heidi.madsen@yahoo.com.au	1 Punch Close	03-12-17 16:37
Rest of the World :-)	Zachary Casper	zachcasper@vic.chariot.net.au	35 Toris Road	03-12-17 16:14
Barron Falls	Kate Pryor	katepryor@coconnect.com.au	10 Butler Drive, Kuranda	03-12-17 16:11

Barron Falls	Sophie McLaughlin	Sophie.n.mclaughlin91@gmail.com	41 Monaro Close , Kuranda qld	03-12-17 10:11
Barron Falls	Niel McLaughlin	n.mclaughlin57@yahoo.com.au	41 Monaro Close, Kuranda 4881	03-12-17 10:10
Barron Falls	Jule McLaughlin	Cluofthebluedoo@yahoo.com.au	Monaro close Myob	03-12-17 10:06
Koah	Beverley Adamson	barnieadam@gmail.com	62 Barron St	03-12-17 10:00
Barron Falls	zahn gien	info@fairylandhouse.com.au	13 fairyland road kuranda	03-12-17 9:54
Barron Falls	Dr Max Moulds	maxmoulds@gmail.com	4 Victor Place, Kuranda	03-12-17 9:45
Barron Falls	roger beahan	roger.beahan@gmail.com	29 Black Mountain Rd	03-12-17 9:42
Barron Falls	Jeffrey	Skunkon@hotmail.com	67 Kuranda Heights Rd	03-12-17 9:42
Kuranda	Mark Ruge	ruge.mark@gmail.com	61 Masons Rd.	03-12-17 9:40
Koah	Nadine O'Brien	nadine_obrien@yahoo.com.au	345 Fernin Road	03-12-17 9:39
Speewah	Nathan Hainsworth	knepingu@aol.com	30 Enigma, Close, Speewah QLD 4881	03-12-17 9:34
Speewah	Melissa Clinton	melissa1@parimut.com.au	16 Walnut Close	03-12-17 9:30
Barron Falls	aneta	a.thomson@westnet.com.au	21 william smith drive kuranda	03-12-17 9:29
Barron Falls	Belinda warfield	belinda.warfield@yahoo.com.au	8 Shiva Close Kuranda	03-12-17 9:27
Cairns	Amanda Lawrence	i.dynamics@westnet.com.au	Trinity Beach	03-12-17 9:24
Barron Falls	Peter RUCH	ppruch@dodo.com.au	2 Fan Palm Place, KURANDA 4881	03-12-17 9:18

LETTER TO THE MAYOR OF MSC AND COUNCILLORS MCI/17/0012

LETTER TO
MSC Councillors and Mayor re MCU/17/0012
Re - Nature Based Tourism – 77 & 112 Barnwell Road, Kuranda

I/we wish to draw to your attention, the recent Development Application (DA) to Council from Reeve and Ocean P/L (R&O) the owners of the former Barnwell Farm and proposed KUR-World development at 112 Barnwell Road, Kuranda.

It is understood that this DA has not been subject to community input and that Councillors have not had an adequate involvement in the decision on behalf of ratepayers. It is also understood that the approval decision has been made by a senior Council officer as the delegated authority.

With much respect, we wish to refer you to the Planning Act (PA) 2016 and the "limitations to the exercise of power" contained therein which state in No.1 ...
"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 affect adversely, Council's relations with the public at large." The MSC council minutes of June 2017 provide advice to Councillors on the above legislation.

Councillors and Mayor, you are advised that a local public petition this week has secured many signatures which provide support to Councillors making this decision on our behalf and not the delegated authority. Councillors are advised that the action by the delegated authority is certain to adversely affect Council's relations with the public at large.

Councillors, as our elected representatives, you are asked to rescind the delegate's authority for all future decisions regarding this land and/or surrounding land and refer any DA to adequate public and proper Councillor input. Councillors, we ask you to seek input from the community and to inform yourself effectively to consider any application. You are asked to meet with a small representative group to workshop our issues regarding applications.

Mr. Mayor and Councillors you are reminded that you are our representatives. We ask you to ensure that the democratic process prevails. Be reminded that democracy is based on trust, so please do not allow trust to be undermined on your watch.

Some of our comments and objections to this DA are detailed on the attached pages 2-4.

Yours sincerely,

MSC Ratepayers and Neighbouring
residents of 112 Barnwell Road.

LETTER TO MAYOR & COUNCILLORS 1 DECEMBER 2017

Page 1

LETTER TO THE MAYOR OF MSC AND COUNCILLORS MCI/17/0012

As neighbours we have very high concerns about this DA as follows:

This is the 3rd application for development on the same land, with all 3 applications currently being in different decision processes. The KUR-World decision is a state decision, and Mareeba Shire Council (MSC) has a 212 lot subdivision application and this DA - interim nature based tourism decision. This interim nature based tourism (with quad bikes) DA is also one of the elements of the current state EIS decision, and Cardno Planning (for Reeve & Ocean) have stated that this application is intended to form an initial stage of the ultimate (permanent) use of the site for tourism activities. In all circumstances, approval processes must be seen to be fair and transparent by your ratepayers. The DA/MCU 17/0012 approval puts such transparency into question.

1. The EIS process is currently considering a "Farm Theme Park with a dedicated area for nature based tourism" (Ref. KUR-World IAS, 2016).
2. I/we believe that this DA is really an application for approval at local government level, whilst waiting for the state government EIS decision for KUR-World. The DA describes the proposal as nature based tourism with farm animals and quad bikes.
3. I/we understand that the Rural Zoning under Mareeba Shire Council Planning Scheme (MSCPS) places restrictions on nature based tourism, yet your delegated authority has ignored many of these restrictions.
 - a. Activities included in the MSC DA are very similar/same to those activities described in the IAS and which are subject to a decision process via the EIS.

Quote from KUR-World IAS - A dedicated area for **nature based activities** such as horse riding, bush walking and hiking. **Farm Experience** spread over approximately 2ha.

Quote from Cardno Planning DA - The proposed **Nature Based** Tourism use will operate on site up to 30 June 2018. The proposal involves the development of an impermanent Nature Based Tourism enterprise on the site, providing a range of activities and experiences for site visitors, including **horse riding**, quad bike tours, **walking and hiking** and displays and shows of rural activities.

- b. Council's DA approval unfairly permits the proponent to begin early development work and tourism activity for the proposed KUR-World project, whilst waiting for approval via EIS. This decision by Council may be reasonably viewed by the ratepayers that the entire EIS decision process has no integrity and is "a done deal". In the interests of trust and democracy, this should not be allowed to occur. Justice and not power, should prevail here.
- c. In 3.5 of Council's approval it is stated that approval is for 60 tourists per day (on average). Does this mean that much larger numbers will be on site in peak tourism times in order to meet the average?
- d. This tourism activity has been reported by neighbours as happening without approval for at least the past 3-4 months. There have been photos in the newspapers of Ken Lee and other tourists on quad bikes. Locals have reported to Council that KUR-Cow and KUR-World buses have been operating along Barnwell Road for some time. This has been reported to Council without response.
- e. Reeve and Ocean through KUR-Cow have been very adamant that all operations have been in the interests of rural farm operations for a cattle business. This claim has allowed them to obtain approval for vegetation clearing etc., yet there are no cattle

LETTER TO MAYOR & COUNCILLORS 1 DECEMBER 2017

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LETTER TO THE MAYOR OF MSC AND COUNCILLORS MCU/17/0012

- breeding on the property. Cattle have been trucked in and out for photographic purposes only to maintain the charade of 'rural' and to take advantage of rural status whilst developing a tourism project without approvals.
- f. This is similar to the construction without approval of the rural dam on the property. A dam which was applied for as a rural dam, but which has never been used as such. It is our belief that this proponent and his consultants are well cognisant of the local and state legislations which apply to activity and approvals. Ratepayers would be wondering why they are not penalised for unapproved activity. Council needs to explain this to us, the ratepayers.
4. The recent DA and application for a Material Change of Use (MCU) says that they intend to operate an interim activity as Nature Based Tourism only until end June 2018.
- a. What happens at the end of June 2018? Will MSC require the temporary infrastructure (toilets, catering, sheds, stables etc) to be removed? Will the owner be required to do improvements/restoration to the access road and any other damage to the creeks etc.
- b. Will the first stage of KUR-World begin after 30 June, 2018 as indicated in the Cardno Planning's DA. If so, KUR-World's IAS promises of the highest international quality tourism project will morph into a hotch-potch of small add-ons.
- c. Will MSC require a bond from R&O to cover these issues?
- d. Are temporary infrastructure facilities suitable and safe during the cyclone season?
- e. What constraints will Council put on this approval to prevent the applicant from seeking to extend the interim approval beyond 30 June 2018?
- f. What compliance will Council use to uphold the approval conditions and compliance with all Local By-Laws, State and Commonwealth environmental laws?
5. It is acknowledged that the property is Rural Zoning; however, the DA seems to accept the land as rural surrounded by rural area. This is not correct. Whilst the property is rural it is surrounded by rural residential. Does this change the code assessments and requirements for the DA approval because the rural residential information from MSCPS 2017 6.2.10.2 indicates that:
- (c) *Development avoids areas of ecological significance.* How will quad bike riders be restricted from the creek areas and environmental buffer zones for Kuranda Tree Frog habitat?
- (d) *Low impact activities are Acceptable.* The noise from quad bikes in a residential area; is not low impact.
- (e) *Natural features such as creeks will be buffered from impacts.* How will riders be prevented from eroding tracks and creating erosion and sediment issues to Haren, Cain and Owen Creek?
- (f) *Any uses should not have any adverse effects on the residential amenity of the areas....such as noise generation, traffic generation.* Quad bikes and up to 60 visitors + staff each day, will have adverse effects on residents.
6. There are activities listed in the DA which cause me high concern:
- a. Noise from quad bikes etc. Much of the rural residential area surrounding the property is located in a quiet valley where noise is very noticeable as there is no background noise from industry or traffic etc. Quad bikes are a totally unacceptable activity in this area. In the DA approval (3.7) Council has conditioned the quad bike activity to restrict use to at least 150m from the northern boundary. For many months earthwork noise close to the house has been reported by residents. This is approx. 600-800m from the northern boundary.
- b. Bus, worker and supply vehicle traffic on Barnwell Road. Stormwater; erosion and sediment issues caused by traffic particularly near Cain Creek. This area has been extensively reported to Council over the past 12 months including a personal onsite inspection by Mayor Tom Gilmore.

LETTER TO MAYOR & COUNCILLORS 1 DECEMBER 2017

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LETTER TO THE MAYOR OF MSC AND COUNCILLORS MCJ/17/0012

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 10. Dust created from additional traffic on the unsealed section of the Barnwell Road access will be a problem to residents on that road, in particular of very high concern to one residence.

SIGNED BY:

NAME	ADDRESS	SIGNATURE	DATE
CECILIA TONKIN	76 HIGH CHAPPARAL RD MYOLA	C. Tonkin	2/12/17
LUCIANO CECINOT	76 HIGH CHAPPARAL RD	L. Cecinot	2-12-17
DEBRA ISGAR	19 HIGH CHAPPARAL RD	D. Isgar	2/12/17
ALLAN ISGAR	19 HIGH CHAPPARAL RD	A. Isgar	2/12/17
WAYNE TONKIN	64 HIGH CHAPPARAL RD	W. Tonkin	2/12/17
CHRISTINE PEARCE	7 High Chapparral Rd,	C. Pearce	2/12/17
DEBRA PEARCE	7 " " "	D. Pearce	2/12/17
RODNEY PEARCE	7 High " " "	R. Pearce	2/12/17
EATHY STYLES	27 High Chapparral Rd	E. Styles	2/12/17
H SIGHUND	31 HIGH CHAPPARRAL RD	H. Sighund	2/12/17
Maxine Davenport	43 HIGH CHAPPARAL RD	M. Davenport	2/12/17
David Davenport	" " "	D. Davenport	2/12/17
PAUL SEMMENS	51 HIGH CHAPPARRAL RD MYOLA	P. Semmens	2-12-17
PAUL SEMMENS	51 HIGH CHAPPARRAL RD MYOLA	P. Semmens	2-12-17
MARK ROSOW	73 HIGH CHAPPARRAL RD	M. Rosow	2/12/17
MARGIE BURDFIELD	64 HIGH CHAPPARAL RD	M. Burdfield	2/12/17

LETTER TO THE MAYOR OF MSC AND COUNCILLORS MCIJ/17/0012

SIGNED BY:
NAME

ADDRESS

SIGNATURE

LETTER TO MAYOR & COUNCILLORS 1 DECEMBER 2017

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LETTER TO THE MAYOR OF MSC AND COUNCILLORS MCI/17/0012

LETTER TO MAYOR & COUNCILLORS 1 DECEMBER 2017

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LETTER TO THE MAYOR OF MSC AND COUNCILLORS MCU/17/0012

To: Councillor Lenage Wyatt,

We would appreciate if you could deliver this letter to The Mayor and Councillors at your earliest convenience and to also table this letter at the Council meeting of 20 December, 2017.

A written reply is requested from The Mayor on behalf of Councillors. This should be addressed to the neighbours surrounding the property at 112 Barnwell Road, Myola. It would be appreciated if Councillor Wyatt could deliver the Mayor's letter.

With regards,

All signatories to attached letter.

(Please regard the contents of this communication as not for publication or re-forwarding without approval)

LETTER TO MAYOR & COUNCILLORS 1 DECEMBER 2017

Page 7

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LETTER TO THE MAYOR OF MSC AND COUNCILLORS MCU/17/0012

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SIGNED BY:

NAME	ADDRESS	SIGNATURE
Julie McLaughlin	41, Monaro Close	<i>J. McLaughlin</i>
SIM HORNETT	58 MONARO CLOSE	<i>S. Hornett</i>
ANN HORNETT	" " "	<i>A. Hornett</i>
CATE LAMONT	52 MONARO CLOSE	<i>C. Lamont</i>
JAMES BIRGAN	78 BARNWELL	<i>J. Birgan</i>
Maureen Birgan	✓	<i>M. Birgan</i>
<i>R. Jones</i>	54 MONARO CL	<i>R. Jones</i>
JACQUELINE CLARKE	67 Monaro Close	<i>J. Clarke</i>
Lauren Yates	68 monaro close	<i>L. Yates</i>
Christopher Yates	68 monaro close	<i>C. Yates</i>
L MOLLIER	29 MONARO CL.	<i>L. Mollier</i>
R. GANLEY	71 Monaro Cl.	<i>R. Ganley</i>

LETTER TO MAYOR & COUNCILLORS 1 DECEMBER 2017

<i>U. Ganley</i>	77 Monaro Cl	<i>U. Ganley</i>
<i>P. Green</i>	63 Monaro Cl	<i>P. Green</i>
<i>N. Green</i>	63 MONARO	<i>N. Green</i>
<i>STEVEN</i>	50 MONARO	<i>Steven</i>
<i>A. BISHAN</i>	36 Monaro Cl	<i>A. Bishan</i>

LETTER TO THE MAYOR OF MSC AND COUNCILLORS MCU/17/0012

LETTER TO
MSC Councillors and Mayor re MCU/17/0012
Re - Nature Based Tourism – 77 & 112 Barnwell Road, Kuranda

I/we wish to draw to your attention, the recent Development Application (DA) to Council from Reever and Ocean P/L (R&O) the owners of the former Barnwell Farm and proposed KUR-World development at 112 Barnwell Road, Kuranda.

It is understood that this DA has not been subject to community input and that Councillors have not had an adequate involvement in the decision on behalf of ratepayers. It is also understood that the approval decision has been made by a senior Council officer as the delegated authority.

With much respect, we wish to refer you to the Planning Act (PA) 2016 and the "limitations to the exercise of power" contained therein which state in No.1 ...
"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 affect adversely, Council's relations with the public at large." The MSC council minutes of June 2017 provide advice to Councillors on the above legislation.

Councillors and Mayor, you are advised that a local public petition this week has secured many signatures which provide support to Councillors making this decision on our behalf and not the delegated authority. Councillors are advised that the action by the delegated authority is certain to adversely affect Council's relations with the public at large.

Councillors, as our elected representatives, you are asked to rescind the delegate's authority for all future decisions regarding this land and/or surrounding land and refer any DA to adequate public and proper Councillor input. Councillors, we ask you to seek input from the community and to inform yourself effectively to consider any application. You are asked to meet with a small representative group to workshop our issues regarding applications.

Mr. Mayor and Councillors you are reminded that you are our representatives. We ask you to ensure that the democratic process prevails. Be reminded that democracy is based on trust, so please do not allow trust to be undermined on your watch.

Some of our comments and objections to this DA are detailed on the attached pages 2-4.

Yours sincerely,

MSC Ratepayers and Neighbouring
residents of 112 Barnwell Road.

LETTER TO MAYOR & COUNCILLORS 1 DECEMBER 2017

Page 1

LETTER TO THE MAYOR OF MSC AND COUNCILLORS MCU/17/0012

As neighbours we have very high concerns about this DA as follows:

This is the 3rd application for development on the same land, with all 3 applications currently being in different decision processes. The KUR-World decision is a state decision, and Mareeba Shire Council (MSC) has a 212 lot subdivision application and this DA - interim nature based tourism decision. This interim nature based tourism (with quad bikes) DA is also one of the elements of the current state EIS decision, and Cardno Planning (for Reeve & Ocean) have stated that this application is intended to form an initial stage of the ultimate (permanent) use of the site for tourism activities. In all circumstances, approval processes must be seen to be fair and transparent by your ratepayers. The DA/MCU 17/0012 approval puts such transparency into question.

1. The EIS process is currently considering a "Farm Theme Park with a dedicated area for nature based tourism" (Ref. KUR-World IAS, 2016).
2. I/we believe that this DA is really an application for approval at local government level, whilst waiting for the state government EIS decision for KUR-World. The DA describes the proposal as nature based tourism with farm animals and quad bikes.
3. I/we understand that the Rural Zoning under Mareeba Shire Council Planning Scheme (MSCPS) places restrictions on nature based tourism, yet your delegated authority has ignored many of these restrictions.
 - a. Activities included in the MSC DA are very similar/same to those activities described in the IAS and which are subject to a decision process via the EIS.
Quote from KUR-World IAS - A dedicated area for **nature based activities** such as horse riding, bush walking and hiking. **Farm Experience** spread over approximately 2ha.
Quote from Cardno Planning DA - The proposed **Nature Based Tourism** use will operate on site up to 30 June 2018. The proposal involves the development of an impermanent Nature Based Tourism enterprise on the site, providing a range of activities and experiences for site visitors, including **horse riding**, quad bike tours, **walking and hiking** and displays and shows of **rural** activities.
 - b. Council's DA approval unfairly permits the proponent to begin early development work and tourism activity for the proposed KUR-World project, whilst waiting for approval via EIS. This decision by Council may be reasonably viewed by the ratepayers that the entire EIS decision process has no integrity and is "a done deal". In the interests of trust and democracy, this should not be allowed to occur. Justice and not power, should prevail here.
 - c. In 3.5 of Council's approval it is stated that approval is for 60 tourists per day (on average). Does this mean that much larger numbers will be on site in peak tourism times in order to meet the average?
 - d. This tourism activity has been reported by neighbours as happening without approval for at least the past 3-4 months. There have been photos in the newspapers of Ken Lee and other tourists on quad bikes. Locals have reported to Council that KUR-Cow and KUR-World buses have been operating along Barnwell Road for some time. This has been reported to Council without response.
 - e. Reeve and Ocean through KUR-Cow have been very adamant that all operations have been in the interests of rural farm operations for a cattle business. This claim has allowed them to obtain approval for vegetation clearing etc., yet there are no cattle breeding on the property. Cattle have been trucked in and out for

LETTER TO THE MAYOR OF MSC AND COUNCILLORS MCU/17/0012

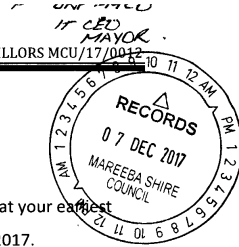
- photographic purposes only to maintain the charade of 'rural' and to take advantage of rural status whilst developing a tourism project without approvals.
- f. This is similar to the construction without approval of the rural dam on the property. A dam which was applied for as a rural dam, but which has never been used as such. It is our belief that this proponent and his consultants are well cognisant of the local and state legislations which apply to activity and approvals. Ratepayers would be wondering why they are not penalised for unapproved activity. Council needs to explain this to us, the ratepayers.
4. The recent DA and application for a Material Change of Use (MCU) says that they intend to operate an interim activity as Nature Based Tourism only until end June 2018.
- a. What happens at the end of June 2018? Will MSC require the temporary infrastructure (toilets, catering, sheds, stables etc) to be removed? Will the owner be required to do improvements/restoration to the access road and any other damage to the creeks etc.
- b. Will the first stage of KUR-World begin after 30 June, 2018 as indicated in the Cardno Planning's DA. If so, KUR-World's IAS promises of the highest international quality tourism project will morph into a hotch-potch of small add-ons.
- c. Will MSC require a bond from R&O to cover these issues?
- d. Are temporary infrastructure facilities suitable and safe during the cyclone season?
- e. What constraints will Council put on this approval to prevent the applicant from seeking to extend the interim approval beyond 30 June 2018?
- f. What compliance will Council use to uphold the approval conditions and compliance with all Local By-Laws, State and Commonwealth environmental laws?
5. It is acknowledged that the property is Rural Zoning; however, the DA seems to accept the land as rural surrounded by rural area. This is not correct. Whilst the property is rural it is surrounded by rural residential. Does this change the code assessments and requirements for the DA approval because the rural residential information from MSCPS 2017 6.2.10.2 indicates that:
- (c) *Development avoids areas of ecological significance.* How will quad bike riders be restricted from the creek areas and environmental buffer zones for Kuranda Tree Frog habitat?
- (d) *Low impact activities are Acceptable.* The noise from quad bikes in a residential area; is not low impact.
- (e) *Natural features such as creeks will be buffered from impacts.* How will riders be prevented from eroding tracks and creating erosion and sediment issues to Haren, Cain and Owen Creek?
- (f) *Any uses should not have any adverse effects on the residential amenity of the areas.....such as noise generation, traffic generation.* Quad bikes and up to 60 visitors + staff each day, will have adverse effects on residents.
6. There are activities listed in the DA which cause me high concern:
- a. Noise from quad bikes etc. Much of the rural residential area surrounding the property is located in a quiet valley where noise is very noticeable as there is no background noise from industry or traffic etc. Quad bikes are a totally unacceptable activity in this area. In the DA approval (3.7) Council has conditioned the quad bike activity to restrict use to at least 150m from the northern boundary. For many months earthwork noise close to the house has been reported by residents. This is approx. 600-800m from the northern boundary.
- b. Bus, worker and supply vehicle traffic on Barnwell Road. Stormwater; erosion and sediment issues caused by traffic particularly near Cain Creek. This area has been extensively reported to Council over the past 12 months including a personal onsite inspection by Mayor Tom Gilmore.

LETTER TO THE MAYOR OF MSC AND COUNCILLORS MCU/17/0012

SIGNED BY:

NAME	ADDRESS	SIGNATURE
J DUER	23 Monaro cl Myola	<i>J Dyer</i>
K. N. Edwards	28 Monaro cl Myola	<i>Knedwards</i>
J. H. EDWARDS.	28 MONARO CL. MYOLA.	<i>JH Edwards</i>
B Parker	11 Monaro cl Myola	<i>B Parker</i>

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With regards,

All signatories to attached letter.

Schedule 1

Planning Act 2016 ("PLAA")
CHAPTER 2 – PLANNING
Part 3 - State Planning Instruments

Entity power given to	Section of PA	Description
Person	10(2)(c)	Power to make a written submission about the instrument to the Minister.

Part 3 - Local Planning Instruments
Division 2 – Making or amending planning schemes

Entity power given to	Section of PA	Description
Local Government	18(1)	Power to propose to make or amend a planning scheme.
Local Government	18(2)	Power to give notice of the proposed planning scheme or proposed amendment to the Chief Executive.
Local Government	18(3)	Power to consult with the Chief Executive.
Local Government	18(3)(b)	Power to consider amended notice given by the Chief Executive about the process for making or amending the planning scheme.
Local Government	18(6)	Power to make or amend the planning scheme by following the process in the notice or amended notice.
Local Government	19(1)	Power to apply a planning scheme as a categorising instrument in relation to prescribed tidal works in the tidal area for its non-port local government area, to the extent prescribed by regulation.
Local Government	20(2)	Power to amend a planning scheme by following the process in the Minister's rules.
Local Government	21	In certain circumstances, power to follow the process in the Minister's rules for making or amending an LGIP.
Local Government	22(1)	Power to amend a planning scheme policy by following the process in the Minister's rules.
Local Government	23(1)	Power to make a TLPI if the local government and Minister decide – a) there is significant risk of serious adverse cultural, economic, environmental or social conditions happening in the local government area; b) the delay involved in using the process in sections 18 to 22 to make or amend another local planning instrument would increase the risk; and c) the making of the TLPI would not adversely affect State interests.
Local Government	23(2)	Power to amend a TLPI if the Minister decides the amendment of the TLPI would not adversely affect State interests.
Local Government	23(4)	Power to make or amend a TLPI by following the process in the Minister's rules.
Local Government	24(5)	Power to repeal a TLPI by making, or amending, a planning scheme to specifically repeal the TLPI.
Local Government	25(1)(a)	Power to review planning scheme.

 Instrument of Delegation
 Planning Act 2016

Current as at 1 July 2017

Local Government	25(1)(b)	Power to decide, based on that review, whether to amend or replace the planning scheme.
Local Government	25(2)	Power to: a) give written reasons for the decision to the Chief Executive; b) publish a public notice in the approved form about the decision; and c) keep a copy of the public notice in a conspicuous place in the local government's public office for a period of at least 40 business days after the notice is published.
Local Government	25(3)	Power to undertake an LGIP review.

Division 3 – State Powers for local planning instruments

Entity power given to	Section of PA	Description
Local Government	26(3)(c)	Power to may make a submission to the Minister about taking the action.
Local Government	26(4)(a)	Power to take action in accordance with Minister's direction under a Notice.
Local Government	26(4)(b)	Power to take other action in accordance with Minister's direction.

Part 4 - Superseded Planning Schemes
Division 1 – Applying superseded planning schemes

Entity power given to	Section of PA	Description
Local Government	29(4)(a)	Power to accept, assess and decide a development application (a superseded planning scheme application) under a superseded planning scheme.
Local Government	29(4)(b)	Power to apply a superseded planning scheme to the carrying out of development that was accepted development under the superseded planning scheme.
Local Government	29(6)	Power to decide whether or not to agree to a superseded planning scheme request within the period prescribed by, or extended as required under, the regulation.
Local Government	29(7)	Power to give a decision notice to the person who made the superseded planning scheme request.

Division 2 - Compensation

Entity power given to	Section of PA	Description
Local Government	30(5)	Power to prepare a report assessing feasible alternatives for reducing the risk stated in subsection (4)(e), including imposing development conditions on development approvals.
Local Government	32(1)(a)	Power to approve all or part of a compensation claim.
Local Government	32(1)(b)	Power to refuse a compensation claim.
Local	32(1)(c)	Power to give a notice of intention to resume the affected owner's interest in

Government		premises under the Acquisition Act, section 7.
Local Government	32(2)	Power to decide to amend the planning scheme to allow premises to be used for the purposes that the premises could be used for under the superseded planning scheme.
Local Government's Chief Executive Officer	32(3)	Power to give the affected owner: a) notice of intention to resume; b) a notice that states the local governments decision and the amount of compensation to be paid and then affected owners appeal rights.

Part 5 - Designation of premises for development of infrastructure

Entity power given to	Saction of PA	Description
Designator	35(1)	Power to identify premises for the development of 1 or more types of infrastructure that are prescribed by regulation.
Designator	35(2)	Power to include designation requirements about any of the matter contained in 35(2)(a)-(c).
Designator	36(1)(a)	Power to be satisfied that the infrastructure will satisfy statutory requirements, or budgetary commitments, for the supply of the infrastructure.
Designator	36(1)(b)	Power to be satisfied that there is or will be a need for the efficient and timely supply of the infrastructure.
Local Government	36(7)(e)	Power to make submission to a Designator in relation to making or amending a designation.
Local Government	37(6)	Power to follow the process in the designation process rules before making or amending a designation.
Designator	38(1)	Power to:- a) consider properly made submissions, b) decide to make or amend a designation; and c) publish a gazette notice.
Designator	39(2)	Power to extend the duration of a designation, for up to 6 years, by publishing a gazette notice about the extension before the designation stops having effect.
Public Sector Entity	39(4)	Power to discontinue proceedings to resume designated premises.
Designator	40(1)	Power to repeal a designation by publishing a gazette notice that states--- a) that the designation is repealed; and b) a description of the designated premises; and c) the type of infrastructure for which the premises were designated; and d) the reasons for the repeal.
Designator	41(4)	Power to: a) repeal the designation; b) decide to refuse the request; and c) decide to take other action that designator considers appropriate in the circumstances.
Designator	41(5)	Power to give a decision notice.
Local Government	42(2)	Power to include a note about the making amendment extension or appeal in the planning scheme.
Local	42(4)	Power to include a note the planning scheme in a way that ensures the other provisions of the scheme that apply to the designated premises remain

Government		effective.
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CHAPTER 3 – DEVELOPMENT ASSESSMENT
Part 1 - Types of development and assessment

Entity power given to	Section of PA	Description
Local Government	46(2)(a)	Power to give an exemption certificate for a development.
Local Government	46(3)(a)	Power to seek agreement from referral agencies about the giving of an exemption certificate.

Part 2 - Development applications
Division 2 – Making or changing applications

Entity power given to	Section of PA	Description
Owner	51(2)	Power to give owner's consent
Assessment Manager	51(4)(c)	Power to accept an application that does not comply with subsection (1)(a) or (b)(f).
Assessment Manager	51(4)(d)	Power to accept an application that does not comply with subsection (1)(b)(i) to the extent the required fee has been waived under section 109(b).
Assessment Manager	53(3)	Power to assess and decide a development application even if some of the requirements of the development assessment rules about the notice have not been complied with, if the assessment manager considers any noncompliance has not— (a) adversely affected the public's awareness of the existence and nature of the application; or (b) restricted the public's opportunity to make properly made submissions about the application.
Assessment Manager	53(4)(g)	Power to consider submissions about a development application.
Assessment Manager	53(10)	Power to give notice on behalf of an applicant to a referral agency for a fee.

Part 3 - Assessing and deciding development applications
Division 1 – Referral agency's assessment

Entity power given to	Section of PA	Description
Assessment Manager	54(5)	Power to give a copy of a development application on behalf of an applicant to a referral agency for a fee.

Division 2 – Assessment manager's decision

Entity power given to	Section of PA	Description
Assessment Manager	60(2)(b)	Power to decide to approve the application even if the development does not comply with some of the assessment benchmarks.

Assessment Manager	60(2)(c)	Power to impose development conditions on an approval.
Assessment Manager	60(2)(d)	To the extent the development does not comply with some or all the assessment benchmarks, power to decide to refuse the application only if compliance cannot be achieved by imposing development conditions.
Assessment Manager	60(3)(a)	Power to decide to approve all or part of the application.
Assessment Manager	60(3)(b)	Power to decide to approve all or part of the application, but impose development conditions on the approval.
Assessment Manager	60(3)(c)	Power to decide to refuse the application.
Assessment Manager	60(5)	Power to give a preliminary approval for all or part of the development application, even though the development application sought a development permit.
Assessment Manager	61(3)(a)(i)	Power to decide to approve all or some of the variations sought.
Assessment Manager	61(3)(a)(ii)	Power to decide to approve different variations from those sought.
Assessment Manager	61(3)(b)	Power to decide to refuse the variation orders sought.
Assessment Manager	63(1)	Power to give a decision notice.
Assessment Manager	63(4)	Power to publish a notice about the decision on the assessment managers website.
Assessment Manager	64(6)(a)	Power to give an applicant a decision notice which approves the application.
Assessment Manager	64(6)(b)	Power to give an applicant a decision notice which approves the application subject to development conditions.

Division 3 – Development conditions

Entity power given to	Section of PA	Description
Assessment Manager/ Referral Agency	67	Power to make an agreement with an applicant to establish the responsibilities, or secure the performance, of a party to the agreement about a development condition.

Part 5 - Development Approvals
Division 2 – Changing development approvals
Subdivision 1 – Changes during appeal period

Entity power given to	Section of PA	Description
Assessment Manager	75(4)(b)(ii)	Power to provide an applicant with a notice that they do not agree with the change representations.
Assessment Manager	75(4)(b)(iii)	Power to agree with an applicant to a longer period to make change representations.
Assessment Manager	76(1)	Power to assess change representations against and having regard to the matters that must be considered when assessing a development application to

		the extent those matters are relevant.
Assessment Manager	76(2)	Power to give a negotiated decision notice.
Local Government	76(6)	Power to give a replacement infrastructure charges notice to an applicant.

Subdivision 2 – Changes after appeal period

Entity power given to	Section of PA	Description
Assessment Manager	78(3)(c)	Power to consider a change application.
Responsible Entity	79(2)(a)	Power to be satisfied that an application complies with subsection (1).
Assessment Manager	79(2)(b)	Power to be satisfied the application complies with subsection (1)(b)(iii).
Responsible Entity	79(2)(c)	Power to accept an application that does not comply with subsection (1)(a) or (b)(ii).
Responsible Entity	79(2)(d)	Power to accept an application that does not comply with subsection (1)(b)(i) to the extent the required fee has been waived under section 109(b).
Affected Entity	80(3)	Power to give the person who proposes to make the change application a notice (a pre-request response notice) that states— (a) whether the affected entity objects to the change; and (a) the reasons for any objection.
Affected Entity	80(5)(a)	Power to give a responsible entity and the applicant a response notice that states that the affected entity has no objection to the change.
Affected Entity	80(5)(b)	Power to give a responsible entity and the applicant a response notice that states that the affected entity objects to the change and the reasons for objection.
Responsible Entity	81(3)(a)	Power to assess against, or have regard to, the matters that applied when the development application was made.
Responsible Entity	81(3)(b)	Power to assess against, or have regard to, the matters that applied when the change application was made.
Responsible Entity	81(4)(a)	Power to make the change, with or without imposing development conditions, or amending development conditions, relating to the change.
Responsible Entity	81(4)(b)	Power to refuse to make the change.
Responsible Entity	81(7)	Power to agree with applicant to an extension for a minor change application.

Subdivision 3 – Notice of Decision

Entity power given to	Section of PA	Description
Responsible Entity	83(1)	Power to give a decision notice.

Division 3 – Cancelling development approvals

Entity power given to	Section of PA	Description
Assessment Manager	84(4)	Power to cancel the development approval and give notice of the cancellation.

Division 4 – Lapsing of and extending development approvals

Entity power given to	Section of PA	Description
Assessment Manager	86(3)(a)	Power to be satisfied that an application complies with subsection (2).
Assessment Manager	86(3)(b)	Power to be satisfied that an application complies with subsection (2)(b)(ii) before an application can be accepted.
Assessment Manager	86(3)(c)	Power to accept an application that does not comply with subsection (2)(a).
Assessment Manager	86(3)(d)	Power to accept an application that does not comply with subsection (2)(b)(i) to the extent the required fee has been waived under section 109(b).
Assessment Manager	87(1)	Power to consider any matter that the assessment manager considers relevant, even if the matter was not relevant to assessing the development application.
Assessment Manager	87(2)(a)	Power to decide whether to give or refuse the extension sought.
Assessment Manager	87(2)(b)	Power to decide extend the currency period for a period that is different from the extension sought.
Assessment Manager	87(3)	Power to agree to extend the 20 business day period.
Assessment Manager	88(3)	Power to any use security paid under a condition stated in section 65(2)(e) in the approval or agreement under section 67.

Division 5 – Noting development approvals on planning schemes

Entity power given to	Section of PA	Description
Local Government	69(1)(a)	Power to consider whether a development approval is substantially inconsistent with its planning scheme.
Local Government	69(1)(b)	Power to give a variation approval.

Part 6 - Minister's powers
Division 3 – Minister's call in

Entity power given to	Section of PA	Description
Person	102(2)	Power to make representations about the proposed calling notice.
Decision-maker	105(3)	Power to provide Minister with reasonable help.

Part 7 - Miscellaneous

Entity power given to	Section of PA	Description
Assessment Manager or Referral Agency or Responsible Entity	109(a)	Power to refund all or part of a required fee
Assessment Manager or Referral Agency or Responsible Entity	109(b)	Power to waive all or part of a required fee, in the circumstances prescribed by regulation.

CHAPTER 4 – INFRASTRUCTURE
Part 2 - Provisions for Local Governments
Division 2 – Changes for trunk infrastructure
Subdivision 2 – Charges resolutions

Entity power given to	Section of PA	Description
Participating Local Government for a distribution-retailer	115(2)	Power to enter into an agreement (a <i>breakup agreement</i>) about the charges breakup.

Subdivision 3 – Levying charges

Entity power given to	Section of PA	Description
Local Government	119(2)	Power to give an infrastructure charges notices
Local Government	119(6)	Power to give an applicant an amended infrastructure charges notice

Subdivision 4 – Payment

Entity power given to	Section of PA	Description
Local Government	123(1)(a)	Power to make an agreement with recipient of an infrastructure charges notice about whether the levied charge under the notice may be paid other than as required under section 122 including whether the charge may be paid by instalments.
Local Government	123(1)(b)	Power to make an agreement with recipient of an infrastructure charges notice about whether infrastructure may be provided instead of paying all or part of the levied charge.

Subdivision 5 – Changing charges during relevant appeal period

Entity power given to	Section of PA	Description
Local Government	125(2)	Power to consider representations.
Local Government	125(3)	Power to give a negotiated notice to the recipient.

Subdivision 2 – Changing charges during relevant appeal period

Entity power given to	Section of PA	Description
Local Government	131(2)	Power to agree to an alternative payment time.
Local Government	135(3)	Power to make an agreement with a payer in relation to a refund.

Division 4 – Miscellaneous provisions about trunk infrastructure
Subdivision 1 – Conversion of particular non-trunk infrastructure before construction starts

Entity power given to	Section of PA	Description
Local Government	140(1)	Power to consider and decide the conversion application.
Local Government	140(3)	Power to give the applicant a notice requiring the applicant to give information that the local government reasonably needs to make the decision.
Local Government	142(3)	Power to amend the development approval by imposing a necessary infrastructure condition for the trunk infrastructure.

Subdivision 2 – Other Provisions

Local Government	144(2)	Power to make an agreement with an applicant in relation to a levied charge.
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Part 3 - Provisions for State infrastructure providers

Entity power given to	Section of PA	Description
Local Government	149(2)(b)	Power to agree with the state infrastructure provider and the person who provided the replacement infrastructure about when the amount of the levy charge will be paid.

Part 4 - Infrastructure agreements

Entity power given to	Section of PA	Description
Public Sector Entity	151(2)	Power to tell the entity making the proposal if the recipient agrees into entering into a negotiations for an infrastructure agreement.
Public Sector Entity	156(1)(a)	Power to enter into an agreement with a person about providing or funding infrastructure.

Public Sector Entity	158(1)(b)	Power to enter into an agreement with a person about refunding payments made towards the cost of providing or funding infrastructure.
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CHAPTER 5 – OFFENCES AND ENFORCEMENT
Part 3 - Enforcement notices

Entity power given to	Section of PA	Description
Enforcement authority	167(1)(a)	Power to form reasonable belief that a person has committed, or is committing, a development offence.
Enforcement Authority	167(1)(b)	Power to consider giving an enforcement notice for an offence to a person.
Enforcement Authority	167(2)	Power to give show cause notice.
Enforcement Authority	167(4)	Power to give an enforcement notice to a person if it still considers it appropriate to do so.
Enforcement Authority	167(5)(b)	Power to form reasonable belief that it is not appropriate in the circumstances to give the show cause notice.
Enforcement Authority	168(1)	Power to form reasonable belief a person has committed, or is committing, a development offence, and give an enforcement notice to— (a) the person, and (b) if the offence involves premises and the person is not the owner of the premises— the owner of the premises.
Enforcement Authority	169(4)(a)	Power to form a reasonable belief that it is not possible or practical to take steps to make the development accepted development.
Enforcement Authority	169(4)(b)	Power to form a reasonable belief that it is not possible or practical to take steps to make the works comply with a development approval.
Enforcement Authority	169(4)(c)	Power to form a reasonable belief that the works are dangerous.
Enforcement Authority	169(2)(a)	Power to consult with a private certifier about the giving of a notice.
Enforcement Authority	169(3)	Power to form a reasonable belief the works for which the enforcement notice is to be given are dangerous.
Enforcement Authority	169(5)	Power to carry out consultation in the way the enforcement authority considers appropriate.

Part 4 - Offence proceedings in Magistrates Court

Entity power given to	Section of PA	Description
Person	174(1)	Power to bring offence proceedings.
Representative Person	175(1)(a)	Power to bring offence proceedings by consent for proceedings brought on behalf of a body of persons or a corporation.
Representative Person	175(1)(b)	Power to bring offence proceedings by consent for proceedings brought on behalf of an individual.
Enforcement Authority	176(10)(a)	Power to take action required under an order.
Enforcement Authority	178(10)(b)	Power to recover the reasonable cost of taking the action as a debt owing to

Authority		the authority from the defendant.
Enforcement Authority	178(1)(b)	Power to apply to a Magistrate for an order for the payment of expenses

Part 5 - Enforcement orders in P&E Court

Entity power given to	Section of PA	Description
Person	180(1)	Power to start proceedings in the P&E Court for an enforcement order.
Person	180(11)	Power to apply to the P&E Court for a compliance order.
Enforcement authority	180(13)(b)	Power to take action required under an order.
Enforcement Authority	180(13)(b)	Power to recover the reasonable cost of taking the action as a debt owing to the authority from the defendant.
Person	181(4)	Power to apply to the P&E Court to cancel or change an enforcement order or interim enforcement order.

CHAPTER 6 – DISPUTE RESOLUTION
Part 1 - Appeal rights

Entity power given to	Section of PA	Description
Appellant	229(2)	Power to start an appeal within the appeal period.
Assessment Manager	229(5)	Power to apply to the tribunal of the P&E court to withdraw from the appeal if an appeal is only about a referral agencies response

Division 2 – Applications for declaration

Entity power given to	Section of PA	Description
Person	239(1)	Power to start proceedings for a declaration by a tribunal by filing an application, in the approved form, with the registrar.
Assessment Manager	240(1)	Power to start proceedings for a declaration about whether a development application is properly made.
Responsible Entity	241(2)	Power to start proceedings for a declaration about whether the proposed change to the approval is a minor change.

CHAPTER 7 – MISCELLANEOUS
Part 2 - Taking or purchasing land for planning purposes

Entity power given to	Section of PA	Description
Local Government	263(1)(a)	Power to consider that taking or purchasing land would help to achieve the outcomes stated in a local planning instrument.
Local Government	263(1)(b)(i)	Power to be satisfied that the development would create a need to construct infrastructure on land or to carry drainage over land.
Local	263(1)(b)	Power to be satisfied that a person with the benefit of the approval has taken

Government	(ii)	reasonable steps to get the agreement of the owner of the land to actions that would facilitate the construction or carriage, but has not been able to get the agreement.
Local Government	263(1)(b)(iii)	Power to be satisfied that action is necessary for the development.

CHAPTER 8 – TRANSITIONAL PROVISIONS AND REPEAL
Part 1 - Transitional provisions for the repeal of Sustainable Planning Act 2009
Division 3 – Planning

Entity power given to	Section of PA	Description
Local Government	293(5)	Power to make an amendment of a type mentioned in subsection (1) by following the process set out in the rules.

Division 5 – Infrastructure

Entity power given to	Section of PA	Description
Local Government	304(4)(a)	Power to adopt charges under section 113.
Local Government	304(4)(b)	Power to give an infrastructure charges notice under section 119.
Local Government	304(4)(c)	Power to impose conditions about trunk infrastructure under section 128 or 130.

Division 6 – Enforcement and dispute resolution

Entity power given to	Section of PA	Description
Person	312	Power to bring a proceeding under the section of the old Act stated in column 2, after the commencement, whether the matter happened before or after the commencement.

Division 7 – Miscellaneous

Entity power given to	Section of PA	Description
Local Government	314(6)	Power to apply funds received under a funding agreement to fulfil the local government's responsibilities under subsections (3) or (4), as required by the local government's policy under the unamended old Act, section 143(2).

Mareeba Shire Council

OFFICER'S REPORT

SUBJECT: DELEGATIONS

MEETING: Ordinary

MEETING DATE: 21 June 2017

REPORT OFFICER'S TITLE: Manager Development and Governance

DEPARTMENT: Corporate and Community Services

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. The only changes proposed in this report relate to the Planning Act 2016.

OFFICER'S RECOMMENDATION

"That:

1. Council delegates the exercise of the powers contained in the attached Instrument of Delegation to the Chief Executive Officer, with such powers to be exercised subject to any limitations contained in Schedule 1 of the Instrument of Delegation.
2. Any prior delegations of power relating to the same matters contained in the attached Instrument of Delegation are revoked. "

BACKGROUND

At the meeting of Council held on 21 January 2015, Council delegated to the Chief Executive Officer the necessary statutory powers under various pieces of legislation to enable him to perform the requirements of his role effectively and efficiently manage the operations of the Council.

Council subscribes to a monthly delegations update service provided by MacDonnells Law, under which MacDonnells review the myriad pieces of legislation that provide statutory powers to local government and they then advise the subscribing Councils of any changes to legislation that require amendment of existing delegations or new delegations to be made by Council.

The Instruments of Delegation attached to this report set out those pieces of legislation recently reviewed by MacDonnells and the delegations to be made as a result thereof.

The Planning Act 2016 ("PLAA") was passed in Parliament on 25 May 2016, and commences on 3 July 2017. The PLAA replaces the Sustainable Planning Act 2009 ("SPA").

Advice from Macdonnells Law 'that from 3 July 2017, Council should implement delegations for PLAA in accordance with the enclosed instrument. However, it is recommended Council

continues to maintain its existing delegations under SPA after 3 July, as there are transitional arrangements under the PLAA for existing development applications and other existing planning matters that means SPA continues to apply in some circumstances.'

Macdonnells Law have also advised '*that a Planning Regulation will eventually be enacted to accompany the PLAA. A Planning Regulation exists in draft form, but has not yet been enacted. Once it has been, we will finalise tables of delegable powers and relevant instruments for the Planning Regulation, and circulate them to our subscribing Councils to adopt.'*

Limitations to the Exercise of Power

All delegations are made subject to the following limitations:

1. 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 affect adversely, Council's relations with the public at large.
2. 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).
3. 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.

LINK TO CORPORATE PLAN

GOV 5: Conduct a work management systems and procedures review to develop an efficient organisation supported by cost effective work practices and systems.

CONSULTATION

Internal

Director Corporate and Community Services

External

MacDonnells Law

LEGAL AND RISK IMPLICATIONS (STATUTORY BASIS, LEGAL AND RISKS)

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 Chief Executive Officer or obtained as a result of an appointment as an authorised person under particular statutes, will be invalid if they cannot be supported by an instrument documenting the particulars.

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

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POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS*Capital*
Nil*Operating*
Nil**IMPLEMENTATION/COMMUNICATION**

Nil

ATTACHMENTS

1. Instrument of Delegation

Date Prepared: 22 May 2017

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INSTRUMENT OF DELEGATION**Mareeba Shire Council**
Planning Act 2016

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.

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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.

[2017 07 01 - PLAA - Delegation Instrument - Mareeba]

BUSINESS WITHOUT NOTICE**NEXT MEETING OF COUNCIL**

The next meeting of Council will be held at 9:00 am on Wednesday 21 February 2018

SUMMARY OF NEW PLANNING APPLICATIONS & DELEGATED DECISIONS FOR THE MONTH OF DECEMBER 2017

Summary of new Planning Development Applications and Delegated Decisions for December 2017

New Development Applications					
Application #	Lodgement Date	Applicant/ Address	Property Description	Application Type	Status
MCU/17/0016	12/12/2017	F & L Zuvela C/- Veris	271 Springs Road, Mareeba	MCU (Impact Assessment) – Non-resident workforce accommodation (40 beds)	In confirmation stage
MCU/17/0017	15/12/2017	G & C Williams C/- Freshwater Planning	3-5 Williams Close, Mareeba	MCU (Impact Assessment) – Tourist Park, Short Term Accommodation & Food and Drink Outlet	In referral stage
MCU/17/0018	20/12/2017	DP Energy	8579 Mulligan Highway, Desailly	MCU (Code Assessment) – Utility Installation (Solar Farm)	In confirmation stage
RAL/17/0010	7/12/2017	S & J Beattie	82 McGrath Road, Mareeba	ROL (Impact Assessment) – Subdivision (1 into 2 Lots)	In public notification stage
RAL/17/0011	14/12/2017	B Prove	198 Popovic Road, Koah	ROL (Code Assessment) – Subdivision (1 into 3 Lots)	In decision stage
RAL/17/0012	21/12/2017	Lakeland Wind Farm Pty Ltd C/- RPS	421 Wetherby Road, Mount Molloy	ROL (Code Assessment) – Subdivision (1 into 2 Lots)	In referral stage
OPW/17/0005	5/12/2017	C Emery C/- Cardno	3 Hilltop Close, Kuranda	Operational works for REC/06/0108 – Early Works (Vegetation Clearing)	Approved on 13 December 2017

Decision Notices issued under Delegated Authority					
Application #	Date of Decision Notice	Applicant	Address	Property Description	Application Type
MCU/17/0013	22/12/2017	Pioneer North QLD Pty Ltd C/- RPS	1506 & 1596 Mareeba-Dimbulah Road,	Lot 2 on RP745859 & Lot 12 on HG387	MCU (Code Assessment) – Extractive Industry (expansion)

December 2017 (Regional Land Use Planning)

			Arriga		
OPW/17/0005	13/12/2017	C Emery C/- Cardno	3 Hilltop Close, Kuranda	Lot 84 on SP237138	Operational works for REC/06/0108 – Early Works (Vegetation Clearing)

Change to Existing Development Approval issued					
Application #	Date of Decision	Applicant	Address	Property Description	Application Type
N/A					

Referral Agency Response Decision Notices issued under Delegated Authority					
Application #	Date of Decision	Applicant	Address	Property Description	Application Type
CAR/17/0009	13/12/2017	J & S Rollinson C/- Northern Building Approvals	37-43 Raleigh Street, Dimbulah	Lot 485 on HG654	Referral Agency Response – Building Work relating to a heritage place (Junction Hotel, Dimbulah)
CAR/17/0010	18/12/2017	G & K Van Bockel C/- Northern Building Approvals	Blacks Road, Mareeba	Lot 5 on SP280055	Referral Agency Response – Class 1a Dwelling assessable against the Flood Hazard Overlay

Extensions to Relevant Period issued					
Application #	Date of Decision	Applicant	Address	Property Description	Application Type
DA/13/0085	19/12/2017	Kanjini Co-op Ltd	Emerald Falls Road, Mareeba	Lot 67 on SP284105	ROL (Code Assessment) – Subdivision (1 into 4 Lots) Extension to 16 September 2019.

December 2017 (Regional Land Use Planning)

Survey Plans endorsed					
Application #	Date	Applicant	Address	Property Description	No of Lots
RAL/17/0003	8/12/2017	A Goltz & J Portelli	Bilwon Road, Bibohra	Lot 2 on RP744262 & Lot 18 on SP270088	Boundary Realignment

December 2017 (Regional Land Use Planning)