



# **AGENDA**

**Wednesday, 21 August 2024**

**Ordinary Council Meeting**

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

**Date: Wednesday, 21 August 2024**

**Time: 9:00am**

**Location: Council Chambers**

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





**Order Of Business**

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- 1 MEMBERS IN ATTENDANCE**
- 2 APOLOGIES/LEAVE OF ABSENCE/ABSENCE ON COUNCIL BUSINESS**
- 3 BEREAVEMENTS/CONDOLENCES**
- 4 DECLARATION OF CONFLICTS OF INTEREST**
- 5 CONFIRMATION OF MINUTES**  
  
Special Council Meeting - 17 July 2024  
Ordinary Council Meeting - 17 July 2024
- 6 BUSINESS ARISING OUT OF MINUTES OF PREVIOUS MEETING**
- 7 DEPUTATIONS AND DELEGATIONS**



## 8 CORPORATE AND COMMUNITY SERVICES

**8.1 WALLACE QUARRYING AND MINING PTY LTD - MATERIAL CHANGE OF USE - EXTRACTIVE INDUSTRY (UP TO 5,000 TONNES PER ANNUM) - LOT 231 ON NR4837 - 269 SHANTY CREEK ROAD, MAREEBA - MCU/24/0005**

**Date Prepared:** 7 August 2024

**Author:** Senior Planner

- Attachments:**
1. [Proposal Plan](#) ↓
  2. [Submissions](#) ↓
  3. [Applicants Response to Submitter Concerns](#) ↓

### APPLICATION DETAILS

APPLICATION		PREMISES	
<b>APPLICANT</b>	Wallace Quarrying and Mining Pty Ltd	<b>ADDRESS</b>	269 Shanty Creek Road, Mareeba
<b>DATE LODGED</b>	29 January 2024	<b>RPD</b>	Lot 231 on NR4837
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use – Extractive Industry (up to 5,000 tonnes per annum)		
<b>FILE NO</b>	MCU/24/0005	<b>AREA</b>	82.859ha
<b>LODGED BY</b>	Anson Advisory	<b>OWNER</b>	I & R Wallace
<b>PLANNING SCHEME</b>	Mareeba Shire Council Planning Scheme 2016		
<b>ZONE</b>	Rural Zone		
<b>LEVEL OF ASSESSMENT</b>	Impact Assessment		
<b>SUBMISSIONS</b>	Sixteen (16)		

### EXECUTIVE SUMMARY

Council is in receipt of an impact assessable development application described in the above application details. During the mandatory public notification period, 16 properly made submissions were received, all of which objected to the proposed development.

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

Key submitter concerns related to perceived impacts the proposed extractive industry operation would have on rural amenity, Emerald Creek water quality and the local road network. With an annual extraction capacity of just 5,000 tonnes, the proposed operation is small scale, and will not involve any hard rock crushing or blasting. For sand extraction, the Planning Scheme includes a desired separation distance of 200 metres from any sensitive land use which has been achieved in this instance with the majority of submitters situated in excess of 350 metres from the extraction area and in excess of 600 metres from the more operationally intensive sand screening/washing area. It should be noted that the setbacks achieved in this instance exceed the setbacks in place for a number of other large scale sand extraction operations established within the Shire, all of which

continue to operate without complaint. In addition to these setbacks, a number of operational restrictions will be imposed through conditions of approval to further minimise impacts on the existing rural amenity of the area.

A 5,000-tonne extraction limit will produce an average of just four (4) truck movements per week from the site, which will not noticeably impact on amenity or road safety. With regards to water quality, conditions have been imposed that only allow sand extraction to occur in the dryer parts of the year when water is not discharging from the dam spillway, ensuring the dam itself acts as a large settling pond to help maintain water quality of downstream Emerald Creek.

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

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

**OFFICER’S RECOMMENDATION**

1. That in relation to the following development application:

APPLICATION		PREMISES	
<b>APPLICANT</b>	Wallace Quarrying and Mining Pty Ltd	<b>ADDRESS</b>	269 Shanty Creek Road, Mareeba
<b>DATE LODGED</b>	29 January 2024	<b>RPD</b>	Lot 231 on NR4837
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use – Extractive Industry (up to 5,000 tonnes per annum)		

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

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

And

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

(A) APPROVED DEVELOPMENT: Development Permit for Material Change of Use – Extractive Industry (up to 5,000 tonnes per annum)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
Figure 2	Quarry Operations Map – sites and distances to neighbours	Anson Advisory	-

(C) ASSESSMENT MANAGER’S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

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

All operations pursuant to the extractive industry, or in any way connected with the extractive industry will, for site operations and for removal of material, be limited to the hours between 7.00 am and 6.00 pm Mondays to Friday and 7:00am to 12:00 noon Saturdays (except Public Holidays), PROVIDED ALWAYS that the Council will have the right at any time, and from time to time, to fix other hours of operation, and upon the fixing of any such other hours of operation pursuant to the permit, or in any way connected therewith, the extractive industry will be limited to such other hours. The Applicant will not be allowed to conduct nor permit nor suffer to be conducted, any extractive industry operation nor run nor start any motors, machinery, or the like, nor remove any materials from the said land on any Sunday or Public Holiday, or at any time outside the hours mentioned or such other hours as will be fixed by Council.

- 3.5 The Site Based Management Plan must be amended to include any operational requirements/limitations required under these conditions of approval. The amended Site Based Management Plan must be provided to Council for review and approval prior to the commencement of extraction. All operations pursuant to the extractive industry must be carried out in accordance with the amended Site Based Management Plan at all times.
- 3.6 The applicant will be required to take every precaution to avoid spillage and any spillage which occurs on any public road, shall be removed at the end of each working day or within four (4) hours of any verbal requirement by Council's delegated officer.
- 3.7 Scale and Intensity
- The extraction volume must not exceed 5,000 tonnes per annum.
- 3.8 The Applicant shall provide Council with records of quantities of material extracted from the site on a monthly basis, including the number of truck movements associated with each monthly quantity.
- 3.9 No mature vegetation is to be removed from the southern edge of the extraction area (southern edge of dam).
- 3.10 No extraction must occur from the extraction area whatsoever while water is discharging across the dam's spillway. This is to ensure the larger dam itself remains a sediment trap to help maintain Emerald Creek water quality.
- 3.11 Material extracted or sold from the site must only be transported via Leotta Road. No transport via the sites north-east access from Shanty Creek Road, or via the undeveloped road reserve to the east of the site is permitted. The internal access road that runs parallel to the common boundary with Lot 232 on NR4837 must not be used to transport material to Leotta Road.
- 3.12 No blasting is permitted to occur on-site where associated with the approved extractive industry operation.
- 3.13 Rehabilitation (northern edge of dam only)
- A Site Rehabilitation Management Plan (SRMP) is to be prepared by a suitably qualified and experienced person detailing the timing/staging of vegetation removal, method of removal and the sequence of operations and rehabilitation works. The SRMP must address vegetation proposed to be removed from the northern edge of the dam extraction area.
- Site rehabilitation works must include the replanting of native vegetation along the northern edge of the expanded dam area once extraction is complete. Rehabilitation must be provided in a progressive manner in accordance with any extraction sequences and staging. The method of rehabilitation needs to be detailed with appropriate revegetation strategies indicated including the species list to be used including plant source. The plan is to be submitted to Council and operations are not to commence prior to receipt of Council's approval of the plan.



All site rehabilitation is to occur in accordance with the approved Site Rehabilitation Management Plan.

#### 3.14 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 Access

The existing access crossover (between the end of Leotta Road and the site access) must be maintained with a compacted all weather gravel standard in accordance with the FNQROC Development Manual, for the life of the development, to the satisfaction of Council's delegated officer.

#### 5. Additional Payment Condition – **Note:** The applicant's obligations under this condition are waived whilst Council continues to levy the special charge for extractive industries in accordance with Council's adopted annual budget.

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 \$3,360.00 for each 167 haul truck movements from the site towards trunk transport 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.

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

- The trunk transport infrastructure servicing the land - specifically the upgrading of Leotta Road, Shanty Creek Road and Gilmore Road to rural road (8 metres wide) bitumen sealed standard.

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
- Complete the works prior to commencement of the use.

(D) ASSESSMENT MANAGER'S ADVICE

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

- (b) Compliance with applicable codes/policies

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

- (c) Environmental Protection and Biodiversity Conservation Act 1999

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

- (d) Cultural Heritage

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

- (e) Electric Ants

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

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

All persons within and outside the electric ant biosecurity zone have an obligation (a **general biosecurity obligation**) to manage biosecurity risks and threats that are under

their control, they know about, or they are expected to know about. Penalties may apply for failure to comply with a general biosecurity obligation.

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

(f) Transportation of Soil

All soil and material 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)

- Material Change of Use – six (6) 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

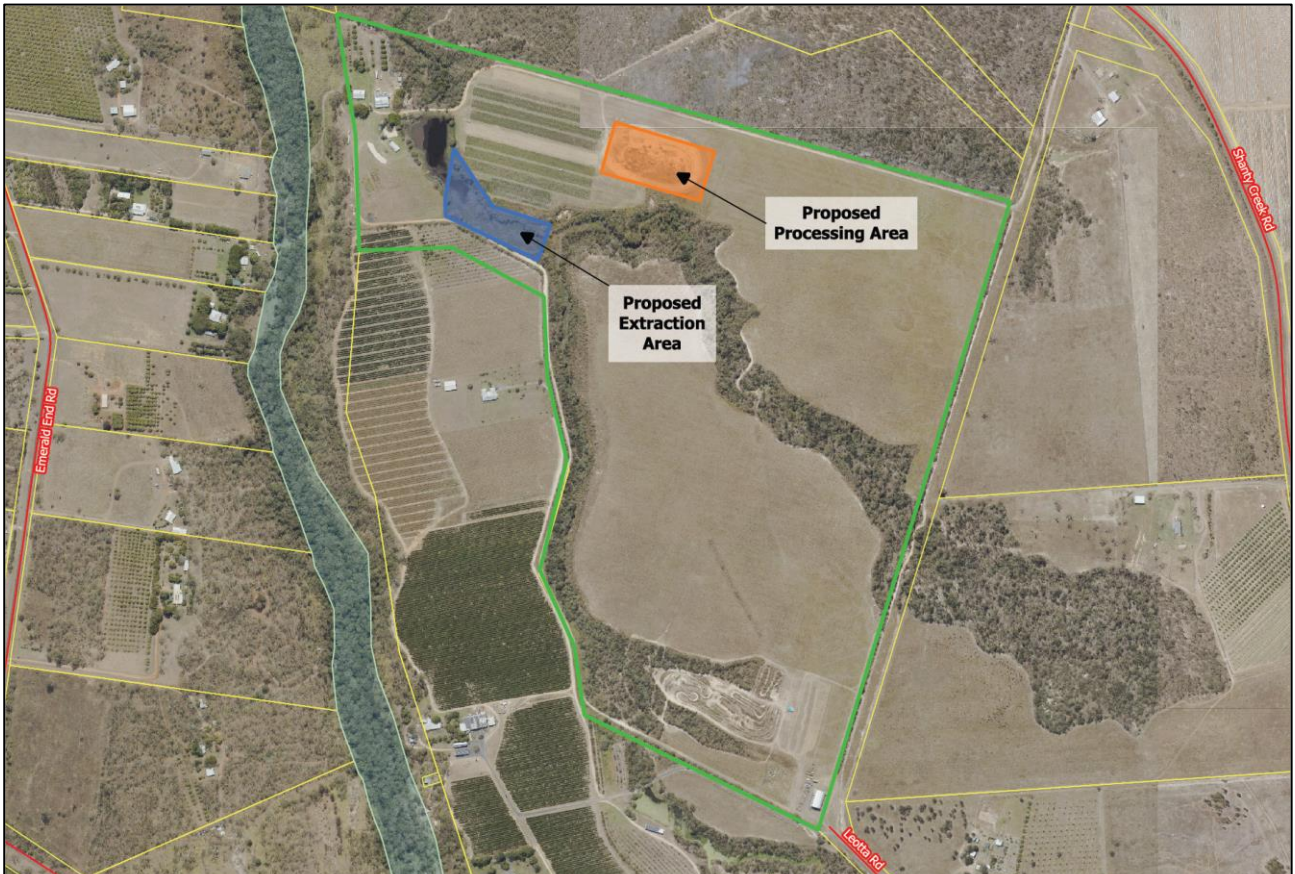
## THE SITE

The subject site is situated at 269 Shanty Creek Road, Mareeba, and is described as Lot 231 on NR4837. The site is irregularly shaped with an area of 82.859 hectares and is zoned Rural under the Mareeba Shire Council Planning Scheme 2016. The site is accessed off Shanty Creek Road however also contains frontage to the very end of Leotta Road, both of which are bitumen sealed.

The site is improved by a dwelling and outbuildings clustered in the north-west corner of the property as well as a farm shed in the south-east corner of the site close to the Leotta Road entrance. The site is characterised by two large, cleared farm paddocks totalling approx. 53 hectares in area as well as two (2) distinct vegetated seasonal gullies that form tributaries to the large dam situated in the north-west corner of the site adjacent the dwelling. The dam spillway discharges into a seasonal gully that then flows into Emerald Creek which runs parallel to the site to the west. The site is separated from Emerald Creek by a piece of State land approximately 100 metres wide.

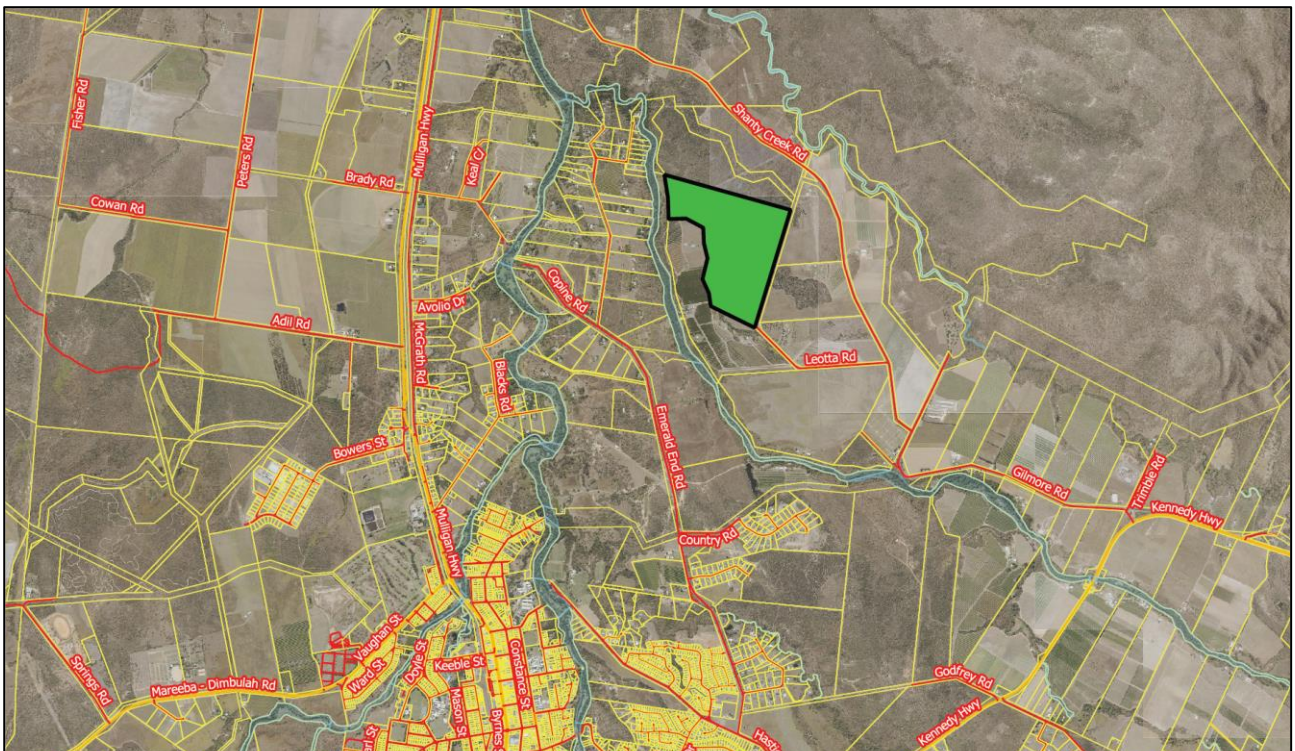
All immediate surrounding lots are zoned Rural and contain a mix of uses including cropping, lifestyle lots and tourist uses (Jaques Coffee Plantation and Café) established on the adjacent lot to the south. A cluster of Rural residential zoned allotments exists on the western side of Emerald Creek, situated approximately 570 metres to the north-west of the proposed sand extraction site.





Map Disclaimer:

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



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**BACKGROUND AND CONTEXT**

Nil

**PREVIOUS APPLICATIONS & APPROVALS**

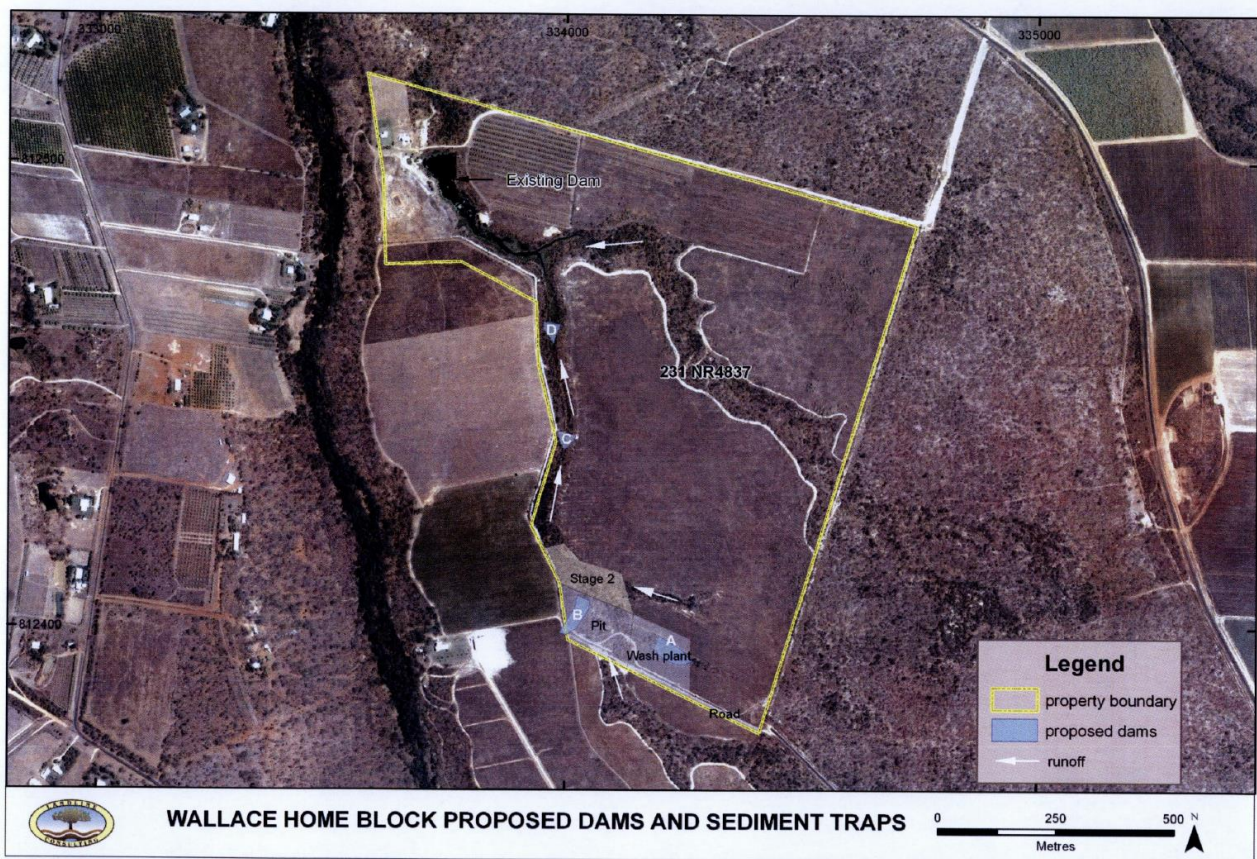
**1. 2002 Council approval to extract material**

On 18 September 2002, Council issued approval to extract 2,000m<sup>3</sup> of material from Lot 231 on NR4837 for the purpose of creating a dam. This volume of material equates to approximately 3,000 tonnes.

**2. MCU/09/0009 - Material Change of Use – Extractive Industry**

This 2009 application did not proceed after the concurrence agency Department of Environment and Resource Management directed Council to refuse the application on 29 September 2009.

The 2009 application proposed extraction of sand from the areas marked as Pit and Stage 2 on the proposal plan below. The 2009 application would have necessitated significant vegetation clearing and disturbance of the north-south waterway for extraction and construction of sediment dams.



Map 5 Proposed surface water and sediment control structures

**DESCRIPTION OF PROPOSED DEVELOPMENT**

The development application seeks a Development Permit for Material Change of Use – Extractive Industry (up to 5,000 tonnes per annum) in accordance with the plans shown in **Attachment 1**.

The applicants propose the extraction of sand, sediment and gravel from an approximate 1.5-hectare portion of the site, the majority of the extraction area footprint lies within part of the existing dam. The application describes the activity as essentially a “dam cleanout” which will remove built up sediment and increase the dam’s capacity by approximately 5 megalitres. The extracted material will be screened and washed, stockpiled and used both on-site by the applicant as well as sold off-site as a raw material. Extraction will extend outside the existing footprint of the dam to the north as shown on the below map.

The material will be extracted by excavator, transported to the proposed processing area situated approximately 190 metres to the north-east of the extraction area. Here the material will be screened, washed and stockpiled. The processing area is situated within the centre of a bunded ex stock/rally car track which has been cut in below natural ground level.

The extraction of material will ONLY occur within the dryer parts of the year when the dam water level is low and water is not discharging across the spillway. This will ensure the dam itself acts as a sediment trap/settling pond to help protect water quality downstream from the dam.

Material sold for use off-site will be transported between the processing area to Leotta Road via an internal access road. No materials will be transported out via the sites northern access onto Shanty Creek Road. Truck movements associated with the proposed extraction of 5,000 tonnes of material per annum will equate to an annual average of 167 x 30 tonne truckloads, or just over 3 truckloads per week on average.

A plan of the proposed operation is shown below:



**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:

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

**PLANNING SCHEME DESIGNATIONS**

Strategic Framework:	<b>Land Use Categories</b> <ul style="list-style-type: none"> <li>Rural Agricultural Area</li> <li>Rural Other</li> </ul> <b>Natural Resource Elements</b> <ul style="list-style-type: none"> <li>Biodiversity Area</li> </ul>
Zone:	Rural zone
Overlays:	Agricultural Land Overlay Airport Environs Overlay Bushfire Hazard Overlay Environmental Significance Overlay Flood Hazard Overlay Hill and Slope Overlay Transport Overlay

**Planning Scheme Definitions**

The proposed use is defined as:

<b>Column 1 Use</b>	<b>Column 2 Definition</b>	<b>Column 3 Examples include</b>	<b>Column 4 Does not include the following examples</b>
Extractive industry	Premises used for the extraction and/or processing of extractive resources and associated activities, including their transportation to market	Quarry	

**RELEVANT PLANNING INSTRUMENTS**

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

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

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

**(B) State Planning Policy**

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

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

**Strategic Framework**

**3.3 Settlement pattern and built environment**

**3.3.1 Strategic outcomes**

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

Comment

The proposed extractive industry operation will occur predominately within the footprint of the site's existing dam. The sand processing area is also pre-disturbed and not currently used for agricultural production or livestock grazing.

Once complete, the increased capacity of the water storage dam will only value add to the site's agricultural production potential by increasing the amount of water available for cropping.

The development complies with Strategic outcome (5).

**3.3.11 Element—Rural areas**

**3.3.11.1 Specific outcomes**

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

Comment

The proposed development is for a sand extraction operation for up to 5,000 tonnes per annum. Sand extraction like that proposed does not include blasting and is considered reasonably low impact, particularly for operations where volumes will not exceed 5,000 tonnes per annum (compared to your typical larger operations of 100,000 – 200,000 tonnes per annum).

Sand extraction operations of varying scales are a common place within the Rural zone, and it is considered that this particular development, which is essentially a dam clean-out operation, is consistent with surrounding rural land uses and character. Surrounding sensitive land uses are appropriately setback to ensure land use conflict is minimised.

The development complies with Specific Outcome (1).

- (6) *Agricultural areas will be retained in large holdings (60ha or greater) and not fragmented or compromised by unsuitable development. Uses and development within this precinct will not cause land use conflicts with primary production or will ensure these conflicts are mitigated.*

Comment



The proposed extractive industry operation will occur predominately within the footprint of the site's existing dam. The sand processing area is also pre-disturbed and not currently used for agricultural production or livestock grazing.

Once complete, the increased capacity of the water storage dam will only value add to the site's agricultural production potential by increasing the amount of water available for cropping.

The development complies with Specific outcome (6).

- (7) *Rural areas preserve lands for future uses beyond the life of the planning scheme.*

#### Comment

The proposed extractive industry operation will occur predominately within the footprint of the sites existing dam. The sand processing area is also pre-disturbed and not currently used for agricultural production or livestock grazing.

Once complete, the increased capacity of the water storage dam will only value add to the site's agricultural production potential by increasing the amount of water available for cropping.

The development complies with Specific outcome (7).

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

#### **3.4.3 Element—Pest and weed management**

##### **3.4.3.1 Specific outcomes**

- (1) *Development within, adjoining or surrounding conservation areas, biodiversity areas, wetlands or watercourses avoids the incursion of weeds and pests through best practice management practices, sensitive design, landscaping and appropriate setback and buffer distances.*
- (4) *Operational works ensure appropriate management practices are adopted to minimise the spread of weed species.*

#### Comment

The proposed extraction area is not a conservation area or biodiversity area, nor is the dam mapped as a significant wetland or watercourse. The proposed extraction process is not likely to introduce any new weeds or pests into the existing dam/watercourse environment.

The development complies with Specific outcomes (1) and (4).

#### **3.4.4 Element—Biodiversity areas**

##### **3.4.4.1 Specific outcomes**

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

Comment

The extraction area is not considered to be an area of high ecological significance. Existing vegetation is sparse and limited to a narrow row of vegetation along the banks of the existing dam extraction area. This vegetation will be removed, however appropriate conditions have been included to ensure the new expanded dam edge area is rehabilitated with native vegetation (along the banks of the dam area) once extraction is complete.

The development is not likely to impact on the sites biodiversity values and is therefore considered to comply with Specific outcome (1).

**3.4.6 Element—Watercourses and wetlands**

**3.4.6.1 Specific outcomes**

- (1) *Hydrological flows, riparian ecology and ecosystem services of watercourses and wetlands are maintained, protected and enhanced.*
- (3) *The water quality of rivers and creeks, which ultimately flow to the Great Barrier Reef and the Gulf of Carpentaria, is not compromised or polluted through sediment, gross pollutants or chemical run off from new or existing development.*
- (5) *Where development occurs on land including and adjoining watercourses and wetlands it provides appropriate setbacks and buffers and enhances these areas through revegetation.*

Comment

The majority of the proposed extraction area falls within the footprint of the sites existing dam. Extraction from the dam area will only be permitted to occur when the dams water level is below the spillway to ensure that the dam acts as a natural sediment trap ensuring downstream Emerald Creek is protected from any sediment contamination as a result of the extraction operation.

Sand extraction from watercourses and dam environments is a permitted practice and can generally occur without environmental impact.

The proposed development complies with Specific outcomes (1), (3) and (5).

**3.4.8 Element—Air and noise quality**

**3.4.8.1 Specific outcomes**

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

Comment

The proposed extraction area, and more importantly the more intensive processing area achieves the Planning Scheme's desired setbacks from surrounding sensitive land uses. The setbacks achieved exceed those achieved for a significant number of other larger scale sand extraction operations established within the Shire.

Through the implementation of appropriate setbacks, the development is not likely to impact on the amenity of surrounding sensitive land uses.

### **3.6 Transport and infrastructure**

#### **3.6.1 Strategic outcomes**

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

#### Comment

The proposed extractive industry operation is predicted to place an additional average of 4 vehicle movements per week on Leotta Road, Shanty Creek Road, and Gilmore Road. This amount of additional traffic is not considered significant.

The development complies with Strategic outcome (1).

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

##### **3.6.8.1 Specific outcomes**

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

#### Comment

Extraction will only occur when the dam is below full supply level and water is not discharging across the spillway. This will ensure the dam itself acts as a sediment trap. The processing area is also bunded to ensure sediment runoff is contained.

The development complies with Specific outcome (2).

### **3.7 Economic development**

#### **3.7.2 Element—Rural and Agricultural land**

##### **3.7.2.1 Specific outcomes**

- (1) *Agricultural areas are preserved for the purpose of primary production and are protected from fragmentation, alienation and incompatible development.*

Comment

The proposed extractive industry operation will not impact on any existing or potential agricultural activity either on or off the site. The proposed development complies with Specific outcome (1).

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

Comment

The proposed extractive industry operation will occur predominately within the footprint of the sites existing dam. The sand processing area is also pre-disturbed and not currently used for agricultural production or livestock grazing.

Once complete, the increase capacity of the water storage dam will only value add to the sites agricultural production potential by increasing the amount of water available for agriculture.

The development complies with Specific outcome (5).

**3.7.11 Element—Extractive resources****3.7.11.1 Specific outcomes**

- (2) Extractive industries:
- (a) mitigate impacts relating to air, noise, water and waste on local ecological and environmental values and the amenity of residential areas, and surrounding rural dwellings;
  - (b) avoid areas of ecological significance and values;
  - (c) progressively rehabilitate disturbed land on site and ensure ecological values are rehabilitated (where relevant).

Comment

The proposed extraction area, and more importantly the more intensive processing area achieves the Planning Scheme's desired setbacks from surrounding sensitive land uses. The setbacks achieved exceed those achieved for a significant number of other larger scale sand extraction operations established within the Shire.

Through the implementation of appropriate setbacks, the development is not likely to impact on the amenity of surrounding sensitive land uses.

- (3) Sand extraction in watercourses maintains and restores the environmental and hydrological values of the site, and does not impede community recreational usage and public access points to waterways.

Comment

Extraction will only occur when the dam is below full supply level and water is not discharging across the spillway. This will ensure the dam itself acts as a sediment trap and settling pond.

The processing area is also bunded to ensure sediment runoff is contained.

The proposed development is not likely to impact on the water quality of Emerald Creek.

**Relevant Developments Codes**

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

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

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

Relevant Codes	Comments
Rural zone code	The application complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Agricultural land overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Airport environs overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Bushfire hazard overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Environmental significance overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Flood hazard overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.

Hill and slope overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Industrial activities code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Landscaping code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Parking and access code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Works, services and infrastructure code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.

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

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

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

**(E) Additional Trunk Infrastructure Condition**

The subject land is located outside the identified Priority Infrastructure Area (PIA).

Section 130 of the Planning Act 2016 allows Council to condition additional trunk infrastructure outside the PIA.

The applicant's roadworks contribution for each 5,000 tonnes would be as follows:

Length of road traversed by the applicant is 4.8 kilometres (haul route to State controlled road).

Truck and dog = 30 tonnes / load = 6 ESA \* / load  
 (\* ESA - Equivalent Standard Axles)

Truck loads = tonnes (5,000) ÷ load of truck (30t)  
 = 5,000 ÷ 30  
 = 166.67

Number of axles = No. of loads (167 x ESA / Load (6))  
 = 166.67 x 6  
 = 1,000

Present road investment = \$1.40 / ESA

$$\begin{aligned}
 \text{Future road maintenance cost} &= \$2.10 / \text{ESA} \\
 &= \text{Difference in maintenance and present cost} \\
 &= \$2.10 - \$1.40 \\
 &= \$0.70 \\
 &= \$0.70 \times \text{ESA (1,000)} \\
 &= \$700.00 \\
 \text{Therefore, total contribution sought} &= \text{cost} \times \text{distance (km)} \\
 &= \$700.00 \times 4.8 \\
 &= \$3,360.00
 \end{aligned}$$

Based on Council's standard contribution calculation method, the applicant would be required to pay a roadworks contribution of \$3,360.00 for each 5,000 tonnes of material extracted.

Council's recent budgets have applied a special charge for extractive industries.

Council acknowledges that certain quarries already contribute towards road infrastructure through a condition of their development approval. In such cases, the applicant's obligation under the relevant road infrastructure condition would be waived whilst Council continued to levy the special charge for extractive industries.

Accordingly, it is proposed to apply a road infrastructure condition on this extractive industry, however the applicant will not have to comply with this condition whilst Council continues to levy the special charge for extractive industries.

**REFERRAL AGENCY**

This application did not trigger referral to a Referral Agency.

**Internal Consultation**

Development Engineering

**PUBLIC NOTIFICATION**

The development proposal was placed on public notification from 20 March 2024 to 12 April 2024. The applicant submitted the notice of compliance on 19 April 2024 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

Sixteen (16) properly made submissions were received, all objecting to the proposed development.

The grounds for objection are summarised and commented on below:

Grounds for objection	Comment
Nuisance caused by noise from machinery, reversing horns.	Refer to applicants' response to submitter concerns included as Attachment 3.  Council officers consider that both the extraction area and processing area achieve adequate separation from nearby residences.

<p>Extractive industry would be an eyesore and devalue land.</p>	<p>Sand extraction operations are commonplace within the Rural zone. This particular operation will be appropriately setback and screened from view from neighbouring dwellings.</p> <p>Property devaluation is not a town planning consideration.</p>
<p>Dust impact on neighbouring residents' health and tourist use.</p>	<p>Refer to applicants' response to submitter concerns in Attachment 3. The proposed extraction and processing operation is appropriately setback from sensitive land uses to ensure impacts are minimised. The setbacks achieved in this instance exceed those achieved for a lot of existing larger scale sand extraction operations established within the Shire that continue to operate without land use conflict (Council officers do not receive complaints from landowners living within close proximity of sand extraction operations).</p>
<p>Traffic impact from the haulage trucks and conflict with other traffic using Gilmore and Leotta Roads.</p>	<p>The proposed development, based on an annual extraction capacity of 5,000 tonnes, will generate an average of 4 truck movements per week on the local area road network. This amount of traffic is not likely to noticeably impact on the existing road users or residents in the area.</p>
<p>Dam wall was breached in the recent floods, risk of dam failure.</p>	<p>Refer to applicants' response to submitter concerns in Attachment 3. Council officers do not consider that the proposed extraction operation will increase the risk of dam wall failure, or place added pressure on the existing dam wall structure.</p>
<p>Sediment from extractive operations may impact on water quality in Emerald Creek, Barron River and the reef.</p> <p>Residents water supply is sourced from these waterways.</p> <p>Waterways are also habitat for wildlife.</p>	<p>Sand extraction from watercourses and dams is a permitted practice, and generally occurs without environmental harm.</p> <p>Extraction will only occur during the dryer parts of the year when the dam water level is below the dam's full supply level and water is not discharging over the dam spillway. This will ensure the dam itself acts as a sediment trap and protects downstream watercourse like Emerald Creek from sedimentation.</p>
<p>Previous application for extractive industry was rejected by Council.</p>	<p>Noted.</p>
<p>Application incorrectly refers to Barron River to the west, instead of Emerald Creek.</p>	<p>Noted.</p>
<p>Proximity of many nearby residents.</p>	<p>The proposed extraction area and more importantly the more intensive processing area is considered to be appropriately setback from neighbouring residents.</p> <p>The proposed development is not likely to impact on amenity.</p>
<p>Blasting impacts.</p>	<p>The proposed development will not involve blasting or crushing.</p>
<p>Impact on local area amenity. Residents chose to live in a quiet rural area.</p>	<p>Sand extraction operations are commonplace within the Rural zone. The Rural zone, particularly rural agricultural areas like the subject site and immediate surrounding land are generally not "pristine" environments and are subject to environmental impacts typically associated with farming and grazing activity such as noise, odour, dust, spray drift etc. Previous sand extraction operations have demonstrated that their impacts are</p>



	<p>not significantly different to that generated by typical farming operations.</p> <p>It is considered that submitters have an unreasonable expectation of amenity within the Rural zone. Notwithstanding this, it is considered that both the extraction area and the processing area achieve adequate separation from nearby residences.</p>
Building a dam is not site rehabilitation.	Noted.
There is no end date for the extractive industry.	The applicant is not required to provide an end date for extraction.
Is the 5,000 tonnes the cleaned sand or extracted sand? What will stop more extraction in the future.	The 5,000-tonne limit applies to cleaned sand extracted from the site. If the applicant/developer wants to increase annual production, a fresh material change of use application will need to be lodged with Council.
What is the depth of extraction and how much extra capacity will the dam hold? Is the dam wall strong enough for the extra water?	The applicants have not provided a depth measurement for the extraction, nor are they required to. Refer to applicants' response to submitter concerns included as Attachment 3. The proposed extraction operation will not place additional pressure on the existing dam wall structure.
If dam is drained for extraction, where will the water be drained to?	As mentioned in the application, dam water will be drained and irrigated onto farm paddocks on-site. A condition of approval will ensure that extraction does not occur while water is overtopping the dam spillway.
Who will monitor the extractive industry operations and who handles complaints?	The operator/developer is required to provide Council with monthly extraction/sales figures which is included as a condition of approval.
Increased risk of flooding.	If anything, the expansion of the dam footprint will increase the sites flood water capacity. The proposed development will not increase the risk of flooding.
Hours of operation?	The hours of operation that have been conditioned are consistent with all other extractive industry operations approved within the Shire in recent times.
Removal of vegetation.	A small strip of existing vegetation will be removed from the northern banks of the dam extraction area. A condition of approval has been included to ensure that once extraction is completed, the new bank of the dam is rehabilitated with native vegetation.

**Submitters**

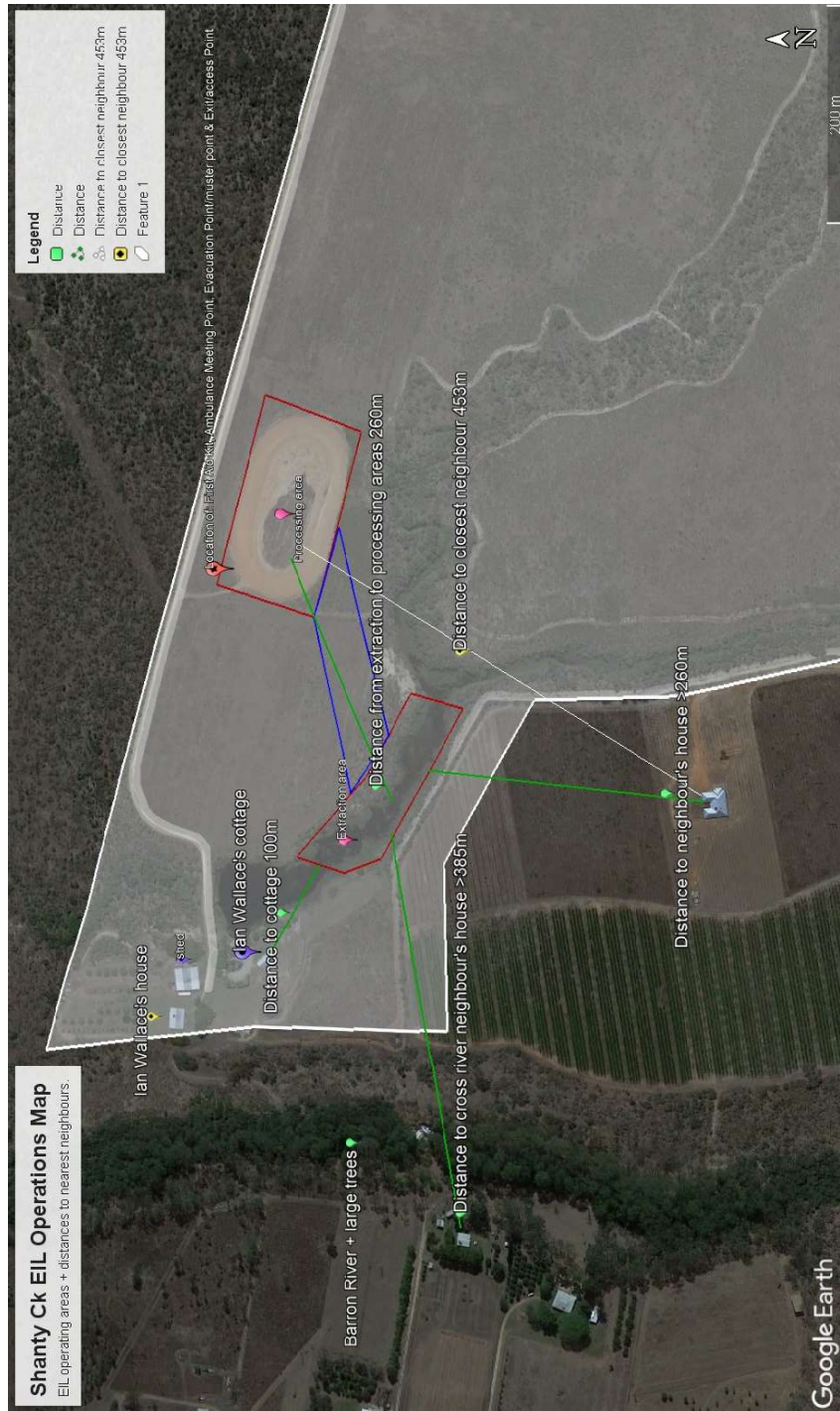
<b>Name of Principal submitter</b>	<b>Address</b>
1. A & L Jaques	PO Box 502, Mareeba QLD 4880 <a href="mailto:linda@jaquescoffee.com">linda@jaquescoffee.com</a>
2. V Morgante	PO Box 676, Mareeba QLD 4880 <a href="mailto:victormorgante@factengine.ai">victormorgante@factengine.ai</a>

3. J & J Holme	PO Box 627, Mareeba QLD 4880 <a href="mailto:julieaholme@gmail.com">julieaholme@gmail.com</a>
4. D Morrow	PO Box 2290, Mareeba QLD 4880 <a href="mailto:Dee_morrow6@hotmail.com">Dee_morrow6@hotmail.com</a>
5. S & J Venturato	PO Box 877, Mareeba QLD 4880 <a href="mailto:Ventse4@bigpond.com">Ventse4@bigpond.com</a>
6. P Carr & K Dorn	PO Box 986, Mareeba QLD 4880 <a href="mailto:philandkarin@centralvets.com.au">philandkarin@centralvets.com.au</a>
7. B & D Morrow	PO Box 2290, Mareeba QLD 4880 <a href="mailto:bdmorrow@bigpond.com">bdmorrow@bigpond.com</a>
8. B & J Williams	PO Box 1365, Mareeba QLD 4880 <a href="mailto:Brjmwil03@gmail.com">Brjmwil03@gmail.com</a>
9. P Theakston	514 Emerald End Road, Mareeba Qld 4880 <a href="mailto:peterthx@protonmail.com">peterthx@protonmail.com</a>
10. J & N Van Ryt	PO Box 185, Mareeba QLD 4880 <a href="mailto:jnvanryt@bigpond.com">jnvanryt@bigpond.com</a>
11. P Jaques	137 Leotta Road, Mareeba QLD 4880 <a href="mailto:pettinajaques@outlook.com">pettinajaques@outlook.com</a>
12. B & E Crunkhorn	PO Box 244, Mareeba QLD 4880 <a href="mailto:ebcrunkhorn@bigpond.com">ebcrunkhorn@bigpond.com</a>
13. J & L Gillman	PO Box 1638, Mareeba QLD 4880 <a href="mailto:Lgillman10@bigpond.com">Lgillman10@bigpond.com</a>
14. C & T Beikoff	PO Box 1426, Mareeba QLD 4880 <a href="mailto:traceymbeikoff@gmail.com">traceymbeikoff@gmail.com</a>
15. J & C Partridge	28 Malcolm Close, Mareeba QLD 4880 <a href="mailto:byoux@activ8.net.au">byoux@activ8.net.au</a>
16. L Piali	64 Emerald End Close, Mareeba QLD 4880 <a href="mailto:Loupiali7@gmail.com">Loupiali7@gmail.com</a>

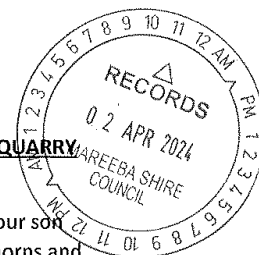
**PLANNING DISCUSSION**

Nil

**Figure 2 – Quarry Operations Map – sites & distances to neighbours**



REF. MCU/24/0005  
269 SHANTY CREEK RD.



**ANTHONY AND LINDA JAQUES OBJECTIONS TO IAN WALLACE FOR THE SAND MINE AND QUARRY APPLICATION ON LOT 231**

1. The area proposed is directly on our common boundary and within 200 metres of our son Robert Jaques's house. The noise 6 days a week of large diesel motors, reversing horns and dust would make it a very unpleasant place to live. It would also change a very pleasant rural agricultural area into an eyesore that would hugely devalue our land.
2. The sand stockpile would end up at the end of Leotta Road within metres of our son Jason Jaques house and the entrance to our tourist centre. This would have an impact on the 80,000 visitors we have each year. The noise would be almost constant with trucks dumping and reloading sand. The prevailing wind would carry dust and noise directly into our tourist centre.
3. Mixing sand trucks and trailers with the already busy traffic on Gilmore and Leotta Roads would not be a good idea. We have the school bus, tourist buses and cars plus cane harvesting trucks and chicken trucks and local traffic coming through from Bibbohra. Most of Gilmore and Leotta Roads are narrow.
4. The catchment area for the dry gully drain is currently fairly large with two drains joining before the Wallace dam. The branch that runs through our property into the Wallace property has a grass spillway over 35 metres wide. The water flowing over this spillway was nearly 1 metre deep. This plus a second drainage gully flows through the Wallace proposed sand quarry area. With this year's flood, the Wallace dam was breached, and a disaster was just averted. If the trees are removed from those drain ways and a similar or greater flood occur in the future, this could have a major impact on Emerald Creek. Tailings from the quarry would probably end up in Emerald Creek then into the Barron River and out into the Barrier Reef.
5. Ian Wallace's previous application for sand mining on Lot 231 was rejected by Mareeba Shire Council and nothing has changed. He has applied for another quarry on Tinaroo Road, and we noticed that the sand quarry for Lot 231 was slipped in.
6. We are happy to discuss this issue with you. Please contact us on 0417073046.

Dated 29<sup>th</sup> March 2024

Anthony (Nat) Jaques

Linda Jaques

**Submission in Opposition To  
Development Application**

**MCU240005** - Sand Mining/Extraction by Wallace Quarrying & Mining Pty Ltd ATFT Wallace Unit Trust, on 269 Shanty Creek Road Mareeba.

**Victor Morgante, 542 Emerald End Rd, Mareeba**

Please accept this submission in opposition to Development Application (DA) MCU240005, Sand Mining/Extraction by Wallace Quarrying & Mining Pty Ltd ATFT Wallace Unit Trust, on 269 Shanty Creek Road Mareeba.

My name is Victor Morgante and I live at 542, Emerald End Rd, directly over Emerald Creek from the proposed development site.

There are several grounds for this opposition, of which the most significant is that the development application seems to not meet the required standards as to pass scrutiny of Mareeba Shire Council.

It seems there may have been a misdirection in referring to the appropriate legislation, the way I read the DA. Perhaps this application/paperwork should fall under the legislation of the Environment Protection Act 1994 which may be better served for the development of two large dams on the flats of the proposed DA site, one of which enlarges a dam on an existing natural watercourse. I may be mistaken, however I feel there has been an administrative oversight which can be easily corrected by pointing to application re-submission under the appropriate legislation if that the case.

We will address the grounds, but firstly, I have known Ian Wallace since childhood and my parents were good friends with John Wallace, Ian's father, for some 20 years or more before John's passing. John had sand mining operations at McBean Rd, Paddy's Green, where my family grew tobacco for over 25 years and we would often see and talk with John as a valued and friendly neighbour.

As a neighbour, Ian Wallace has also been a good neighbour. The racing track that Ian had on his property did cause me some concern as it spoiled the otherwise peaceful allure of the rural residential nature of Emerald End Rd, directly across the creek from Ian's place, but as an intermittent disturbance one leaves others to their own amusement, joy and freedoms.

We've never had a hard word, and although not friends at school, Mr Wallace, I believe has come to be as regarded as his father before him.

There are, however, suitable grounds that the development application should summarily be dismissed, and I'll list those here. Some grounds are that evident that if not for a keen eye they would be missed by the Council and depending on how one looks at such thing are likely to be seen as to try and deceive the Council. I perceive this in not the case and merely oversights by the applicant.

It is possible that Mr Wallace has not read the development application in its entirety and is unaware of some of the facts listed herein.

### Grounds 1 - Inaccurate/Misleading Application

On Page 9 of the DA, the proposal reads:

Adjoining land use/ forest types:

The EIL site is surrounded by:

- North: applicant's home, scrubland & farmland
- East: scrubland & farmland
- South: scrubland & farmland
- **West: Barron River, scrubland & farmland**

Directly west, within 100 meters of the proposed development is actually **Emerald Creek**, riparian area and several **rural residential blocks**, of which only one has any semblance of farming, the farm on which I live, 542 Emerald End Rd.

Indeed, due west of the proposed extraction area, within 200 meters I believe, is the newly built house of Brad & Julie Williams, recently arrived from Gordonvale and seeking the comforts of a quiet neighborhood on a rural residential block.

Several houses, on blocks 536, 526, 524 and 514 are not more than about 300 meters from the proposed development and if we discount them on distance/proximity, we don't discount them as being directly in the path of **dust and noise pollution with the prevailing winds of this site and those homes being E/SE (i.e. blowing west)** and consistently that way for as long as I can remember, and I've called 542 Emerald End Rd home for 54 years one way or another. In fact, if not for those winds, Ian Wallace's race track would not have been the ruin of many a weekend's peace.

It is hard to see this section of the submission as a typo or misunderstanding of map reading, as Ian Wallace has lived in Mareeba for over 50 years and we can see the lights of each other's houses at night time. But perhaps that is the case.

The grounds are further extended in that this one sentence on page 9 of the submission points to a more glaring problem with the DA in that it speaks of lack of consideration for neighbours, the intelligence of planners at the Council and what would otherwise seem a deliberate attempt to forego genuine community consultation. This, a development that is likely to result in noise and dust pollution to an otherwise quiet, sleepy and peaceful rural residential area.

While this is a personal submission, it isn't one done without consideration of all those other people and comes with some conscience that it was my family who sold those people the blocks of land they now live on and so comes with a sense of responsibility to speak where one might otherwise be quiet. Enough that I might have to deal with noise and dust, but there are others to think of as well.

### Grounds 2 - Dust Pollution - Misleading Application

Page 50 of the submission reads:

"Dust suppression would take place via watering roads and tracks including stockpile areas and work areas. A wet screening plant will be employed to minimise the production of dust. **Operations are situated more than 300m from the nearest dwelling and the prevailing wind will carry dust away from this dwelling.** Trees also screen the site from neighbouring properties, further limiting any potential dust hazards."

These statement contain such misdirection as to warrant this DA being rejected.

1. The prevailing winds on and over the extraction site are from the **East/South East**, blowing directly onto the homes of Brad & Julie Williams (lot 536, Emerald End Rd) and my family's houses (Lot 542 Emerald End Rd). This fact is easily ascertainable from local weather history, or simply by watching the weather on the news each night. It is well known that E/SE are the winds we have here and Brad & Julie's house is directly over the creek from the proposed extraction site.

If need be, I have orchard spraying records dating back 10 years or more that will show that practically each and every time I sprayed the mango orchard on our property, the wind came from either the East or South East.

2. Council need check their maps, however I would say that Brad & Julie's house, built right adjacent the riparian area of Emerald Creek, is within 300 meters of the proposed extraction area.

See also, Grounds 3, as noise and dust overlap when it comes to the prevailing winds.

### Grounds 3 - Noise Pollution 1 - Misleading Application

As per Grounds 2, the statements within Page 50 of the DA are misleading as to warrant rejection of the proposal. With those same E/SE winds comes noise in as much as the dust.

Having lived next to sand mining operations on McBean Rd, Mareeba, I am well accustomed to the noise and dust pollution of such operations. Heavy trucks and machinery regularly travelled up and down McBean Rd or operated on properties on that road. While promises of watering roads are made, and dust not rising more than 1 meter off the ground, the winds are such that it will carry that dust, and the noise along with it, directly into the paths of those houses across the creek.

As discussed, Ian Wallace's race track was even further away again than the proposed extraction site and it proved to be quite a distraction when cars raced there, with the wind carrying the machinery noise quite a distance. It was very off-putting.

By misleading the Council, intimating that the winds blow away from Wallace farm dwelling, but not in consideration of the houses in the path of that wind, we take it that the DA submission is incomplete and contains such mistake in fact that would otherwise mislead the Council.

#### Grounds 4- Noise Pollution 2 - Misleading Application

P13 of the DA reads:

*"7. Noise from activities will be from an excavator, screen, wash plant and dump truck.*

*This noise is similar to any farming noise from the applicant's and neighboring farms. Activities are restricted to Mareeba Shire approved working hours (0600-1800hrs Monday to Friday and 0700- 1200hrs Saturday). Machinery shall be maintained in good order so as to prevent unnecessary noise."*

Of farming on Emerald End Rd, in that vicinity, my family farm is the only operational farm and it is misleading to say that noise pollution will be *"similar to any farming noise from the applicant's and neighbouring farms"*. It is misleading in this regard. I believe Ian Wallace has the avocado orchard directly over the creek from our place, on the extraction site farm of the DA. Avocadoes are only sprayed periodically and only in earnest for certain months of the year. However, of our mango orchard, we only spray once per week over about 12 weeks beginning in August.

These are not operations that produce noise 5 days a week for 8 or 9 hours per day.

Of such consideration, before Brad & Julie Williams bought lot 536, formerly our property, I informed them of the months of year and the time of day that we sprayed mangoes, so that they could make an informed decision about buying the property, and if they did buy the property, where not to build their house. I also informed Brad & Julie of the 50AMP watering pump down the creek that waters our mango orchard, and explained the times of year and times of day that the pump would be operational. Not required by law, but of consideration. With new bearings on the pump it is quite silent where Brad & Julie decided to build their house, as the bank of the creek directs noise upward such that the pump is barely audible at their house no 200 meters from the pump.

But where did they build their house in consideration of noise pollution, and as to enjoy the peaceful nature of Emerald End Rd? But directly on the high bank of Emerald Creek not 200 meters from the proposed extraction site of the DA. If this submission in opposition to the DA proposal is not made, I could not sleep sound at night, knowing that my new neighbours are soon to have their peaceful existence disturbed by excavation and truck noise, and if we believe the DA, "blasting".



The DA seems to read that in the mind of the author that noise pollution is limited to Shanty Ck Rd, of where there are farms, and fails to address that just across Emerald Ck is a set of rural residential houses with no farming, and of what farming there is, the noise is limited to a few months of the year and a few days of the week. Otherwise this author has deep empathy with Mr Wallace, but that the application misleads the Council.

### Grounds 5 - Dust Extending Beyond the Site

Pg 45 of the DA addresses the requirements:

- PO13 Air pollutants, dust and sediment particles from excavation or filling, do not cause significant environmental harm or nuisance impacts.
- A013.1 Dust not extending past boundaries of the site;
- A013.3 A management plan for control of dust and air pollutants is prepared and implemented.

I fail to see how the DA addresses these requirements having been met as "Compliant", when the DA lists the Barron River as adjacent the DA, farming and scrubland adjacent the DA and the prevailing wind direction provided (or not at all) are not addressed for a suitably accurate development application.

"Compliant" in what respect? And to which adjacent land owners? The Barron river is one creek, one road (Emerald End Rd), another set of rural residential blocks and over 1 kilometre from the proposed development. Surely to those who live another 100 meters on the other side of the Barron river all and any such development is of little consequence as being so far away.

We refer to p72 where PO6 mandates:

Extractive industry is appropriately located to adequately mitigate visual, noise, vibration and dust impacts on sensitive uses.

While mentioning "dwellings on the site", the DA neglects Brad & Julie Williams house directly across the creek from the extraction site:

*"Although the development is unable to be located in accordance with the boundary setbacks outlined in A06, the proximity of the development to dwellings on the site and on the adjoining site are within appropriate distance to ensure mitigation of development impacts."*

## Grounds 6 - Blasting - Noise pollution in a quiet area

Blasting? With explosives?

If so, then this DA misrepresents itself and attempts to deceive the Council as to its impact with regard noise pollution.

Page 33 of the submission reads:

"If blasting is deemed to be impacting native fauna, mitigation measures will be implemented."

This seems to imply that blasting isn't a nice-to-have but rather a certainty for the DA and proposed activity on the site. Race cars on a Saturday/Sunday at Wallace's farm was bad enough, and be it weekdays, blasting is something that will spoil the peaceful rural residential area directly adjacent, and easily within 200 meters, of the extraction area (Brad & Julie Williams house), and other nearby houses, mostly built along side Emerald Ck opposite the extraction area.

Don't worry about the native fauna, worry about all the people who live and work from home when that blasting happens. Don't worry about breeding seasons, worry about people.

And if so we worry about fauna, then please do tell me what breeding seasons? Do we know that the author's of this DA even know the breeding seasons of native fauna?

In further grounds we address these misdirections and suitability of the application when it comes to noise. There seems to be a lack of understanding that people live nearby who don't want their quiet lives disrupted. People pay the Council rates, and before looking to save fauna we need to save those that came to Emerald End Rd to have a quiet and peaceful enclave where they could appreciate and so protect that fauna if they want. Those people, I suggest, will have little faith in a Council that does not protect them.

## Grounds 7 - Amenity

PO6 on pg 4 of the DA reads:

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

- (a) noise;
- (b) hours of operation;
- (c) traffic;
- (d) advertising devices;
- (e) visual amenity;
- (f) privacy;

- (g) lighting;
- (h) odour; and
- (i) emissions.

...and the DA submits that:

*"The proposed development will not have adverse impacts on the amenity of the local area."*

I disagree with this. Emerald End Rd, and opposite the DA site, is a quiet rural residential area with no noise or dust pollution to speak of, other than the extant race track on the Wallace property. The proposal removes the race track and replaces it with heavy machinery and the implication of blasting closer to the houses just on the other side of the creek from the extraction site much closer than the race track ever was/is.

Although, and ever where, the proposal has extraction operations within the required working hours of the Council regulations, many of those on the other side of the creek live and work from home, including myself. Brad Williams (lot 536 Emerald End Rd), for instance works from home.

### Grounds 8 - Dust Pollution - Misleading Application

P12 of the DA reads:

*"The development is compliant with PO2 as per the following:*

- *Odours and emissions will be minor as the use of the required equipment is of similar nature to the existing machinery used on the subject site and for rural purposes. Impacts on traffic will be mitigated through dust suppression, minimising the affect of dust on neighbouring properties and passing vehicles along Leotta Road and Shanty Creek Road. "*

This is misleading as the prevailing winds are from the East and South East and the dust pollution will be of little consequence to anyone/vehicles along Leotta Road and Shanty Creek Road, but rather those that live directly opposite the extraction area and roads, on Emerald End Rd, and with houses close to Emerald Creek itself.

### Grounds 9 - Noise Pollution - Misleading Application

Pg 71 of the DA reads:

*O6 Extractive industry is appropriately located to adequately mitigate visual, noise, vibration and dust impacts on sensitive uses.*

*AO6 All aspects of the Extractive industry are setback from all boundaries:*

- a. 200 metres where not involving blasting or crushing;  
and  
b. 1,000 metres for where involving blasting or crushing.

**Compliant with**

**PO6. Although the development is unable to be located in accordance with the boundary setbacks outlined in AO6, the proximity of the development to dwellings on the site and on the adjoining site are within appropriate distance to ensure mitigation of development impacts. Additionally, measures are to be put in place as outlined in the Quarry Management Plan to ensure mitigation of development impacts.**

I encourage the Council to check just how close the extraction site is to the brand new house of Brad & Julie Williams, lot 536, Emerald End Rd.

Similarly on Page 48 of 70, this seems discordant with actual proximity to housing:

"Performance outcomes Acceptable outcomes: **Complies** Comments: **site are within appropriate distance to ensure mitigation of development impacts.**"

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Similarly p30, to P07, the DA reads:

*"The proposed development is unlikely to produce negative impacts that are not similar to existing farm machinery usage on the site."*

In all conscience the Council cannot grant application that misleads. Apart from the race track on the Wallace property, there is currently very little noise, as the avocado orchard spraying on the orchard is intermittent. This DA proposes noise 5 days per week during working hours, all year round.

## Grounds 10 - Water Clarity / Flood Damage Potential

When I speak with my friends and neighbours along Emerald End Rd and who will be affected by this DA, of the biggest objections are that Emerald Creek is currently a very pristine creek, with crystal clear water, and what appears to be the real reason for the DA, which is to make a dam bigger on the Wallace property. Avocado trees need a lot of water. If we look carefully at the application, with the block of land being on a flat, both extraction sites become large dams. Sand mines in Paddy's Green are naturally drained, however these extraction sites are likely to become dams.

These problems have serious misgivings of the residents of Emerald End Close, just downstream of the DA extraction site of the existing dam, in line with the gully on which the dam is built and those residents not 400 meters from the extraction site, none which of least is the potential for flood damage.

While the development application shows less than 5,000 tons of sediment/gravel/sand being removed from the dam/gully per year (no small amount) with 1.92 truck movements/wk, the extraction has no end date. I.e. It has an indefinite end date.

There is very little risk to Ian Wallace, but significant risk to those downstream of the Wallace property.

Allow me to explain. Appendices A & B are photos taken on Emerald Ck (just after cyclones), banana plants wrapped around trees along Emerald Ck after Cyclone Jasper (2023), and me holding a barramundi fish found panting-for-air along Emerald Creek just after Cyclone Monica (I believe, if not Larry) in 2006.

Neither of which belonged on Emerald Creek, and of which you can guarantee some sort of Development/Use Application was made, lest planting a banana plantation too close to the riparian region of Emerald Creek done illegally or mismanagement of a DA/Use plan, or Barrumundi farmed without permit or licence.

Which is to say, cleverly worded development applications may pass through Council, but either mismanagement or illegal practices see non-native species ending up in waterways, and this, even when if a management plan is executed faithfully, or when accidents happen.

I put it to the Council that, that barrumundi and those banana plants did not end up on my family property, on Emerald Ck (directly over the creek from this DA), accidentally, but rather by accidents just waiting to happen.

Why does this DA disguise removal of sand but not focus on what is really happening, the significant enlargement of a dam? We're not worried about barramundi, but people downstream.

Now the facts and the evidence show that accidents do happen on Emerald Ck in the face of a cyclone. But here is something you may not know.

The insurance claim made by Serge and Jeanette Venturato on their house being flooded during Cyclone Steve, I believe, 2000, was rejected on grounds of inundation rather than flooding. I.e. Backing up of Barron river, and/or a dam bursting upstream. Do we consider the consequences to people downstream from the Wallace farm? For what intent and purpose does that dam need to be bigger?

If the answer is benign, "because it has the sand we want to mine", then this is neither here nor there when your house is at risk of flooding/inundation and where you just may not be able to claim insurance on your house because it was a dam that burst in unison with a creek flooding.

If I were the council, I'd be asking that question, and that of the impact of water quality of Emerald Creek.

Reference PO3 on pg 58: While the DA says "**Rural activities proposed are not within the 'Extreme flood hazard area'.**" we take a different view:

I/We take the view that the dam that the DA proposes to build is either a:

**significant or high consequence dam**, as a future **regulated structure** falling under the Environment Protection Act 1994, and as a flood risk in its **own** right, and we ask the Council to make sure the dam has sufficient surety, and meets the requirements of the Act and as stipulated in:

Manual

Environmental Protection Act 1994

Manual for assessing consequence categories and hydraulic performance of structures

...including hydraulic performance, failure to contain (seepage), failure to contain (dam break)

If the Council has not explored the law in regards this regulation, and the DA and accompanying documentation does not meet the criteria of the Act and accompanying manual, or explored the eventual size of the imminent dam, then this DA needs to be rejected and further investigation and subsequent surety in confidence and fiscal terms be provided by the development applicants as to make those downstream of the imminent and eventual dam feel secure. In the absence of which, please accept this submission as objection to the DA.

#### **Water Quality**

Such is the water quality of Emerald Creek that I often don't even boil the water before drinking it. It is crystal clear, and while we have rain water tanks, their filling with rain water is not a burden we have to worry about on Emerald Creek.

Division 3 - Operational work, of the DA, answers a question as to the nature of the work. E.g Is it "Water infrastructure"?, to which the DA asserts:

[x] Other please specify: Extraction of sand and gravel (<5000ton/yr) from an existing **small farm dam**.

Do we mince words here and mislead Council? I believe so. What may well be a small farm dam now, with <5000 ton/yr's worth of material extracted from it, over an indefinite period, will soon become quite a **large dam** unless I miss documentation otherwise provided to the Council. Has council enquired as to what purpose this large dam will serve? And to what extent has the Council satisfied itself that seepage and runoff from that dam will not damage water quality of those houses downstream of the gully, along Emerald End Close/Emerald Ck? And this if we put aside the risk management of consequential damage from flooding.

We get to the proposed real intent of this application, to build a large dam to water avocados, when we consider Grounds 11, Rehabilitation.

## Grounds 11 - Rehabilitation - Misleading Application

Page 100 of the DA reads, under the section "Rehabilitation":

***24. The site will be rehabilitated to its previous agricultural purpose (farming). The extraction area will be within the existing dam.***

Building a large dam is hardly rehabilitating an extraction site, but rather the extraction *is* the build of a large dam. It costs a lot of money to water an avocado orchard, and with effectively free water from a very large dam, that cost is mitigated.

This development application seems to mislead council as to its true nature, and questions the intelligence and integrity of the Council. Or perhaps I read too much into the topography, the type of farming done on the site, the concerns of the people downstream?

What prevents, by other legislation, the Wallaces from applying to build a large dam on their farm? Have these questions been asked by Council?

If the answer is significant oversight of the risk of consequential damage of the dam bursting and its impacts on downstream households, then we arrive at how misleading this application potentially is. Nobody denies of anyone an honest living and the desire to make and save money, but when it comes with consequential risk and that of misleading Council, then this DA needs to be rejected out of hand. Perhaps it better channelled to appropriate legislation and if passed there then all merit to the applicant.

## Grounds 12 - No End Date

There is no end date proposed for the removal of "sediment" from this existing "small dam", and it is possible this application misleads as to its real intent. It is consequential that the sediment/gravel/sand can be sold, but more consequential is that the result is a very large dam. With both extraction sites on flat ground, two large dams imminent.

## Grounds 13 - An Unworkable Solution without breaking the tenant of the DA

The tenant of the DA is that it not affect those downstream of the western extraction site, in terms of water quality and runoff from works.

With what is in no time to become quite a large dam, what happens when that dam fills with water? Will extraction take place under water?

Of course not. If there is any reality behind this application, to keep digging the dam will need to be

drained, and where does all that water go? Emerald Creek and to downstream farms, if of course the dam is to ever be drained. Why isn't this application to build one very big dam in one year and between wet seasons? What regulation is stopping this application being commuted to that of building a large dam?

Because this author fails to see the reasoning, for instance, of the wording of the DA at pg 31:

***"The Class A area captures the use of the proposed development as it will utilise the land to improve stormwater runoff"***

Really? We dam a waterway as to improve runoff and free flowing water through that waterway?

The wet season comes, and we keep excavating 5 days a week over an indefinite period under the water of the dam do we?

No, we either drain the dam each year as to keep digging, and we run that water into Emerald Creek as to effect the water quality of those downstream, or we face the muddy dirty solution of continually chipping away on the edges of a large dam. Perhaps I fail to have insight here?

I'm not sure this DA meets the environmental impact requirements surrounding a large dam, and I'm not sure that it does not test the intelligence and integrity of the Council.

We peg this as playing down the significance of the size the dam will become and the real intent of this application:

pg 26

***"The primary production potential will not be reduced as the works will improve the agricultural use by increasing dam capacity slightly."***

"Slightly"? Perhaps this application should be split into two applications. One for the existing dam/extraction site, with a fixed end date and under appropriate legislation if required, the other for what will be an eventual large dam the way this author sees it.

## Grounds 10 – Complaints

The Council need be aware of DA wording which are misleading and/or designed to mislead.

pg 23 of the DA reads:

***"Monitoring of noise and dust levels may be triggered in response to complaints which are neither frivolous or vexatious. Monitoring will commence within two working days. Once appropriate action is***



***determined it will be implemented within two working days. Records of complaints will be retained by the manager for a minimum of five years."***

The wording implies that no monitoring of noise and dust levels will happen **at all** unless there is a complaint, and where that complaint is neither frivolous nor vexatious.

I.e. We are to trust an extraction site, using heavy machinery, to do absolutely no monitoring of noise and dust caused by the works, and then trust those same persons, previously not interested in monitoring noise and dust, to make their own decision over what is either a frivolous or vexatious complaint.

I put it to the Council that any such works that does no monitoring of noise and dust, and that makes a development application that is riddled with misleading verbiage as to disregard a population of people just over the creek from the extraction site, would find any complaint frivolous and vexatious.

This DA needs to be rejected in the first instance and only on satisfying the population of people and their objections, then consider approval where consideration of those people is given up front such as the Council not to wear the burden of complaints that it could have otherwise avoided.

Please accept this application in opposition to the development application as it stands.

### Appendix A – Evidence That Accidents do happen upstream along Emerald Creek

Evidence of dams bursting or overflowing upstream of the proposed extraction site. A photo of me in 2006 holding a barramundi found on the bank of Emerald Ck not 2/300 meters downstream from the DA "extraction site", and found after the subsidence of waters after Cyclone Larry.

400 meters above sea level and above Kuranda Falls, this fish did not swim upstream in the Larry flood. It came from somewhere upstream. From Tinaroo? Perhaps, but most likely a mismanaged site with promises made to maintain the environment. Please consider carefully the DA's proposal to enlarge a dam.



### Appendix B - Evidence That Accidents do happen upstream along Emerald Creek

Banana trees wrapped around trees on Emerald Creek not 100 meters from the DA "extraction site". Likely from a banana plantation, once a Development Application of some sort, upstream of the site. Banana plants were found right along this area of Emerald Creek. This as evidence, that what was once a application for development near a creek turns into consequences for the environment. Please consider carefully the enlargement of the dam and as proposed in this opposed development application.



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End of Document

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8th April, 2024.

Town Planner

Mareeba Shire Council

Re Development Permit

Application Reference MCU/24/005

This relates to an application for Material Change of Use to an Extractive Industry on 269 Shanty Creek Road, for up to 5000 tons per annum.

We, John and Julie Holme live at 30 Emerald End Close, Mareeba and strongly object to this proposal.

Firstly, on page 3 of the proposal, the Western boundary is described as being the Barron River, when in fact it is Emerald Creek. This creek runs clear for the majority of the year and is our primary water supply. Activity along the creek can have dire impact on water quality. Water quality is one of our biggest concerns.

The map supplied in Attachment 1 does not show the number of households that could be affected by future extraction. Attachment 1 conveniently stops before showing the complete sub division immediately downstream. The sub division has been in existence for over 40 years. There are other properties on the western side of the creek which will also be impacted.

Section 4 of SBMP proposes extraction of 5000 tons of sand. Is this cleaned value or the total excavated? Who will police this and having once obtained a change of use, what is there to limit in the future.

There will be noise and dust associated with this industry. The prevailing winds blow from the East/South East and would carry dust and noise across the creek. We are already aware of how far the noise travels from speedway cars used on the property.

In 4.3/17 We are being asked to believe the mining machinery will generate no more noise than a typical farm. For a start, most farms are seasonal, and noise is not year-round and 51/2 days a week.

It is proposed that this project is essentially a dam clean out. How much does it take to clean out a dam? And what is there to stop the project from expanding? Mr. Wallace is already a commercial extractive industry owner. Who polices this?



As previously stated, of most concern is possible contamination of the water supply. The Barron River is an example of changed water quality over the years. It is rarely clear. Emerald Creek is clear most of the year. Where the dam is currently situated, on a nameless seasonal watercourse, the exit is into Emerald Creek. Where does the excess water flow in the process of washing raw material? If the dam proves to be unstable, any breaches will flow into Emerald Creek. Runoff from the small watercourse in the wet season is already turbid.

Water flows downstream, and the lowest level from the dam's site is Emerald Creek. Any overflow will carry silt. A concern is : are there acid sulphate soils in the substrate?

Emerald Creek, besides being our water supply, is also a wildlife habitat, with turtles, many species of fish and birds. There is the potential for all of this to be negatively impacted.

We and our neighbors chose to live in this idyllic location for the peaceful nature it affords. There have been several recent properties adjoining the creek subdivided and built on for that reason. Our subdivision has been in existence since 1982, well before proposed industries in the area. Should this proposal be approved, our lifestyle will be impacted, and we suspect that property values will fall. Surely you would not allow a subdivision to be created within 600 meters of a quarry, so why would it be permissible for a quarry to be this close to an existing community.

Mr. Wallace presented a similar proposal in 2009, and this was rejected. Hopefully, this new proposal will be dealt with similarly.

Yours sincerely,

John Holme

Julie Holme

**From:** "Dee Morrow" <dee\_morrow6@hotmail.com>  
**Sent:** Mon, 8 Apr 2024 09:00:07 +1000  
**To:** "Info" <info@msc.qld.gov.au>  
**Subject:** Objection Letter - Application Reference – MCU/24/005  
**Attachments:** Objection Letter - Application Reference – MCU24005.docx  
**Categories:** Added to ECM

Town Planner  
Mareeba Shire Council  
Re: Development Permit  
Application Reference – MCU/24/005

Dear Sir/Madam,  
I am writing to formally express my strong objections to the proposed application for material change of use to an Extractive Industry at 269 Shanty Creek Road, for up to 5000 tonnes per annum.

I, Deanne Morrow, live at 28 Emerald End Close and am living within 1 kilometre directly opposite Emerald Creek to the development site. I have significant concerns regarding both the development itself and its potential impact on the well-being and amenity of the surrounding area, including my own home and those of other residents. I have outlined these concerns in detail in this objection letter.

#### **Concern 1 – Location and Lifestyle**

The map supplied in Attachment 1, conveniently stops before showing our residential area immediately downstream. The residential area has been in existence for over 40 years. There are many other properties on the western side of the creek and downstream on the Eastern side of the creek which will also be negatively impacted.

I and my neighbours chose to live in this idyllic location for the quality of air and peaceful nature it affords. There have been several recent properties, mine included, adjoining the creek subdivided and built on for that reason. The residential community on the Eastern side of Emerald Creek where I have now built has been in existence since 1982, well before proposed industries in the area. Should this proposal be approved, not only will our lifestyle be impacted but I suspect that property values will fall. Most of these homes are within 1 km, myself approximately 600 metres, of the proposed site. Surely you would not allow a subdivision to be built within this distance of a quarry, so why would it be permissible for a quarry to be this close to an existing community?

#### **Concern 2 – Water quality and Environment**

On page 3 of the proposal, the Western boundary is described as being the Barron River, when in fact it is Emerald Creek. This creek runs clear for the majority of the year and is our primary water supply. Activity along the creek can have serious negative impact on water quality and possible contamination of our water supply. Where the dam

is currently situated, on a nameless seasonal watercourse, the exit is into Emerald Creek.

Where does the excess water flow in the process of washing raw materials? If the dam proves to be unstable, any breaches will flow into Emerald Creek. Run off from the small watercourse in the wet season is already turbid.

Emerald Creek, besides being our primary water supply is also a wildlife habitat, with the occasional turtle, platypus and many species of fish and birds. Emerald Creek is also home to frilled neck lizards, wallabies, frogs and possums.

What will happen to their environment if the proposed development goes ahead? Water flows downstream, and the lowest level from the dam's site is Emerald Creek. Any overflow will carry silt. If there is acid sulphate soils in the substrate this will be detrimental to not only our health but will have a negative impact on the environment also.

### **Concern 3 – Noise Pollution**

*The proposal, 4.3/17 erroneously claims that the additional noises won't be more disruptive than a typical farm. However, most farms are seasonal, and noise is not year-round. With operating hours being 5 ½ days a week it will undoubtedly subject residents to prolonged noise and disruptions, significantly affecting our health and residential comfort.* There will be noise and dust. The prevailing winds blow from the East/South East and would carry dust and noise across the creek. We are already aware of how far the noise travels and how disruptive it can be from the speedway cars used on the property.

It is proposed that this project is essentially a dam clean out. How much does it take to clean out a dam? And what is there to stop the project from expanding? Mr Wallace is already a commercial extractive industry owner. Who polices this if it goes ahead for environmental reasons and who is to say they won't exceed their quota?

### **Concern 4 - Health**

I suffer from a respiratory condition and am currently assigned to a respiratory specialist and my G.P. to help curb any breathing attacks and fatigue. I am very concerned about dust and sand that will be flying around and blowing across the creek to my property. Why should I have to stay indoors or close my house up when the wind is blowing in my direction? The damage from the debris could possibly harm my house and motor vehicle. What of the damage caused by debris to both the house itself and cars?

### **Conclusion**

In conclusion, I strongly object the application for material change of use to an Extractive Industry on 269 Shanty Creek Road. It should not compromise existing community lifestyle or jeopardise safety, wellbeing, and environment.

Mr Wallace presented a similar proposal in 2009, and this was rejected. Hopefully, this new proposal will be dealt with similarly.

I am confident that Mareeba Shire Council will consider this objection and make a well-informed decision, prioritising the concerns of residents.

Yours sincerely,

Deanne Morrow

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URP-ROL

Mareeba Shire Council  
 65 Rankin Street  
 Mareeba. Qld 4880  
 4<sup>th</sup> April, 2024



**Objection Notice** - submitted by Sergio and Jeanette Venturato

69 Emerald End Close  
 Mareeba. Qld 4880  
 Lot 9 RP 734547  
 Mobile: 0488020708  
 Email: ventse4@bigpond.com

**RE: Objection to : Application No: MCU/24/0005**

**Application for a Development Permit for Material Change of Use -Extractive Industry (up to 5,000 tonnes per annum)**  
**269 Shanty Creek Road, Mareeba**  
**Lot 231 on NR4837**

This application seeks approval for the establishment of an **extraction industry** at the above address by applying for a material change of use on the **total** property as above.

**TO WHOM IT MAY CONCERN**

Before proceeding I draw your attention to a similar previous application to the Tableland Regional Council (File MCU/09/0009) which was not approved and did not proceed. **What has changed?**

Our objection which follows sets out a number of factors which will impinge on our property and properties below the entrance of the gully into Emerald Creek.

The gullies which Mr Ian Wallace indicates that the 2 hectares extraction will take place form part of the catchment of his dam that was built in 1990.

Mr Wallace states on page 2 of this submission that the extraction will assist with the **removal of sediment** buildup at the dam site and also **increase the capacity of the dam**. How much increase in capacity will this be? A 2 hectare hole will contain a lot of water.

- a. What is the depth of the hole?
- b. How many megalitres extra will the dam hold?
- c. Is the dam wall strong enough to hold this water?
- d. Why is there no end date to desilt a dam?

P.2

Dams have broken in the past and have caused flooding down stream.

In February 2000 our total property was flooded. Dams were broken then, at the same time that Cyclone Steve dropped 11 inches of rain in **all catchment areas** which impacted the height of water in Emerald Creek. We were refused our claim for insurance cover because it was deemed to be inundation.

I have lived in the district long enough to have seen the impact of quarries on rivers and creeks. For example,

1. Walsh River
2. Barron River
3. Tinaroo Creek

In the upper reaches of the Walsh River the water is not drinkable due to contamination from mining.

We have lived along Emerald Creek for 60 years, 42 of these years at our present address of 69 Emerald End Close and Emerald Creek is our only supply of clean water for drinking and household use. We have used the creek for recreation and study. As a biology teacher at Mareeba State High School I used grant money to study Emerald Creek as an adopt a creek project. We studied water quality, riparian structure and animal changes over time. Emerald Creek water has always been of high quality over the years. The destruction of riparian zones due to farming, pesticide use, dumping of rubbish and **silting** has caused a reduction in water quality and reduction in life in the creek. Silting causes death of micro and macro invertebrates which assist in keeping the water quality of a high standard.

In recent years we have noticed the life in the creek and also water quality has deteriorated. We have been forced to boil and filter our water to ensure that our health is not compromised.

If silt does flow into our creek the following organisms will also be impacted.

**A. Freshwater Crustaceans**

1. Variety of shrimps – *Caridina indictica*
  - Macrobrachium australiense*
  - *Macrobrachium tolmerum*
2. Freshwater Crayfish - Redclaw (introduced)
  - Yabby (*Cherax unnameus*)

**B. FRESHWATER FISH**

1. South Pacific Eel (*Anguilla obscura*)
2. Long-finned Eel (*Anguilla reinhardtii*)
3. Freshwater Catfish (*Tandanus tandanus*)

P.3

4. Hyrtl's Tanden (*Neosilurus hyrtl*)
5. Eastern Rainbow (*Melanotaenia splendida splendida*)
6. Sooty Grunter (*hephacstus filiginosus*)
7. Spangled Perch (*Leiopotherapon unicolor*)

#### INVERTEBRATES AND MACRO-INVERTEBRATES

- Numerous

I remind Council all water runs to its lowest point. In our area it is either Emerald Creek or Shanty Creek.

Despite the application saying that all flow out will be contained, our experience from previous years when we received high rainfall or when Emerald Creek is in flood, the run off from the gullies leading into Emerald Creek caused the water of the creek to run white from sediment. This can sometimes be for a period of a couple of months. If approval is granted for this extractive industry, we will anticipate the water quality of the creek to be continually unusable. **As previously stated this is our only source of drinking and household water.**

#### Inaccurate Information

- A. In his application Mr Wallace states that his western boundary is the Barron River, scrubland and farmland.

I dispute this. Directly west, within 100 metres of the proposed site is **Emerald Creek** (this will be the lowest point of drainage).

On the Goggle map which is in the application it names Emerald Creek as the Barron River and neglects to show the many existing rural residential blocks between Emerald Creek and the Barron River. This is deceptive. I urge the Council **not to dismiss** this oversight.

- B. In the application it states that the noise coming from the operation is noise similar to any farming noise. This is misleading in that farming noise is seasonal and does not go 5 and a half days per week and from 6am to 6pm per day as proposed in this application. We have endured the noise coming from the car race track on his property for years. Although intermittent it did impinge on our quality of life. The noise from this proposed extraction application will be 100 fold.

If I can hear the noise of the composter at the Mareeba Shire Council rubbish dump from my property, then with the prevailing winds at east south east the noise level from the extraction and washing site will increase many times more than is stated.

P.4

The application also states that the dam will be drained before extraction begins.

Where will this drainage go?

If the water from the dam is to be drained into the gully which empties into Emerald Creek – what is the quality of this water? Does it contain pollutants?

Who will monitor the compliance?

The submission implies self-regulation.

Once the 2 hectares extraction is complete, does Mr Wallace continue extracting along the two gullies unabated as the change of use as stated “**is for the total of the lot**”. The application state that it is **ongoing**.

Who handles the complaints?

Who makes the decision if the complaint is frivolous or vexatious?

We urge the Council to **reject this DA**. We find much of it is misleading.

Our objection is based on

1. Water Quality
2. Flooding
3. No end date
4. Harm to environment eg. Organisms
5. Hydraulic performance of dam
6. Handling complaints
7. Noise

We believe that the importance of floodwater and rainwater has not been given any consideration in this submission, let alone the impact this operation will have to residents living next to and along Emerald Creek.

Please take our objection into consideration when considering the approval of this application as the approval will affect our health and quality of lifestyle which is the reason we have chosen to live here since 1983.

In anticipation of a reply,

Yours faithfully,

*Sergio Venturato*

Sergio Venturato  
 69 Emerald End Close  
 Mareeba. Qld 4880  
 Mob: 0488020708

*Jeanette Venturato*

Jeanette Venturato  
 69 Emerald End Close  
 Mareeba. Qld 4880  
 Mob: 0408011261



08/04/2024

Attn. My Brian Millard, Town Planning Department Mareeba Shire Council,

Dear Sir/Madam, re Proposed Development of Sand Mining Operation on Leotta Road, by Mr Ian Earl Wallace. No.MCU/24/0005.Titled 'SHANTY CREEK PROJECT'

We, Philip Dean Carr and Karin Kaethe Dorn, live at 485 Emerald End Road, Mareeba (Lot21 on RP708066), and wish to object to the proposal described above.

Firstly, this project is NOT on the, somewhat remote, Shanty Creek. It is proposed to be totally in the catchment of Emerald Creek and near at lot of houses and a busy caravan park.

On page 3 of the Site Based management Plan(SBMP) the land to the west is described as 'Barron River , scrubland & farmland'. This is false. The border is not the mighty Barron River but is the small pristine Emerald Creek, beyond which there are at least 30 dwellings and a caravan park within 1.3 Km of the proposed mine site. For these residents, which includes ourselves, this is a major threat to our quality of life, and of course land values. In our view noise and dust pollution would be the main factors. On page 9, the Locality Map gives some idea of how densely settled this area is.

The prevailing wind from the proposed worksite goes towards Emerald End Close, a growing Mareeba suburb, but frequent winds from the east will spread the dust and noise in our direction. Nobody will be spared the adverse effects.

In section 2, on page 3, we see that Mr Wallace is not just a small farmer wanting to clean out his dam. He is a commercial operator of extractive industries and we feel that this application is an initial attempt to start an operation that has no completion date, and probably will followed by applications for expansion. For local residents the problem probably would get worse over time.

In section 4, on page 4 of the SBMP we see proposed AVERAGE annual extraction is under 5,000 tons. Who will police this? In any year the amount can be well over 5,000 tons. Is this tons of raw material dug up, or tons of clean sand to be trucked out for sale?

In section 4.3 we are being led to believe that this is not primarily a commercial operation and that overflowing of water carrying the huge amounts of silt from the sand washing process will never flow into Emerald Creek. The present huge wet season highlights the dangers of this casual approach. On page 7 of the Application form we are led to believe that this gully is unnamed , and is not a watercourse. In effect it is a seasonal watercourse, that is marked on the topographical map, on page 13 of the SMPB, as running past Mr Wallace's house and into Emerald Creek, a known Platypus habitat , and major domestic water supply for dozens of residents living downstream.

In item 17 of section 4.3 of the SMPB we are being led to believe that the mining machinery noise will be no more noxious that typical farming noise. Just how quiet is a 'shakedown grid (P16)' for large trucks? Crops, trees and grazing animals are mostly silent. We deserve to be allowed to keep it that way. Noise from frequent hooning on the car racetrack mention by Mr Wallace has been annoying in the past but

this proposed continual use of heavy machinery for up to five and a half days a week, at the exact same site, will be a huge step in the wrong direction.

On page 19 of the SMPB in Fig 7, in the machinery list there is a 12 ton dump truck to cart to the plant, and a 24 ton truck to load out the sand.

On page 4 there are calculations for loading out 50 tons of sand per truck adding up to only 100 truck movements per year. How do you carry 50 tons on sand on a 24 ton truck? This totally ignores all the activity of the 12 ton dump truck in bringing up raw material for processing and shifting the waste product away.

This appears to be gross minimizing of the noise and dust pollution that we local residents must endure.

On page 10 of the SMPB there is a label 'Barron River + Large Trees'. This is false. That is Emerald Creek.

In summary, we feel that this proposal is for a disaster to fall on our community. The project time and quantities of material to be removed are open-ended and vague. If Mareeba Shire council passes this proposal there surely is no way that the resultant activities can be properly monitored. What is presented as a small time farmer wanting to clean out his dam is actually a commercial operator wanting to make a lot of money. The many vulnerable local residents of Emerald End Community barely get a mention, yet we are here, close by, and very upset.

We wish to remind our Council that a similar proposal by Mr Wallace was submitted to your predecessors in 2009. We are told that this was dropped after objection by the Qld. Dept. for the Environment. The public nuisance issues are even more important now as subdivision, and house building, continue in our area and nobody can predict the severity of future wet seasons.

Yours sincerely,

Philip Dean Carr

Karin Kaethe Dorn

*PD Carr - PL 0419 559 714*  
*KD*

**From:** "bdmorrow@bigpond.com" <bdmorrow@bigpond.com>  
**Sent:** Tue, 9 Apr 2024 18:48:50 +1000  
**To:** "Info" <info@msc.qld.gov.au>  
**Subject:** Objection - Development Application MCU/24/005  
**Categories:** Added to ECM

Town Planner  
Mareeba Shire Council  
Re: Development Permit  
Application Reference – MCU/24/005

Dear Sir/Madam

I wish to formally express my desire to object strongly to the application for the development of a quarry/extractive industry at 269 Shanty Creek Road.

We Barry & Denise Morrow reside at 44 Emerald Creek Close. Our property backs on to Emerald Creek approximately 500-600metres Downstream of the proposed quarry. We are extremely concerned regarding the development and the potential impacts on the amenity and well being of the surrounding environment and community. Related concerns are detailed below.

#### **Location and Lifestyle**

The development map in Attachment 1 fails to show the residential area below the proposed quarry. This residential area has existed for over forty (40)years and includes a significant number of RESIDENTIAL properties on the western side of the creek and more on the eastern side all of which will be negatively impacted should this proposed extractive industry be given approval.

We and the people in the affected area chose to live in this area for the quality of life and peaceful nature of the environment.

Should this development be approved we are quite sure the ambient nature of the area shall be forever lost.

Council has recently approved more residential subdivisions in this area with all these properties being within 1km of the proposed extractive industry site. Council would not approve the development of a residential subdivision within a kilometer of an extractive industry so we cannot understand that this proposal should be granted permission to go ahead.

#### **Water Quality and Environment**

Page 3 of the proposal asserts that the western boundary of the site is the Barron River when in fact it is quite a considerable distance from said river. The western boundary is in fact Emerald Creek. This creek runs clear for the majority of the year and is the primary water supply for the afore mentioned households. Activity close to this water course could have an adverse affect on the viability of our potable water supply so that every home downstream of the site could have turbid and/or tainted water. The existing dam is situated on a nameless water course. The outflow of this watercourse runs directly in to Emerald Creek which is relatively near. Where will the water be drawn from for the washing of the extracted sand and will it be adequately contained? Any overflow from this nameless watercourse is already quite turbid.

We have noted that there is a large variety of wildlife dependent on the wellbeing of Emerald Creek and its surrounds. These include the rare sightings of Platypus, turtles, fish of many species, eels and various other water life, wallabies, bandicoots, scrub turkeys and many land based reptiles including frilled neck lizards and various frogs, a huge variety of birds, insects and other lives depending on this environment. The proponent states that the existing dam will be increased in size, so should it be deepened will this in turn cause acid sulphate soils to be disturbed

**Noise and Dust Pollution**

With noise pollution no more than a typical farm[?] what is a typical farm? Most farms are seasonal so therefore do not create a huge amount of noise apart from general upkeep. The proposed industry will be operational for 5.5days per week for the entire year which will undoubtedly cause much longer periods of noise. How is the dust to be suppressed and stopped from blowing on the prevailing winds for considerable distances. The residents of the area have often had to listen to the sound of machinery and speedway vehicles coming from this property until well after night fall so must we be prepared for continuing disruption to our peaceful life style.

**Health**

Surely all the extra noise and pollution of various types cannot be good for the health of the residents or the native fauna and flora.

We strongly object to the application for material change of use to Extractive Industry on the said property 269 Shanty Creek Road. A similar proposal to Council in 2009 was rejected and we are confident our elected councilors and town planners will take residents concerns into consideration when they reach their decision regarding this new application.

Yours sincerely

Barry and Denise Morrow



12/04/2024

Reference: Development Application MCU/24/0005.

To whom it may concern,

We are writing to you to voice our opposition to development application MCU/24/0005.

We moved to Mareeba January 2023 upon purchasing 8 acres of land at 536 Emerald End Road. We moved into our new house on this property in September 2023. We love the beautiful rural community lifestyle and abundance of wildlife. We built our house close to the banks of Emerald Creek to take full advantage of its beauty.

There are several reasons we oppose this development application. These are:

1. Noise pollution
2. Dust pollution
3. Proximity to our home
4. Inaccurate maps/information.

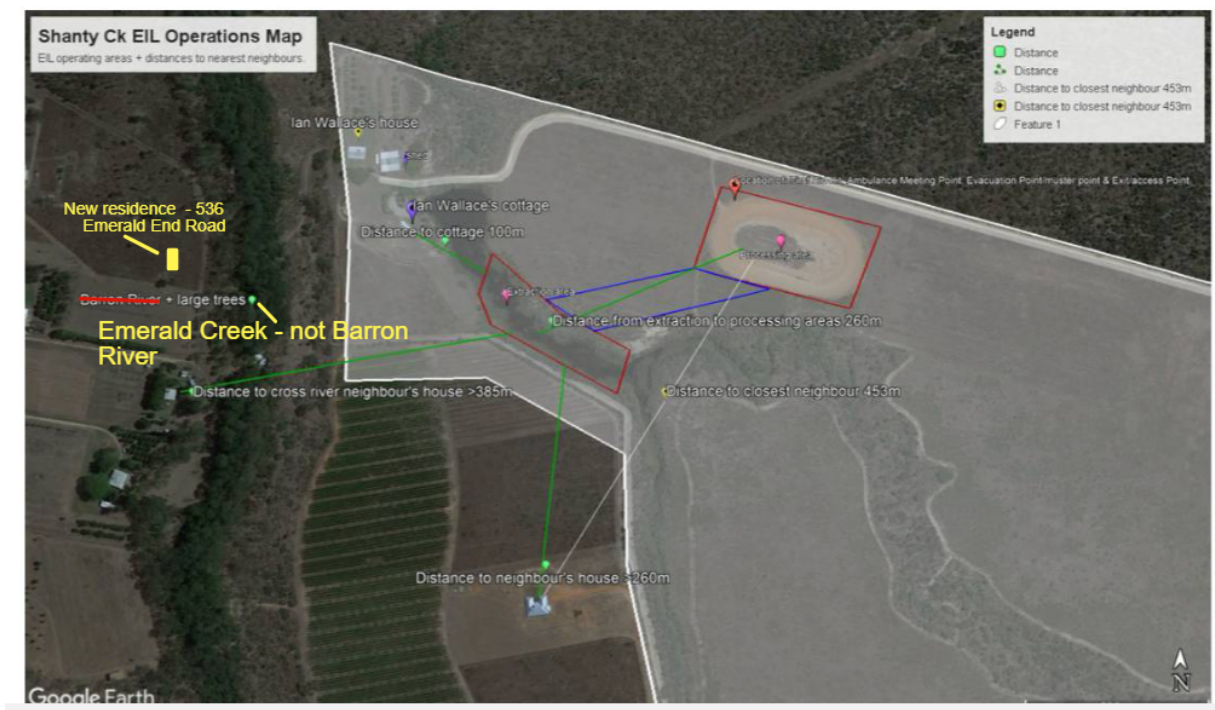
1. Noise. We appreciate we are in a farming area and will get noise from tractors, pumps etc, but from our observations and advice from friends who are farmers, these noises seldom go on for long and also from the same location. We know this wouldn't be the case with the D.A. as it would be constant and from the same location. Also, this whole area is influenced by constant easterly winds which would carry the noise to us.
2. Dust. It's rare to see farmers intentionally produce dust as the top soil is far too valuable. Moving raw material, as stated in the D.A. is guaranteed to produce dust and lots of it, and again, the prevailing winds would see it carried directly to us. From our experience dust control is near impossible on a windy site.
3. Proximity to our house. This is a real concern to us for the reasons listed above.
4. Inaccurate maps/information. According to the application, our house doesn't exist. None of the maps show our house at all. We refer to the map below where we have located our house proximity to the proposed site of the D.A. Investigation into our building application at

536 Emerald End Road will confirm this location. We began building April 2023 and completed September 2023.  
 Another inaccuracy is the map stating that Emerald Creek is the Barron River, which is clearly wrong. We have marked this on the map also.  
 Another section states that to the west of the D.A. is the Barron River, bushland and farmland. Wrong again. To the west of the D.A. is Emerald Creek, housing in a rural residential area, then Emerald End Road, then more housing and then the Barron River.  
 If they are so blatantly wrong in so many aspects, how can the rest of the application be taken seriously.

We thank-you for your consideration and action with our concerns and opposition regarding this application.

Brad and Julie Williams  
 536 Emerald End Road  
 Mareeba, 4880

**Figure 2 –Quarry Operations Map – sites & distances to neighbours**



**From:** "PeterT" <peterthx@protonmail.com>  
**Sent:** Wed, 10 Apr 2024 20:02:36 +1000  
**To:** "Info" <info@msc.qld.gov.au>  
**Subject:** Objection to Development Application MCU/24/0005  
**Categories:** Erika

To Whom it may concern

I am writing in regard to the proposed development at 269 Shanty Creek Rd, Mareeba (Application No: MCU/24/0005). I live on the western side on Emerald Creek almost opposite to the proposed quarry. I have reviewed the Development Application and put together the following summary of my concerns.

The proposed development of a quarry has not taken into account the effects on people and properties on the western side of Emerald Creek. Currently this area is a quiet area with a rural feel. The eastern side of Emerald Creek has farm land. Noise from farm machinery is minimal to almost non-existent. The proposed development states that an Excavator, screen, wash plant and dump truck will be used. This amount of machinery will generate more noise than is currently the norm.

While Emerald Creek is a small creek it attracts and provides refuge for wildlife in the area. The noise, movement of machinery and associated dust with quarry operations would have a negative impact on the wildlife of Emerald Creek. Further detailed assessments should be carried out to fully understand the impact on Emerald Creek.

The Site Based Management Plan states "This project is essentially a dam cleanout" with a live expectancy of "ongoing". A dam cleanout should have a time frame for completion and not require a Material Change of Use.

Thank you for taking my concerns into consideration while assessing this development application.

Regards

Peter Theakston  
514 Emerald End Rd  
Mareeba QLD 4880

John & Natasha van Ryt  
P O Box 185, Mareeba, QLD 4880

**LETTER OF OBJECTION** to the Proposed Material Change of Use - Extractive Industry (Up to 5000t per annum)  
269 Shanty Creek Road on Lot 231 NR4837  
By Mr. Ian Wallace of Wallace Quarrying & Mining Pty Ltd ATFT Wallace Unit Trust  
Development Application Reference No: MCU/24/0005

As owners of 526 Emerald End Road, we formally object to the Development Application: MCU240005.

### Background

We have been residing at 526 Emerald End Road for 25 years. We owner built our home, created a garden oasis, raised our son here and are now sharing its beauty with our young grandson (soon to add another grandchild in June). We are deeply attracted to the rural residential lifestyle, the pristine beauty of Emerald Creek, the abundant native wildlife and the tranquility of this country area.

Natasha is the great niece of the second landholders, Conrad and Violet Gardner, who came to Mareeba in 1949 and purchased a 360-acre parcel of land from the pioneering Atherton family. This land is now subdivided and is the Northern end of Emerald End Road (part of which our land, and my mother's land, belongs), Emerald End Close and Malcolm Close. Natasha has been a part of this particular land for 57 years.

There are a few points we are concerned about and form the basis of our objection to this development application:

- **Adjoining land use** - Page 3 of 19 of Mr. Wallace's Site Based Management Plan for Extractive Operations (SBMP) incorrectly describes the land use West of the site to be the Barron River, scrubland and farmland. In fact, the area between his Western boundary (which is actually bordered by the much narrower Emerald Creek) across to the Barron River (<900m from 269 Shanty Creek Road's North-western boundary), is approximately **two-thirds zoned Residential (Rural) and one-third Rural**.  
Although our property is zoned Rural, our rates class us as Residential (Rural). If we were zoned as such, would this trigger greater restrictions on the operation of an Extractive Industry within a certain distance from Residential (Rural)?  
A large number of houses are situated less than 600m from the proposed extraction site. Our house is just 551m. A further two houses are to be constructed across Emerald Creek, close to the North-west corner of 269 Shanty Creek Road.  
The **Google Earth photo** showing the **closest cross-river neighbour's house** in the application as less than 385m is out of date. There is a newly built house located at **536 Emerald End Road, which is less than 335m from the proposed extraction site** (Current Google Earth photo dated 6/12/22 also does not show the new house, only the shed).
- **The ongoing noise and dust generated by the quarrying is NOT similar to farming (which is seasonal)** -  
On page 4 of 19 of the SBMP, the table of Operation of The Extraction & Processing Site grossly oversimplifies the average weekly truck movements / traffic management as: 5000t/yr; a 50ton truck load = 100 loads/yr = 1.92 truck movements/wk.  
However, on page 19 of 19 Figure 7: Typical Machinery List the truck listed to cart the sand and gravel to the processing plant is 12ton. This equates to 12t truck = 417 loads/yr = 8 truck movements per week, just from the dam site.  
PLUS, this does NOT include the ongoing noise and dust created by continual use of all the other heavy machinery: excavator, front end loader, grader, dozer, 24ton delivery truck, 15000L water truck and power screen.
- **Prevailing winds come from the East towards our block** (which is Lot 2 RP912860 of Figure 1 – Locality Map page 9 of 19). The trees along Emerald Creek provide a very minimal sound buffer, which was evident when the proposed processing site was "previously used as a rally car track" (page 2 of 70) and a motor boat,

presumably used on the existing small dam, could be loudly heard. These activities began after a similar application by Mr. Wallace was rejected and impacted on our quiet lifestyle.

- **This proposed ongoing extractive industry could also devalue our property in the future.**
- **Hours of operation.** The current Mareeba Shire's approved working hours (0700-1800hrs Monday to Friday and 0700-1300hrs Saturday) would mean more disturbing and sustained noise, impacting on our ability to enjoy the natural surrounds of Emerald Creek with our grandchildren, extended family and friends. It will greatly impact the relaxed, tranquil, rural lifestyle enjoyed by all of the residents on the Western side of 269 Shanty Creek Road, many of whom are semi- or retired. Even the Mareeba Country Caravan Park, located at the end of Emerald End Road / Malcolm Close (<1.1km from the excavation site), is advertised on signage as the "Quiet alternative" for travelers and those that permanently reside within the park. Would the proposed extraction and processing activities be governed by greater working hours restrictions given its close proximity to residential housing?
- **Increased risk of flooding and impact on water quality.** We, along with many other residents bordering Emerald Creek, rely on this water resource for our sole water supply. **Clearing of the native vegetation and disturbance of the soil over a total area of 2ha**, coupled with a severe weather event like that following Cyclone Jasper in December 2023, or continued above average rainfall, increases overland water flow and in turn increases the risk of sediment run off and dam overflow into Emerald Creek. This would have a detrimental effect on water supply and pumps.
- The applicant states there will be an **increase in the current dam's size**, with an **"extraction area of up to 150 x 50 x 2.5m"** (Point 6, page 5 of 19 SBMP) and the **"existing dam wall will not be altered"** (DA Form 1 Template 2 – Other work in a watercourse Part 6. 20). With an increase in the dam's capacity, there is a potential for overtopping, or a wall failure, which may cause an **increased risk of flooding to a greater population downstream** on Emerald Creek. Several properties downstream near the junction of Emerald Creek and the Barron River have already been inundated, or close to, in the past. Most recently, due to the severe rain event following Cyclone Jasper in December 2023. Has a Registered Professional Engineer of Qld (RPEQ) certified the dam wall for a failure impact assessment with an increase in capacity? On page 62 of 70 Excavation or filling A07.2 it states: **"Excavation or filling at any point on a lot is to be no greater than 1.5m above or below natural ground level"**. Yet the application says the extraction area will be up to 150 x 50 x 2.5m. How will the excavation of up to 5000 ton of sand and gravel, and depths be monitored? And by whom?
- **Ongoing permit application – Why?** If this extraction of sand and gravel is "essentially a dam cleanout...to remove sediment build up and increase the existing dam capacity" (Page 4 of 19 SBMP). It is estimated that the current dam was constructed in the "early 1990's", and has therefore, not been desilted for approximately 30 years. Do not approve ongoing extraction, let the landowner apply for an extraction permit for 'desilting' in another 30 years.
- The applicant claims the majority of the sand will be used on site for roads etc. Why ongoing then?

### Conclusion

As long-term residents, semi/retired, we have enjoyed a lovely rural lifestyle here with a beautiful permanent creek, and abundant, diverse, native animals. We ask the Council to seriously consider all the implications of the nearby proposed ongoing Extractive Industry on our current and future lifestyle, the undue anxiety and stress created, and REJECT the Development Application: MCU240005.

Thank you for your time and consideration.

Yours sincerely  
John & Natasha van Ryt

Residents and owners of 526 Emerald End Road, Mareeba, QLD 4880

**From:** "Pettina Jaques" <pettinajaques@outlook.com>  
**Sent:** Thu, 11 Apr 2024 11:39:03 +1000  
**To:** "Info" <info@msc.qld.gov.au>  
**Subject:** Opposition to Proposed Extractive Minerals Quarry - Development Application  
MCU/24/0005  
**Attachments:** Objection to Quarry Application - 11.04.24.docx  
**Categories:** Erika

To: Mareeba Shire Council

Date: 11/04/2024

RE: Opposition to Proposed Extractive Minerals Quarry

RE: Development Application - MCU/24/0005

Dear Council Members,

I am writing to express my strong opposition to the proposed extractive minerals quarry located just 250 meters (2 min walk) from my bedroom window. The potential environmental impact, noise disturbances, visual eyesore, and resulting overall reduction in quality of life are deeply concerning.

Please take into consideration the following impacts:-

**Environmental and Air Quality:**

1. The removal of large amounts of soil and rock would destroy habitats and water source routes for many species. I constantly delight in the rich biodiversity of wildlife in the surrounding area, with regular sightings of echidnas, quolls, frilled neck lizards, water dragons, pythons, bustards, wallabies, red tailed cockatoos, whistling ducks, herons, white lipped tree frogs, butterflies to name a few. I fear for these animals greatly.
2. The removal of vegetation and soil exposes land to erosion by wind and rain, which can lead to further environmental degradation and affect agricultural productivity. **It is also an MSES regulated vegetation (category R-GBR riverine) area.**

3. Heavy machinery used in quarrying can compact the soil, making it difficult for vegetation to re-establish itself in the future.
4. Disturbance of the land can create opportunities for invasive species to establish, further threatening native flora and fauna.
5. The runoff from quarries can introduce sediment and pollutants into waterways, affecting the quality of water for household use, agriculture, and habitat for aquatic life. Further, quarrying can alter the natural flow of groundwater, affecting the water availability to surrounding vegetation and farms.
6. Quarry operations generate dust and fine particulate matter, which can penetrate deep into the lungs and will significantly decrease air quality. Depending on the materials being quarried and the processes used, there could be exposure to harmful chemicals in the air.
7. As an asthmatic and hay fever sufferer (with sometimes upwards of 100 sneezes per day) this is a cause of deep concern as the exacerbation to my existing respiratory/immune condition will no doubt be substantial.
8. It will also impact plant life by covering leaves and affecting photosynthesis.

**Noise Impacts:**

1. Blasting rocks to break them into manageable pieces, is a common practice in quarries. The explosions can cause loud booms that will be startling and disturbing, and a constant cause of stress and anxiety.
2. Apart from the noise, blasting can also result in vibrations that will likely be felt by us due to the close proximity our residence is to the quarry.
3. The operation of heavy machinery, such as excavators, loaders, and trucks, generates continuous noise throughout the day. This background noise will be particularly disturbing as I frequently work and study from home during the day. As a busy working mum of 2, I also like to take moments of opportunity where I seek power naps to keep me energised throughout the day which require peace and quiet.
4. The low-frequency noise and vibrations from heavy machinery operation can penetrate buildings, making it difficult to mitigate with standard soundproofing methods.
5. The process of crushing rocks and processing materials is typically loud, with machinery generating high decibel levels. This constant background noise can lead to a decrease in quality of life and interfere with speech and sleep.
6. Safety mechanisms, like the reversing beepers on trucks and loaders, will be a crucial source of disturbance, throughout the day.



7. The transport route for trucks entering and leaving the quarry will further add to the noise and dust pollution, causing significant stress and anxiety. The road runs adjacent to our property, trucks will pass by, as close as 80m of our house.

**Visual Impacts:**

1. The scenic beauty we enjoy was the predominant reason we chose the current site for our house. A quarry requires, the removal of huge layers of soil and rock which will be visible from our bedroom window, and will leave visible scars on the landscape, altering natural landforms and negatively impacting the scenic beauty of our area.
2. The creation of large pits or open mine areas can be unsightly, creating a stark contrast with the surrounding natural or rural landscape.
3. Dust and particulates settling on vegetation and structures can give the landscape a dull, dirty appearance, further impacting the visual quality of the area.
4. Large and industrial-looking machinery used in quarry operations will be visually intrusive.
5. Activities such as blasting, drilling, and transporting materials can generate dust plumes, which not only affect air quality but also create a visual haze that can obscure views and diminish the beauty of the landscape.
6. The clearing of trees and other vegetation to accommodate quarry operations will drastically change the landscape, resulting in the loss of greenery that is deeply valued by us for its beauty and ecological benefits. **It is also an MSES regulated vegetation (category R-GBR riverine) area.**

**Quality of Life and Wellbeing impacts:**

1. The presence of a quarry can lead to a decrease in property values in the surrounding area, due to the combined negative impacts on the environment and quality of life.
2. The concerns of health risks, environmental degradation, and property values will cause stress and anxiety particularly due to the loss of control over our living environment.
3. Noise from operations, especially if occurring at night or in the early morning, can disrupt sleep patterns, leading to insomnia and other sleep disorders. Poor sleep quality is directly linked to a wide range of health issues, including increased stress, depression, pain syndromes and cardiovascular disease.
4. The construction of this quarry would cause a change of character to the community, especially as residents will feel their concerns are not adequately addressed. This can affect overall community well-being.

5. I enjoy daily walks around the boundary of our property which is a source of physical activity, and relaxation in nature, which I greatly value. With the conversion of natural areas into a quarry, it will limit my access to this important activity for my mental health and well-being.

In light of these concerns, I respectfully urge the council to reject the application for the quarry development. I implore you to prioritize the well-being and interests of the residents who will be directly affected by this project and to preserve the tranquility and integrity of our community.

Thank you for considering my concerns. I trust that you will make the right decision for the benefit of all residents.

Sincerely,

Pettina Jaques  
Wokers Cottage 2  
137 Leotta Road  
MAREEBA QLD 4880

## Objection to WALLACE DA MCU/24/0005

Submitted by:

Bruce and Elizabeth Crunkhorn

58 Emerald End Close

Mareeba 4880

0448750851

ebcrunkhorn@bigpond.com

We write a letter of objection to the development application MCU/24/0005 by Wallace Quarrying and Mining Pty Ltd for a material change of use to Extractive Industry (up to 5000 tonnes per annum) at 269 Shanty Creek Road Mareeba Lot 231 on NR4837.

*Brief: Establish a small scale (<5000ton/yr) sand extraction & screening operation. Material to be used on nearby applicant properties for construction materials.*

**Information within the application:**

- The noise produced onsite by the operation will not be similar to current farming noise.
- The noise produced from traffic generated will not be similar to existing farming activity
- The proposed development will adversely impact the amenity of the local area
- The proposed development will produce negative impacts that are not similar to farming activities
- Noise, and emission will impact the surrounding properties
- The waterway adjoining the property to the west is Emerald Creek not the Barron River
- The land adjoining Emerald Creek west of the property is primarily residential. Many homes are within 1000 metres of the proposed extraction site with some as close as 200 metres.

**Flood Hazard**

In 2000, a dam wall on a property at Rocky Creek collapsed and a reported 25megalitres was released into the Barron River. This significantly increased the flood level in the Barron and several homes with frontages to Emerald Creek were inundated.

The extraction area proposed is 2 hectares. If sand is extracted and this increases the dam depth to 1.5 metre (P 62. A07.2), this means the dam would contain 30000 cubic metres ie 30 mega litres. This calculation does not take account of the existing capacity of the dam. The eventual dam capacity will probably be much larger than this.

In 2018? Mr Wallace's dam wall failed (he has stated this to our neighbours) and his dam has been recently overflowing with that water flowing into Emerald Creek (our neighbours have sighted this event recently) along the unnamed tributary of Emerald Creek on Mr Wallace's property.

To de-silt the existing dam Mr Wallace states the water would have to be released. As the dam is currently overflowing this will require more than just crop irrigation. Water added to the property eventually seeps through into Emerald Creek.

The application gives no insight into the integrity of the existing dam wall. If this wall fails, which would be more likely to occur during the wet season when Emerald Creek already has an increased flow, the rapid increase of water into Emerald Creek of 30 mega litres would have catastrophic effects with flood damage potential for all homes/properties along Emerald Creek between Mr Wallace's property and the Barron River.

We have many instances of water in the creek becoming unusable/ undrinkable from turbidity caused by runoff from earthworks further upstream. If there is rainfall/flood during the proposed extraction processes, the likelihood of this impacting from Mr Wallace's property is increased.

Properties along Emerald Creek utilise this water for their water supply.

### **Extraction site**

The application is very unclear with conflicting statements regarding the use of extracted materials.

It is stated (8.2.1.3) the material extracted it is to be used on site for road/ track improvement. Later the applicant states the material will be used on his other properties. So why is there a need to indicate yearly off site truck movements?

The applicant/applicants family owns property directly opposite our home. Does this mean there will be truck and machinery noise closer to our home than the proposed quarry site?

If the application is to remove sediment from an existing dam, why is the activity have no end date?

Stated area is 2ha. Is this a fixed area as indicated in the application or does the extraction or de-silting site move every year.

Excavating sand from a 2 hectare site to a depth of 1.5 metre is removing 30,000 cubic metres of material which is far in excess of the applicants "less than 5000T per annum".

### **Dust Pollution**

The prevailing winds over the site are generally easterly to east south easterly. The residences on the western bank of Emerald Creek would be subject to dust from the site. The statement in the application that the winds will carry the dust away from existing dwellings is definitely incorrect. The potential for increased dust at our property is evident.

### **Noise Pollution**

The application is misleading with regard to noise pollution.

The applicant has failed to address the noise from excavation, filling, compaction, sand washing and removal and the impact to houses on the Western side of Emerald Creek. Along the creek are many residential homes. Recently Council has approved further dwellings along Emerald End Road and Emerald End Close that are and will be less than 200metres from the extraction site.

The applicant states the noise will be similar to that from farming activities in the area. Currently at our home we hear no noise from any farming activities.

If his statement was correct that means we would hear no noise from the activities of sand extraction and washing, loaders and dump trucks and other machinery.

The noises from several activities from the applicant's property have been very loud and clear at properties on the western side of Emerald Creek.

We already have experienced occasional noise from machinery the applicant has used to clear land. These sounds carry very clearly across the creek to us and already disturb the quiet and peacefulness of our life. The machinery clearing land sounds to us like it is roaring down towards the creek.

Noise from vehicles at the applicant's "race track" can be clearly heard at residences on the western side of Emerald Creek. This has been mostly on weekends. This noise carries very clearly across the creek to our home. We are impacted when these activities are carried out.

Under this proposal, noise from earth moving equipment will be heard during the week and Saturdays. I believe noise of the current use of farm machinery, as stated by the applicant, will be in no way similar to the noise generated by earthmoving equipment and machinery for washing extracted materials and dump trucks. Of particular concern is the noise from the reversing alarms of trucks and earth moving equipment. These have been heard periodically now. Disabling of these alarms is illegal and cannot be suggested as a solution.

### **Generally**

If the main purpose is de-silting a dam why does there need to be a material change of use to extractive industry?

Why does it need to be for an indefinite period?

Mareeba Shire Council over many years has allowed and encouraged residential development along the western side of Emerald Creek. It has been an area of peacefulness and quiet. Recently the council has allowed two further subdivisions. Council has also given approval recently for a new home to be built close to Emerald Creek not 200m from the extraction site, construction proposed to commence 2024.

If there was a quarry on the opposite side of Emerald Creek, property values could be grossly diminished.

We ask that Mr Wallace's application be rejected as the impact on so many residents along Emerald Creek will be adversely affected.

12<sup>th</sup> April, 2024,

Town Planner

Mareeba Shire Council

Re Development Permit for application Reference MCU/24/0005

We, Lindsay and Julie Gillman residing at 46 Emerald End Close, Mareeba strongly object to the "Material Change of Use-Extractive Industry" for 269 Shanty Creek Road.

We have lived at this address for over 40 years and have enjoyed the quiet solitude, the **clean** supply of drinking water and the abundance of bird life and wild life to name some of the advantages.

Our land borders Emerald Creek just below where the water from the dam enters. I feel this will impact the quality of water plus if the dam breaks especially during flood times it could rapidly increase the rise of the water level and contribute to the flooding of the houses along this creek. Knowing this dam is there impacts the mental health of many of the residences along this creek.

Section 4 of SBMP proposes extractions of 5000 tons of sand. Is there any guarantee that this amount will remain or will it be easy for this amount to be increased?

We know there will be an increase of noise and dust with this industry. As anyone who lives on a creek knows sound travels quickly along a creek or river. We have heard the noise of their speedway cars previously.

At the moment we enjoy where we live but feel that this development will strongly impact our lifestyle in a negative way. We hope you will listen to our concerns and that this proposal will be rejected.

Yours sincerely,

  
Lindsay Gillman

  
Julie Gillman

**From:** "Tracey Beikoff" <traceymbeikoff@gmail.com>  
**Sent:** Thu, 11 Apr 2024 12:24:33 +1000  
**To:** "Info" <info@msc.qld.gov.au>  
**Cc:** "Craig Beikoff" <craigbeikoffmechanical@gmail.com>  
**Subject:** Submission : Proposed Development MCU/24/005 Material Change of Use -  
Extractive Industry  
**Attachments:** Proposed Development Submission - MCU240005 Tracey & Craig Beikoff  
11.04.2024.pdf  
**Categories:** Added to ECM

Good afternoon,

Please find attached, submission regarding;

**Proposed Development**

Material Change of Use – Extractive Industry (up to 5000T per annum)

**Where:** 269 Shanty Creek Road, Mareeba

**On:** Lot 231 on NR 4837

**Approval Sought:** Development Permit

**Application Ref:** MCU/24/0005

Your confirmation of receipt of this submission, would be greatly appreciated.

Many thanks,

Tracey

Tracey Beikoff

Administration  
Craig Beikoff Mechanical

p. 0473 768 599 e. [traceymbeikoff@gmail.com](mailto:traceymbeikoff@gmail.com)

**CBM**  
*Craig Beikoff Mechanical*



Submission regarding : Development MCU/24/005 269 Shanty Creek Road, Mareeba

11.01.2024

**Submission by:**

Craig and Tracey Beikoff

439 Shanty Creek Road, Mareeba

p. 0421 790 618

p. 0473 768 599

e. [craigbeikoffmechanical@gmail.com](mailto:craigbeikoffmechanical@gmail.com)

e. [traceymbeikoff@gmail.com](mailto:traceymbeikoff@gmail.com)

**Submission date:** 11<sup>th</sup> April 2024

**Proposed Development**

Material Change of Use – Extractive Industry (up to 5000T per annum)

**Where:** 269 Shanty Creek Road, Mareeba

**On:** Lot 231 on NR 4837

**Approval Sought:** Development Permit

**Application Ref:** MCU/24/0005

**Relevance of Submission**

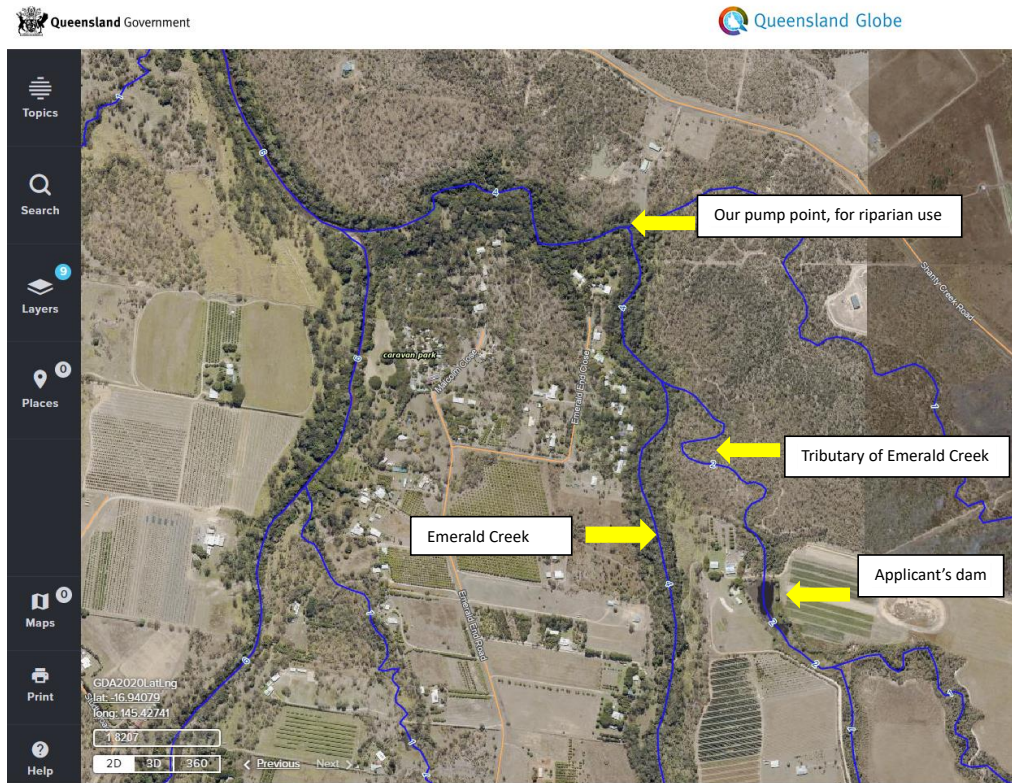
VICINITY TO PROPOSED DEVELOPMENT

- Approximately 1.1 km\* direct distance, from the applicant’s dam at 269 Shanty Creek Road, to our house at 439 Shanty Creek Road.
- Approximately 485m\* from the ‘*unnamed tributary/drainage feature*’ (at the point it enters Emerald Creek), to our pump location on Emerald Creek.
- Please find maps on page 2, to assist with understanding our location in relation to the proposed development.

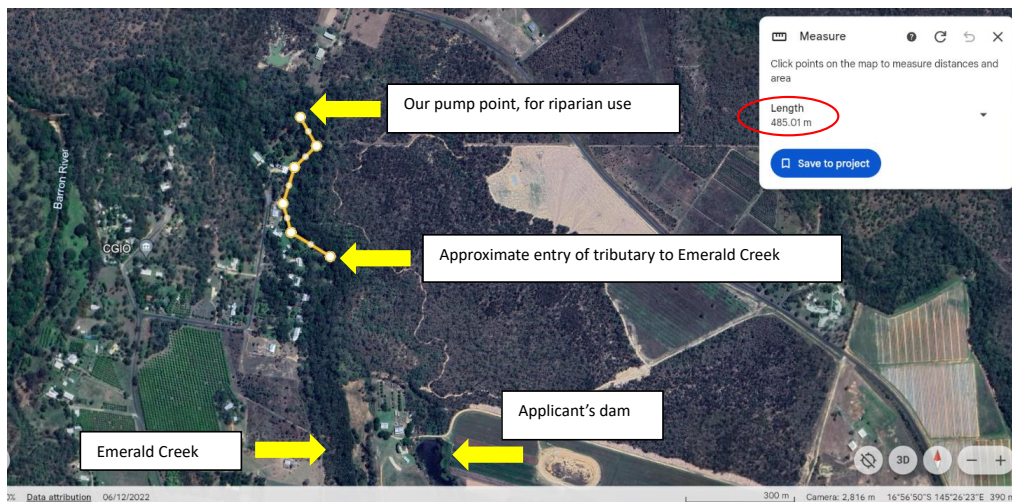
*\* Please note all measurements provided have been estimated by using the ‘Measure’ function in Google Earth. Some maps are provided within the submission, to demonstrate this.*

Submission regarding : Development MCU/24/005 269 Shanty Creek Road, Mareeba

11.01.2024



Screen snip from Queensland Globe taken 11.04.2024



Screen snip from Google Earth taken 11.04.2024

Submission regarding : Development MCU/24/005 269 Shanty Creek Road, Mareeba

11.01.2024

#### OUR USAGE OF EMERALD CREEK

- Riparian rights for domestic use
- 2ML Sunwater allocation
- Sole water resource for the purposes of;
  - Drinking water and domestic use
  - Watering livestock
  - Property maintenance

#### PREPARATION TO INFORM THIS SUBMISSION

- Met with Ian Wallace to find out more about the project and to discuss concerns.
- Met with Brian Millard and Carl Ewin for clarity on aspects of the project and Mareeba Shire Council processes.

---

#### Concerns regarding the proposed development

##### 1. RISK TO WATER QUALITY AND EMERALD CREEK ECOSYSTEM:

- Concerns due to close vicinity to Emerald Creek;
  - As we understand, the applicant's dam will be excavated, and the same dam will act as a second sediment trap once materials are processed on site. The '*unnamed tributary/drainage feature*' that the applicant's dam overflows into, enters Emerald Creek approximately 915m\* below the dam and approximately 480m\* from where we access Emerald Creek for riparian use.
  - Application, Page 100 – '*Water Management and Discharge*'
    - Application notes '*18. Water management across the quarry shall be managed in accordance with the water management plan as detailed in the Quarry Operations Map **Attachment 3.***' This attachment could not be located in the application documents. It is unclear from the inclusions in the application, how Emerald Creek will be protected from sediment overflow, particularly during flood events.
  - We hold concern that eventually Emerald Creek will be polluted with sediment during dam overflow via overflow pipes or a flood event, due to the closeness of the project to Emerald Creek and the connecting tributary. Given that this is our, and others, sole water source, this issue is our highest concern.

*\* Please note all measurements provided have been estimated by using the 'Measure' function in Google Earth.*

3

Submission regarding : Development MCU/24/005 269 Shanty Creek Road, Mareeba

11.01.2024

2. DISCREPANCIES WITHIN THE APPLICATION

- Application Page 104, 105 : ‘Figure 2 - Quarry Operations Map’ and ‘Figure 2b – site access road’
  - a. incorrectly label Emerald Creek as the Barron River
  
- Application Page 97 : ‘Site Details’
  - a. *Adjoining land use/forest types*
    - i. notes Barron River to the West, without reference to much closer Emerald Creek.
    - ii. notes only scrubland and farmland in surrounding areas, however approximately 430m\* from the applicant’s dam, to the North-West, are residential properties along Emerald Creek.

3. REGULATION / MONITORING:

- As confirmed by Mareeba Shire Council planners, the development will not be regulated or monitored, due to the volume proposed in the development application.

4. NO END DATE:

- While the project is described as ‘*essentially a dam cleanout*’, a permanent ‘material change of use’ is being requested. The applicant also states that the project will be ‘*ongoing*’.
- We hold concern that future extraction could be conducted that would exceed the scope of a dam cleanout, particularly as the project does not require regulation and monitoring.

5. ROAD USE:

- Leotta Road, Shanty Creek Road and part of Gilmore Road are narrow, unlined, two-way roads.
- Passing vehicles can be required to use the road verge to pass each other safely.
- Larger vehicles, like the school bus, require most of the road while passing. Additional heavy traffic on these narrow, unlined roads would increase risk to all road users.
- The roads are not clearly speed-marked, causing increased risk due to excessive speed. Additional heavy traffic should not be added to traffic unless the roads are speed-signed appropriately.

Thank you for taking the time to consider our concerns.

Sincerely,



Craig Beikoff  
439 Shanty Creek Road  
Mareeba QLD 4880



Tracey Beikoff  
439 Shanty Creek Road  
Mareeba QLD 4880

\* Please note all measurements provided have been estimated by using the ‘Measure’ function in Google Earth.

**From:** "byoux" <byoux@activ8.net.au>  
**Sent:** Fri, 12 Apr 2024 16:59:36 +1000  
**To:** "PALM@des.qld.gov.au" <PALM@des.qld.gov.au>  
**Cc:** "Info" <info@msc.qld.gov.au>  
**Subject:** Proposed Sand Quarry Shanty Creek Rd, Mareeba - MCU/24/0005  
**Importance:** Normal  
**Categories:** Added to ECM

Ti Whom It May Concern,

We would like to lodge my objection to the approval of this application for reasons listed below:

Noise Polutiin  
Traffic Polution  
Water Polution including underground  
Air Polution

I also believe that the flood mapping overlay is outdated and incorrect.

Yours Sincerely,  
James & Christine Partridge  
28 Malcolm Close  
MAREEBA QLD 4880  
O411021434

Sent from my Galaxy

**From:** "Snapforms Notifications" <no-reply@snapforms.com.au>  
**Sent:** Fri, 12 Apr 2024 17:01:01 +1000  
**To:** "Info" <info@msc.qld.gov.au>  
**Subject:** New submission: Website Contact Form  
**Attachments:** Website\_Contact\_Form\_2024-04-12T17-00-57\_17005014\_0.pdf, Luciano Piali - Letter.pdf  
**Categories:** Added to ECM

**First Name:** Luciano

**Last Name:** Piali

**Email Address:** loupiali7@gmail.com

**Postal Address:** 64 Emerald End Close, Mareeba QLD, Australia

**Business Hours Phone Number:** 0429922570

**What does your enquiry relate to?:** Other

**How would you like to be contacted?:** Email

**What location does your request relate to?:** 269 Shanty Creek Road, Mareeba

**What is your request?:** Please find enclosed letter of objection

**Attachments:** [Luciano Piali - Letter.pdf](#)

First Name \*

Luciano

Last Name \*

Piali

Email Address \*

loupiali7@gmail.com

Postal Address \*

64 Emerald End Close, Mareeba QLD, Australia

Business Hours Phone Number \*

0429922570

What does your enquiry relate to? \*

Other

How would you like to be contacted? \*

- Letter in the mail
- Email
- Phone
- I do not need to be contacted

What location does your request relate to? \*

269 Shanty Creek Road, Mareeba

When reporting to Council, please be as descriptive as possible. If you are unsure of an exact address, describe the surrounding area or nearby land marks or signage.

What is your request? \*

Please find enclosed letter of objection

**Attachments**

Please attach any media or documentation relating to your request. For files over 10 MB, please use another means of transmission such as cloud sharing or USB storage device.

Other attached files: Luciano Piali - Letter.pdf

**Collection Notice:** Mareeba Shire Council is collecting your personal information in order to process your maintenance/service request. Your personal information will not be used for any other purpose and will not be disclosed to any other entity or person without your express consent or we are required by law. Your personal information will be handled in accordance with the provisions contained within the Information Privacy Act 2009 (Qld).

MAREEBA SHIRE COUNCIL  
65 Rankin Street  
PO Box 154 MAREEBA QLD 4880

9 April 2024

Dear Sir/Madam

**RE: Letter of Objection - Objection to Development Application for 269 Shanty Creek Road - Extractive Operations**

I write to formally object to the proposed Development Application for Extractive Operations at 269 Shanty Creek Road, as advertised in the recent notice in the newspaper. As a concerned property owner residing at 64 Emerald End Close, Mareeba, Qld, I wish to express my reservations regarding the aforementioned development on the following grounds:

**Inadequate Dam Capacity Disclosure:**

The documentation provided lacks clarity regarding the volume of the dam after the cleanout. Without a clear understanding of the dam's new capacity, it is impossible to assess the full extent of the project's implications for flood risk management and water storage. This oversight is deeply troubling, as it fails to address crucial safety concerns for nearby residents. Given the potential risks associated with dam failure during heavy rainfall events, it is imperative for the developer to provide comprehensive and transparent information regarding dam capacity.

**Environmental Impact:**

The proposed extraction and processing activities, including the removal of sediment and gravel, pose a significant risk to the natural ecosystem surrounding the dam. The disruption caused by heavy machinery and increased truck movements could lead to habitat destruction, soil erosion, and disturbance to wildlife in the area.

**Noise and Dust Levels:**

The operation of excavation equipment, screening plants, and dump trucks will inevitably generate noise and dust pollution, disrupting the peace and tranquillity of our community. Despite assurances of adherence to working hour restrictions and dust suppression measures, the scale of the proposed activities raises concerns about the potential for ongoing disturbances. The extraction operations are likely to generate significant levels of noise and dust, which could have adverse effects on the surrounding environment and the quality of life for nearby residents. It is essential for the developers to implement adequate measures to mitigate these impacts and ensure that they comply with relevant noise and dust control regulations.

**Water Quality of Emerald Creek:**

Any disturbance to the dam and surrounding land has the potential to negatively impact water quality in Emerald Creek and the Barron River. Sediment runoff and potential contamination from quarrying activities could harm aquatic life and compromise the water supply for local residents and agricultural purposes. As a primary water source for the area, the quality of these water sources is of utmost importance for the well-being of the community. Any activities that may potentially compromise the water quality, such as those associated with the proposed extractive operations, must be thoroughly assessed and stringent measures put in place to safeguard against pollution and contamination.

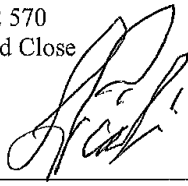
**Preservation of Rural Tranquillity:**



The proposed development risks disrupting the rural tranquillity cherished by residents in the vicinity. Increased traffic, machinery noise, and associated activities threaten to compromise the peace and serenity of our community. It is imperative that the developer acknowledges and mitigates these disturbances to preserve the unique character and quality of rural life in Mareeba.

Thank you for considering my objections to this development proposal. I trust that the Council will prioritise the long-term interests of the community and the protection of our natural resources in its decision-making process.

Yours faithfully  
MR LUCIANO PIALI  
TEL: 0429 922 570  
64 Emerald End Close  
Mareeba, Qld



## Responses to public notice objections (published in April 2024)

Dear Mareeba Shire Council,

Please see our general responses to public objections received post public notification period.

### General comments

Some objectors appear not to have properly read or understood the EIL plans. Other objections received included information that was not factually correct, i.e. "Downwind of SE winds is west" (downwind of SE is NW). We have responded to objections to clarify our plans through the below items.

### Dam

Several objectors have expressed fears of a possible increase in flood levels in Emerald Creek as a result of the proposed operation. The area of the Emerald Creek catchment is approximately 8,450ha; approximately half of which is cleared land or non-remnant vegetation. The area to be affected by the proposed development is 2ha, being 0.02% of the catchment area. Even if the runoff characteristics of the site were markedly altered by the development there would be no impact towards an increase in potential for flooding in downstream areas of Emerald Creek. Where alternatively, the creation of permanent water bodies would increase the instream storage areas, and would have the effect of dampening short-term peaks of stormwater runoff.

The existing dam (sediment trap) was constructed by John and Ian Wallace using correct engineering practices. At the time, John Wallace was a renowned local dam builder with many years of experience, constructing dams for a multitude of farmers across the Mareeba region and assisted in the construction of Southedge Dam, otherwise known as Lake Mitchell Dam. Ian Wallace has a Diploma of Civil Construction Management and has been constructing this type of structure for large mines and farms for many years.

Additionally, the dam has proven its ability to withstand all flooding events and wet seasons since construction (mid 1990s). Additionally, the dam in question has withstood the most recent wet season receiving over 1.59 meters (referenced through BOM) of rainfall between the December 2023 and May 2024 period, further indicating the dam's capacity to withstand major rainfall events. Correct maintenance should see it continue to do so indefinitely.

Some objectors claim this activity will increase dam capacity by 30ML. However, most of the excavation is above the high-water mark, where the increase in capacity is expected to be between 5-7ML. Furthermore, the hydraulic pressure on a dam wall is exerted by the vertical depth of water, not horizontal pressure. The dam height will not change, therefore with an increase in surface area, there will be no increase in pressure on the dam wall and by effect will not increase the risk of dam failure.

### Dust

Several objectors expressed concerns about dust generated by the proposed operation, although these objections are unlikely to be warranted due to the below reasons.

The residences of all objectors, with one exception, are located at least 700m from the proposed development, with the Emerald creek and the associated trees between. While AO6 of the Industrial Activities Code of the Mareeba Shire Council Planning Scheme 2016 indicates the use to have a setback of 1000m from all boundaries where involving blasting or crushing, the separation between sensitive uses is compliant with PO6 to ensure the proximity of the development to dwellings on the site and on the adjoining sites are within appropriate distance to ensure mitigation of development impacts. The existing separation also involves native vegetation being a natural buffer to any dust impacts that may occur during operation of the use, where additional measures are to be put in place as outlined in the Quarry Management Plan to

ensure mitigation of development impacts. The small size of the proposed operation and separation distances from most of the objectors mean that any measurable dust nuisance would be extremely unlikely.

The extracted resource is sand, which generally is not dusty in nature, in that the fractions are mostly 75µm to 10mm. Dust particles are generally 0.5-100 microns, therefore only a very small percentage of extracted material is capable of becoming dust. Additionally, dust of the above-mentioned size that may occur from this operation will have a minimal travel distance, having a highly unlikely effect on neighbouring properties especially with the adoption of dust mitigation practices.

The extraction and screening process essentially will be a wet process. Material to be excavated will be irrigated to ensure it is moist before it is extracted. The only dust generation that may occur would be during loading of washed and screened material for transport offsite. A truck holds 20-40 ton and there are likely only sporadic truck movements, as the total allowable resource extraction is 5,000ton/yr. These stockpiles and work areas will have water applied by sprinklers, if dust becomes present during this activity. Additionally, a water truck will be used on haul roads when required.

Our own residences are very close (100-400m) to the site and we will be able to monitor any dust produced and rectify it immediately, avoiding the potential for dust to travel further enough to effect neighbouring residences.

There are several neighbours that produce dust from their farming activities. Where the closest neighbour to the site has a light aircraft, dirt air strip and other surrounding farmlands that are cultivated in dry conditions, all of which produce more dust than our proposed small sand operation, as we apply water (via sprinklers, water truck) to the small work area.

#### **Water**

Water usage is recycled within the plant via a sand pump. This cyclone system requires very little water to wash the sand. It uses approximately 5000L/hour, and any excess water is contained and used for irrigation of crops on the remaining 150ha farm. No dirty water will be sent back directly to the original dam.

Stockpiles are contained within the bonded area of the plant site (the old Wallace race track), so any run-off will flow back to the sediment sump, and be reused within the processing plant.

#### **Water Quality**

Several objectors expressed fears that the water quality and specifically the turbidity/ suspended solids levels of their domestic water supplies drawn from Emerald Creek could be adversely impacted by the proposed development.

The existing gully, dam and extraction site drains many upstream farms (cane, coffee, cattle, land clearing, etc.), and has collected their sediment and nutrient runoff for the last 30 years in our existing wetland area (~300m upstream of dam wall), resulting in significant silting of this wetland area. This area of aquatic vegetation has been a great nutrient sink, filtering water flowing to Emerald creek for 30 years. Hence the reason all but one property owner up stream had any objection to increasing the performance of this dam sediment control measure.

The EIL activity will remove sand, and some soft vegetation (which will regrow quickly) and increase the structure's ability to continue to act as a sediment and nutrient trap/sink, thus continuing to filter water prior to reaching Emerald creek. Once complete, vegetation growth will be encouraged to improve its sediment capturing ability and provide habitat for wildlife.

No chemicals will be used in the operation and any potential dirty water can be evaporated and irrigated onto our cropping areas, upstream of the improved sediment trap/aquatic plant area.

**Excavations**

Excavation of sand material in the existing dam structure is expected to be ~5,000m<sup>3</sup>. Extraction activities will only occur in the dry season, and once the water level has been lowered to below the extraction activity. The water pump will be the same one that has been used to irrigate our nearby crops for many years.

The other excavation areas will be above the high-water level and would only have water in the pits in a large rainfall event and not increase the dam volume.

**Noise Levels**

Some objectors make note of our speedway racecar track that did operate until about 2020. The processing site will be situated in the hollow (low point) of this track and is surrounded by trees and shrubs which would reduce any noise travelling very far at all.

The nearest residence to the proposed site is the applicants (Ian Wallace) at 250m to the NW (downwind of predominant wind direction).

The nearest neighbour's house is 400m (from processing area, & 300m from excavation site) directly south. The nearest residence across Emerald creek to the west is 660m with thick trees and Emerald Creek between. Both these residences are NOT downwind from the predominant wind direction.

The below information researched from an internet search identifies local equipment noises at the site of the noise or 15metres away. Noise diminishes over distance. The distances we are talking about here are a minimum of 400m in a 45° arc away from the predominant wind direction. Therefore, the actual noise level of the proposed machines/activity will be far less and will not be obtrusive.

Also, noise limits on construction activities measure it over an 8-hour period, 6 days per week. The Wallace activity is not likely to occur for more than 2-4 days at a time during the dry season, with total annual operating days likely to be less than 20.

See the below figures to put this EIL/DA into perspective.

According to speedway rules, a sprint car or super sedan that is to race at a race meeting at the speedway must have a certificate indicating that its noise level does not exceed a noise limit of 95 dBA. It is highly likely Wallace's racing car noise exceeded 95dB during their training.

To put noise levels in perspective:

Activity	Noise level (dB)
Aircraft at 15m	140
Chainsaw cutting	110-120
Orchard sprayer	100
Tractor operating under load without a cab	100
Lawn mower	90
Typical car engine	70-90
<b>Front end loader</b>	85

Curbside heavy traffic	80
Loud conversation	70
Normal conversation	60

Information from a paper, Construction noise and vibration impact on sensitive premises, Proceedings of ACOUSTICS 2009 (see attached), see the following extract. The LAMAX noise limit at 15m in dB (A) is similar to that stated above.

Under the regulation, noise is excessive where it exceeds the exposure standard of 85 dB(A), over an average of an eight-hour period or where a peak noise level of 140 dB (C) occurs.

An absolute noise criterion is applied to generic classes of heavy equipment to limit their noise emission levels. Equipment specific A-weighted L<sub>Amax</sub> noise limits in dB(A) expressed at a reference distance of 15m are defined in the Noise Code similar to those given in Table 2.

Equipment Description	Sound Power Level dB(A) re. 1 picowatt	L <sub>Amax</sub> noise limit at 15m, dB(A)	Acoustic Usage Factor %
Blasting	125	94*	1
Crane (mobile or stationary)	116	85	16
38t Bulldozer	118	87	40
Impact Pile Driver (diesel or drop)	126	95*	20
Rock drill	116	85	20
Dump truck	115	84	40
35t Excavator	114	83	40
Rock-breaker	120	89	20
Front end loader	111	80	40
Grader	116	85	40

**Table 2.** Typical construction equipment noise emission criteria limits

\*Indicates impactful device

Document Set ID: 4384742  
Version: 1, Version Date: 24/07/2024

The above evidence confirms general farm tractors, mowers, chainsaws, and orchard sprayers etc., create more noise than the equipment proposed for this EIL activity. Sugar cane harvesters create significantly more noise (and dust) than the proposed equipment and they often harvest through the night.

#### **Visual**

The areas selected for the plant and pits are heavily vegetated between the nearest neighbours. These areas are lower than the surrounding tree heights. Our neighbours regularly fly drones over our property, and obviously the EIL site will be visible from a drone.

We also believe that 36.6m of our property is utilised by our neighbours (Jaques) growing coffee and diesel trees that are providing an additional level of visual screening.

#### **Training**

Ian and Rayleen are qualified trainer assessors who have trained for many government agencies and RTO's for over 15 years. They have trained diesel fitters, heavy machinery operators and quarry, mining and farming personnel in all aspects including health and safety, environmental compliance, and all forms of risk management processes.

We believe this small sand pit would provide from time to time an excellent real operation to continue training in these fields offering a valuable service to local youth, rehab centres and job seekers looking to up skill.

#### **Production Periods**

Due to the activity (sand extraction from a wet area) and nature of the wet season, we only expect to operate in the dry season. Some years there may be no activity at all. 5,000ton could be extracted in a short 3-month period, essentially operating very similarly to most cane or coffee operations. Quarry operation will be in accordance with outlined conditions issued by Mareeba Shire Council.

#### **Road Usage**

Our proposed activity is up to 5,000ton per year, transported in 40ton trucks (truck & trailer). That equates to about 125 truck movements per year. A neighbouring business claims to receive 80,000 visitors per year, this is far in excess of our proposed road usage.

Leotta and Gilmore Road to the highway has been upgraded and can easily accommodate standard dump trucks with other road users.

For example, the nearby cane farm, previously farmed by Howe Farming would likely have carted 7000 tonnes of cane between June – November annually. Adopting precedence, ourselves and others could grow similar volumes of cane without further permits.

The main use of the sand would be on the Cairns side of Mareeba. This would reduce trucks moving through the main street as most sand now comes from west of Mareeba.

#### **Other objections**

It was mentioned that Wallace Quarrying had previously applied for approval to extract sand at this site was rejected by the State. This is correct and refers to our 2009 submission, however it was a much larger operation and we made the decision to abandon the application as we believed it would be more cost effective to source sand from farming land at Bibbohra.

In 2017 we sold our large quarry operation on Tinaroo Creek Road and we are in no way affiliated with that project.

Some objectors claimed we are a large corporate operation. We are not, as our small family business (Wallace Quarrying & Mining P/L) employs my wife and I (the only employees). The small quantities of sand produced are mainly to be used in our own developments of residential land owned by our families.

The long period of the extraction is mainly because we are uncertain of the time frame of these developments due to the time taken to get these types of housing developments approved and built.

We have had a permit to extract 2000ton, which we did extract with no complaints about noise, dust or any other matter. We operated machinery on site for years, repairing washouts, building roads, and provided operator training with zero complaints.

#### **Operator experience**

The applicants, Ian and Rayleen Wallace, are very experienced in running this type of operation. They are experienced in monitoring dust, water quality, road and traffic management and extraction processes, not to mention their track record is faultless and of a very high professional standard.

For the record, the Wallace family pays \$32,712 per year (in 2024) in rates over their properties within the Mareeba shire and has contributed to the local community and many sporting clubs.

The proposal has been reviewed, at our expense, by ecology and water expert Mal McKinnon, dam and sediment control expert Jeff Benjamin, Civil Construction RPQ engineer Andre De Wit and Soil Technician Angelo Tudini with decades of experience behind each professional.

Following conversations with many opposing and supporting neighbours, it would seem as though all have been pressured by a few individuals into submitting a negative submission. We were not informed at the time that positive submissions were encouraged, however we have had verbal support from 8 unopposed immediate neighbours.

Ian & Rayleen Wallace again thank you for your time and efforts in assessing this proposal.





**8.2 NEGOTIATED DECISION NOTICE - CALDANTE HOLDINGS PTY LTD - MATERIAL CHANGE OF USE - FUNCTION FACILITY - LOT 45 ON N157358 - 121 DOUGLAS TRACK, SPEEWAH - MCU/23/0014**

**Date Prepared:** 8 August 2024

**Author:** Senior Planner

- Attachments:**
1. Decision Notice Dated 16 May 2024 [↓](#)
  2. Applicants Request for Negotiated Decision Notice (Change Representations) dated 13 June 2024 [↓](#)
  3. Third-Party Review of Noise Impact Assessment [↓](#)

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**APPLICATION DETAILS**

APPLICATION		PREMISES	
<b>APPLICANT</b>	Caldante Holdings Pty Ltd	<b>ADDRESS</b>	121 Douglas Track, Speewah
<b>DATE REQUEST FOR NDN LODGED</b>	13 June 2024	<b>RPD</b>	Lot 45 on N157358
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use – Function Facility		
<b>FILE NO</b>	MCU/23/0014	<b>AREA</b>	64.75 hectares
<b>LODGED BY</b>	RPS AAP Consulting Pty Ltd	<b>OWNER</b>	Caldante Holdings Pty Ltd
<b>PLANNING SCHEME</b>	Mareeba Shire Council Planning Scheme 2016		
<b>ZONE</b>	Rural		
<b>LEVEL OF ASSESSMENT</b>	Impact Assessment		
<b>SUBMISSIONS</b>	30 Submissions Received		

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**EXECUTIVE SUMMARY**

Council approved a development application described in the above application details at its Ordinary Meeting held on 15 May 2024. The application was impact assessable and 30 properly made submissions were received in response to public notification of the application. The approval was issued subject to restrictions to the number of functions that can be held, the days in which they can be held, and stringent noise restrictions to limit impacts on adjoining properties from functions that include amplified music.

Of note is that under the current approval, only three (3) functions can be held per calendar month that include amplified music, no live music is permitted on-site, and no functions are permitted on Sundays. RPS on behalf of the applicant has subsequently made written representations about a number of conditions, namely the ability for music and loudspeakers to be used during daytime wedding ceremonies only (where not including a wedding reception) in addition to the three (3) functions per month that can include amplified music, the ability for non-amplified live bands to be permitted on-site such as an acoustic duet or string band, and for the ability to hold wedding ceremonies on Sundays.

In deciding these requested changes, Council officers sought advice from the third-party acoustic consultant previously used to peer review the original applications Noise Impact Assessment. The acoustic consultant was supportive of the requested changes, and based on this, Council officers too are supportive of most of the requested changes, however, do not support the holding of any functions on Sunday’s, even if only for wedding ceremonies.

A change was also requested to Condition 4.2.2 that currently requires a Road Safety Assessment to be prepared specifically by a Registered Professional Engineer of Queensland (RPEQ). The applicants request that the reference to an “RPEQ” be amended to “suitably qualified person”. Based on advice sought from a third-party consulting engineer, this change is also not supported by Council officers.

It is recommended that the application for a Negotiated Decision Notice be approved in part only.

**OFFICER’S RECOMMENDATION**

It is recommended that:

1. “In relation to the written representations made by RPS AAP Consulting Pty Ltd on behalf of the applicant regarding conditions of the following development approval:

APPLICATION		PREMISES	
APPLICANT	Caldante Holdings Pty Ltd	ADDRESS	121 Douglas Track, Speewah
DATE REQUEST FOR NDN LODGED	13 June 2024	RPD	Lot 45 on N157358
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use – Function Facility		

and in accordance with the Planning Act 2016, the following

- (a) Condition 3.5.5(ii) of Council’s Decision Notice issued on 16 May 2024 be amended as follows:
  - (ii) A further eight (8) functions (maximum of six (6) small and two (2) medium sized functions) are permitted in any calendar month where operating over **daytime hours only and where not involving amplified music/loudspeakers of any kind, excepting music and loudspeakers used in the course of wedding ceremonies only.** These functions **including wedding ceremonies** can be held Monday to Saturday only, excluding Sundays and Public Holidays.

**Any use of music or loudspeakers during the course of a wedding ceremony must be contained to 1 continuous period not exceeding 2 hours and is subject to the noise level restrictions for each function location contained within Condition 3.6.**

**Wedding ceremonies held over daytime hours that include the use of amplified music and/or loudspeakers remain subject to all restrictions, obligations and**

**complaint requirements included in Conditions 3.7, Condition 3.8 and Condition 3.9.**

- (b) Condition 3.6 of Council's Decision Notice issued on 16 May 2024 be amended as follows:

3.6 *Function Restrictions (by location)*

**Note:** For the purposes of this approval, function Locations are those locations identified on "Figure 6.2: Function areas for assessment" of the Noise Impact Assessment prepared by Dedicated Acoustics dated 6 October 2023.

**Note:** For the purposes of this approval, "regulated devices" is any device that emits sound such as speakers, loudspeakers etc. and "aircon/cooling equipment" is any mechanical plant responsible for air-conditioning or cooling including cold-rooms and generators.

**No live music/bands are permitted on-site at any time that involve amplification or the use of a drum kit. Non-conventional drums such as djembes, congas and cajun boxes are permitted provided they are not amplified.**

**No Fireworks are permitted on-site at any time.**

**Location 1**

- (i) Small outdoor functions are permitted only (no more than 20 guests);
- (ii) Functions must cease no later than 10pm;
- (iii) No alcoholic beverages are to be served past 9pm;
- (iii) The maximum aggregate sound levels, defined by peak levels on a meter which may be set to a slow sample rate must not exceed:
  - 82 dB(A) for regulated devices at source; or
  - 71 dB(A) for regulated devices at 1 metre from source (for convenience);
  - 90 dB(A) for aircon/cooling equipment at source; or
  - 79 dB(A) for aircon/cooling equipment at 1 metre from source.

**Location 2**

- (i) Small outdoor functions are permitted only (no more than 20 guests);
- (ii) Functions must cease no later than 12am (midnight);
- (iii) No alcoholic beverages are to be served past 11pm;
- (iii) The maximum aggregate sound levels, defined by peak levels on a meter which may be set to a slow sample rate must not exceed:
  - 87 dB(A) for regulated devices at source; or
  - 76 dB(A) for regulated devices at 1 metre from source (for convenience);
  - 92 dB(A) for aircon/cooling equipment at source; or
  - 81 dB(A) for aircon/cooling equipment at 1 metre from source.

**Location 3**

- (i) *Small, medium and large outdoor functions are permitted (no more than 150 guests);*
- (ii) *Functions must cease no later than 10pm;*
- (iii) *No alcoholic beverages are to be served past 9pm;*
- (iii) *The maximum aggregate sound levels, defined by peak levels on a meter which may be set to a slow sample rate must not exceed:*
  - *90 dB(A) for regulated devices at source; or*
  - *79 dB(A) for regulated devices at 1 metre from source (for convenience);*
  - *95 dB(A) for aircon/cooling equipment at source; or*
  - *84 dB(A) for aircon/cooling equipment at 1 metre from source.*

**Location 4**

- (i) *Small, medium and large outdoor functions are permitted (no more than 150 guests);*
- (ii) *Functions must cease no later than 12am (midnight);*
- (iii) *No alcoholic beverages are to be served past 11pm;*
- (iii) *The maximum aggregate sound levels, defined by peak levels on a meter which may be set to a slow sample rate must not exceed:*
  - *84 dB(A) for regulated devices at source; or*
  - *73 dB(A) for regulated devices at 1 metre from source (for convenience);*
  - *89 dB(A) for aircon/cooling equipment at source; or*
  - *78 dB(A) for aircon/cooling equipment at 1 metre from source.*

**Location 5**

- (i) *Small indoor **and outdoor** ~~only~~ functions are permitted ~~within the structure~~ at location 5 (no more than 20 guests);*
- (ii) *Functions must cease no later than 10pm;*
- (iii) *No alcoholic beverages are to be served past 9pm;*
- (iii) *The maximum aggregate sound levels, defined by peak levels on a meter which may be set to a slow sample rate must not exceed:*
  - *87 dB(A) for regulated devices at source; or*
  - *76 dB(A) for regulated devices at 1 metre from source (for convenience);*
  - *92 dB(A) for aircon/cooling equipment at source; or*
  - *81 dB(A) for aircon/cooling equipment at 1 metre from source.*

**Location 6**

- (i) *Small, medium and large indoor **and outdoor** ~~only~~ functions are permitted ~~within the structure~~ at location 6 (no more than 150 guests);*
- (ii) *Functions must cease no later than 10pm;*

- (iii) No alcoholic beverages are to be served past 9pm;*
- (iii) The maximum aggregate sound levels, defined by peak levels on a meter which may be set to a slow sample rate must not exceed:*
  - 87 dB(A) for regulated devices at source; or*
  - 76 dB(A) for regulated devices at 1 metre from source (for convenience);*
  - 92 dB(A) for aircon/cooling equipment at source; or*
  - 81 dB(A) for aircon/cooling equipment at 1 metre from source.*

(c) Condition 4.2.2 must remain as per Council's Decision Notice issued on 16 May 2024.

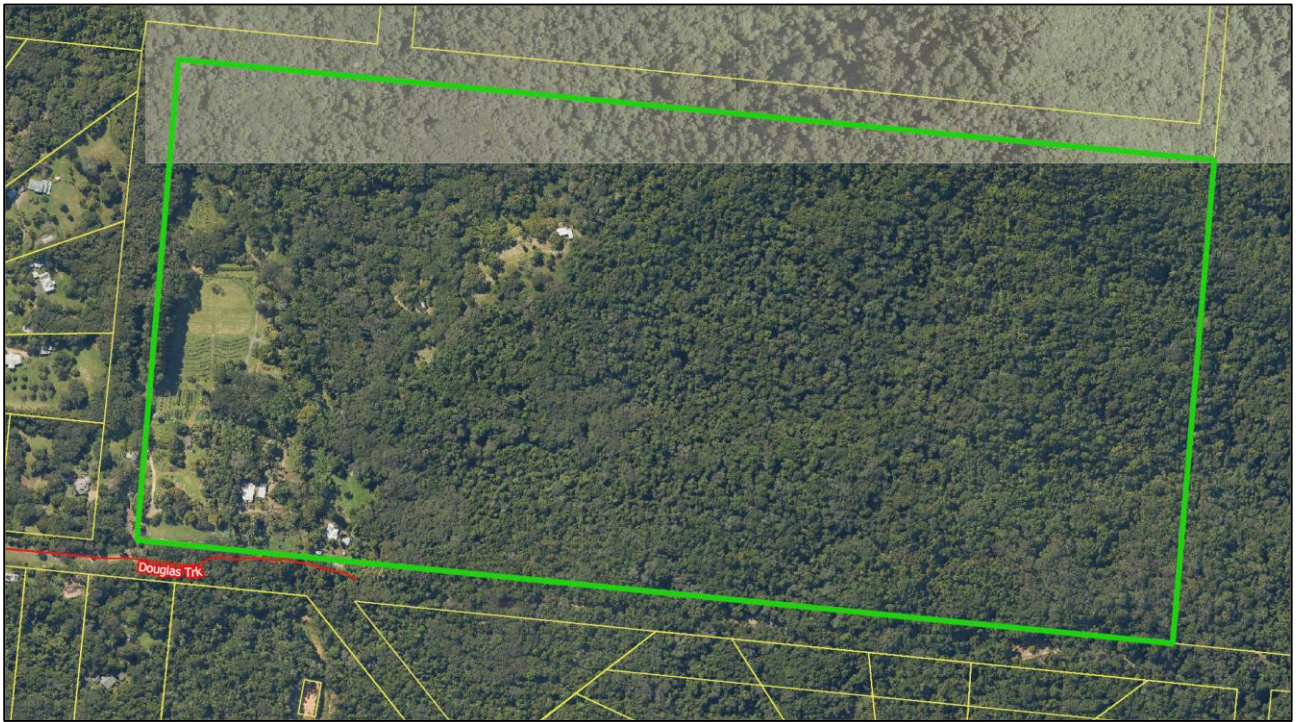
## **THE SITE**

The subject site is situated at 121 Douglas Track, Speewah and is described as Lot 45 on N157358. The site is regular in shape with an area of 64.75 hectares and is zoned Rural under the Mareeba Shire Council Planning Scheme 2016. The site contains 1.2 kilometres of frontage to the Douglas Track road reserve, however the road formation only extends approximately 250 metres along this frontage before turning into a public walking track and private driveway. The majority of Douglas Track is bitumen sealed, however reverts back to a formed gravel standard approximately 80 metres before the site access.

The eastern portion of the site is largely undeveloped and is covered with established rainforest vegetation. The south-west corner of the site was subject to historically clearing and contains a number of structures, which are accessed by existing vehicle tracks. The site is improved by a number of existing buildings that combined create a Dwelling House, comprising a single laundry building, a number of studio cabins, main building with bedroom and kitchen and various outbuildings (sheds). An extensive tropical fruit (rare fruit) farm, heliconia's plantations and rare plant botanical gardens are planted throughout this south-west corner. This farm is operational and is referred to as 'Speewah Gardens' or 'Rosebud Farm'.

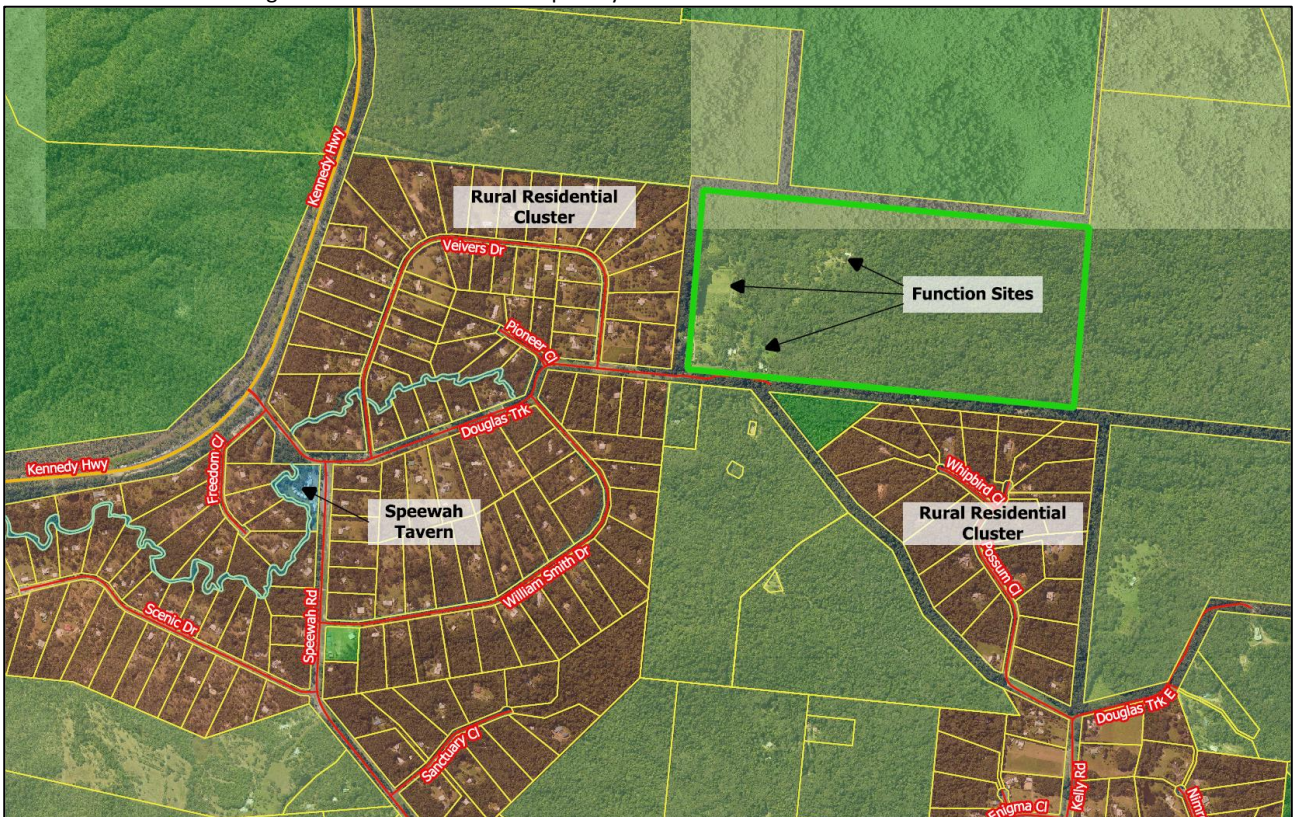
A Forest Reserve sits adjacent the site to the north, which is zoned Conservation and is likely to become National Park in future. Land to the west and north-west is zoned Rural. Land to the south and east of the site is predominately zoned Rural residential and comprises two clusters of 2ha rural residential allotments. A zone map is included below.





Map Disclaimer:

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



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## BACKGROUND AND CONTEXT

Council at its Ordinary Meeting on 15 May 2024 approved an application made by RPS on behalf of Caldante Holdings Pty Ltd for the issue of a development permit for Material Change of Use – Function Facility over land described as Lot 45 on N157358, situated at 121 Douglas Track, Speewah.

The approval was granted subject to conditions and the Decision Notice was issued on 16 May 2024 and is included as **Attachment 1**.

RPS on behalf of the applicant, has written to Council making Change Representations (**Attachment 2**) and requesting the issue of a Negotiated Decision Notice.

## APPLICANT'S REPRESENTATIONS

### Condition 3.5.5

#### *3.5.5 Small, Medium and/or Large Functions*

- (i) *A combined total of three (3) small, medium or large functions are permitted on-site in any calendar month **where amplified music/loudspeakers are proposed and/or when running outside daytime hours**. To achieve compliance with Condition 3.5.4 only a maximum of two (2) of these functions may be large sized functions.*

*Only one (1) of these three (3) monthly functions is permitted to run up until **midnight** with the two (2) other functions permitted to operate up until **10pm only**. These three (3) specific functions which include amplified music/loudspeakers must be held on either a Friday or Saturday only.*

- (ii) *A further eight (8) functions (maximum of six (6) small and two (2) medium sized functions) are permitted in any calendar month where operating over **daytime hours only and where not involving amplified music/loudspeakers of any kind**. These functions can be held Monday to Saturday only, excluding Sundays and Public Holidays.*

- (iii) *In accordance with (i) and (ii) above, no more than 11 functions are to be held on-site in any calendar month.*

### **Representation by Applicant**

The condition currently states:

- (ii) *A further eight (8) functions (maximum of six (6) small and two (2) medium sized functions) are permitted in any calendar month where operating over **daytime hours only and where not involving amplified music/loudspeakers of any kind**. These functions can be held Monday to Saturday only, excluding Sundays and Public Holidays.*

It is understood that this is to allow functions to occur that would not generate significant noise impacts. In order for wedding ceremonies to be held and to allow music to be played whilst the couple are walking down the aisle it is requested that the restriction on music and loudspeakers exclude wedding ceremonies.

In addition to the above, it is generally accepted for wedding ceremonies to occur on Sundays, which is historically the day for religious ceremonies, including weddings. If Sunday functions were limited to wedding functions only, it is considered that this would not adversely affect the amenity of the area.

The condition is requested to be amended as follows:

- (iii) A further eight (8) functions (maximum of six (6) small and two (2) medium sized functions) are permitted in any calendar month where operating over **daytime hours only and where not involving amplified music/loudspeakers of any kind, excepting music and loudspeakers used in the course of wedding ceremonies**. These functions can be held Monday to Saturday only, excluding Sundays and Public Holidays. Wedding ceremonies only are permitted on Sundays.

### **Response**

Based on advice sought from the third-party acoustic consultant, Council officers have no concerns with Condition 3.5.5 (ii) being amended to allow for wedding ceremonies only (no receptions) held over daytime hours only to be able to incorporate music and loudspeakers into the course of wedding ceremonies. It is standard practice for wedding ceremonies to include music and for a microphone to be used for wedding ceremony dialogue. It is however considered necessary to add an additional provision to ensure that music and loudspeakers are not used for a period of time exceeding 2 hours, and that such ceremonies are still subject to the noise restrictions, obligations and complaint provisions currently included in the Approval. This will ensure noise impacts are minimised.

The second part of the request to change Condition 3.5.5 (ii) is the ability to hold wedding ceremonies on Sunday's. Council officers do not support this request. Although noise impacts may be kept to a minimum, they may still be audible at neighbouring properties. Furthermore, wedding ceremonies held on Sundays will still generate traffic impacts on the local road network which could adversely impact on the amenity of surrounding residents which is not considered reasonable on a Sunday.

It is recommended that Condition 3.5.5 (ii) be amended as follows:

- (ii) A further eight (8) functions (maximum of six (6) small and two (2) medium sized functions) are permitted in any calendar month where operating over **daytime hours only and where not involving amplified music/loudspeakers of any kind, excepting music and loudspeakers used in the course of wedding ceremonies only**. These functions including wedding ceremonies can be held Monday to Saturday only, excluding Sundays and Public Holidays.

**Any use of music or loudspeakers during the course of a wedding ceremony must be contained to 1 continuous period not exceeding 2 hours and is subject to the noise level restrictions for each function location contained within Condition 3.6.**

**Wedding ceremonies held over daytime hours that include the use of amplified music and/or loudspeakers remain subject to all restrictions, obligations and complaint requirements included in Conditions 3.7, Condition 3.8 and Condition 3.9.**

### **Condition 3.6**

#### *3.6 Function Restrictions (by location)*

**Note:** *For the purposes of this approval, function Locations are those locations identified on "Figure 6.2: Function areas for assessment" of the Noise Impact Assessment prepared by Dedicated Acoustics dated 6 October 2023.*



**Note:** For the purposes of this approval, “regulated devices” is any device that emits sound such as speakers, loudspeakers etc. and “aircon/cooling equipment” is any mechanical plant responsible for air-conditioning or cooling including cold-rooms and generators.

**No live music/bands are permitted on-site at any time.**

**No Fireworks are permitted on-site at any time.**

**Location 1**

- (i) Small outdoor functions are permitted only (no more than 20 guests);
- (ii) Functions must cease no later than 10pm;
- (iii) No alcoholic beverages are to be served past 9pm;
- (iii) The maximum aggregate sound levels, defined by peak levels on a meter which may be set to a slow sample rate must not exceed:
  - 82 dB(A) for regulated devices at source; or
  - 71 dB(A) for regulated devices at 1 metre from source (for convenience);
  - 90 dB(A) for aircon/cooling equipment at source; or
  - 79 dB(A) for aircon/cooling equipment at 1 metre from source.

**Location 2**

- (i) Small outdoor functions are permitted only (no more than 20 guests);
- (ii) Functions must cease no later than 12am (midnight);
- (iii) No alcoholic beverages are to be served past 11pm;
- (iii) The maximum aggregate sound levels, defined by peak levels on a meter which may be set to a slow sample rate must not exceed:
  - 87 dB(A) for regulated devices at source; or
  - 76 dB(A) for regulated devices at 1 metre from source (for convenience);
  - 92 dB(A) for aircon/cooling equipment at source; or
  - 81 dB(A) for aircon/cooling equipment at 1 metre from source.

**Location 3**

- (i) Small, medium and large outdoor functions are permitted (no more than 150 guests);
- (ii) Functions must cease no later than 10pm;
- (iii) No alcoholic beverages are to be served past 9pm;
- (iii) The maximum aggregate sound levels, defined by peak levels on a meter which may be set to a slow sample rate must not exceed:
  - 90 dB(A) for regulated devices at source; or
  - 79 dB(A) for regulated devices at 1 metre from source (for convenience);
  - 95 dB(A) for aircon/cooling equipment at source; or
  - 84 dB(A) for aircon/cooling equipment at 1 metre from source.

**Location 4**

- (i) *Small, medium and large outdoor functions are permitted (no more than 150 guests);*
- (ii) *Functions must cease no later than 12am (midnight);*
- (iii) *No alcoholic beverages are to be served past 11pm;*
- (iii) *The maximum aggregate sound levels, defined by peak levels on a meter which may be set to a slow sample rate must not exceed:*
  - *84 dB(A) for regulated devices at source; or*
  - *73 dB(A) for regulated devices at 1 metre from source (for convenience);*
  - *89 dB(A) for aircon/cooling equipment at source; or*
  - *78 dB(A) for aircon/cooling equipment at 1 metre from source.*

**Location 5**

- (i) *Small indoor only functions are permitted within the structure at location 5 (no more than 20 guests);*
- (ii) *Functions must cease no later than 10pm;*
- (iii) *No alcoholic beverages are to be served past 9pm;*
- (iii) *The maximum aggregate sound levels, defined by peak levels on a meter which may be set to a slow sample rate must not exceed:*
  - *87 dB(A) for regulated devices at source; or*
  - *76 dB(A) for regulated devices at 1 metre from source (for convenience);*
  - *92 dB(A) for aircon/cooling equipment at source; or*
  - *81 dB(A) for aircon/cooling equipment at 1 metre from source.*

**Location 6**

- (i) *Small, medium and large indoor only functions are permitted within the structure at location 6 (no more than 150 guests);*
- (ii) *Functions must cease no later than 10pm;*
- (iii) *No alcoholic beverages are to be served past 9pm;*
- (iii) *The maximum aggregate sound levels, defined by peak levels on a meter which may be set to a slow sample rate must not exceed:*
  - *87 dB(A) for regulated devices at source; or*
  - *76 dB(A) for regulated devices at 1 metre from source (for convenience);*
  - *92 dB(A) for aircon/cooling equipment at source; or*
  - *81 dB(A) for aircon/cooling equipment at 1 metre from source.*

**Representation by Applicant**

The applicants' representations for Condition 3.6 have been broken down into 3 parts as follows:

**Part 1 – Live music**

The condition currently contains the statement "No live music/bands are permitted on-site at any time".

It is understood that this wording has been included to manage potential noise impacts from live bands and live music. Noise impacts are further restricted at each function location by condition 3.6 which establishes maximum noise levels for each location. In addition, condition 3.7 requires noise monitoring at each location when a function is occurring every hour to ensure that noise levels are not exceeded. These conditions of the approval provide for amplified music and regulated devices at all function locations.

On the basis that the conditions provide for amplified music and regulated devices, which have maximum sound levels at each location, the wording that restricts live music and bands is considered unnecessary. Particularly given that a band may be an acoustic band or a small string duet. The noise levels would be suitably managed regardless of whether the noise is from a band or from amplified music.

It is requested that the restriction on live music and or bands is removed and that the noise levels be managed through the restrictions contained in the balance of condition 3.6.

Alternatively, it is requested that the condition to be amended to restrict live bands and music only where amplification is used.

#### Part 2 – Outdoor functions at Location 5

Location 5 contains a small building that is a class 10 structure. It is understood that the condition requiring indoor activities at this location only is in response to noise concerns. As identified in the condition noise is restricted to set decibels and subsequent conditions require this to be monitored on an hourly basis.

It is considered reasonable to provide for small outdoor functions at this location, which is approximately 350 metres from any sensitive receptor and screened by existing vegetation, and manage the noise through parts (ii) to (iv) of the condition. On this basis it is requested that the words “indoor only” be removed from this condition.

#### Part 3 – Outdoor functions at Location 6

Location 6 contains a larger semi-open structure that is a class 10 structure surrounded by a large open area. It is understood that the condition requiring indoor activities at this location only is similarly in response to noise concerns. As identified in the condition noise is restricted to set decibels and subsequent conditions require this to be monitored on an hourly basis.

It is considered reasonable to provide for outdoor functions at this location, which is approximately 550 metres from the nearest sensitive receptor and screened by existing vegetation, and manage the noise through parts (ii) to (iv) of the condition. On this basis it is requested that the words “indoor only” be removed from this condition.

### **Response**

#### Part 1 – Live music

Both the applicants original Noise Impact Assessment (NIA) and the third-party acoustic consultants review of the NIA conceded that live music/bands did not comply with noise criteria and should not be permitted on-site. However, it is understood that this related to amplified live music/bands which represent the loudest source sound levels category included in the Noise Impact Assessment.

Council officers have sought advice from the third-party acoustic consultant who has confirmed that bands and live music that do not involve amplification should be permitted on-site, however the use of conventional drumkits should not be permitted. The advice is as follows:

*“I totally support allowing non-amplified music, indeed with no drum set allowed (I would allow djembes congas and cajun boxes).”*

This type of music would continue to be subject to decibel noise limitations in order to comply with acoustic noise quality objectives. This amendment is supported by Council officers.

#### Part 2 – Outdoor functions at Location 5

Following a review of the third-party Noise Impact Assessment included as **Attachment 3**, and after seeking additional advice from the third-party acoustic consultant regarding this request for a Negotiated Decision Notice, Council officers have no issue with an amendment to Condition 3.6 to allow both indoor and outdoor small functions at Location 5.

The existing decibel noise limitations and function end times for Location 5 will continue to remain in effect and should ensure the development complies with acoustic noise quality objectives. Under Condition 3.5.3, only 1 function per month that involves amplified music/loudspeakers is to be held at Location 5 or 6.

#### Part 3 – Outdoor functions at Location 6

Following a review of the third-party Noise Impact Assessment included as **Attachment 3**, and after seeking additional advice from the third-party acoustic consultant regarding this request for a Negotiated Decision Notice, Council officers have no issue with an amendment to Condition 3.6 to allow both indoor and outdoor small functions at Location 5.

The existing decibel noise limitations and function end times for Location 6 will continue to remain in effect and should ensure the development complies with acoustic noise quality objectives. Under Condition 3.5.3, only 1 function per month that involves amplified music/loudspeakers is to be held at Location 5 or 6.

It is recommended that Condition 3.6 be amended as follows to reflect the recommended changes discussed in Parts 1 – 3 above:

#### *3.6 Function Restrictions (by location)*

**Note:** *For the purposes of this approval, function Locations are those locations identified on “Figure 6.2: Function areas for assessment” of the Noise Impact Assessment prepared by Dedicated Acoustics dated 6 October 2023.*

**Note:** *For the purposes of this approval, “regulated devices” is any device that emits sound such as speakers, loudspeakers etc. and “aircon/cooling equipment” is any mechanical plant responsible for air-conditioning or cooling including cold-rooms and generators.*

**No live music/bands are permitted on-site at any time that involve amplification or the use of a drum kit. Non-conventional drums such as djembes, congas and cajun boxes are permitted provided they are not amplified.**

**No Fireworks are permitted on-site at any time.**

#### **Location 1**

- (i) Small outdoor functions are permitted only (no more than 20 guests);*
- (ii) Functions must cease no later than 10pm;*
- (iii) No alcoholic beverages are to be served past 9pm;*
- (iii) The maximum aggregate sound levels, defined by peak levels on a meter which may be set to a slow sample rate must not exceed:*
  - 82 dB(A) for regulated devices at source; or*
  - 71 dB(A) for regulated devices at 1 metre from source (for convenience);*

- 90 dB(A) for aircon/cooling equipment at source; or
- 79 dB(A) for aircon/cooling equipment at 1 metre from source.

**Location 2**

- (i) Small outdoor functions are permitted only (no more than 20 guests);
- (ii) Functions must cease no later than 12am (midnight);
- (iii) No alcoholic beverages are to be served past 11pm;
- (iii) The maximum aggregate sound levels, defined by peak levels on a meter which may be set to a slow sample rate must not exceed:
  - 87 dB(A) for regulated devices at source; or
  - 76 dB(A) for regulated devices at 1 metre from source (for convenience);
  - 92 dB(A) for aircon/cooling equipment at source; or
  - 81 dB(A) for aircon/cooling equipment at 1 metre from source.

**Location 3**

- (i) Small, medium and large outdoor functions are permitted (no more than 150 guests);
- (ii) Functions must cease no later than 10pm;
- (iii) No alcoholic beverages are to be served past 9pm;
- (iii) The maximum aggregate sound levels, defined by peak levels on a meter which may be set to a slow sample rate must not exceed:
  - 90 dB(A) for regulated devices at source; or
  - 79 dB(A) for regulated devices at 1 metre from source (for convenience);
  - 95 dB(A) for aircon/cooling equipment at source; or
  - 84 dB(A) for aircon/cooling equipment at 1 metre from source.

**Location 4**

- (i) Small, medium and large outdoor functions are permitted (no more than 150 guests);
- (ii) Functions must cease no later than 12am (midnight);
- (iii) No alcoholic beverages are to be served past 11pm;
- (iii) The maximum aggregate sound levels, defined by peak levels on a meter which may be set to a slow sample rate must not exceed:
  - 84 dB(A) for regulated devices at source; or
  - 73 dB(A) for regulated devices at 1 metre from source (for convenience);
  - 89 dB(A) for aircon/cooling equipment at source; or
  - 78 dB(A) for aircon/cooling equipment at 1 metre from source.

**Location 5**

- (i) Small indoor **and outdoor only** functions are permitted ~~within the structure~~ at location 5 (no more than 20 guests);

- (ii) Functions must cease no later than 10pm;
- (iii) No alcoholic beverages are to be served past 9pm;
- (iii) The maximum aggregate sound levels, defined by peak levels on a meter which may be set to a slow sample rate must not exceed:
  - 87 dB(A) for regulated devices at source; or
  - 76 dB(A) for regulated devices at 1 metre from source (for convenience);
  - 92 dB(A) for aircon/cooling equipment at source; or
  - 81 dB(A) for aircon/cooling equipment at 1 metre from source.

#### **Location 6**

- (i) Small, medium and large indoor **and outdoor only** functions are permitted ~~within the structure~~ at location 6 (no more than 150 guests);
- (ii) Functions must cease no later than 10pm;
- (iii) No alcoholic beverages are to be served past 9pm;
- (iii) The maximum aggregate sound levels, defined by peak levels on a meter which may be set to a slow sample rate must not exceed:
  - 87 dB(A) for regulated devices at source; or
  - 76 dB(A) for regulated devices at 1 metre from source (for convenience);
  - 92 dB(A) for aircon/cooling equipment at source; or
  - 81 dB(A) for aircon/cooling equipment at 1 metre from source.

#### **Condition 4.2.2**

4.2.2 A Road Safety Assessment must be undertaken by a suitably qualified RPEQ that identifies safety risks for vehicles using Douglas Track (between the eastern side of the Douglas Track/Spewah Road intersection and the subject site). The safety assessment should be consider (but not be limited to) the following:

- (i) Road geometry (horizontal & vertical).
- (ii) Carriageway width (pavement, seal and shoulders) – ability for opposing traffic to safely pass each other.
- (iii) Vehicle sightlines.
- (iv) Intersection treatments.
- (v) Causeway crossing including the sharp bends/approaches either side.
- (vi) Other roadside hazards.

The report should provide recommendations on practical treatments to reduce the risk of any hazards to acceptable levels (e.g. localised pavement widening, signage, linemarking, road edge delineation etc.). The report should be submitted to Council for review and agreed works should be undertaken by the applicant/developer at no cost to Council.

*The abovementioned works must be approved by Council as part of a subsequent application for operational works.*

*The development application required for the operational works associated with 4.2.2 must be “properly made” to Council within 12 months of the commencement of the use. Once approved, the operational works must be completed within 6 months of the Decision Notice being issued for the operational works, or a further period agreed to by Council’s delegated officer (for reasons relating to weather related construction delays or unforeseen engineering related delays only).*

### **Representation by Applicant**

It is requested that the condition be amended to delete “A road safety audit must be undertaken by a suitably qualified RPEQ...” and replace it with, “A road safety audit must be undertaken by a suitably qualified person...”.

Road safety audits are not necessarily undertaken by RPEQs. Appropriately qualified auditors can be RPEQs but not all appropriately qualified auditors are RPEQs... A road safety audit qualification is obtained through the Department of Transport and Main Roads and is not directly linked to certified civil engineers.

### **Response**

Council officers requested advice from a Third-party Consulting Engineer, with a background in Traffic Engineering. The advice was as follows:

*“The comment from the applicant is valid that a TMR accredited Road Safety Auditor does not need to be a RPEQ. It should be noted however that the condition is that a Road Safety **Assessment** is required not just a Road Safety **Audit**.*

*A ‘Road Safety Audit’ is a review of a proposed design, or the **existing safety performance of a road**, based on its current operation. The audit key objective is to identify potential safety hazards that could result in crashes. An audit report provides suggestions for measures that could be implemented to reduce or mitigate the risk however does not necessarily go into detail of the specific treatment.*

*A ‘Road Safety Assessment’ is more comprehensive than an audit. It is about **predicting safety issues that may arise** due to additional traffic on a road such as that generated by a new development. Such an assessment must consider the impact in the context of the increased risk of a hazard and likelihood of a crash occurring. The objective of the assessment is to not only identify the risks however detail recommended treatments to be implemented to mitigate the safety risk. These recommendations would inform the design. Similar to Councils requirement for designs a RPEQ should certify that the engineering treatments proposed are safe and effective in addressing the identified issues.*

*My recommendation would therefore be that the condition remain that a RPEQ be required to undertake the assessment and take responsibility for the recommendations made on potential treatments to mitigate the impact of the development on Douglas Track Road.”*

Based on this advice, it is recommended that Condition 4.2.2 remain unchanged.

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 May 2024

Planning Officer: Carl Ewin  
 Direct Phone: 07 4086 4656  
 Our Reference: MCU/23/0014  
 Your Reference: AU009935

Caldante Holdings Pty Ltd TTE  
 C/- RPS AAP Consulting Pty Ltd  
 PO Box 1949  
 CAIRNS QLD 4870

Dear Applicants,

## Decision Notice

### *Planning Act 2016*

I refer to your application and advise that on 15 May 2024, Council decided to approve the application in full subject to conditions.

Details of the decision are as follows:

<b>APPLICATION DETAILS</b>
----------------------------

Application No:	MCU/23/0014
Street Address:	121 Douglas Track, Speewah
Real Property Description:	Lot 45 on N157358
Planning Scheme:	Mareeba Shire Council Planning Scheme 2016

<b>DECISION DETAILS</b>
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Type of Decision:	Approval
Type of Approval:	Development Permit for Material Change of Use – Function Facility
Date of Decision:	15 May 2024

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



**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**

(D) 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 applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
  - 3.2 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to commencement of the use and at the rate applicable at the time of payment.
  - 3.3 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council’s delegated officer.

### 3.4 Waste Management

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

3.4.2 Where bulk bins are used and are to be serviced on site, Council's delegated officer must be satisfied that internal access is of adequate design and construction to allow waste collection/delivery vehicles to enter and exit the site in a forward gear only.

### 3.5 Function Type/Size and Frequency

**Note:** For the purposes of this approval, functions proposed to be held on-site are categorised into 3 sizes as follows (not including function organisers or catering/bar/audio staff):

- Small function – Up to 20 guests.
- Medium function – Between 21 and 99 guests.
- Large function – Between 100 and 150 guests.

**Note:** For the purposes of this approval, the following time periods are applicable:

- Daytime hours – 7am-6pm.
- Evening hours – 6pm-10pm
- Nighttime hours – 10pm-Midnight

3.5.1 No functions accommodating more than 150 guests are permitted on-site at any time.

3.5.2 Only 1 function is permitted on-site on any given day.

3.5.3 In order to minimise impacts on Cassowaries and threatened frog species, only 1 function per month that involves amplified music/loudspeakers is to be held at either Location 5 or 6.

#### 3.5.4 Large Functions

A maximum of two (2) large functions can be held in any calendar month, regardless of whether they include amplified music/loudspeakers. Any large function held over daytime hours only may be held Monday to Saturday, excluding Sundays and Public Holidays. Any large function running over evening or nighttime hours must be held on either a Friday or Saturday only.

#### 3.5.5 Small, Medium and/or Large Functions

(i) A combined total of three (3) small, medium or large functions are permitted on-site in any calendar month **where amplified music/loudspeakers are proposed and/or when running outside daytime hours**. To achieve compliance with Condition 3.5.4 only a maximum of two (2) of these functions may be large sized functions.

Only one (1) of these three (3) monthly functions is permitted to run up until **midnight** with the two (2) other functions permitted

to operate up until **10pm only**. These three (3) specific functions which include amplified music/loudspeakers must be held on either a Friday or Saturday only.

(ii) A further eight (8) functions (maximum of six (6) small and two (2) medium sized functions) are permitted in any calendar month where operating over **daytime hours only and where not involving amplified music/loudspeakers of any kind**. These functions can be held Monday to Saturday only, excluding Sundays and Public Holidays.

(iii) In accordance with (i) and (ii) above, no more than 11 functions are to be held on-site in any calendar month.

3.5.6 If a monthly allocation of functions is not held over any given month, these functions cannot be “banked” and used in any other calendar month.

A register of all functions held and scheduled on site must be kept and made available to Council for review upon request.

3.5.7 It is the responsibility of the applicant/developer or function organiser to ensure all guests and function staff have vacated the property before the mandated function end time. All noise generating devices, including portable cold rooms/cooling equipment and audio equipment must be turned off before the function end time.

Staff are permitted to remain on site to pack up/clean up after daytime functions (remaining on-site till no later than 9pm), however for functions with 10pm and midnight end times, this must occur next day during daytime hours only.

3.6 Function Restrictions (by location)

**Note:** For the purposes of this approval, function Locations are those locations identified on “Figure 6.2: Function areas for assessment” of the Noise Impact Assessment prepared by Dedicated Acoustics dated 6 October 2023.

**Note:** For the purposes of this approval, “regulated devices” is any device that emits sound such as speakers, loudspeakers etc. and “aircon/cooling equipment” is any mechanical plant responsible for air-conditioning or cooling including cold-rooms and generators.

**No live music/bands are permitted on-site at any time.**

**No Fireworks are permitted on-site at any time.**

**Location 1**

- (i) Small outdoor functions are permitted only (no more than 20 guests);
- (ii) Functions must cease no later than 10pm;
- (iii) No alcoholic beverages are to be served past 9pm;
- (iii) The maximum aggregate sound levels, defined by peak levels on a meter which may be set to a slow sample rate must not exceed:

- 
- 82 dB(A) for regulated devices at source; or
  - 71 dB(A) for regulated devices at 1 metre from source (for convenience);
  - 90 dB(A) for aircon/cooling equipment at source; or
  - 79 dB(A) for aircon/cooling equipment at 1 metre from source.

**Location 2**

- (i) Small outdoor functions are permitted only (no more than 20 guests);
- (ii) Functions must cease no later than 12am (midnight);
- (iii) No alcoholic beverages are to be served past 11pm;
- (iii) The maximum aggregate sound levels, defined by peak levels on a meter which may be set to a slow sample rate must not exceed:
  - 87 dB(A) for regulated devices at source; or
  - 76 dB(A) for regulated devices at 1 metre from source (for convenience);
  - 92 dB(A) for aircon/cooling equipment at source; or
  - 81 dB(A) for aircon/cooling equipment at 1 metre from source.

**Location 3**

- (i) Small, medium and large outdoor functions are permitted (no more than 150 guests);
- (ii) Functions must cease no later than 10pm;
- (iii) No alcoholic beverages are to be served past 9pm;
- (iii) The maximum aggregate sound levels, defined by peak levels on a meter which may be set to a slow sample rate must not exceed:
  - 90 dB(A) for regulated devices at source; or
  - 79 dB(A) for regulated devices at 1 metre from source (for convenience);
  - 95 dB(A) for aircon/cooling equipment at source; or
  - 84 dB(A) for aircon/cooling equipment at 1 metre from source.

**Location 4**

- (i) Small, medium and large outdoor functions are permitted (no more than 150 guests);
- (ii) Functions must cease no later than 12am (midnight);
- (iii) No alcoholic beverages are to be served past 11pm;
- (iii) The maximum aggregate sound levels, defined by peak levels on a meter which may be set to a slow sample rate must not exceed:
  - 84 dB(A) for regulated devices at source; or
  - 73 dB(A) for regulated devices at 1 metre from source (for convenience);

- 89 dB(A) for aircon/cooling equipment at source; or
- 78 dB(A) for aircon/cooling equipment at 1 metre from source.

**Location 5**

- (i) Small indoor only functions are permitted within the structure at location 5 (no more than 20 guests);
- (ii) Functions must cease no later than 10pm;
- (iii) No alcoholic beverages are to be served past 9pm;
- (iii) The maximum aggregate sound levels, defined by peak levels on a meter which may be set to a slow sample rate must not exceed:
  - 87 dB(A) for regulated devices at source; or
  - 76 dB(A) for regulated devices at 1 metre from source (for convenience);
  - 92 dB(A) for aircon/cooling equipment at source; or
  - 81 dB(A) for aircon/cooling equipment at 1 metre from source.

**Location 6**

- (i) Small, medium and large indoor only functions are permitted within the structure at location 6 (no more than 150 guests);
- (ii) Functions must cease no later than 10pm;
- (iii) No alcoholic beverages are to be served past 9pm;
- (iii) The maximum aggregate sound levels, defined by peak levels on a meter which may be set to a slow sample rate must not exceed:
  - 87 dB(A) for regulated devices at source; or
  - 76 dB(A) for regulated devices at 1 metre from source (for convenience);
  - 92 dB(A) for aircon/cooling equipment at source; or
  - 81 dB(A) for aircon/cooling equipment at 1 metre from source.

**3.7 Noise Management Plan**

A Noise Management Plan (NMP) must be prepared which demonstrates how the use will comply with Conditions 3.5 and 3.6 of this approval, as well as *Part 7 – Mitigation* and *Part 8 - Recommendations* included in the Review of Assessment prepared by A.P. Bleeksma dated 12 March 2024. The NMP must include, but not be limited to:

- (i) The applicant/developer/function organiser must maintain a website (not a social media page) which includes a calendar of functions including but not limited to any large function, functions operating after 6pm or any function that includes amplified music/noise. The calendar is required to provide notification to interested residents. The calendar must include contact details for the function organiser/function manager for the purposes of submitting and logging noise complaints.

- (ii) Maintain a complaints register which details the nature of each complaint, the time it was made, and the action taken to rectify the complaint. Following each event, the applicant must notify Council of all complaints and remedy actions. The complaints register must be made available to Council upon request.
- (iii) Noise monitoring at source point and/or 1 metre from source every hour to ensure ongoing compliance with noise limits listed in Condition 3.6
- (iv) No subwoofers are to be used at any time.
- (v) Guests must remain in the designated function area and must not wander throughout the property.
- (vi) Demonstrate how loitering in the designated car parking area/s, which may cause noise nuisance for residents, will be avoided and enforced.
- (vii) Provide further details as to how the applicant/developer/function organiser will ensure the conditions of this approval are complied with, in particular how the applicant/developer/Function organiser is going to ensure that all guests and staff have vacated the property by the mandated function end time.

The NMP must be endorsed by Council’s delegated officer prior to the commencement of the use.

The NMP must be implemented for every function with the requirements made known to all function organisers.

3.8 Acoustic Compliance Report

An acoustic compliance report is to be submitted to Council within six (6) months of the commencement of the use, or after a combined six (6) medium or large functions are held that include amplified music. The Acoustic compliance report must demonstrate that the functions held in that period complied with the following:

- (i) Conditions 3.5 and 3.6 (where applicable);
- (ii) The endorsed Noise Management Plan;
- (iii) Inclusion of any other relevant conditions including in this Development Permit.

3.9 Noise Complaints

Should Council or the applicant/developer/function organiser receive ongoing complaints from any particular sensitive receptor/s, and Council officer determine that these complaints are substantiated, the applicant/developer/function organiser must purchase and set up a Type 1 sound logging device capable of recording and logging continuous noise at the property boundary of the complaint/s origin (the closest boundary to the subject site).

Source sound levels emitted from either regulated devices or aircon/cooling equipment from functions should be adjusted to ensure noise levels at the sensitive receptor/s comply with the maximum allowable limits outlined in the Review of Assessment prepared by A.P. Bleeksma dated 12 March 2024 (as derived from the Environmental Protection Act s440 and the Environmental Protection (Noise) Policy 2019 Acoustic Quality Objectives).

If regulated device or aircon/cooling equipment is required to be adjusted to achieve compliance, these adjusted noise levels (in dB(A)) must be applied to future functions held on-site and the Noise Management Plan must be amended to ensure ongoing compliance utilising adjusted noise levels.

Any amended Noise Management Plan with the revised noise levels must be endorsed by Council's delegated officer prior to being implemented.

#### 4. Infrastructure Services and Standards

##### 4.1 Access Crossover

A commercial access crossover must be upgraded/constructed (from the edge of Douglas Track to the property boundary) in accordance with FNQROC Development Manual standards, to the satisfaction of Council's delegated officer.

##### 4.2 External Works – Douglas Track

4.2.1 Douglas Track (from where the existing bitumen seal ends, to a point 10 metres past the site access) must be upgraded to a minimum 4.5m wide bitumen sealed carriageway with 1.2m wide gravel shoulders in accordance with Table D1.4 (<100 vehicle movements per day) of the FNQROC development Manual.

The upgrade of this section of the road should include a bitumen/asphalt or concrete seal upgrade (in accordance with FNQROC Standards) to the development access as well as any access crossover servicing Lot 90 on RP732904 and Lot 7 on RP748802.

The abovementioned works must be approved by Council as part of a subsequent application for operational works, and the works completed **prior to the commencement of the use**.

4.2.2 A Road Safety Assessment must be undertaken by a suitably qualified RPEQ that identifies safety risks for vehicles using Douglas Track (between the eastern side of the Douglas Track/Speewah Road intersection and the subject site). The safety assessment should be consider (but not be limited to) the following:

- (i) Road geometry (horizontal & vertical).
- (ii) Carriageway width (pavement, seal and shoulders) – ability for opposing traffic to safely pass each other.
- (iii) Vehicle sightlines.

- (iv) Intersection treatments.
- (v) Causeway crossing including the sharp bends/approaches either side.
- (vi) Other roadside hazards.

The report should provide recommendations on practical treatments to reduce the risk of any hazards to acceptable levels (e.g. localised pavement widening, signage, linemarking, road edge delineation etc.). The report should be submitted to Council for review and agreed works should be undertaken by the applicant/developer at no cost to Council.

The abovementioned works must be approved by Council as part of a subsequent application for operational works.

The development application required for the operational works associated with 4.2.2 must be "properly made" to Council within 12 months of the commencement of the use. Once approved, the operational works must be completed within 6 months of the Decision Notice being issued for the operational works, or a further period agreed to by Council's delegated officer (for reasons relating to weather related construction delays or unforeseen engineering related delays only).

#### 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 All stormwater drainage must be discharged to an approved legal point of discharge.

#### 4.4 Car Parking/Internal Driveways

- 4.4.1 The applicant/developer must ensure that the development is provided with an informal space on site capable of accommodating up to 60 vehicles and three (3) buses with the added provision for spillover parking if required. No parking of guest or staff vehicles or buses is permitted to occur outside the property boundary or within road reserve.
- 4.4.2 All car parking spaces, and trafficable areas must be surface treated with gravel or maintained with an intact grass cover so as to minimise dust and erosion and must be appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer.
- 4.4.3 Should Council receive a substantiated dust nuisance complaint, the applicant/developer must install an appropriate surface treatment to the car parking area and other trafficable areas on-site to alleviate the nuisance, to the satisfaction of Council's delegated officer.



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

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

#### 4.5 Non-Reticulated Water Supply

The development must be provided with a potable water supply, which may be provided by catering staff, at each function location that can satisfy the standards for drinking water set by the Australian Drinking Water Guidelines 2004 (National Health and Medical Research Council and the National Resource Management Ministerial Council).

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

#### 4.6 On-Site Wastewater Management

Should permanent ablutions facilities be constructed onsite, all on site wastewater disposal associated with these facilities must be in compliance with the latest version of On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of the Council's delegated officer.

Any on-site wastewater treatment system with a total daily peak design capacity of at least 21 equivalent persons (EP) is an Environmentally Relevant Activity (ERA 63 - Sewerage Treatment) and an Environmental Authority is required.

Portable toilets are authorised for use on-site for functions, however no black or grey water is to be disposed of on-site, unless through an approved on-site wastewater disposal system.

The applicant/developer/function organiser must ensure that adequate ablutions facilities are provided based on the size of each individual function.

#### 4.7 Lighting

Lighting associated with evening and nighttime functions must be set up to minimise light spillage and not cause nuisance to any neighbouring property. Where permanent outdoor lighting is proposed, the developer shall locate, design and install lighting in order to prevent 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 eight (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.

- 
5. Additional Payment Condition (section 130 of the Planning Act 2016)
- 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 \$11,318.50 as a contribution 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.
- 5.3 The trunk infrastructure for which the payment is required is:
- The trunk transport network servicing the land (\$11,318.50)
- 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
  - Complete the works prior to the commencement of the use.
- 5.6 The value, as agreed by Council's delegated officer, of the external works required under Condition 4.2.1 will be credited towards the additional payment required under Condition 5.2. Any credit will not exceed \$11,318.50.

**REFERRAL AGENCIES**

Not Applicable.

**APPROVED PLANS**

The following plans are Approved plans for the development:

Plan / Document Number	Plan / Document Title	Prepared by	Dated
AU009935-1C	Proposed Material Change of Use – Function Facility	RPS AAP Consulting Pty Ltd	17/07/2023

**ADVISORY NOTES**

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

(E) 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) The change in the use of building/s on-site may also require a change in the classification of the building/s 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.

(c) Compliance with applicable codes/policies  
 The development must be carried out to ensure compliance with the provisions of Council’s Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they have not been varied by a condition of this approval.

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

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

(f) Cultural Heritage

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

(g) Electric Ants

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

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

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

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

**PROPERTY NOTES**

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 were thirty (30) 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:

	<b>Name of Principal submitter</b>	<b>Address</b>
1.	Karen Kaye	<a href="mailto:sanfrandisko@gmail.com">sanfrandisko@gmail.com</a>
2.	Sharon Taylor, Michael Kunze & Julia Williams	<a href="mailto:Mkz019@outlook.com">Mkz019@outlook.com</a>
3.	Jo-Anne Pine	37 Douglas Track, Speewah QLD 4881 <a href="mailto:jpine59@hotmail.com">jpine59@hotmail.com</a>
4.	Alison Ylstra	90 Veivers Drive, Speewah QLD 4881 <a href="mailto:alihoo@icloud.com">alihoo@icloud.com</a>
5.	Susie Ostwald on behalf of Tyron Steele, Suzanne Ansell, Trevor Hastie, Tracy Jordan, Trevor Jordan & Trevor Thompson	137 Veivers Drive, Speewah QLD 4881 <a href="mailto:sostwald74@gmail.com">sostwald74@gmail.com</a>
6.	Ruth Beasley	106 Douglas Track, Speewah QLD 4881 <a href="mailto:ruthbeasley@westnet.com.au">ruthbeasley@westnet.com.au</a>
7.	Sharlene Kemp	77 Kelly Road, Speewah QLD 4881 <a href="mailto:etteleahpark@bigpond.com">etteleahpark@bigpond.com</a>
8.	Helen & Brett Kinnane	143 Veivers Drive, Speewah QLD 4881 <a href="mailto:copyan@bigpond.com">copyan@bigpond.com</a>
9.	Anne Austin	<a href="mailto:Anne.austin@my.jcu.edu.au">Anne.austin@my.jcu.edu.au</a>
10.	Charlotte Doger De Speville	20 Douglas Track, Speewah QLD 4881 <a href="mailto:cds@bigpond.com">cgs@bigpond.com</a>
11.	Kuranda Conservation Community Nursery Inc.	1 Pademelon Lane, Kuranda QLD 4881 <a href="mailto:kurandaconservation@hotmail.com">kurandaconservation@hotmail.com</a>
12.	Elizabeth Younghusband	127 Ganyan Drive, Speewah QLD 4881 <a href="mailto:singwoyaya@bigpond.com">singwoyaya@bigpond.com</a>
13.	Christopher Shipley & Elaine Senini	112 Douglas Track, Speewah QLD 4881
14.	Steven Mott & Marylou Wise	10 Douglas Track, Speewah QLD 4881
15.	Peggy Ladner	16 Pioneer Close, Speewah QLD 4881
16.	MK Metcalfe	18 Pioneer Close, Speewah QLD 4881
17.	Theresa Coogan & Chains MacLeod	11 Whiplbird Close, Speewah QLD 4881
18.	Val Howe & Dave Howe	136 William Smith Drive, Speewah QLD 4881
19.	Anne Fitzpatrick	144 Veivers Drive, Speewah QLD 4881
20.	Teagan Blankers & Nicholas Stemp	125 Veivers Drive, Speewah QLD 4881
21.	Laure Albarel-Hepburn	82 Veivers Drive, Speewah QLD 4881
22.	Cheryl Pow	23 Douglas Track, Speewah QLD 4881
23.	Kim & Cameron Beard	28 Veivers Drive, Speewah QLD 4881
24.	Josh Miller	23 Veivers Drive, Speewah QLD 4881
25.	Debra Arthur	32 Walnut Close, Speewah QLD 4881
26.	Merrilyn Hayes	197 Ganyan Drive, Speewah QLD 4881
27.	Karen Cutler & Warwick Blight	60 Possum Close, Speewah QLD 4881
28.	Suzy Grinter	70 Veivers Drive, Speewah QLD 4881
29.	Kuranda Envirocare and Friends of the Kuranda Tree Frog	PO Box 494, Kuranda QLD 4881 <a href="mailto:info@envirocare.org.au">info@envirocare.org.au</a>
30.	Terry & Barb Patmore	<a href="mailto:Wild.t@bigpond.com">Wild.t@bigpond.com</a>

DECISION NOTICE

MCU/23/0014

Page 15

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

**OTHER DETAILS**

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

Yours faithfully

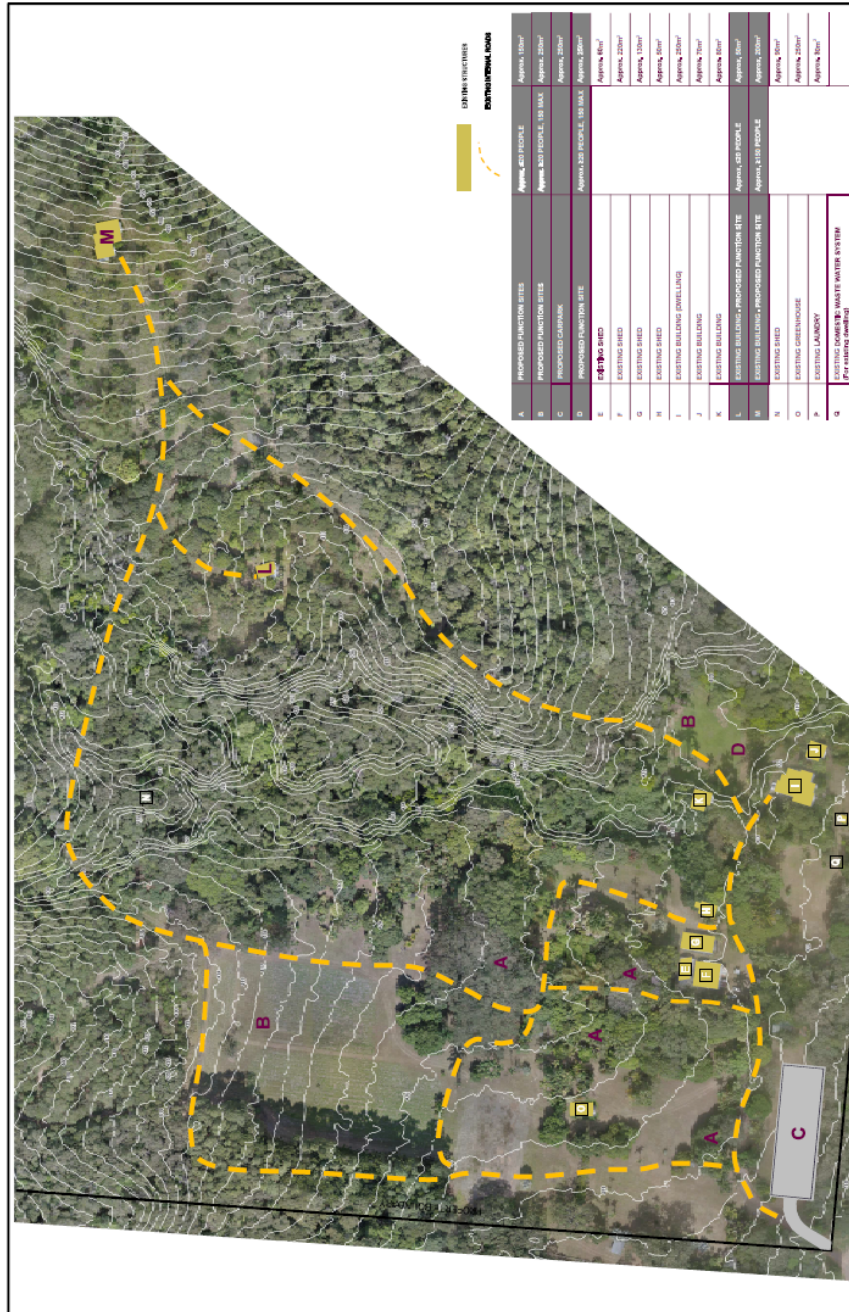
**BRIAN MILLARD**  
**COORDINATOR PLANNING SERVICES**

Enc: Approved Plans/Documents  
Appeal Rights

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Mareeba Shire Council

Approved Plans/Documents



**Proposed Material Change of Use**  
Function Facility  
121 Douglas Track Road, Speewah, Lot 45 on N147358



	<h2 style="margin: 0;">Appeal Rights</h2> <p style="margin: 0; font-size: small;">PLANNING ACT 2016 &amp; THE PLANNING REGULATION 2017</p>
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**Chapter 6 Dispute resolution**

**Part 1 Appeal rights**

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

- (1) Schedule 1 of the *Planning Act 2016* states –

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

(Refer to Schedule 1 of the Planning Act 2016)

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

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

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



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

### 230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that-
  - (a) is in the approved form; and
  - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to –
  - (a) the respondent for the appeal ; and
  - (b) each co-respondent for the appeal; and
  - (c) for an appeal about a development application under schedule 1, table 1, item 1 – each principal submitter for the development application; and
  - (d) for 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.



Our ref: AU009935

135 Abbott Street  
Cairns QLD 4870  
T +61 7 4031 1336

Date: 13 June 2024

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

Attn: Carl Ewin, Planning Officer

Dear Carl,

**121 Douglas Track Road, Speewah - MCU (Function Facility)**  
**Change representations regarding a development approval (pursuant to Section 75 of the Planning Act 2016)**  
**Council Ref: MCU/23/0014**

We refer to Councils recent approval of this development application over the above site, made of behalf of Caldante Holdings Pty Ltd. The development approval comprises a Development Permit for Material Change of Use for the purpose of a Function Facility.

We confirm receipt of the Decision Notice for the above approval on 16 May 2024 and refer to our letter of 10 June 2024 which suspended the relevant appeal period until 8 July 2024. A copy of the approval is attached for reference.

We write under Section 75 of the *Planning Act 2016* to make representations on the decision notice content and to seek your issue of a negotiated decision notice amending the items discussed below.

## Representations

### Condition 3.5.5 (ii) Daytime Functions

The condition currently states:

- (ii) *A further eight (8) functions (maximum of six (6) small and two (2) medium sized functions) are permitted in any calendar month where operating over **daytime hours only and where not involving amplified music/loudspeakers of any kind**. These functions can be held Monday to Saturday only, excluding Sundays and Public Holidays.*

It is understood that this is to allow functions to occur that would not generate significant noise impacts. In order for wedding ceremonies to be held and to allow music to be played whilst the couple are walking down the aisle it is requested that the restriction on music and loudspeakers exclude wedding ceremonies.

In addition to the above, it is generally accepted for wedding ceremonies to occur on Sundays, which is historically the day for religious ceremonies, including weddings. If Sunday functions were limited to wedding functions only, it is considered that this would not adversely affect the amenity of the area.

The condition is requested to be amended as follows:

- (iii) *A further eight (8) functions (maximum of six (6) small and two (2) medium sized functions) are permitted in any calendar month where operating over **daytime hours only and where not involving amplified music/loudspeakers of any kind, excepting music and loudspeakers used***

Our ref: AU009935

in the course of wedding ceremonies. These functions can be held Monday to Saturday only, excluding Sundays and Public Holidays. Wedding ceremonies only are permitted on Sundays.

### Condition 3.6 Function Restrictions

The condition currently contains the statement “No live music/bands are permitted on-site at any time”.

It is understood that this wording has been included to manage potential noise impacts from live bands and live music. Noise impacts are further restricted at each function location by condition 3.6 which establishes maximum noise levels for each location. In addition, condition 3.7 requires noise monitoring at each location when a function is occurring every hour to ensure that noise levels are not exceeded. These conditions of the approval provide for amplified music and regulated devices at all function locations.

On the basis that the conditions provide for amplified music and regulated devices, which have maximum sound levels at each location, the wording that restricts live music and bands is considered unnecessary. Particularly given that a band may be an acoustic band or a small string duet. The noise levels would be suitably managed regardless of whether the noise is from a band or from amplified music.

It is requested that the restriction on live music and or bands is removed and that the noise levels be managed through the restrictions contained in the balance of condition 3.6.

Alternatively, it is requested that the condition to be amended to restrict live bands and music only where amplification is used.

### Condition 3.6, Location 5

This part of condition 3.6 currently states:

#### **Location 5**

- (i) *Small indoor only functions are permitted within the structure at location 5 (no more than 20 guests);*
- (ii) *Functions must cease no later than 10pm;*
- (iii) *No alcoholic beverages are to be served past 9pm;*
- (iv) *The maximum aggregate sound levels, defined by peak levels on a meter which may be set to a slow sample rate must not exceed:*
  - *87 dB(A) for regulated devices at source; or*
  - *76 dB(A) for regulated devices at 1 metre from source (for convenience);*
  - *92 dB(A) for aircon/cooling equipment at source; or*
  - *81 dB(A) for aircon/cooling equipment at 1 metre from source.*

Location 5 contains a small building that is a class 10 structure. It is understood that the condition requiring indoor activities at this location only is in response to noise concerns. As identified in the condition noise is restricted to set decibels and subsequent conditions require this to be monitored on an hourly basis.

It is considered reasonable to provide for small outdoor functions at this location, which is approximately 350 metres from any sensitive receptor and screened by existing vegetation, and manage the noise through parts (ii) to (iv) of the condition. On this basis it is requested that the words “indoor only” be removed from this condition.

### Condition 3.6, Location 6

This part of condition 3.6 currently states:

#### **Location 6**

- (i) *Small, medium and large indoor only functions are permitted within the structure at location 6 (no more than 150 guests);*
- (ii) *Functions must cease no later than 10pm;*
- (iii) *No alcoholic beverages are to be served past 9pm;*

Our ref: AU009935

(iii) *The maximum aggregate sound levels, defined by peak levels on a meter which may be set to a slow sample rate must not exceed:*

- 87 dB(A) for regulated devices at source; or
- 76 dB(A) for regulated devices at 1 metre from source (for convenience);
- 92 dB(A) for aircon/cooling equipment at source; or
- 81 dB(A) for aircon/cooling equipment at 1 metre from source.

Location 6 contains a larger semi-open structure that is a class 10 structure surrounded by a large open area. It is understood that the condition requiring indoor activities at this location only is similarly in response to noise concerns. As identified in the condition noise is restricted to set decibels and subsequent conditions require this to be monitored on an hourly basis.

It is considered reasonable to provide for outdoor functions at this location, which is approximately 550 metres from the nearest sensitive receptor and screened by existing vegetation, and manage the noise through parts (ii) to (iv) of the condition. On this basis it is requested that the words "indoor only" be removed from this condition.

#### Condition 4.2.2, Road Safety Assessment

Condition 4.2.2 currently reads:

**4.2.2** *A Road Safety Assessment must be undertaken by a suitably qualified RPEQ that identifies safety risks for vehicles using Douglas Track (between the eastern side of the Douglas Track/Speewah Road intersection and the subject site). The safety assessment should consider (but not be limited to) the following:*

- (i) *Road geometry (horizontal & vertical).*
- (ii) *Carriageway width (pavement/ seal and shoulders) - ability for opposing traffic to safely pass each other.*
- (iii) *Vehicle sightlines.*
- (iv) *Intersection treatments.*
- (v) *Causeway crossing including the sharp bends/approaches either side.*
- (vi) *Other roadside hazards.*

*The report should provide recommendations on practical treatments to reduce the risk of any hazards to acceptable levels (e.g. localised pavement widening, signage, linemarking, road edge delineation etc.). The report should be submitted to Council for review and agreed works should be undertaken by the applicant/developer at no cost to Council.*

*The abovementioned works must be approved by Council as part of a subsequent application for operational works.*

*The development application required for the operational works associated with 4.2.2 must be "properly made" to Council within 12 months of the commencement of the use. Once approved, the operational works must be completed within 6 months of the Decision Notice being issued for the operational works, or a further period agreed to by Council's delegated officer (for reasons relating to weather related construction delays or unforeseen engineering related delays only).*

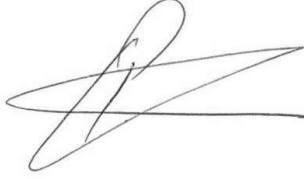
I It is requested that the condition be amended to delete "A road safety audit must be undertaken by a suitably qualified RPEQ..." and replace it with, "A road safety audit must be undertaken by a suitably qualified person..."

Road safety audits are not necessarily undertaken by RPEQs. Appropriately qualified auditors can be RPEQs but not all appropriately qualified auditors are RPEQs... A road safety audit qualification is obtained through the Department of Transport and Main Roads and is not directly linked to certified civil engineers.

We trust that the above requests are considered reasonable and are accepted. We look forward to continuing working with you on this development. In the meantime, if you have any queries please contact the writer (contact details below).

**Our ref: AU009935**

Yours sincerely,  
for RPS AAP Consulting Pty Ltd



**Patrick Clifton**  
Senior Principal | Practice Leader - Planning, Cairns  
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+61 7 4276 1017

CairnsAcoustics

review 121 Douglas Track Speewah

# Review of Assessment

## 121 Douglas Track, Speech QLD

Prepared by: AP Bleeksma MSc Applied Physics

Date: 12 March 2024

Version: 2.1 submitted to client

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## Summary

This review concerns the Noise Impact Assessment prepared by Dedicated Acoustics, dated 6 October 2023, in short Assessment A482.

It finds that the original assessment has not regarded acts under section 440 of the Environmental Protection Act (A.P. Act) , it finds that a number of sources, notably cooling, air-conditioning and regulated devices, have not been evaluated.

This review has adjusted the background noise levels to be applied, and further applied the regulations and acts on activities and the extra sources.

Using the forecasting methods of Assessment A482, Section 6 of this review lists allowable events, and maximum allowable certified noise levels for equipment.

## 1 Introduction

Cairns Acoustics have been engaged by Mareeba Shire Council to review the Noise Impact Assessment prepared by Dedicated Acoustics, dated 6 October 2023, document title "A482 - 121 Douglas Tack Speewah - Function Facility - Noise Impact Assessment (Rev0)". This document will be referred to as Assessment A482.

Assessment A482 relates to an application for material change of use of 121 Douglas Track Speewah (Lot 45 on N157358), where existing buildings and outdoor areas are proposed to be used for hosting weddings, civil ceremonies, and other similar functions. Three (3) outdoor and two (2) indoor function areas are proposed, as well as a carpark. Assessment A482 states functions would typically be limited to 7am - 10pm and occasion 10pm - 12pm.

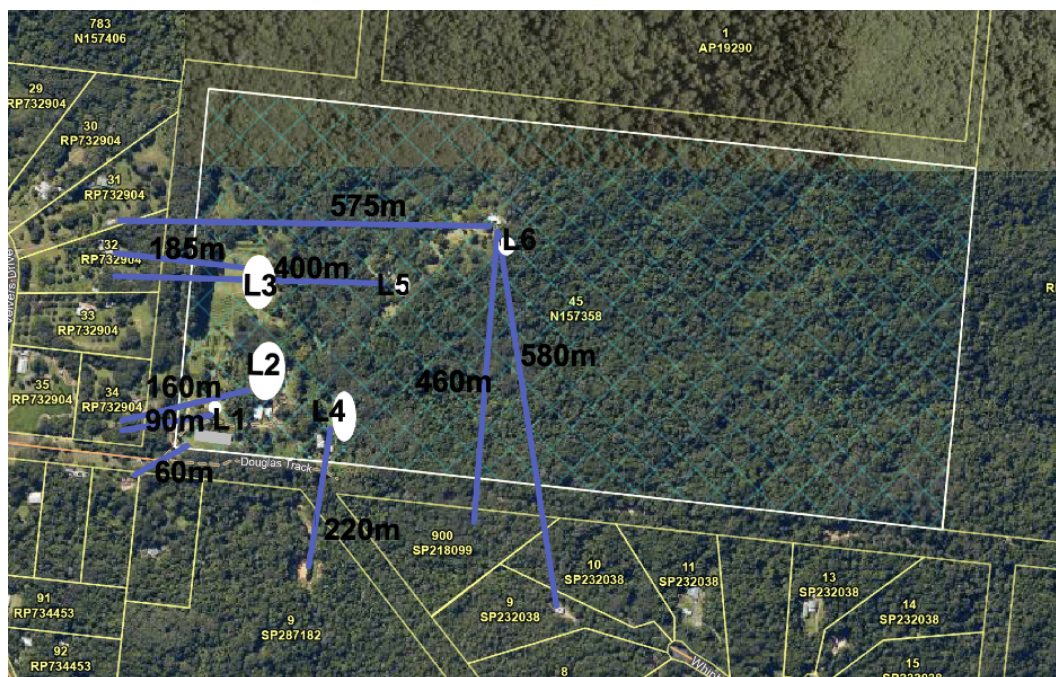


FIGURE A SOURCES AND AFFECTED LOCATIONS

This review starts with a description of the site and proposed use. This followed by a short introduction to noise descriptors and discussion of applied standards, criteria and additional calculations based on the data supplied by Assessment A842. From Section 3 on, each section concludes with a short summary.

## 2 Proposed Development and Site Description

The proposed development lists three (3) outdoor and two (2) indoor function areas, as well as a carpark. Figures 1, 2 and 3.1 of Assessment A482 provide aerial and mapping information about the proposed development.

None of the figures provide information about the location of sources related to the location of affected locations. In order to find the relationship between the largest facility and the nearest affected location, it was necessary to consult Queensland Globe - figures 1 and 2 don't provide a compass, Figure 3 doesn't show which side is the short and which is the long side.

Figure 3.1 contains 4 locations marked A, as well as two locations marked B, and in both cases the locations with the same identifier are far apart. When we get to the Noise Modelling section of Assessment A482, the activity locations are marked unambiguously, however now there are 6 function areas, where the description of the development states 5.

Combining Figures 3.1 and 6.2, and adding some indicative distances, Figure A above has been created. This has enabled reviewing the calculated noise levels, in Section 5.4.

## 3 Introduction to noise descriptors

Sound is is mostly characterised by pitch and level. Decibel (dB) is a way to describe the level, however it is not straightforward. We can hear whether a sound is low-pitched or high-pitched, but we are more sensitive to high-pitched sound. This means that the sound of the same energy will be much quieter to us if its low-pitched compared to the same energy high-pitched. The A-weighting is a method to adjust the measured energy so that the resulting sound level reflects how loud we hear the sound. In this report all sound levels discussed are A-weighted, as the relevant regulations are given in A-weighted levels. Other weightings are C (which places more emphasis on low frequencies and may reflect how we hear very quiet sounds), and "pA,LF" which describes low frequency sound.

Sound varies over time, and to describe how we are affected there the following key descriptors are used:

LMax - the maximum sound level

Leq - the average sound level (averaged over time for the amount of energy emitted)

L01 - the level that is exceeded 1 percent of the time

L10 - the level that is exceeded 10 percent of the time

L90 - the level that is exceeded 90 percent of the time

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review 121 Douglas Track Speewah

L01, L10 and L90 are statistical levels, they don't say by how much the level is exceeded, only which level is exceeded for a short part of the time and, for L90, most of the time.

The E.P. Act sets levels that are not to be exceeded. As there is no specification other than a "makes a noise of more than", this means the level cannot be exceeded at any time and hence Max is applicable.

The Acoustic Quality Objectives of the Noise Policy describe different values of levels that should not be exceeded for Leq, L10 and L01, where the maximum level for L10 is 5dB higher than for Leq, and the level for L01 is 5dB higher than for L10. This way noise that for short periods of time is very loud has an appropriate standard in L01 or L10, whereas noise that is of a similar level but near constant has an appropriate standard in Leq.

The character of noise emitted by events, as provided in Assessment A482, shows that Max is less than 10dB above Leq. In that case it may safely be stated that L01 is less than 10dB above Leq. It may also be assumed that L10 is not more than 5dB above Leq.

We conclude that dB(A), A weighted sound levels are applicable to noise emitted from the development, and that for Noise Policy derived standards noise from events can be evaluated using Leq, where event-noise regulated by the E.P. Act is evaluated using Lmax.

## 4 Assessed sources and applied noise standards

### 4.1 Applied Background Levels

Assessment A482 calculates average background noise levels. The methodology is described in Australian Standard AS1055, and expanded by the Queensland Department of Environment and Science's Noise Measurement Manual. The latter states:

*Ensure the background is representative of the worst-case scenario and the background noise level should be ideally measured immediately before or after the assessment of the source noise at the same location.*

Where laws or regulations mention maximum sound levels in relation to background noise levels, one must thus apply the quietest expected background noise levels, adhering the above statement.

For a functions facility it may be expected that many (most) events will take place Thursday evening till Sunday daytime. The background sound levels to be applied are thus either the lowest background levels for that time of day (usually Sunday), or in a more lenient fashion the background levels that occur Thursday evening - Sunday evening.

The relevant background noise levels must be those that occur on those times. How this is applied follows in Section 5.

### 4.2 Sources Listed in Assessment A482

Section 6.1 of Assessment A482 lists three sources of noise:

1. Patron Noise
2. Entertainment/Music noise
3. Noise from Vehicle movement

### 4.3 Sources regulated by the Environmental Protection Act

The Environmental Protection Act (henceforth E.P. Act) established noise standards for activities (including stand-alone equipment). Before looking at equipment noise, the main activities are subject to noise standards S440W and S440Y:

#### **440W Indoor venues**

*(1) An occupier of a building must not use, or permit the use of, the building as an indoor venue on any day—*

*(a) before 7a.m, if the use makes an audible noise; or*

*(b) from 7a.m. to 10p.m, if the use makes a noise of more than 5dB(A) above the background level; or*

*(c) from 10p.m. to midnight, if the use makes a noise of more than 3dB(A) above the background level.*

*(2) However, subsection (1)(b) does not apply if—*

*(a) the building is, or is part of, an educational institution; and*

*(b) the use of the building as an indoor venue is organised by or for the educational institution for non-commercial purposes of the institution.*

#### **440X Open-air events**

*(1) An occupier of premises must not use, or permit the use of, the premises for an open-air event on any day—*

*(a) before 7a.m, if the use causes audible noise; or*

*(b) from 7a.m. to 10p.m, if the use causes noise of more than 70dB(A); or*

*(c) from 10p.m. to midnight, if the use causes noise of more than the lesser of the following*

*—*

*(i) 50dB(A);*

*(ii) 10dB(A) above the background level.*

*(2) However, subsection (1) does not apply to licensed premises.*

*(3) Also, subsection (1)(b) does not apply if—*

*(a) the premises is, or is part of, an educational institution; and*

*(b) the use of the premises for an open-air event is organised by or for the educational institution for non-commercial purposes of the institution.*

Other activities, being the use of equipment are subject to noise standards in the Environmental Protection Act:

**440S regulated devices**

*A person must not operate a regulated device in a way that makes an audible noise—*

*(a) on a business day or Saturday, before 7.00a.m. or after 7.00p.m.; or*

*(b) on any other day, before 8.00a.m. or after 7.00p.m.*

**440U Air-conditioning equipment**

*(1) This section applies to premises at or for which there is air-conditioning equipment.*

*(2) An occupier of the premises must not use, or permit the use of, the equipment on any day—*

*(a) before 7a.m, if it makes a noise of more than 3dB(A) above the background level; or*

*(b) from 7a.m. to 10p.m, if it makes a noise of more than 5dB(A) above the background level;*

*or*

*(c) after 10p.m, if it makes a noise of more than 3dB(A) above the background level.*

**440V Refrigeration equipment**

*(1) This section applies to a person who is—*

*(a) an occupier of premises at or for which there is plant or equipment for refrigeration (refrigeration equipment); or*

*(b) an owner of refrigeration equipment that is on or in a vehicle, other than a vehicle used or to be used on a railway.*

*(2) The person must not use, or permit the use of, the refrigeration equipment on any day—*

*(a) before 7a.m, if it makes a noise of more than 3dB(A) above the background level; or*

*(b) from 7a.m. to 10p.m, if it makes a noise of more than 5dB(A) above the background level; or*

*(c) after 10p.m, if it makes a noise of more than 3dB(A) above the background level.*

*(3) In this section—*

*vehicle includes a trailer.*

## 4.4 Application and interpretation of criteria

Assessment A482 interprets the application of sound criteria as follows:

"It should be noted that the provisions of EPA 94 and EPP Noise 2019 are generic and do not take into account the frequency of operation (...), potential for community benefit, or the character of the existing receiving environment. We recommend that these provisions are used to consider the potential effects of noise impacts, but not necessarily to be used as limiting criteria."

However EPA 94 states:

**440Q Offence of contravening a noise standard**

(1) A person must not unlawfully contravene a noise standard. Maximum penalty—

(a) if the contravention is done wilfully— 1665 penalty units; or

(b) otherwise— 600 penalty units.

Note—

See section 493A (When environmental harm or related acts are unlawful).

(2) A person does not contravene a noise standard by causing an environmental nuisance mentioned in schedule 1, part 1.

Section 440O states that local law may prescribe noise standards. In the absence of those, the noise standards 440 and 440U - 440Y are applicable as enforceable standards.

## 4.5 Concluding sources and applied standards

Assessment A482 has missed regulations, laws, with regards to events, refrigeration and air-conditioning equipment and regulated devices. This review shall try to apply these regulations on the sources and modelling results supplied in Assessment A482.

This review concludes that background levels are 2-4dB lower than the assessment, depending on the time of day.

The correct application of regulations is - this review concludes - such that levels described in the E.P. Act define maximum level, the exceedance of which may carry penalties. Further, Acoustic Quality Objectives described in the Noise Policy, are standards that cannot be planned to be exceeded at any time.

## 5 Methodologies

### 5.1 Introduction

The general methodology for assessing noise exposure is:

- (0) Establishing existing noise environment's background noise levels
- (I) Locating and identifying Sources
- (II) Locating affected locations
- (III) Establishing noise criteria at each affected location in accordance with the standards that apply to the type of source.
- (IV) Establishing (worst case scenario) sound levels from each source at each location, focussing on the most relevant noise levels per location.
- (V) Comparing projected noise levels at affected locations with the criteria. Should mitigation affect projected noise levels, step (IV) to be repeated.
- (VI) Discussion of levels and mitigation measures
- (VII) Recommendations



## 5.2 Establishing background noise levels (0)

The methodology by which Assessment A482 arrives at these background levels is not explicitly mentioned. The levels presented as Average in Table 4.1 of the assessment present a much louder noise environment than is actually the case. The levels presented as “Rated Background levels”, seem to represent the average background sound level, after discarding any atypical results, in accordance with AS1055. However the averaging is over all measured days, whereas the Queensland Noise Measurement Manual requires a worst case, which means either the lowest, or the lowest average over relevant days of the week, as described in 4.2 of this review.

Background levels (only L90) are given below in Table ‘Excerpt Table C1’ (page 43) of Assessment A482. We note that the background levels on days at which most events occur (Thursday evening till Sunday afternoon) are lower than those applied in Assessment A482.

	24.00-07.00	07.00-18.00	18.00-22.00	22.00-24.00
Thu 17		35	32	30
Fri 18	27	34	36	31
Sat 19	29	35	31	28
Sun 20	23	37	33	29
Mon 21	28	37	35	32
Tue 22	30	37	36	36
Wed 23	31	38	36	39
Thu 24	38	39	38	38
Fri 25	38			
<b>Average all days</b>	30	37	35	32
<b>Average Fri, Sat, Sun</b>	26	35	33	29
<b>Minimum</b>	23	34	31	28

EXCERPT TABLE C1 OF ASSESSMENT A482 WITH ADDED AVERAGE WEEKEND AND MINIMUM BACKGROUND LEVELS - ALL LEVELS LA90

For this review the choice was made to apply Average Fri-Sat-Sun levels, and to regard the minimum background levels as exceptional.

### 5.3 Locating sources and affected locations, establishing sound levels at affected locations (steps I, II and IV)

These parts of the methodology have been done well. Locations of sources and affected locations are mapped clearly. The sound levels of identified sources are representative, the use of geo-mapping data and input of ground absorption as well as application of worst-case wind and temperature inversion into the model are without fault. The selected scenarios are representative.

Some discussion on the consecutive use of car park and function noise would have been in place. This doesn't affect the outcomes in our opinion as the spread-out use of the carpark when people are starting to leave and the attendance is slowly being reduced would also mean a much lower noise output of the carpark.

Index	Lw	Source	Time	Level	Calc	Affected location
5.1	E*	Indoor event	7am-6pm	<b>40dB(A) max</b>	B+5	occupiable outdoor space
5.2	E	Indoor event	6pm-10pm	<b>38dB(A) max</b>	B+5	occupiable outdoor space
5.3	E	Indoor event	10pm-midnight	<b>32dB(A) max</b>	B+3	occupiable outdoor space
5.4	E	Outdoor event	7am-10pm	<b>70db(A) max</b>	fxd	occupiable outdoor space
5.5	E	Outdoor event	10pm-midnight	<b>49dB(A) max</b>	B+10	occupiable outdoor space
5.6	Q*	Any event activity	7am-10pm	<b>42dB(A) Leq</b>		At facade
5.6	Q	Any event activity	7am-10pm	47dB(A) L10		At facade
5.6	Q	Any event activity	7am-10pm	52dB(A) L01		At facade
5.7	Q	Any event activity	10pm-midnight	<b>37dB(A) Leq</b>		At facade
5.7	Q	Any event activity	10pm-midnight	42dB(A) L10		At facade
5.7	Q	Any event activity	10pm-midnight	47dB(A) L01		At facade
5.8	E	Cooling or Air-conditioning Eq	7am -6pm	40dB(A) max	B+5	At >3.5m from facade
5.8	E	Cooling or Air-conditioning Eq	6pm -10pm	38dB(A) max	B+5	At >3.5m from facade
5.8	E	Cooling or Air-conditioning Eq	10pm-midnight	32dB(A) max	B+3	At >3.5m from facade
5.9	Q	Regulated Devices	7am -7pm	42dB(A) Leq		At facade
5.9	Q	Regulated Devices	7am -7pm	47dB(A) L10		At facade
5.9	Q	Regulated Devices	7am -7pm	52dB(A) L01		At facade
5.9	E	Regulated Devices	10pm-midnight	Not audible		occupiable outdoor space
E	Environmental Protection act S440					
Q	Environmental Protection (Noise ) Policy 2019 Acoustic Quality Objectives					

Table A Additional criteria



## 5.4 Establishing noise criteria (III)

Many acoustic reports refer to both noise standards, regulatory noise levels and actual criteria by "Noise criteria". An acoustic report should clearly state which criteria are applied at which affected location. Criteria are arrived at by looking which regulation, applied to the source's sound character, creates the most stringent sound level and for which sound descriptor.

Criteria should be listed, be it A or C weighting, and their descriptor be it eq, 10, 01 or max.

### 5.4.1 Applied criteria

Lets first discuss the applied criteria. Assessment A482 applies the criteria for

- (1) background creep of the superseded Environmental Protection (Noise) Policy 2008, henceforth the Noise Policy, and
- (2) only one of the Acoustic Quality objectives of the Noise Policy namely L01, the "Loudest 1 per cent of the the noise", or the noise level that is exceeded 1 per cent of the time.
- (1) Assessment A482 notes that the provisions of state law and policy don't take into account the frequency of operation. A more frequent operation would possibly result in criteria with regards to background creep, but as Assessment A482 correctly states, the frequency of operation doesn't warrant such criteria (apart from the fact that the State however discouragingly has abandoned this objective).
- (2) The acoustic quality objectives are, in our opinion, an important regulation that leaves no room for breach. One cannot strive for the upkeep of an noise objective and at the same time plan (or expect) to exceed that sound level, however incidentally, as part of the proposed activity. Another issue is the application of the L01 sound level. As can be seen from Table 5.2 of Assessment A482, levels are stepped up by 5dB from Leq, to L10, and then from L10 to L01. To apply the L01 levels would only be appropriate if the nature of the source is such that these levels are more than 5dB above its L10 levels and also more than 10db above its Leq levels. The sources listed in Assessment A482 indicate that Leq is the appropriate descriptor.

### 5.4.2 Missing criteria

From section 4 of this review, the activities that attract additional criteria as a result of regulations in S440 of the Environmental Protection Act, are Indoor and Outdoor Events, Regulated devices, Cooling and Airconditioning equipment.

The acoustic quality objectives listed in Assessment A482 Table 5.1 are also applicable to these activities. Table A lists additional criteria at affected locations, the same index is used for the same source and times, also if the descriptors Leq, L10 and L01 attract different levels. The second column indicates whether the activity stems from S440 Env P.A. or the Acoustic Quality Objectives of the Noise Policy; the column calc lists whether the criteria is a fixed level, or a maximum exceedance of background level for Environmental Protection Act standards (The rated background level of Assessment A482 has been applied). Acoustic quality standards derived criteria are always the indoor maximum level plus a 7dB indoor outdoor transmission. Indoor quality objectives have been chosen as outdoor

quality objectives, in this case with a large distance between source and affected location, are going to provide a less strict criteria. For cooling and air-conditioning equipment the noise descriptor is given as  $L_r$ , meaning the resulting maximum sound level at the affected location, based on a source level described as  $L_r$ , the rating level, which is the level of the equipment's certification.

#### 5.4.3 Comments on additional criteria

Criteria 5.6 and 5.7 have been properly applied in Assessment A482. It is noted that where indoor sound quality criteria are applicable,  $L_{eq}$  is steadfastly the most stringent of descriptors. Where the E.P. Act is applicable,  $L_{max}$  is steadfastly the more stringent of descriptors. With this in mind, for ease of use, decisive criteria in Table A have been printed in bold. These still include both maximum and equivalent (eq) levels.

The criteria 5.1 - 5.5 stem, if not overruled by local law, are additional and more stringent in the following ways:

1. Indoor events attract more restrictive criteria at all times as the E.P. Act lists standards as above general background levels, on top of it exceeding these at any time would be considered breach, hence  $L_{Max}$  levels must be applied.
2. Outdoor events do not attract more stringent criteria prior to 10pm, but after 10pm the criteria for max sound levels is 5dB more stringent.
- 3 Additional requirements for the use of cooling, air-conditioning equipment and regulated devices (generators) are in called for.

### 5.5 Applying additional criteria to scenarios and modelling (VI)

Looking at the scenarios additional compliance checks can be made as given in Table B. A change was made in presentation compared to the results-tables of Assessment A482.

Table B shows the higher of two exceedance levels, eq or max, in dB(A) for outdoor events. Example Scenario 3 foreground the exceedance of eq levels is 56-42 (the latter is in the bottom three rows); the exceedance of max levels is 61-70, which means max levels are not the decisive.

Outdoor events are Locations 1-4. With the applicable criteria, Outdoor Events are limited by the Acoustic Quality Objectives in the Daytime and Evening, but in the Night-time usually by the Environmental Protection Act. The key to scrutinise Table B is to look at the values in bold in Table A, these represent all applied levels, and then to see whether the either the forecast Eq level of B is in exceedance of the Eq level in Table A, or whether the forecast Max level in Table B is in exceedance of the Max level of Table A.

Scen.	Loc	Source	Forecast Noise Level dB(A)		Higher Exceedance (negative means compliant)		
			Eq	Max	7am-6pm	6pm-10pm	10pm-midnight
1	1	Low level background	42	48	0	0	6
	1	Raised level background	47	53	5	5	11
2	2	Low level background	36	42	-6	-6	0
	2	Raised level background	41	46	-1	-1	4
3	3	Raised level background	42	48	0	0	6
	3	Foreground	56	61	14	14	19
	3	Small band	58	65	16	16	23
4	4	Raised level background	31	39	-11	-11	-3
	4	Foreground	44	51	2	2	9
	4	Small band	48	56	6	6	14
5	5	Raised level background	33	<b>39</b>	-3	-1	4
	5	Foreground	46	<b>51</b>	9	11	16
	5	Small band	50	<b>56</b>	14	16	21
6	6	Raised level background	32	<b>38</b>	-4	-2	3
	6	Foreground	45	<b>50</b>	8	10	15
	6	Small band	48	<b>55</b>	13	15	20
<i>Outdoor event criteria at facade Leq dB(A)</i>					42	42	37
<i>Outdoor event criteria at any occupiable location Lmax dB(A)</i>					70	70	42
<i>Indoor event criteria at any occupiable location Lmax dB(A)</i>					42	40	35

Table B Events' noise exceedance of max (indoor) or higher of max and eq (outdoor) criteria

### 5.6 Applying additional criteria to equipment/devices (VI)

Air conditioning and cooling equipment, and regulated devices (generators included those on cooling trailers), can be purchased with certified sound levels. Looking at the calculations applied in Assessment A482, it is understood that the modelling resulted in a greater level drop from source to affected location for max levels than for eq levels. This can be explained by reverberation. The devices in this section are operating at a constant level, hence the drop in sound level would be similar to that for eq sound levels. The sound power level for raised background music (99dB(A)) has been used to find the drop in level, with exception of Locations 5 and 6, as Assessment A482 calculates the sound

level of the indoor space, where these devices are operating outside. Noting that Locations 5 and 6 are furthest removed from affected locations, the highest drop in sound level between source and affected location has been applied to those.

Location	sound attenuation (eq)	Source	Time	Max allowable level dB(A) at Affected loc.	Max aggregate Rating level at Source dB(A)
1	52	All Air-conditioning or Cooling Equipment together	7am -6pm	38	90
1	52		6pm -10pm	36	88
1	52		10pm-midnight	31	83
1	52	All generators and other regulated devices together	7am -7pm	38	90
1	52		7pm-10pm	30	82
1	52		10pm-midnight	26	78
2,5,6	58	All Air-conditioning or Cooling Equipment together	7am -6pm	38	96
2,5,6	58		6pm -10pm	36	94
2,5,6	58		10pm-midnight	31	89
2,5,6	58	All generators and other regulated devices together	7am -7pm	38	96
2,5,6	58		7pm-10pm	31	89
2,5,6	58		10pm-midnight	29	87
3	57	All Air-conditioning or Cooling Equipment together	7am -6pm	40	97
3	57		6pm -10pm	38	95
3	57		10pm-midnight	34	91
3	57	All generators and other regulated devices together	7am -7pm	40	97
3	57		7pm-10pm	32	89
3	57		10pm-midnight	29	86
4	55	All Air-conditioning or Cooling Equipment together	7am -6pm	40	95
4	55		6pm -10pm	38	93
4	55		10pm-midnight	34	89
4	55	All generators and other regulated devices together	7am -7pm	40	95
4	55		7pm-10pm	32	87
4	55		10pm-midnight	29	84

Table C. Maximum aggregate noise levels of equipment at the function locations

### 5.7 Concluding applied methodologies

Assessment A482 does an excellent job in using SoundPlan for forecasting noise levels from different sources, at different locations, each for relevant affected locations.

Section 5.2 of this review revisits the supplied logging data to establish worst case scenario (outdoor) background levels.

Section 5.3 of this review re-establishes the applicable noise criteria at affected locations, based on the standards, and sources described in Section 4.

Section 5.5. of this review applies both the source levels and the calculated reduction between source and affected location from Assessment A482 to compare activity noise at the most affected locations to the criteria. (For equipment this means that a Certified Sound Rating level of the equipment is established)

## 6 Application of forecast levels

### 6.1 Application of forecast event sound levels

Table B shows which events are compliant with the more stringent of the E.P. Act or Acoustic Quality Objectives. Table D below lists just the compliant events.

Scen.	Loc	Source	Higher Exceedance (negative means compliant)		
			7am-6pm	6pm-10pm	10pm-midnight
1	1	Low level background	√	√	X
2	2	Low level background	√	√	√
	2	Raised level background	√	√	X
3	3	Raised level background	√	√	X
4	4	Raised level background	√	√	√
5	5	Raised level background	√	√	X
6	6	Raised level background	√	√	X

Table D Allowable Events (X means not allowed at time slot)

## 6.2 Setting maximum source levels for equipment

In order to set maximum levels for air-conditioning, cooling equipment and regulated devices, it is suggested to

- Only allow equipment owned by the operator to be used
- Only allow equipment that produces no more than the maximum aggregate sound level at the latest time slot at which events are allowed at the location.

Location	Latest allowable time slot	Maximum aggregate sound power of Lr in dB(A)		Maximum aggregate sound level at 1m Lr in dB(A)	
		Aircon/cooling	Regulated devices	Aircon/cooling	Regulated devices
1	6pm-10pm	90	82	79	71
2	10pm-midnight	92	87	81	76
3	6pm-10pm	95	90	84	79
4	10pm-midnight	89	84	78	73
5	6pm-10pm	92	87	81	76
6	6pm-10pm	92	87	81	76

Table E maximum aggregate sound levels for air-conditioning, cooling and regulated devices. All levels Rating level in dB(A)

It is noted that aggregate levels are applied separately to (1) air-conditioning + cooling equipment, and (2) regulated devices. Table E (above) then shows which sound power levels are allowed, as well as which sound levels at 1m from the source are allowed.

## 6.3 Concluding application of forecast levels.

Concluding which events and activities are compliant, Tables B and C of Section 5 are now presented in a format where (Table D) compliant event-activities are listed for each part of the day, and where (Table E) equipment’s required certified sound levels are listed for each location of use. Note that aggregate means the total sound produced by all (1) Refrigeration and air-conditioning equipment and (2) regulated devices. Table E provides both sound power and sound measured at 1m from the source for convenience.

## 6.4 Variation: locations L and M as outdoors

Since regulations are much more stringent for indoor events than for outdoor events, and no indoor-outdoor reduction could be applied with the present situation, locations L and M are now revisited as outdoor event locations. (Having less than three walls would likely be regarded as an outdoor space - this is up to Mareeba Shire and applicant to work out.

Scen.	Loc	Source	Forecast Noise Level dB(A)		Higher Exceedance (negative means compliant)		
			Eq	Max	7am-6pm	6pm-10pm	10pm-midnight
5	5	Raised level background	33	<b>39</b>	-9	-9	-3
	5	Foreground	46	<b>51</b>	4	4	9
	5	Small band	50	<b>56</b>	8	8	14
6	6	Raised level background	32	<b>38</b>	-10	-10	-4
	6	Foreground	45	<b>50</b>	3	3	8
	6	Small band	48	<b>55</b>	6	6	13
<i>Outdoor event criteria at facade Leq dB(A)</i>					42	42	37
<i>Outdoor event criteria at any occupiable location Lmax dB(A)</i>					70	70	42

We observe that raised level background music is forecast to be compliant at all times. However foreground music before 10pm is just above criteria and a band is substantially above criteria.

In order to be able to allow events with foreground music or small bands, more specific rules would have to be made with regards to the direction of loudspeakers, the use of subwoofers, potentially after the establishment of noise barriers (e.g. 2.4-3m high bessa blocks walls).

## 7 Mitigation

Apart from the restrictions to which type of event and how much noise equipment may emit, further mitigation is recommended to ensure compliance.

It is not to establish a zero-tolerance type of policy, but to ensure reasonable measures are taken to ensure compliance.

For this a Noise Management Plan (as applied by the Office of Gaming and Liquor Licensing) could be useful tool. The Noise Management Plan established responsibilities of staff and management (of the business and individual events), it is to ensure that all relevant staff are aware of noise conditions in place and have a procedure for dealing with situations of e.g. the music being loud dance where only background is allowed, or complaints from neighbours.

For a future where the frequency and intensity of the activities are higher, the persons in charge of the activities would have to purchase and install a sound logger at locations where noise complaints have occurred. A type 1 sound logger NSRT by Convergence Instruments as used by Cairns Acoustics costs around \$400, fits in the palm of a hand and can (only) be operated with a Windows Computer. Even better, the NSRTW instruments allow for continuous data upload to the cloud, in turn opening possibilities for live sharing of measured noise levels. There is a ready-made solution for this, available from Convergence Instruments at US\$185 per year. This offers the possibility of receiving Alarm e-mails from your instruments when sound levels pass a threshold, or when the instrument's battery falls below its critical voltage.

(There may be other instruments with similar possibilities, Cairns Acoustics is not affiliated with Convergence Instruments, nor does it receive any sort of reward for recommendations.)

## 8 Recommendations

It is recommended that, with application of the restrictions set out in Section 6, and situation processes set out in Section 7 of this review, the development may proceed without breaching regulatory standards.

If events at locations L and M are considered outdoor events, then raised level background are expected to be compliant.

However foreground music, and especially small bands, would have to have specific set-ups, to be tested in order to establish maximum allowable levels. Once maximum allowable levels and loudspeaker set-up, especially directivity (potentially after establishing noise barriers) are established, the applicant may also be required to install a limiting device. The latter can nowadays be purchased for less than \$1000, and provides an app interface for set-up which can automatically change at set hours.

A.P. Bleeksma



**8.3 S & M PINESE - MATERIAL CHANGE OF USE - TOURIST PARK (UP TO 74 PERSONS MAXIMUM) - LOTS 1 & 2 ON RP744876 - 76-82 & 84-128 KENNEDY STREET, DIMBULAH - MCU/24/0012**

**Date Prepared:** 3 July 2024  
**Author:** Coordinator Planning Services  
**Attachments:** 1. [Proposal Plans](#) ↓  
 2. [Submissions](#) ↓

**APPLICATION DETAILS**

APPLICATION		PREMISES	
<b>APPLICANT</b>	S & M Pinese	<b>ADDRESS</b>	76-82 & 84-128 Kennedy Street, Dimbulah
<b>DATE LODGED</b>	29 May 2024	<b>RPD</b>	Lots 1 & 2 on RP744876
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use – Tourist Park (up to 74 persons maximum)		
<b>FILE NO</b>	MCU/24/0012	<b>AREA</b>	Lot 1 – 5,032m2 Lot 2 – 30.852ha
<b>LODGED BY</b>	Scope Town Planning	<b>OWNER</b>	S Pinese
<b>PLANNING SCHEME</b>	Mareeba Shire Council Planning Scheme 2016		
<b>ZONE</b>	Rural zone		
<b>LEVEL OF ASSESSMENT</b>	Impact Assessment		
<b>SUBMISSIONS</b>	Two (2)		

**EXECUTIVE SUMMARY**

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

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

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

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

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

**OFFICER’S RECOMMENDATION**

1. That in relation to the following development application:

APPLICATION		PREMISES	
<b>APPLICANT</b>	S & M Pinese	<b>ADDRESS</b>	76-82 & 84-128 Kennedy Street, Dimbulah
<b>DATE LODGED</b>	29 May 2024	<b>RPD</b>	Lots 1 & 2 on RP744876
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use – Tourist Park (up to 74 persons maximum)		

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

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

And

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

(A) APPROVED DEVELOPMENT: Development Permit for Material Change of Use – Tourist Park (up to 74 persons maximum) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
Appendix 2	Tourist Park Site Plan	Scope Town Planning	-

(B) ASSESSMENT MANAGER’S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

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

- found necessary by Council’s delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
- to ensure compliance with the following conditions of approval.

2. Timing of Effect

2.1 The conditions of the development permit must be complied with to the satisfaction of Council’s delegated officer prior to the commencement of the use except where specified otherwise in these conditions of approval.

- 2.2 Prior to the commencement of use, the applicant must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.

3. General

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

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

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

3.4 Waste Management

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.

3.5 Emissions

Emissions associated with the development must not cause an 'environmental nuisance' within the meaning of the *Environmental Protection Act (1994)* to any sensitive receptor.

Tourist Park guests are not permitted to play amplified music of any kind.

3.6 Bushfire Management

- 3.6.1 A Bushfire Management Plan, incorporating evacuation procedures, campfire guidelines and fire break/trail maintenance for the tourist 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.

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

- 3.7 A site manager/s must be present on-site at all times to ensure compliance with these conditions of approval.
- 3.8 Signage
  - 3.8.1 No more than 1 advertising sign for the approved development is permitted on the subject site.
  - 3.8.2 The sign must not exceed a maximum sign face area of 6m<sup>2</sup> and must not move, revolve, strobe or flash.
  - 3.8.3 The sign must be kept clean, in good order and safe repair for the life of the approval.
  - 3.8.4 The sign must be removed when no longer required.
  - 3.8.5 The erection and use of the advertisement must comply with the Building Act and all other relevant Acts, Regulations and these approval conditions.
- 3.9 The tourist park shall not accommodate more than 74 persons at any time.  
  
Upon request, booking records must be made available to Council demonstrating compliance with this condition.
- 3.10 The maximum length of stay for any self-contained campers must not exceed fourteen (14) consecutive days.

#### 4. Infrastructure Services and Standards

- 4.1 Stormwater Drainage/Water Quality
  - 4.1.1 The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.
  - 4.1.2 All stormwater drainage must be discharged to an approved legal point of discharge.
- 4.2 Car Parking/Internal Driveways
  - 4.2.1 The applicant/developer must ensure that the development is provided with sufficient on-site car parking. No parking of vehicles associated with the development is permitted to occur outside the property boundary or within road reserve.
  - 4.2.2 All car parking spaces, and trafficable areas must be surface treated with gravel or maintained with an intact grass cover so as to minimise erosion and must be appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer.

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

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

#### 4.3 Non-Reticulated Water Supply

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

In the event that the tourist 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).

#### 4.4 On-Site Wastewater Management

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

4.4.2 All on site wastewater disposal associated with the approved use must be in compliance with the latest version of On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of the Council's delegated officer.

4.4.3 Any on-site wastewater treatment system with a total daily peak design capacity of at least 21 equivalent persons (EP) is an Environmentally Relevant Activity (ERA 63 - Sewerage Treatment) and an Environmental Authority is required.

#### 4.5 Lighting

Lighting associated with the development must be set up to minimise light spillage and not cause nuisance to any neighbouring property. Where permanent outdoor lighting is proposed, the developer shall locate, design and install lighting in order to prevent 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 eight (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 Tents

Camping in tents will only be permitted once an ablution block and toilet facilities have been constructed on site.

## (C) ASSESSMENT MANAGER'S ADVICE

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

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

(c) Compliance with applicable codes/policies

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

(d) Environmental Protection and Biodiversity Conservation Act 1999

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

(e) Cultural Heritage

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

(f) 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) 2018* is required prior to the commencement of the motor home park/caravan park/camping ground.

(g) Electric Ants

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

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

imposed on movement of electric ant carriers and electric ants in contravention of the legislated restrictions. It is the responsibility of the applicant to check if the nominated property lies within a restricted zone.

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

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

(D) RELEVANT PERIOD

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

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

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

- Nil

(F) OTHER APPROVALS REQUIRED FROM COUNCIL

- Nil

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

Development Type	Rate	Measure	Charge	Credit Detail	Balance
	per 10 vpd	vpd			
Tourist Park	\$5,452.00	1.27	\$6,924.00	Nil	\$6,924.00
<b>TOTAL CURRENT AMOUNT OF CHARGE</b>					<b>\$6,924.00</b>

**THE SITE**

The site is located at 76-82 and 85-128 Kennedy Street, Dimbulah and encompasses two (2) freehold allotments with a combined area of 31.35 hectares.

The particular details of the lots are as follows:

- Lot 1 on RP744876, area of 5,032m<sup>2</sup>, frontage of approximately 80 metres to unconstructed road reserve; and
- Lot 2 on RP744876, area of 30.852 hectares, frontage of approximately 300 metres to unconstructed road reserve.

The site is improved by several dwelling houses and numerous farm sheds, all of which are sited in a large cluster at the northern end of the site. Outside of the building cluster, the balance of the site is mostly agricultural paddocks.

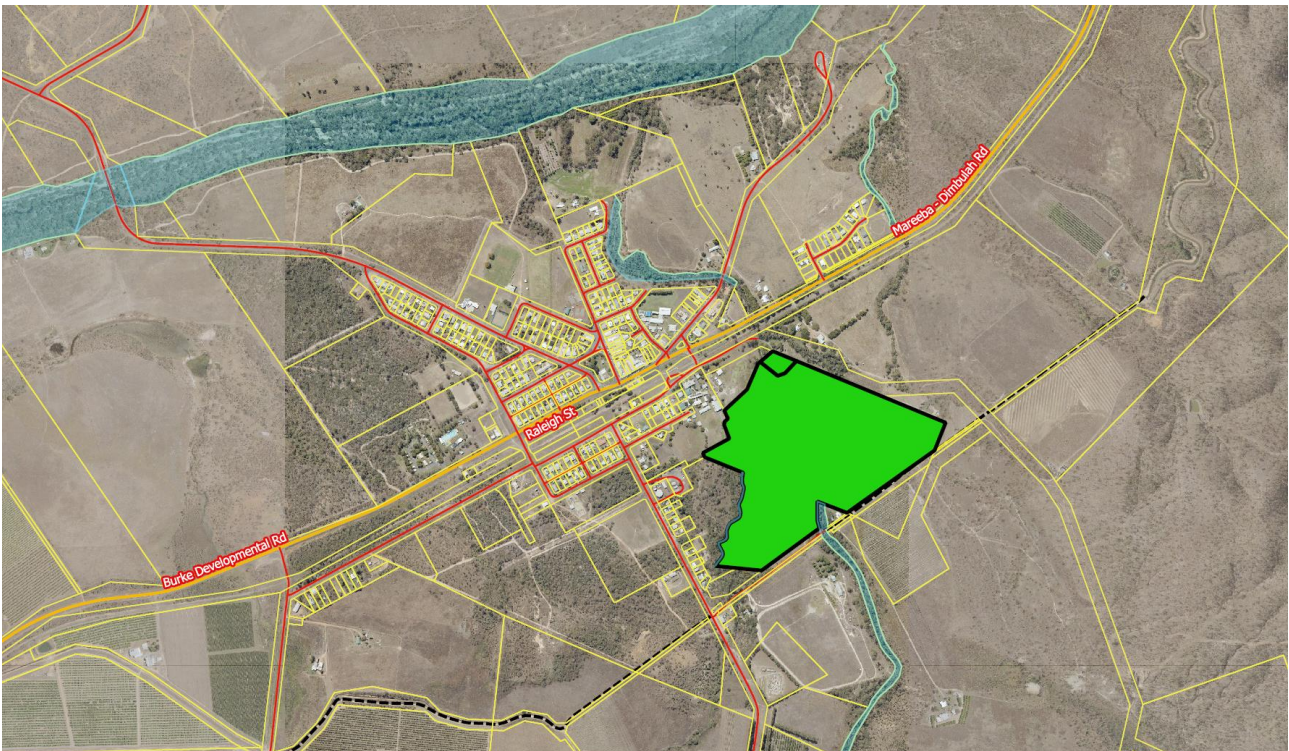


Access to the site is obtained off the eastern end of Kennedy Street via a private all-weather driveway. Kennedy Street is formed to a bitumen sealed standard up to the commencement of the private access driveway.



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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Sandy Creek traverses Lot 2 in a south to north direction.

Adjoining lots are mostly zoned Rural, apart from the Dimbulah State Primary School lot which is zoned Community Facility.

**BACKGROUND AND CONTEXT**

Nil

**PREVIOUS APPLICATIONS & APPROVALS**

Nil

**DESCRIPTION OF PROPOSED DEVELOPMENT**

The development application seeks a Development Permit for Material Change of Use – Tourist Park (up to 74 persons maximum) in accordance with the plans shown in **Attachment 1**.

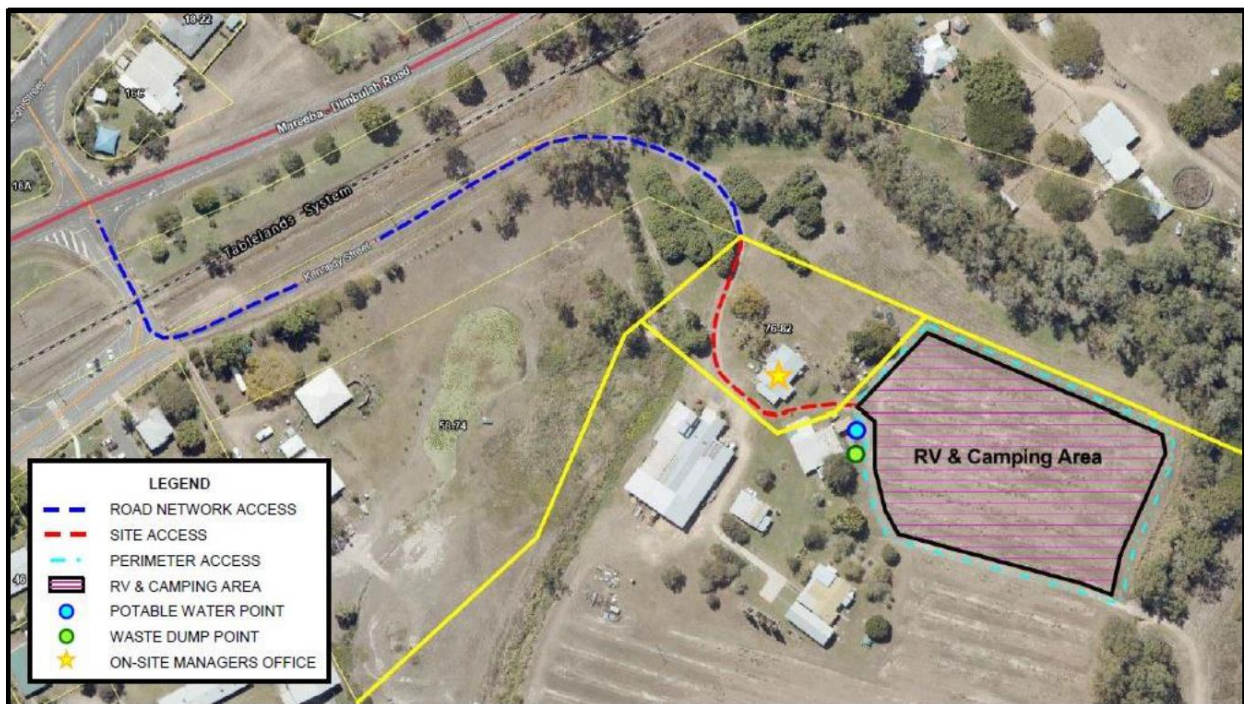


Figure 5: Proposed Tourist Park layout.

The applicant describes the proposed development as follows:

*“The proposed Tourist Park includes paid RV parking and camping sites serviced by a Potable Water supply and Waste Dump Point. The proposal does not include the provision of powered sites, parking slabs or the building of Cabins. The proposed RV parking grounds will be contained within a specified 10,000m<sup>2</sup> area (inclusive of perimeter access) within the site which will contain sufficient area to accommodate a maximum of 40 Caravans, RV’s, Campervans and/or Tents with a maximum of 74 guests at any one time.*”

*No permanent structures are proposed, thereby maintaining a temporary use over agricultural land. No vegetation clearing is proposed to facilitate the use.*

*The intention of the proposed Tourist Park is to provide an RV park for touring travellers passing through the region with capacity to accommodate a maximum of 40 RVs or a combination of all portable accommodation types for a maximum of 74 guests at any one time including tents, caravans, camper trailers or recreational vehicles. Access is available via Kennedy Street, a paved Local Access Road which connects to the Road Network via Mareeba-Dimbulah Road, a State Controlled Road.*

*The proposed Tourist Park does not include the provision of any amenities such as ablutions, covered areas, cooking facilities, hardstand areas or electrical supplies however a Potable Water supply will be available as will an on-site sewerage Dump Point.*

### **Tourist Park Functionality**

*The Tourist Park guests will be required to provide their own temporary accommodation (tents, camper van, RV etc.), food, refrigeration, cooking facilities, toilet and bathroom facilities etc. and must remove their own rubbish.*

*Some on-site facilities will be provided and will include;*

- *Onsite manager*
- *Access via Kennedy Road (through Lot 1)*
- *Park areas opened, seasonally permitting*
- *Open recreation areas with creek access (seasonal)*
- *Onsite vehicle track access to camping areas*
- *Potable Water supply*
- *Sewerage Dump Point*

*The RV parking and camping area will be closed during wet season should the site not be suitable for use during that time. Site bookings are essential and will be required through the on-site managers who will manage and maintain the site at all times.*

### **Tourist Park Management**

*The caretaker will reside on-site and be made available to guests during specific business hours with all site bookings made over the phone. Camp fees will be payable to the caretaker for the number of days the guest desires to stay up to a maximum of 2 weeks. The caretaker will be available for minimal guest assistance such as in emergencies and maintenance. The site will be maintained in a clean and orderly state by the caretaker.*

*The campsite will be operated seasonally with particular camping areas or the entire site being closed during wet season or extreme weather events as required for the safety of guests.*

*Guests will be required to provide their own temporary accommodation (tents, camper van, RV etc.), food, refrigeration, cooking facilities, toilet and bathroom facilities etc. and must remove their own rubbish from the site.*

*Potable Water will be available for guests as will a sewerage dump point however these will be made available only to guests staying on-site.*

*Guests will have limited access to the seasonal creek traversing the site within the immediate vicinity of the designated parking / camping area only.*

*An Advertising Device is also proposed on the Kennedy Street frontage at the entry gate. The sign, to be located on the property boundary and is to be no more than 1.5m x 1.0m and will not be lighted.*

**Benefits to the Community**

*The proposed RV parking and camping site will provide a farm stay style Tourist Park unique to the local area catering for the local community as well as interstate and abroad visitors and tourists. The site will be a low budget option for local families, backpackers and interstate travellers who desire to spend less money on accommodation and more on local attractions. The proposed camp site will allow people to afford to stay longer in the local area and therefore increase expenditure in the local economy.*

*The local community will also benefit from the provision of an affordable local camp site which is not marketed only for tourists, affording them the option to camp locally with their friends and family. Furthermore, the local economy will benefit from the provision of an additional short-term accommodation option which will attract locals for such events as the Lion’s Festival and Great Wheelbarrow Race.*

*The location of the site close to town and the offering of a dump point will also serve to attract travellers who might otherwise seek other towns to stop in on their journey.*

**Site Suitability**

*The proposed Tourist Park is a well located site being located in the heart of Dimbulah, offering a picturesque setting and RV parking and camping options with a sewerage dump point. The site is easily accessible by a paved road with direct access to Mareeba Dimbulah Road and contains a flat open area ideal for easy RV and Caravan access, manoeuvring and parking. Within the local area, few campsites or caravan parks are available with none providing a sewerage dump point. The currently available caravan parks and campgrounds include the Dimbulah Caravan Park (Council owned) located in Dimbulah town catering for Caravans, the Quilpi Lodge, a boutique Farm Stay offering a 4 bedroom house and 2 units located 2kms out of Dimbulah and the La Dolce Vita Campsite with a 4 vehicle capacity plus camping space located 5.5km east of Dimbulah. Of the available Tourist Parks in the local area, none provide affordable RV and Camping options so close to town with a sewerage dump point.”*

**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:

- *Terrestrial Area of General Ecological Significance*

**PLANNING SCHEME DESIGNATIONS**

Strategic Framework:	<b>Land Use Categories</b> <ul style="list-style-type: none"> <li>• Rural Agricultural Area</li> <li>• Rural Other</li> </ul>
Zone:	Rural zone
Overlays:	Agricultural Land Overlay Airport Environs Overlay Bushfire Hazard Overlay

	Environmental Significance Overlay Flood Hazard Overlay Transport Overlay
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**Planning Scheme Definitions**

The proposed use is defined as:

<i>Column 1 Use</i>	<i>Column 2 Definition</i>	<i>Column 3 Examples include</i>	<i>Column 4 Does not include the following examples</i>
Tourist park	<p>Premises used to provide for accommodation in caravans, self-contained cabins, tents and similar structures for the public for short term holiday purposes.</p> <p>The use may include, where ancillary, a manager’s residence and office, kiosk, amenity buildings, food and drink outlet, or the provision of recreation facilities for the use of occupants of the tourist park and their visitors, and accommodation for staff.</p>	Camping ground, caravan park, holiday cabins	Relocatable home park, tourist attraction, short term accommodation, non-resident workforce accommodation

**RELEVANT PLANNING INSTRUMENTS**

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

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

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

**(B) State Planning Policy**

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

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

**Strategic Framework**

**3.3 Settlement pattern and built environment**

**3.3.1 Strategic outcomes**

- (5) Primary industries in *Rural areas* are not compromised or fragmented by incompatible and/or unsustainable development, including but not limited to subdivision that results in a detrimental impact on rural productivity. The valued, relaxed rural lifestyle, character and scenic qualities of the *rural area* are preserved and enhanced. The *rural area* is largely maintained to its current extent, while accommodating development directly associated with or reliant on natural resources including rural activities and tourism. *Rural areas* protect the shire's *agricultural area* and ensure food security. *Other rural areas* predominantly remain agricultural grazing properties.

Comment

In recent years, Mareeba Shire has experienced an increase in demand for self-contained campgrounds which serve to provide "no frills" budget locations for travelling tourists to stay for short periods of time.

The rural zone is considered the logical location for such facilities due to the significant natural appeal and very low density.

The size of the subject site and the separation distances to adjoining sensitive land uses mean that surrounding primary industries will not be constrained by the proposed development.

The proposed tourist park is collocated with the farms established built improvements, avoiding further constraints to the onsite farming operation.

The proposed development will be largely screened from view and the character of the locality will be maintained.

The development complies with Strategic outcome 5.

- (8) Risks to infrastructure, buildings and the community posed by bushfires, cyclones, flooding, landslides and other extreme events are minimised. Development is considerate of the potential increased incidence of these hazards induced by climate change.

Comment

The proposed development is not at significant risk from these hazards.

The tourist park is within a potential impact buffer under the Bushfire Hazard Overlay. A bushfire hazard management plan will be conditioned to mitigate this medium risk.

The subject site is outside the Region C cyclonic zone.

The development complies with Strategic outcome 8.

### **3.3.11 Element—Rural areas**

#### **3.3.11.1 Specific outcomes**

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

Comment

The size of the subject site and the separation distances to adjoining sensitive land uses mean that surrounding primary industries will not be constrained by the proposed development.

The proposed development will be largely screened from view by distance, buildings and vegetation. The character of the locality will be maintained.

- (3) Tourism, rural industry, intensive animal industries and outdoor recreation facilities are developed in the *rural area* in a way which:
- (a) does not impede or conflict with agricultural activities and production; and
  - (b) does not compromise rural character and scenic qualities; and
  - (c) does not adversely impact on ecological and biodiversity values.

Comment

The size of the subject site and the separation distances to adjoining sensitive land uses mean that surrounding primary industries will not be constrained by the proposed development.

The proposed development will be largely screened from view by distance, buildings and vegetation. The character of the locality will be maintained.

The proposed development is appropriately setback from Sandy Creek.

- (5) Rural lifestyle, tourism, outdoor recreation, horticultural activities and natural bushland uses may be considered in *other rural areas* where appropriately located, serviced and otherwise consistent with the Strategic Framework.

Comment

The subject site and proposed development comply. The site has convenient access to the services/facilities in Dimbulah and is highly accessible from State controlled road.

- (6) *Agricultural areas* will be retained in viable holdings and not fragmented or compromised by unsuitable development. Uses and development within this precinct will not cause land use conflicts with primary production or will ensure these conflicts are mitigated.

Comment

The size of the subject site and the separation distances to adjoining sensitive land uses mean that surrounding primary industries will not be constrained by the proposed development.

- (7) *Rural areas* preserve lands for future uses beyond the life of the planning scheme.

Comment

No new buildings are proposed, and the subject site will continue to be available for rural use should the proposed development cease.

### 3.3.14 Element—Natural hazard mitigation

#### 3.3.14.1 Specific outcomes

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

Comment

The proposed development is not at significant risk from these hazards.

A very limited part of the subject site is mapped as potential flood hazard. Any minor flood hazard risk is minimised by the seasonal nature of the proposed use, with peak season occurring outside the wet season.

The tourist park is within a potential impact buffer under the Bushfire Hazard Overlay. A bushfire hazard management plan will be conditioned to mitigate this medium risk.

The subject site is outside the Region C cyclonic zone.

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

#### **3.4.1 Strategic outcomes**

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

Comment

No further clearing is required to accommodate the development.

#### **3.4.3 Element—Pest and weed management**

##### **3.4.3.1 Specific outcomes**

- (1) Development within, adjoining or surrounding *conservation areas*, *biodiversity areas*, wetlands or watercourses avoids the incursion of weeds and pests through best practice management practices, sensitive design, landscaping and appropriate setback and buffer distances.

Comment

The applicant will continue to meet their landholder obligation to manage weeds and pests.

#### **3.4.6 Element—Watercourses and wetlands**

##### **3.4.6.1 Specific outcomes**

- (1) Hydrological flows, riparian ecology and ecosystem services of watercourses and wetlands are maintained, protected and enhanced.

- (2) Wetlands of ecological significance are protected from sediment and run off, vegetation clearing, weed invasion and pollution through designated setbacks and buffers. These include the following:
  - (a) Wetlands in the Great Barrier Reef Catchment; and
  - (b) Wetlands of High Ecological Significance as identified through the *Aquatic Biodiversity Assessment and Mapping Method (AquaBAMM)*.
- (3) The water quality of rivers and creeks, which ultimately flow to the Great Barrier Reef and the Gulf of Carpentaria, is not compromised or polluted through sediment, gross pollutants or chemical run off from new or existing development.
- (5) Where development occurs on land including and adjoining watercourses and wetlands it provides appropriate setbacks and buffers and enhances these areas through revegetation.

Comment

The proposed development will achieve the minimum 10 metre setback from Sandy Creek.

### **3.4.8 Element—Air and noise quality**

#### **3.4.8.1 Specific outcomes**

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

Comment

The development will be conditioned to ensure that it is operated in such a way as to not cause an 'environmental nuisance' as defined by the Environmental Protection Act 1994 with regards to emissions (noise, light, dust etc.).

### **3.6 Transport and infrastructure**

#### **3.6.1 Strategic outcomes**

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

#### **3.6.2 Element—Road network**

##### **3.6.2.1 Specific outcomes**

- (1) The shire's road network is upgraded and extended to provide for the safe, efficient movement of vehicles and to cater for new development.
- (4) Development provides off-street parking, loading and manoeuvring areas where possible and practicable.



- (5) Development of new roads and upgrades to existing roads are designed and constructed in accordance with the FNQROC Regional Development Manual as amended.

Comment

Access is obtained off the eastern end of Kennedy Street which effectively serves as a private driveway to the subject site.

Traffic on the subject section of Kennedy Street will be limited to farm traffic associated with rural activities on the subject site and the proposed tourist park.

Due to the limited traffic, no upgrades are proposed.

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

#### **3.6.7.1 Specific outcomes**

- (3) Development in rural areas will demonstrate that it has access to adequate potable water and fire-fighting water supply on-site.

Comment

The development can be conditioned to comply.

- (4) In areas not serviced by reticulated sewerage, on-site effluent disposal systems ensure the environment or amenity is not adversely impacted.

Comment

The development can be conditioned to comply.

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

#### **3.6.8.1 Specific outcomes**

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

Comment

The development can be conditioned to comply.

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

#### **3.6.9.1 Specific outcomes**

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

Comment

The development can be conditioned to comply.

## **3.7 Economic development**

### **3.7.1 Strategic outcomes**

- (1) The rural economy that underpins the settlement pattern of Mareeba Shire prospers and diversifies, with traditional and emerging primary industries continuing to provide the

economic base of the shire. Increasing opportunities for value-adding and processing primary product are realised on-farm and within surrounding towns. *Agricultural areas* and rural industries are protected from development which may compromise its ongoing viability. Infrastructure which supports agriculture and primary industry is maintained and protected.

- (2) The *rural area* includes a range of uses which compliment dominant primary industry activities and enhance the shire's economy. Activities including rural industries, intensive agricultural uses, intensive animal industries and expanded forestry and permanent plantations are supported in appropriate locations where impacts on the environment and surrounding land uses are limited and manageable.
- (4) The natural environment, rural and scenic landscapes of Mareeba Shire provide a basis for the development of sustainable tourism enterprises. Mareeba Shire's geographic proximity to Cairns International Airport provides opportunities for increasing visitation and exposure to the shire. Large scale tourist accommodation facilities are developed in key sites across the shire and meet the needs of a range of users. The character and appeal of key *activity centres*, landscape features and *scenic routes* which attract tourists to Mareeba Shire will be maintained and enhanced. The western dry land savannah of the shire accommodates further nature and rural based tourism development.

#### Comment

The size of the subject site and the separation distances to adjoining sensitive land uses mean that surrounding primary industries will not be constrained by the proposed development.

The proposed development will be largely screened from view by distance, buildings and vegetation. The character of the locality will be maintained.

The proposed development is appropriately setback from Sandy Creek.

### **3.7.2 Element—Rural and Agricultural land**

#### **3.7.2.1 Specific outcomes**

- (1) *Agricultural areas* are preserved for the purpose of primary production and are protected from fragmentation, alienation and incompatible development.
- (2) *Other rural areas* are maintained in economically viable holdings and continue to develop and expand their rural infrastructure and operations.
- (5) Development ensures rural activities in all *rural areas* are not compromised by incompatible development and fragmentation.

#### Comment

The size of the subject site and the separation distances to adjoining sensitive land uses mean that surrounding primary industries will not be constrained by the proposed development.

The proposed development will be largely screened from view by distance, buildings and vegetation. The character of the locality will be maintained.

The proposed development is appropriately setback from Sandy Creek.

No new buildings are proposed, and the subject site will continue to be available for rural use should the proposed development cease.

### 3.7.7 Element—Tourism

#### 3.7.7.1 Specific outcomes

- (3) Tourist parks in key locations provide sites to accommodate caravans and recreational vehicles across the shire. Facilities to accommodate caravans and recreational vehicles are developed in a variety of urban and, at a limited scale, rural locations, to encourage extended visitations within the shire. Tourist facilities are designed to ensure they provide a high quality of infrastructure and services to visitors.
- (4) The outstanding scenic qualities of the regional landscape and the character and heritage values of the shire's *activity centres* are recognised and protected for their role in promoting and attracting visitors to the shire. Development in scenic and highly visible locations will minimise its impacts on scenic amenity through sensitive location, design, colour and scale.
- (5) A variety of small-scale, low impact tourist facilities are established across the rural landscape, including:
  - (a) tourist attractions and facilities within *activity centres*;
  - (b) cultural interpretive tours;
  - (c) nature based tourism;
  - (d) sports and recreational activities;
  - (e) tourist attractions;
  - (f) adventure tourism;
  - (g) farm based tourism;
  - (h) food based tourism;
  - (i) bed and breakfasts;
  - (j) camping and recreational vehicle facilities;
  - (k) cycle tourism.
- (6) Small scale tourism related development is sensitively designed, scaled and located so as to not compromise the natural landscape values and agricultural values of Mareeba Shire.

#### Comment

The proposed development is able to be reasonably conditioned and managed to allow it to occur on the subject site.

#### Relevant Developments Codes

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

- 6.2.9 Rural zone code
- 8.2.1 Agricultural land overlay code
- 8.2.2 Airport environs overlay code
- 8.2.3 Bushfire hazard overlay code
- 8.2.4 Environmental significance overlay code
- 8.2.6 Flood hazard overlay code

- 9.3.1 Accommodation activities code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access code
- 9.4.5 Works, services and infrastructure code

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

Relevant Codes	Comments
Rural zone code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Agricultural land overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Airport environs overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Bushfire hazard overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Environmental significance overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Flood hazard overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Accommodation activities code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Landscaping code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Works, services and infrastructure code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.

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

Planning Scheme Policy 4 - FNQROC Regional Development Manual

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

**(E) Adopted Infrastructure Charges Notice**

The proposed development will be serviced by Council's transport infrastructure network only (roads).

In accordance with Council’s 2024/2025 Schedule of Fees & Charges, 1 single charge of \$5,452.00 is accrued for every material increase in traffic generated of 10 vehicle movements per day (vmpd), or 3,650 vehicle movements per year (vmpy).

Based on similar scale tourist park developments approved in the Shire, the anticipated daily vehicle movements associated with the proposed use will be 19 vmpd over the proposed 8 month or 245 day period (May – December grey nomad season). This equates to 19 x 245 = 4,655 vmpy in any given year.

Each lot comprising the subject site contains a dwelling, so no credit remains over the site.

The applicable charge is therefore:

- $4,655/3,650 = 127\%$  of a single charge.  $1.27 \times \$5,452.00 = \mathbf{\$6,924.00}$

**REFERRAL AGENCY**

This application did not trigger referral to a Referral Agency.

**Internal Consultation**

Technical Services

**PUBLIC NOTIFICATION**

The development proposal was placed on public notification from 6 June 2024 to 27 June 2024. The applicant submitted the notice of compliance on 28 June 2024 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

Two (2) properly made submissions were received and both raised matters for consideration rather than object to the proposed development.

The grounds for consideration are summarised and commented on below:

Grounds for consideration	Comment
Sunwater advises underground infrastructure traverses Lot 2 on RP744876, however no objection is raised if the tourist park remains within the proposed footprint.	Noted. The proposed tourist park footprint is clearly defined and does not cross the underground pipeline.
Will the entire property be used for a tourist park or only a section?	The proposed tourist park footprint is clearly defined. The tourist park covers approximately 1 hectare of the 35.8 hectare site.
If the tourist park covers the entire site, what buffers will be put in place.	The area to be used for the tourist park is at least 370 metres from the submitters dwelling house. Vegetation along the banks of Sandy Creek provides a further buffer between the tourist park and the submitter’s dwelling house.

	The submitters privacy will not be adversely impacted.
--	--

**Submitters**

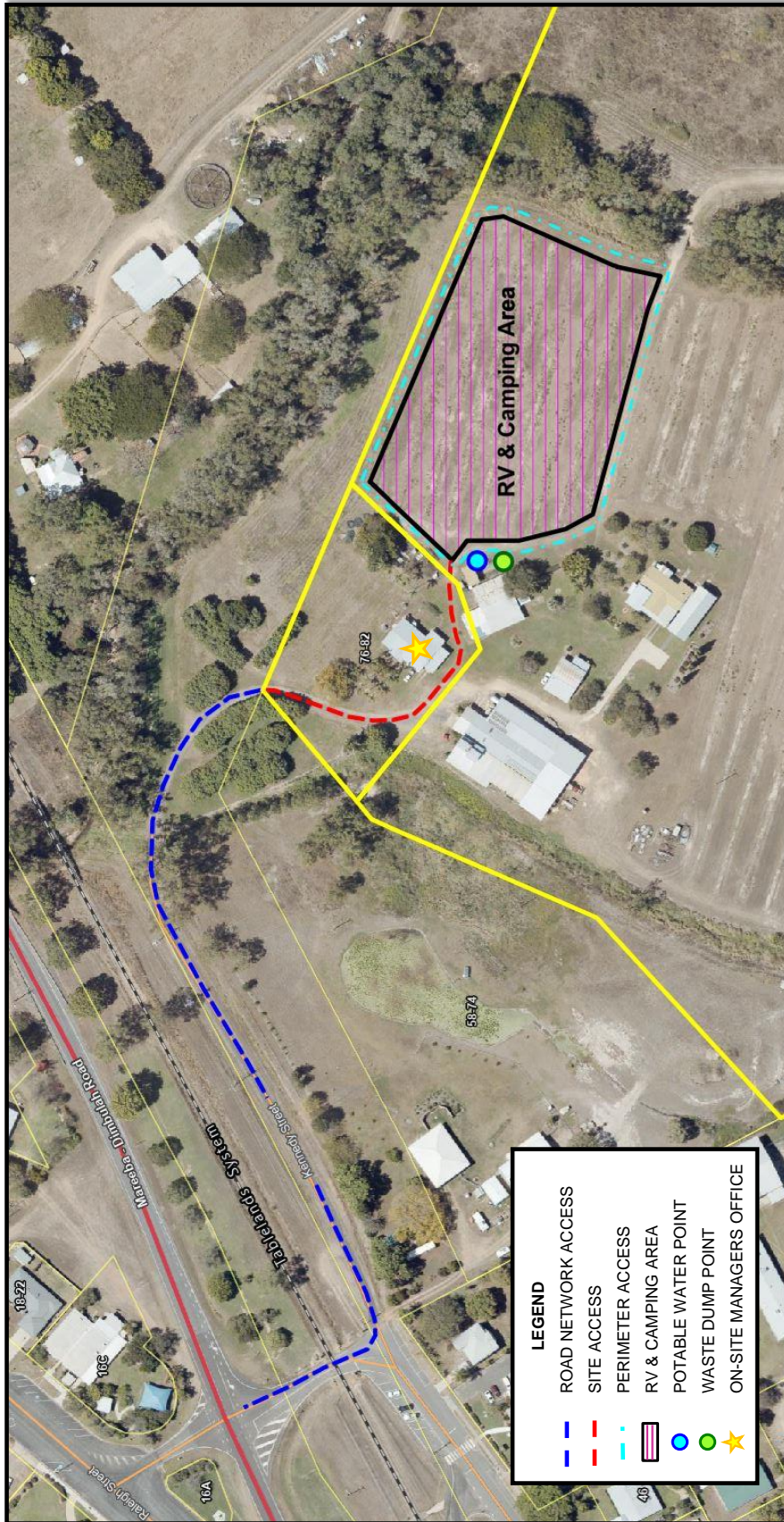
<b>Name of Principal submitter</b>	<b>Address</b>
1. Sunwater	<a href="mailto:Michelle.brereton@sunwater.com.au">Michelle.brereton@sunwater.com.au</a>
2. C Sabatini	<a href="mailto:Sabatini.christopher@gmail.com">Sabatini.christopher@gmail.com</a>

**PLANNING DISCUSSION**

Nil

Appendix 2: Tourist Park Site Plan

24006 – MCU – 84-128 Kennedy Street, Dimbulah Qld. 4872



Prepared by Scope Town Planning



Document Set ID: 4365798  
Version: 1, Version Date: 29/05/2024

**From:** "Chris Sabatini" <sabatini.christopher@gmail.com>  
**Sent:** Thu, 27 Jun 2024 13:21:32 +1000  
**To:** "Info" <info@msc.qld.gov.au>; "Planning" <planning@msc.qld.gov.au>  
**Subject:** Formal Submission for Development Application MCU/24/0012 Proposed Tourist Park  
**Categories:** Added to ECM

Good Afternoon,

I am writing to you on behalf of my parents Marisa and Ezio Sabatini owners of 47 Ericson Road Dimbulah QLD 4872. We received notification by letter regarding proposed development (Reference No: MCU/24/0012) of our neighbouring property.

At present we are not totally opposing the proposed development as we think it is a great thing for Dimbulah to have, however we have some concerns and questions we would like to have answered before we can make a final decision as to whether we oppose or not.

1. With this proposed development plan - Will the entire property be used for this Tourist Park or will it only be a section of the land being developed into the tourist park?

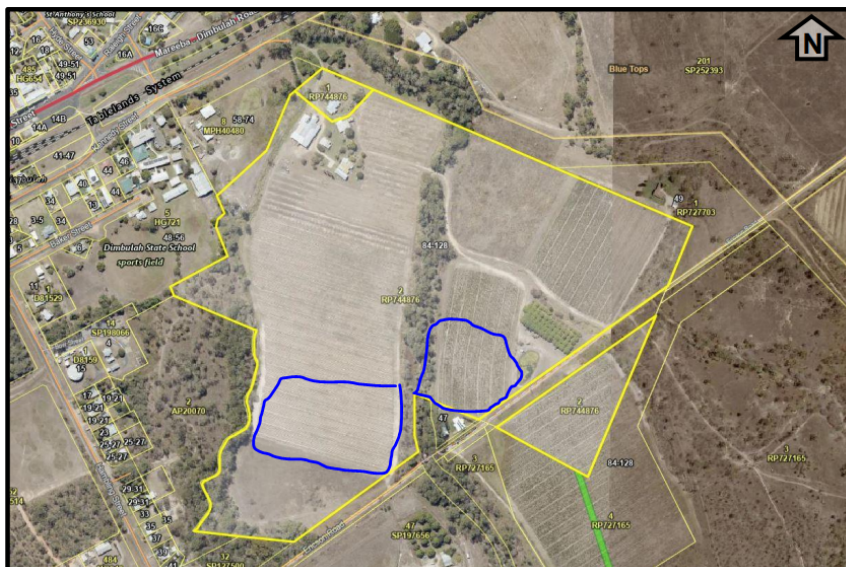
2. If the entire property is going to be utilised with this development (including the land close to our property) - What buffer measures are going to be put in place to ensure noise control is kept to a suitable standard?

3. We purchased and moved to 47 Ericson Road as we appreciate our privacy and being out of line of sight with neighbouring properties - what measures will be put in place to ensure this is maintained?

4. Where will the Park Areas and Open recreation areas with creek access be? Will camping be allowed in these areas? How close to our property will these areas be?



I have attached a map outlining the areas in which we have concerns will be used for this proposed development/tourist park and to help with answering the questions above.



We appreciate the time taken for addressing our current concerns and questions with this proposed development. We are more than happy to organise a meeting for further discussion on this proposal.

I look forward to hearing from you at your earliest convenience. If a meeting needs to be organised please feel free to contact me on 0487293399 or by email [sabatini.christopher@gmail.com](mailto:sabatini.christopher@gmail.com) to arrange this.

Kind Regards,

Christopher Sabatini

Document Set ID: 4376117  
Version: 1, Version Date: 27/06/2024

Phone: 0487293399

Email: [sabatini.christopher@gmail.com](mailto:sabatini.christopher@gmail.com)

Document Set ID: 4376117  
Version: 1, Version Date: 27/06/2024

**From:** "Michelle Brereton" <Michelle.Brereton@sunwater.com.au>  
**Sent:** Thu, 27 Jun 2024 16:21:55 +1000  
**To:** "Info" <info@msc.qld.gov.au>  
**Cc:** "Robyn Desrettes" <Robyn.Desrettes@sunwater.com.au>; "Andrew Cooper" <Andrew.Cooper@sunwater.com.au>  
**Subject:** ATTN: MSC Planning - Development Application MCU/24/0012 - Submission from Sunwater  
**Categories:** Added to ECM

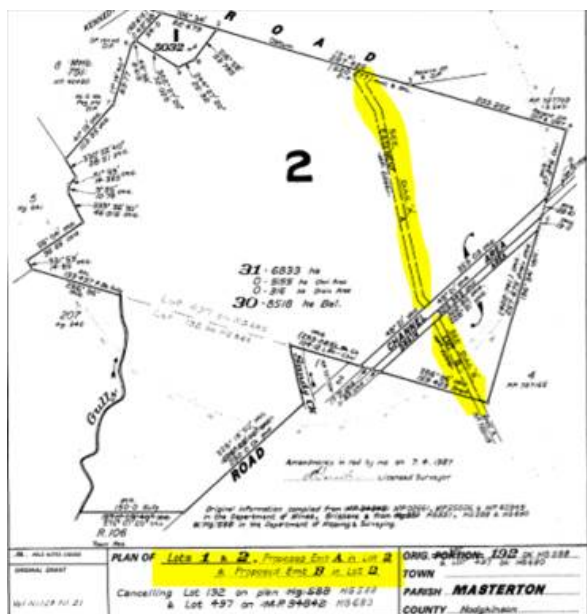
Restricted

Dear Sir/Madam

We refer to Development Application MCU/24/0012.

Sunwater has no immediate concerns in respect to the proposed development to accommodate a Tourist Park at 76-82, 84-128 Kennedy St, Dimbulah, provided that users of the park are restricted to the proposed footprint outlined on page 9 of the Planning Report prepared by Scope Town Planning.

Registered plan 744876 (below) indicates that Easement A and B were 'proposed' to be registered on Lot 2, however this did not eventuate. As a result, Sunwater infrastructure runs through the land without a registered easement.



Document Set ID: 4376179  
Version: 1, Version Date: 27/06/2024

Sunwater has identified a potential risk to its infrastructure in terms of a potential increase in load should the park expand or park users venture further into Lot 2 via the access road. However, Sunwater is willing to address the easement issue by working with the landowner to facilitate a registered easement over Sunwater's infrastructure on Lot 2.

Kind regards  
Michelle

**Michelle Brereton**  
Senior Property Advisor

**sunwater**

M 0439 414 290

E [Michelle.Brereton@sunwater.com.au](mailto:Michelle.Brereton@sunwater.com.au)

[sunwater.com.au](http://sunwater.com.au)

40 James Street Mareeba QLD 4880



*Sunwater acknowledges Aboriginal and Torres Strait Islander peoples as the first peoples of this country and Traditional Custodians of the land and water we rely on. We respect and value their continued sacred connection to Country, including the diverse, rich traditions, languages and customs that are the longest living in the world. We acknowledge their resilience in the face of significant and ongoing historical, cultural and political change within Australia. We recognise and value the importance of truth-telling today, and our role to listen and learn.*

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SunWater collects and uses your personal information to provide services and information to its customers, for its business operations and to comply with the law. Our [Privacy Policy](#) (which includes our Credit Reporting Policy) tells you how we usually collect, use and disclose your personal information, credit information and credit eligibility information and how you can ask for access to it or seek correction of it. Our Privacy Policy also contains information about how you can make a complaint and how we will deal with such a complaint. If you would like further information about our privacy policies or practices, please contact our [Privacy Contact Officer](#).

Document Set ID: 4376179  
Version: 1, Version Date: 27/06/2024

**8.4 M SEBESTYEN & Z SZARVAS - MATERIAL CHANGE OF USE - DUAL OCCUPANCY - LOT 2 ON SP287501 - 7B BLACK MOUNTAIN ROAD, KURANDA - MCU/24/0009**

**Date Prepared:** 3 July 2024  
**Author:** Coordinator Planning Services  
**Attachments:** 1. Proposal Plans [↓](#)  
 2. Submissions [↓](#)

**APPLICATION DETAILS**

APPLICATION		PREMISES	
<b>APPLICANT</b>	M Sebestyen & Z Szarvas	<b>ADDRESS</b>	7B Black Mountain Road, Kuranda
<b>DATE LODGED</b>	3 May 2024	<b>RPD</b>	Lot 2 on SP287501
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use – Dual Occupancy		
<b>FILE NO</b>	MCU/24/0009	<b>AREA</b>	3.663 hectares
<b>LODGED BY</b>	Scope Town Planning	<b>OWNER</b>	M Sebestyen & Z Szarvas
<b>PLANNING SCHEME</b>	Mareeba Shire Council Planning Scheme 2016		
<b>ZONE</b>	Rural Residential zone		
<b>LEVEL OF ASSESSMENT</b>	Impact Assessment		
<b>SUBMISSIONS</b>	Five (5)		

**EXECUTIVE SUMMARY**

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

The application is impact assessable and five (5) properly made submissions were received in response to public notification of the application.

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

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

**OFFICER’S RECOMMENDATION**

- That in relation to the following development application:

APPLICATION		PREMISES	
<b>APPLICANT</b>	M Sebestyen & Z Szarvas	<b>ADDRESS</b>	7B Black Mountain Road, Kuranda
<b>DATE LODGED</b>	3 May 2024	<b>RPD</b>	Lot 2 on SP287501
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use – Dual Occupancy		

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

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

And

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

(A) APPROVED DEVELOPMENT: Development Permit for Material Change of Use – Dual Occupancy

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
Figure 1	Aerial image of Development Site	-	-

(C) ASSESSMENT MANAGER’S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. Development must be carried out generally in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:
  - found necessary by Council’s delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
  - to ensure compliance with the following conditions of approval.
2. Timing of Effect
  - 2.1 The conditions of the development permit must be complied with to the satisfaction of Council’s delegated officer prior to the commencement of the use except where specified otherwise in these conditions of approval.
  - 2.2 Prior to the commencement of use, the applicant must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.
3. General
  - 3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure.
  - 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 and be screened from view from adjoining properties and road reserve by 1 metre wide landscaped screening buffer, 1.8m high solid fence or building.

3.7 Letterbox

Each unit is to be provided with an individual letter box.

3.8 Clothes Drying area

Sufficient area for clothes drying is to be provided in addition to the open space requirements of the units and is to be appropriately screened from view of adjoining properties and the street.

4. Infrastructure Services and Standards

4.1 Access

(a) The shared access crossover off Shiva Close be upgraded/constructed (from the edge of the Shiva Close road pavement for a distance of at least five (5) metres) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

(b) The layback kerb must be cut out as part of an upgraded concrete crossover to allow for a smoother transition between Shiva Close and the existing access driveway. A 40 mm lip is to be maintained along the kerb and channel.

(c) A signpost must be erected at the start of the access driveway to clearly identify the multiple properties being accessed via this single driveway. The colour of the sign post blades must be different to Council standard street name posts.

- (d) The applicant/developer is to make an application for driveway access onto a Council road. The application is to be accompanied by the relevant fee and will be required to certify or be assessed for compliance by Council's delegated officer.

#### 4.2 Stormwater Drainage/Water Quality

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

#### 4.3 Car Parking/Internal Driveways

The applicant/developer must ensure the development is provided with 2 undercover car parking spaces (1 per unit) and 1 visitor parking space (covered or uncovered), which are available solely for the parking of vehicles associated with the use of the premises.

All car parking spaces and internal driveways must be concrete sealed and appropriately drained prior to the commencement of the use and to the satisfaction of Council's delegated officer.

#### 4.4 Landscaping & Fencing

All established landscaping screens and fencing must be maintained for the life of the development.

#### 4.5 Lighting

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

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

#### 4.6 Water Supply

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).

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

Each dwelling unit is required to be separately metered.

#### 4.7 On-Site Wastewater Management



All on site wastewater disposal associated with the approved use must be in compliance with the latest version of On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of the Council's delegated officer.

(D) ASSESSMENT MANAGER'S ADVICE

- (a) An Adopted Infrastructure Charges Notice has been issued with respect to the approved development. The Adopted Infrastructure Charges Notice details the type of infrastructure charge/s, the amount of the charge/s and when the charge/s are payable.
- (b) The Adopted Infrastructure Charges Notice does not include all charges or payments that are payable with respect to the approved development. A number of other charges or payments may be payable as conditions of approval. The applicable fee is set out in Council's Fees & Charges Schedule for each respective financial year.
- (c) Compliance with applicable codes/policies

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

- (d) Environmental Protection and Biodiversity Conservation Act 1999

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

- (e) Cultural Heritage

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

- (f) Electric Ants

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

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

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

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

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

(E) RELEVANT PERIOD

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

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

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

- Nil

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

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

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

Development Type	Rate	Measure	Charge	Credit Detail	Balance
Dual Occupancy					
1 or 2 bed dwelling	\$12,432.00	1	\$12,432.00	\$6,216.00	\$6,216.00
3 or more bed dwelling	\$17,446.40	1	\$17,446.40	\$17,446.40	\$0.00
<b>TOTAL CURRENT AMOUNT OF CHARGE</b>					<b>\$6,216.00</b>

**THE SITE**

The subject site is situated at and is described as Lot 2 on SP287501. The site is irregular in shape with an area of 3.663 hectares and is zoned Rural Residential under the Mareeba Shire Council Planning Scheme 2016.

The site contains approximately 31 metres of frontage to Black Mountain Road which is constructed to bitumen sealed standard for the full length of this frontage. Access to the site is not achieved from Black Mountain Road, instead, the site is accessed from Shiva Close via access easements A and B on SP226638, which are established over the access handles of Lots 1 on SP256625 and Lot 1 on RP725539, situated adjacent the subject site. These two (2) easements form part of the application for access purposes only. A shared bitumen and gravel sealed access road of approximate width of 3 metres has been established over the two (2) easements. Shiva Close is constructed to a bitumen sealed standard from kerb to kerb.

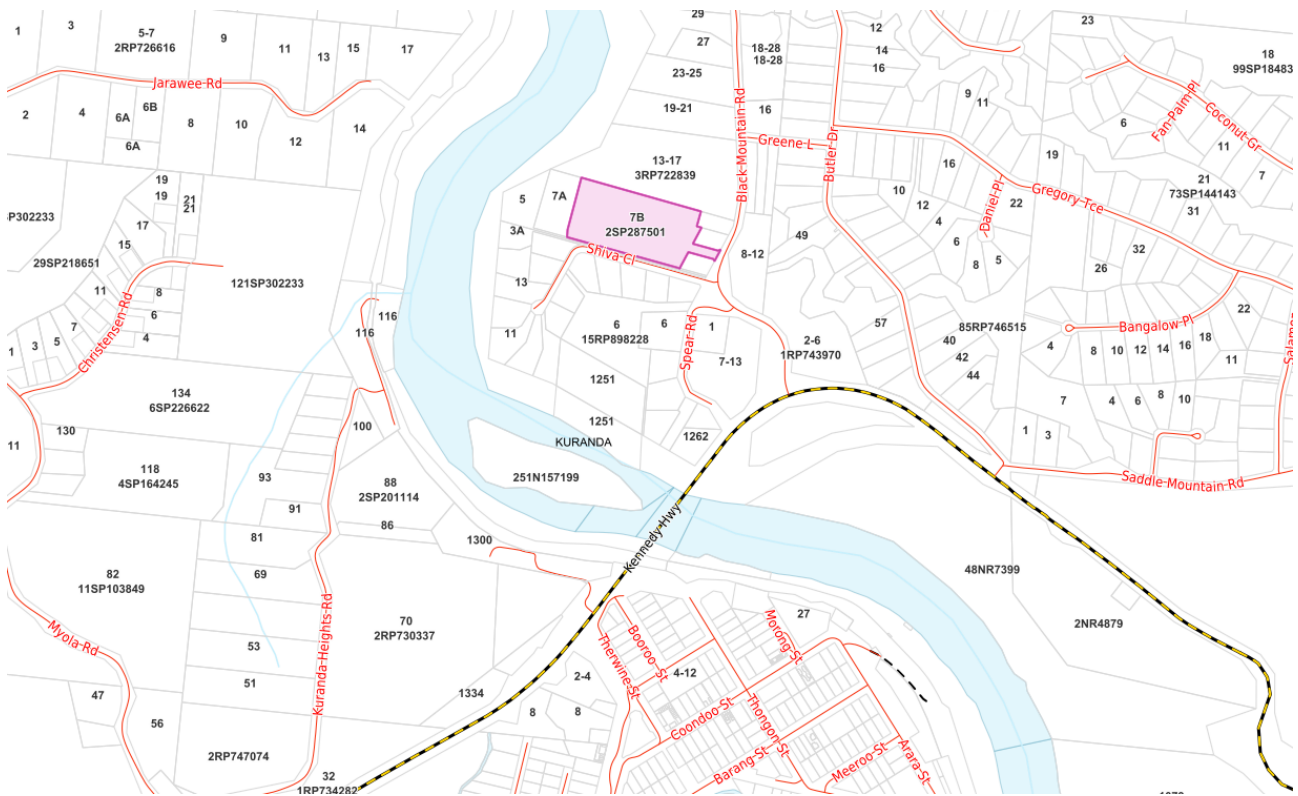
The site is predominantly covered in thick mature rainforest vegetation with the exception of a small portion of land in the south-west corner of the site. This cleared area contains the sites improvements which include the primary dwelling and a small cottage. The small cottage (located to the west of the primary dwelling) is presently used as a secondary dwelling (granny flat).

The site is connected to Council's reticulated water supply as well as electricity and telecommunications infrastructure. Allotments surrounding the site are zoned Rural Residential and are used for rural residential purposes.



Map Disclaimer:

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



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**BACKGROUND AND CONTEXT**

Nil

**PREVIOUS APPLICATIONS & APPROVALS**

- **DA/14/0058** – Host Farm (3 cabins)

Council, at its Ordinary Meeting held on 21 January 2015 approved development application DA/14/0058 for material change of use - host farm (3 cabins) on land described as Lot 4 on RP726331 and Easements A & B on SP226638, situated at Black Mountain Road and Shiva Close, Kuranda.

The secondary dwelling on the subject site was used as a host farm cabin until Lot 4 on RP726331 was subdivided in 2017 to create Lot 1 on SP287501 and Lot 2 on SP287501 (the subject site).

In 2018, the primary dwelling was constructed on the subject site and the former host farm cabin was converted to its current secondary dwelling (granny flat) use.

- **Housing Crisis – Planning Regulation 2017**

On 26 September 2022, the Queensland Government made an amendment to the *Planning Regulation 2017* to allow homeowners to rent out secondary dwellings to any person/s. Prior to this amendment, secondary dwellings were required to be occupied by a relative of the homeowner.

No expiry date was given for this amendment and it is likely to be extremely difficult to reverse the impact of this amendment at any point in the future.



**DESCRIPTION OF PROPOSED DEVELOPMENT**

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

The applicant describes the proposed development as follows:

*“The proposed development is the Material Change of Use from a single Dwelling to a Dual Occupancy use utilizing the existing Dwelling Houses on the property. Both existing Dwellings will be retained in their current form and no additional Building Work or Operational Work is required for the proposed use to commence.*

*Both Dwellings are located on the property fronting Black Mountain Road with access obtained via Easement A on SP226638 burdening Lot 1 on RP725539 and B on SP226638 burdening Lot 1 on SP256625. These adjoining Easements contain a sealed driveway accessed via Shiva Close and service properties 3A, 3B, 5, 7A and 7B.*

*Infrastructure required to service the site is accessible via the Shiva Close frontage including site access, Reticulated Electricity, Telecommunications and Water network connections. The property is serviced by the Council Waste Collection service. The existing Dwellings are serviced by on-site effluent disposal systems.*

*The existing dwellings are serviced by a reticulated Electrical Network connection supplied via Shiva Close by underground electricity infrastructure. The electricity supply is metered separately for each Dwelling and will be retained.*

*The site is serviced by Telstra and NBN Co. hard lines connecting the site to the reticulated telecommunications network situated in the Shiva Close and Black Mountain Road reserves. The connections will be retained for use by the existing dwellings and are sufficient for the proposed use.”*

**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. Kuranda is identified as a Village Activity Centre in the Regional Plan. The Regional Plan Map 3- ‘Areas of Ecological Significance’ also identifies the site is:

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

**PLANNING SCHEME DESIGNATIONS**

Strategic Framework:	<b>Land Use Categories</b> <ul style="list-style-type: none"> <li>• Rural Residential Area</li> </ul> <b>Natural Resource Elements</b> <ul style="list-style-type: none"> <li>• Biodiversity Area</li> </ul> <b>Transport Elements</b> <ul style="list-style-type: none"> <li>• Local Collector Road</li> </ul>
Zone:	Rural Residential zone
Overlays:	Airport Environs Overlay Bushfire Hazard Overlay Environmental Significance Overlay

	Flood Hazard Overlay Hill and Slope Overlay Residential Dwelling House and Outbuilding Overlay Scenic Amenity Overlay Transport Overlay
--	---

**Planning Scheme Definitions**

The proposed use is defined as:

<b>Column 1 Use</b>	<b>Column 2 Definition</b>	<b>Column 3 Examples include</b>	<b>Column 4 Does not include the following examples</b>
Dual occupancy	Premises containing two dwellings, each for a separate household, and consisting of: <ul style="list-style-type: none"> <li>• a single lot, where neither dwelling is a secondary dwelling or</li> <li>• two lots sharing common property where one dwelling is located on each lot.</li> </ul>	Duplex, two dwellings on a single lot (whether or not attached), two dwellings within one single community title scheme under the <i>Body Corporate and Community Management Act 1997</i> , two dwellings within the one body corporate to which the <i>Building Units and Group Title Act 1980</i> continues to apply	Dwelling house, multiple dwelling

**RELEVANT PLANNING INSTRUMENTS**

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

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

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

**(B) State Planning Policy**

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

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

**Strategic Framework**

**3.3 Settlement pattern and built environment**

**3.3.1 Strategic outcomes**

- (4) *Rural residential areas* are intended to support rural residential development of varying densities, to prevent further fragmentation and alienation of *rural areas*, *conservation areas* and *biodiversity areas* within the regional landscape. *Rural residential areas* predominantly maintain the current density of development, with infill subdivision of *rural residential areas* generally limited to identified areas where consistent with the desired character and where adequate services and infrastructure are available or can be adequately and cost-effectively provided.

Comment

The existing dwelling density on Shiva Close (excluding the subject site) is one (1) dwelling per 5,786m<sup>2</sup>.

The proposed development represents one (1) dwelling per 18,315m<sup>2</sup> of the subject site.

The post development Shiva Close dwelling density would be one (1) dwelling per 6,925m<sup>2</sup>.

The density being proposed by this application is consistent with Shiva Close and will not adversely impact on the established amenity.

**3.3.10 Element—Rural residential areas**

**3.3.10.1 Specific outcomes**

- (2) Infill development within *rural residential areas* occurs only where appropriate levels of infrastructure are available and provided, the existing rural living character can be maintained and an *activity centre* is proximate.

Comment

The existing dwelling density on Shiva Close (excluding the subject site) is one (1) dwelling per 5,786m<sup>2</sup>.

The proposed development represents one (1) dwelling per 18,315m<sup>2</sup> of the subject site.

The post development Shiva Close dwelling density would be one (1) dwelling per 6,925m<sup>2</sup>.

The density being proposed by this application is consistent with Shiva Close and will not adversely impact on the established amenity.

**3.3.14 Element—Natural hazard mitigation**

**3.3.14.1 Specific outcomes**

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

Comment

The established level of risk will not be altered by the proposed development. Each dwelling house will continue to be occupied as it currently is.

Neither dwelling house is sited within a flood or landslide hazard area. The larger dwelling house is partly within the bushfire potential impact buffer. Shiva Close acts as a reasonable firebreak between the dwelling house and the relevant area of medium potential bushfire hazard.

### 3.4 Natural resources and environment

#### 3.4.1 Strategic outcomes

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

#### Comment

The entirety of the subject site is mapped as wildlife habitat.

The proposed development does not involve further clearing, new building work or notably more people living within a wildlife habitat area.

The proposed development is essentially a terminology change from secondary dwelling to dual occupancy.

#### 3.4.4 Element—Biodiversity areas

##### 3.4.4.1 Specific outcomes

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

#### Comment

The entirety of the subject site is mapped as wildlife habitat.

The proposed development does not involve further clearing, new building work or notably more people living within a wildlife habitat area.

The proposed development is essentially a terminology change from secondary dwelling to dual occupancy.

#### 3.5.4 Element—Scenic amenity

##### 3.5.4.1 Specific outcomes

- (1) Areas of high scenic amenity (such as *scenic routes*) are protected from development which is visually inappropriate, obtrusive, unattractive or insensitive. *Scenic routes* include:
  - (a) Great Tropical Drive;
  - (b) Savannah Way;
  - (c) Wheelbarrow Way;
  - (d) Black Mountain Road;



- (e) Barron Falls Road;
- (f) The Great Inland Way;
- (g) Kuranda Range; and
- (h) Rex Range

Comment

The Planning Scheme's Scenic Overlay applies a 500 metre buffer to the Kennedy Highway at Kuranda.

Whilst the 500 metre buffer covers most of the subject site, the existing dwelling houses are outside of the buffer area.

### **3.6 Transport and infrastructure**

#### **3.6.1 Strategic outcomes**

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

Comment

The proposed development will not lead to an increase in traffic movements on Shiva Close.

The development will be conditioned to require the upgrade of the existing access crossover and to provide one (1) designated visitor carpark.

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

Comment

The development will be conditioned to require the upgrade of the existing access crossover and to provide one (1) designated visitor carpark.

All other infrastructure complies.

#### **3.6.2 Element—Road network**

##### **3.6.2.1 Specific outcomes**

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

Comment

The development will be conditioned to require the upgrade of the existing access crossover and to provide one (1) designated visitor carpark.

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

#### **3.6.7.1 Specific outcomes**

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

Comment

Complies.

- (4) In areas not serviced by reticulated sewerage, on-site effluent disposal systems ensure the environment or amenity is not adversely impacted.

Comment

Complies.

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

#### **3.6.8.1 Specific outcomes**

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

Comment

Complies.

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

#### **3.6.9.1 Specific outcomes**

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

Comment

Complies.

### **3.6.10 Element—Energy supply**

#### **3.6.10.1 Specific outcomes**

- (1) Adequate, sustainable, reliable and secure electricity supply infrastructure is provided to the shire, including new development.

Comment

Complies.

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

#### **3.6.11.1 Specific outcomes**

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

Comment

Complies.

**Relevant Developments Codes**

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

- 6.2.10 Rural residential zone code
- 8.2.2 Airport environs overlay code
- 8.2.3 Bushfire hazard overlay code
- 8.2.4 Environmental significance overlay code
- 8.2.6 Flood hazard overlay code
- 8.2.8 Hill and slope overlay code
- 8.2.11 Scenic amenity overlay code
- 9.3.1 Accommodation activities code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access code
- 9.4.5 Works, services and infrastructure code

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

Relevant Codes	Comments
Rural residential zone code	The application complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.  Further discussion is warranted regarding the following performance outcome: <ul style="list-style-type: none"> <li>• Performance Outcome PO4</li> </ul> Refer to planning discussion section of report for commentary.
Airport environs overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Bushfire hazard overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.

Environmental significance overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Flood hazard overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Hill and slope overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Scenic amenity overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Accommodation activities code	<p>The application complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.</p> <p>Further discussion is warranted regarding the following acceptable outcome:</p> <ul style="list-style-type: none"> <li>• Acceptable Outcome AO1</li> </ul> <p>Refer to planning discussion section of report for commentary.</p>
Landscaping code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Parking and access code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Works, services and infrastructure code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.

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

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

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

**(E) Adopted Infrastructure Charges Notice**

A 20% discount is applied due to no sewerage infrastructure.

The subject site has the following infrastructure charge credits:

- Primary dwelling - \$17,446.40

- Secondary dwelling (former host farm cabin) - \$6,216.00

Conversion of the secondary dwelling to dual occupancy attracts a charge of \$12,432.00 (for a 1 or 2 bedroom dwelling). Applying the former host farm cabin credit, the proposed development attracts a charge of **\$6,216.00**.

**REFERRAL AGENCY**

This application did not trigger referral to a Referral Agency.

**Internal Consultation**

Not applicable.

**PUBLIC NOTIFICATION**

The development proposal was placed on public notification from 23 May 2024 to 13 June 2024. The applicant submitted the notice of compliance on 14 June 2024 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

Five (5) properly made submissions were received.

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

Grounds for objection /support	Comment
<p>Concerned about more traffic and potential for increased wildlife strikes</p>	<p>Both dwellings are already established on-site and both are currently occupied.</p> <p>The proposed development is effectively a name change from secondary dwelling to dual occupancy.</p> <p>The impacts of the proposed development, including traffic movements, is not expected to be any greater than what is already occurring on-site.</p> <p>The development will be conditioned to formalise a visitor parking space and improve the current access off Shiva Close</p>
<p>The subject site uses a shared access that is inadequate for the existing land uses and would be made worse by further development.</p> <p>The access is difficult/confusing for vehicles to find leading to u-turns on Shiva Close and annoyance to residents.</p>	<p>The upgrade of access off Shiva Close will be conditioned.</p> <p>The layback kerb must be cut out as part of a new concrete crossover to allow for a smoother transition between Shiva Close and the existing asphalt access driveway.</p> <p>A signpost will be required at the start of the access driveway to more clearly identify the multiple properties being accessed via this single driveway.</p>
<p>Lack of on-site carparking has caused vehicles to park on Shiva Close verges, damaging lawns and creating a hazard.</p>	<p>The development will be conditioned to require the provision of a dedicated visitor parking space.</p>
<p>Potential for more noise nuisance. Subject site was previously used a halfway house, with associated antisocial behaviour.</p>	<p>This is a potential risk with the occupation of any dwelling house and is not unit to the proposed development.</p>
<p>This development may be a first step to more development.</p>	<p>Any future development will need to be assessed against the planning scheme in force at the time it is proposed. The current</p>

	development is limited to what has been outlined in the application documentation.
--	--

**Submitters**

Name of Principal submitter	Address
1. A Hopkinson	7A Black Mountain Road, Kuranda QLD 4881 <a href="mailto:Alyboo.torrguy@gmail.com">Alyboo.torrguy@gmail.com</a>
2. M Taylor	3 Shiva Close, Kuranda QLD 4881 <a href="mailto:Meaganjane.tyler84@gmail.com">Meaganjane.tyler84@gmail.com</a>
3. D Callaghan	4 Shiva Close, Kuranda QLD 4881 <a href="mailto:Darrell.callaghan@hotmail.com">Darrell.callaghan@hotmail.com</a>
4. S Callaghan	4 Shiva Close, Kuranda QLD 4881 <a href="mailto:sophiehcallaghan@gmail.com">sophiehcallaghan@gmail.com</a>
5. J Walkerden	3 Shiva Close, Kuranda QLD 4881 <a href="mailto:jimmywalkerden@gmail.com">jimmywalkerden@gmail.com</a>

**PLANNING DISCUSSION**

Compliance with Performance Outcome PO4 of the Rural Residential zone code and PO1 of the Accommodation Activities code is discussed below:

**Rural Residential zone code**

***Accommodation Density***

***PO4***

*The density of Accommodation activities:*

- (a) contributes to housing choice and affordability;*
- (b) respects the nature and density of surrounding land use;*
- (c) does not cause amenity impacts beyond the reasonable expectation of accommodation density for the zone; and*
- (d) is commensurate to the scale and frontage of the site.*

***AO4***

*Development provides a maximum density for Accommodation activities of 1 dwelling or accommodation unit per lot.*

Comment

The proposed development would result in two dwellings on the subject lot and would conflict with AO4.

Assessment is therefore required against PO4.

The proposed development would contribute to housing choice and housing supply. An increase in housing supply would aid in housing affordability.

The existing dwelling density on Shiva Close (excluding the subject site) is one (1) dwelling per 5,786m<sup>2</sup>.

The proposed development represents one (1) dwelling per 18,315m<sup>2</sup> of the subject site.

The post development Shiva Close dwelling density would be one (1) dwelling per 6,925m<sup>2</sup>.

The density being proposed by this application is consistent with Shiva Close and will not adversely impact on the established amenity.

The development complies with PO4.

### **Accommodation Activities code**

#### ***All Accommodation activities, apart from Dwelling house***

##### ***PO1***

*Accommodation activities are located on a site that includes sufficient area:*

- (a) to accommodate all buildings, structures, open space and infrastructure associated with the use; and*
- (b) to avoid adverse impacts on the amenity or privacy of nearby land uses.*

##### ***AO1***

*Development is located on a site which provides the applicable minimum site area and minimum road frontage specified in Table 9.3.1.3B.*

#### **Comment**

Table 9.3.1.3B does not nominate a minimum site area and frontage for dual occupancy in the Rural Residential zone.

The dimensions exceed the largest minimum area and frontage identified in Table 9.3.1.3B.





**From:** "Alan Hopkinson" <alyboo.torryguy@gmail.com>  
**Sent:** Fri, 24 May 2024 11:26:35 +1000  
**To:** "Info" <info@msc.qld.gov.au>  
**Subject:** Proposed Development  
**Categories:** Added to ECM;Erika

My name is Alan Hopkinson, i live next door at 7A Black Mountain rd. My concerns are more vehicle traffic in the area as we live on a quiet road with a lot of native animals, Cassowary, Paddy melons, bandicoots ect. These animals are getting run over fairly regularly by drivers driving too fast on this small road.

Another concern is more noise pollution, we moved up to this tropical paradise to escape noise and chaos. 7B was used as a halfway house for some time and we could hear the yelling and screaming on a constant basis, this is not what we want to live next too.

And finally i am concerned that this may be a first step to the development of the entire property belonging to Mr Sebestyen and we do not need any more development in this diminishing rain-forest habitat.

Kind Regards

Alan Hopkinson

**From:** "Darrell Callaghan" <darrell.callaghan@hotmail.com>  
**Sent:** Wed, 5 Jun 2024 14:29:07 +1000  
**To:** "Info" <info@msc.qld.gov.au>  
**Subject:** Submission-Objection Proposed Development MCU/Dual Occupancy MCU/24/009  
**Categories:** Erika;Added to ECM

To Whom it May Concern,

I would like to address and object to the Proposed development on Black Mountain Road / Shiva Close Kuranda.

First of all no signage for these houses is currently present which outlines that are part of Black Mountain Road except a small sign on the mail box.

People regularly ask where these houses are including delivery drivers.

The increase traffic down our street we are having issue with including people parking on our front lawn or across the road. I would suggest insufficient parking is the cause of this problem.

I have spoken to the Police just last month in regards to a vehicle parked on our verge outside our house for 2 days.

Access road to these properties from Shiva Close doesn't even have a Kerb that is cutout out to join Shiva Close to make it look a street or maintained.

Also the driveway which is photographed below is for houses if I am not mistaken 3,5,7A and 7B which is opposite No 3 Shiva Close which causes further confusion as people think we are no 5 Black Mountain road.



Document Set ID: 4367866  
Version: 1, Version Date: 05/06/2024



Kind Regards,

Darrell Callaghan  
4 Shiva Close Kuranda  
darrell.callaghan@hotmail.com  
0417 648 744 Mobil

Document Set ID: 4367866  
Version: 1, Version Date: 05/06/2024

**From:** "Jimmy" <jimmywalkerden@gmail.com>  
**Sent:** Mon, 10 Jun 2024 08:26:45 +1000  
**To:** "Info" <info@msc.qld.gov.au>  
**Subject:** Proposed Development DCA/24/0009  
**Categories:** Erika;Added to ECM

To Brian Millard / Whom it may concern,

I am writing to object to the proposed development on Black Mountain Road / Shiva Close DCA/24/0009.

As I'm sure you are aware the access this block is via a little driveway located on Shiva close. This little driveway is the access for numerous Black Mountain Road addressed dwellings including number 3, 3a, 5, 7a, 7b and 7b2.

Due to the number of people at these addresses, and multiple vehicles that we all seem to have these days, this little unsigned, unlit, potholed driveway, accessed by a gap in the grass, driving over the gutter receives quite a bit of traffic daily.

In addition to this most days of the week we have vehicles parked in the street, often on the lawn out the front of my house (3 Shiva Close), on the lawn out the front of my neighbours house (4 Shiva Close) or on the lawn over the road. Due to this and from vehicles repeatedly using our lawns to U-turn on, when they can't find this access road or choose not to use the difficult driveway, I am continually repairing the wheel tracks in my lawn. I have had multiple incidents regarding this of which the police have now been involved on a few occasions. I would suggest this is due to the inadequacy of this access road, lack of acceptable car parking and room for turning around.

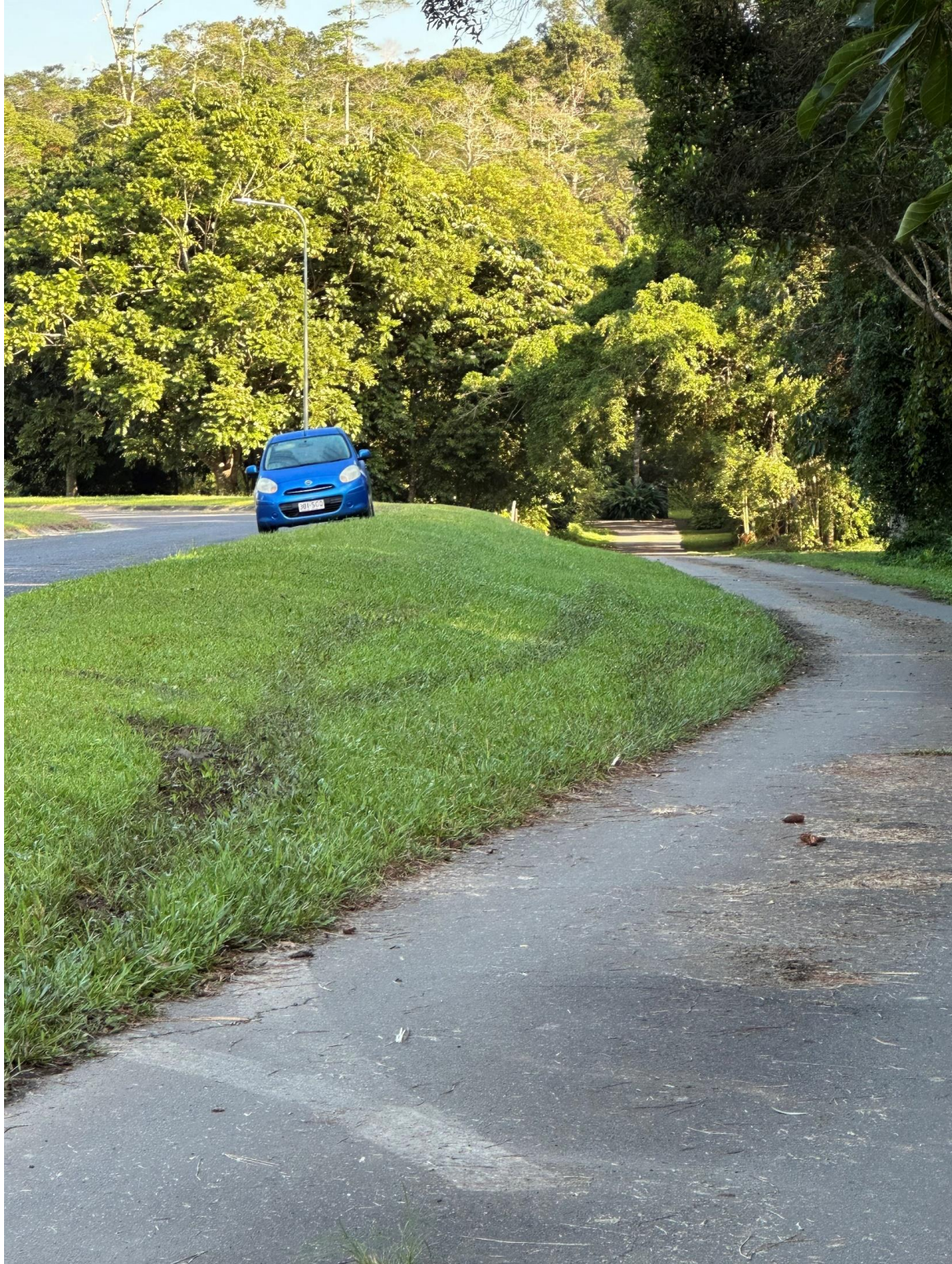
This access road is directly opposite my driveway, which also causes considerable confusion. We regularly have delivery drivers and visitors asking for directions or trying to access our property, on occasion very late at night.

Obviously this little access was never intended to deal with this volume of traffic and I feel any further developments to these Black Mountain addresses would only exacerbate these issues further.

Attached are a few photos to try to help clarify these issues.

Regards  
Jimmy Walkerden

















**From:** "Meagan Jane Tyler" <meaganjane.tyler84@gmail.com>  
**Sent:** Wed, 5 Jun 2024 09:58:51 +1000  
**To:** "Info" <info@msc.qld.gov.au>  
**Subject:** Subject : Submission-Objection Proposed Development MCU/Dual Occupancy MCU/24/009  
**Categories:** Erika;Added to ECM

Dear MSC,

I am writing to you in regards to the proposed development on black mountain road  
MCU/24/2009

My concerns is with the driveway for 7b, I am the home owner of number 3 shiva CL and our driveway is opposite 7b which is a shared driveway for number 3 5 7a and 7b

We already have alot of traffic going down that driveway and we also get a lot of cars thinking that our house is 3 5 7a A7b because of google maps. We are getting more and cars parked in shiva close because the access road to the property on black mountain down have enough room.

Please see attached photos of the driveway which I have concerns with.

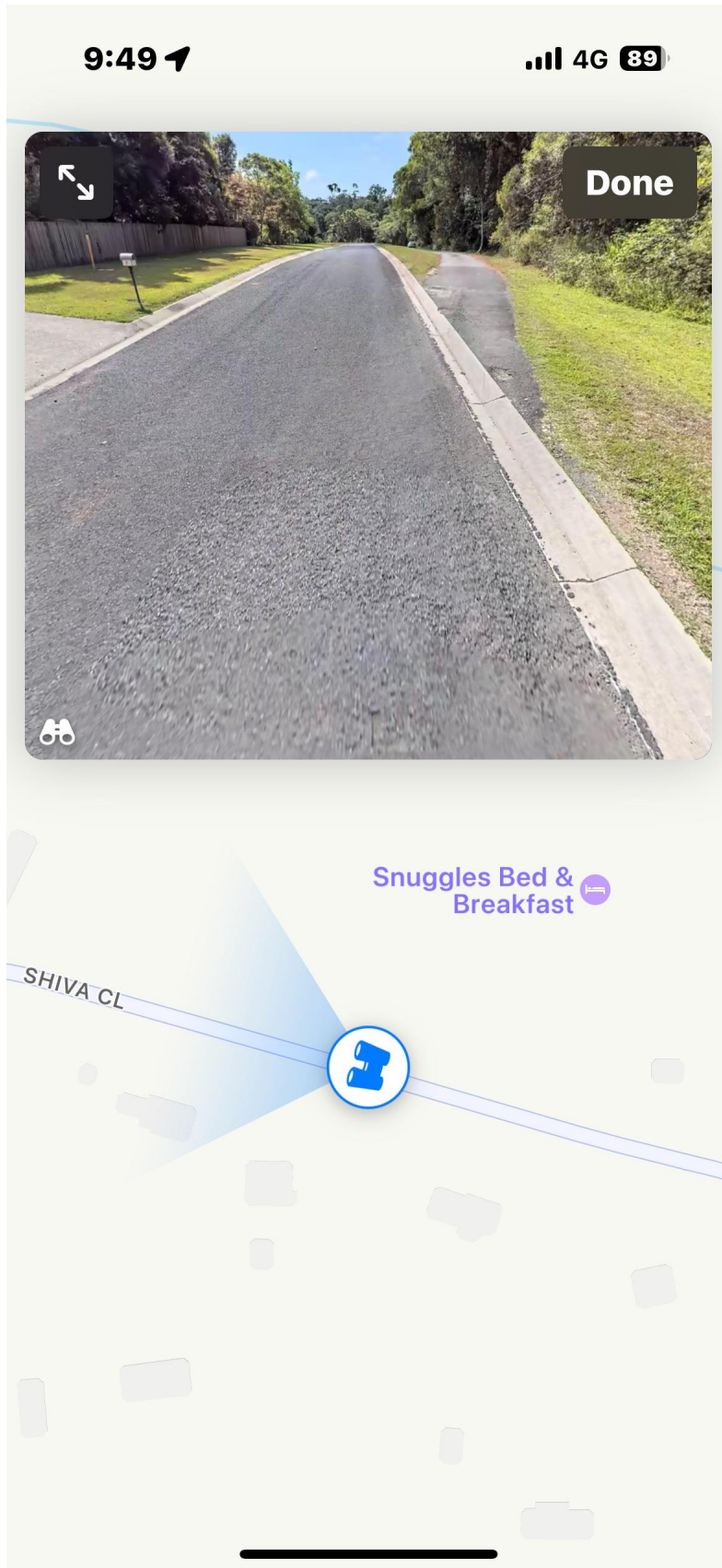
Kind regards  
Meagan Tyler  
3 shiva Cl, Kuranda QLD 4881











**From:** "Sophie Callaghan" <sophiecallaghan@gmail.com>  
**Sent:** Thu, 6 Jun 2024 16:19:28 +1000  
**To:** "Info" <info@msc.qld.gov.au>  
**Subject:** Proposed development on Shiva Close/Black Mountain Road

To whoever it may concern

I would like to lodge an objection to the Proposed development on Black Mountain Road / Shiva Close Kuranda.

To find these houses there is no signage except a small sign on the mail boxes. This causes confusion with people trying to locate the properties and delivery asking where they are.

Increase traffic is causing issues with parking as cars are being parked on our property and across from our driveway which can be a hazard.

A police report was phoned in for a vehicle left on our verge for 2 days without being moved.

Road access to these properties is from Shiva Close and not a gazetted road which is causing me to believe the road is not maintained.

The road access noted above is for 3,5,7A and 7B which is opposite No 3 Shiva Close is causing further confusion as to what address we are either Black Mountain Road or Shiva Close.

Kind regards  
Sophie Callaghan  
0478720560

**8.5 COUNCIL POLICY REVIEW****Date Prepared:** 11 July 2024**Author:** Coordinator Governance & Compliance**Attachments:**

1. Community Management of Halls and other Council Land and Facilities Policy [↓](#)
2. Community Tenure Guidelines [↓](#)

**EXECUTIVE SUMMARY**

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

**RECOMMENDATION**

That Council:

1. Repeals the:
  - (a) Community Management of Halls and other Council Land and Facilities Policy – adopted 24 January 2024;
  - (b) Community Tenure Guidelines – adopted 15 April 2024.
2. Adopts the:
  - (a) Community Management of Halls and other Council Land and Facilities Policy;
  - (b) Community Tenure Guidelines.

**BACKGROUND**

The amendments to the policy and guideline outlined below and in the attached documents relate to changes in responsibilities for Type 4 Community Tenures. This change means a Community Hall Management Committee is no longer responsible for the maintenance of fire safety equipment and inspections of Residual Current Devices and electrical equipment at the respective hall. This maintenance will be undertaken by Council in acknowledgement of the work undertaken for the benefit of the community by the volunteer management committees for the following halls:

- Julatten Hall, Geraghty Park
- Koah Hall
- Mt Molloy Hall
- Mutchilba Hall

***Community Management of Halls and other Council Land and Facilities Policy*****Purpose**

To set out the community tenure arrangements and levels of Council subsidy for the community management of Council owned halls, land and other facilities, on a non-exclusive basis for community use and benefit.

**Summary of amendments**

1. Section 4 Community Group and Council Responsibilities table of responsibilities Type 4 Community Tenure – omit checks from Management Group column items 9 and 10; insert cross into Council column; apply formatting
2. Section 4 Community Group and Council Responsibilities Explanatory Notes Items 9-10 – omit words assigning responsibility for test and tag to Management Group; insert words assigning responsibility for test and tag to Council; apply formatting;
3. Section 4 Community Group and Council Responsibilities Explanatory Notes Item 13 – omit para 4; insert modernised para 5 water and electricity responsibilities;
4. Section 4 Community Group and Council Responsibilities Explanatory Notes Items 15-16 – para 4 omit reference to Type 3 tenure; insert new para 5 assigning maintenance responsibilities;
5. Section 4 Community Group and Council Responsibilities Explanatory Notes Item 17 – omit reference to Type 2 tenure;
6. Section 4 Community Group and Council Responsibilities Explanatory Notes Item 18 – omit reference to Type 2 tenure;

All remaining content continues as relevant for a further term.

***Community Tenure Guidelines*****Purpose**

To set out the approval and administration of community tenure arrangements for the community's use of Council land and facilities in a fair, consistent, and transparent manner which is affordable to both community groups and ratepayers.

**Summary of Amendments**

1. Section 3.3 Types of Community Tenure and Responsibilities of Community Groups table Type 4 column – omit check from item 9 Management Group column and insert check Council column;
2. Section 3.3 Types of Community Tenure and Responsibilities of Community Groups table Type 4 column – omit check from item 10 Management Group column and insert check Council column;
3. Section 3.3 Types of Community Tenure and Responsibilities of Community Groups table Type 4 column – insert check into Council column;
4. Section 3.3 Types of Community Tenure and Responsibilities of Community Groups Explanatory Notes – Items 9-10 update wording to assign responsibilities for multi-sue facilities;



5. Section 3.3 Types of Community Tenure and Responsibilities of Community Groups  
Explanatory Notes – Item 13 omit final sentence para 3 and omit para 4;

All remaining content continues as relevant for a further term.

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

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

Nil

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

Nil

#### **LINK TO CORPORATE PLAN**

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

#### **IMPLEMENTATION/COMMUNICATION**

Policy library and website updated to publish.



## Community Management of Halls and other Council Land and Facilities Policy

Policy Type	Governance Policy	Version:	3.1
Responsible Officer	Manager Customer & Community Services	Date Approved:	21/08/2024
Review Officer:	Manager Customer & Community Services	Review Due:	24/12/2027
Author:	Manager Customer & Community Services	Commencement:	21/08/2024

### 1. PURPOSE

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The purpose of this policy is to set out the community tenure arrangements and levels of Council subsidy for the community management of Council owned halls, land and other facilities, on a non-exclusive basis for community use and benefit.

This policy covers community tenure arrangements where a local management group of community members is managing:

1. A council hall on behalf of the community for use by community members with the aim of increasing utilisation of the Council owned hall; or
2. Improvements to a parcel of Council land or establishment of a facility on Council land that has been initiated and led by the management group on behalf of the community for free public access and use of the land or facility.

This policy:

- Sets out the level of Council subsidy and management group responsibilities for each type of community tenure;
- Provides clarity on the scope and purpose of non-exclusive community management agreements;
- Defines the relationships and responsibilities of Council, management groups and facility users;
- Details a partnership approach to the community management of halls, land or other facilities, where Council supports management groups to manage the asset.

Through the provision of a coherent policy framework for management groups, Council will ensure that fair, equitable and ongoing usage is achieved for community groups and residents.

### 2. SCOPE

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This policy applies to:

## Community Management of Halls and Other Council Land and Facilities Policy

- Type 4 Community Tenure: Community management of Council owned halls by a local management group on behalf of the community; and
- Type 5 Community Tenure: Community management of Council land or facilities by a local management group on behalf of the community for free public use and access.

This policy does not apply to the following types of tenure arrangements with community groups which are covered by other Council policies and procedures:

- Commercial leases with businesses operating for the profit or gain of its individual members;
- Agreements for exclusive use of defined land and facilities or space within a multi-purpose Council facility (Type 1, 2 and 3 Community Tenure);
- Casual hall hire arrangements.

### **3. POLICY STATEMENT**

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Council recognises the significant community benefits to be gained by supporting the community management of halls, land and other facilities such as sports fields, tennis courts and amenities blocks, in towns and districts in the shire.

The community management of these assets is a commitment by Council to re-position community halls, land and facilities in local communities as well used and valued community assets. Community management groups responsible for the management of the hall, land or facility are drawn from the community serviced by the asset. They have intimate knowledge of how best to manage the land or facility to increase usage in ways that suit unique local characteristics and issues.

The asset is, and will remain, the property of Council, however the issuing of a non-exclusive community Management Agreement enables the management group to manage the asset on a long-term basis as it sees fit.

#### **3.1 OBJECTIVES**

- Support local management groups to manage community halls, land or facilities to become well used and valued spaces for a diverse range of community, recreational and sporting activities, to enhance community connectedness, liveability and wellbeing in the Shire.
- Support the management group to competently manage usage and the asset as they see fit.
- Increase the capacity of the management group by providing security of tenure to occupy and invest in assets and access grants for the benefit of the community.
- Outline Council's level of subsidy and the responsibilities held by Council and the Management Group to manage the asset.
- Ensure decisions regarding non-exclusive community management agreements are made in a transparent, consistent and fair manner, whilst allowing some flexibility to take into account special circumstances.

**Community Management of Halls and Other Council Land and Facilities Policy****3.2 ELIGIBILITY****Definition of Management Group**

For the purposes of this policy, eligible management groups are not-for-profit community groups which manage and operate Council owned halls, land and other facilities, on a non-exclusive basis, for the benefit of the community rather than for the primary benefit of the group's members.

A management group eligible to enter into a non-exclusive agreement is defined as:

- a) A not for profit, incorporated, group or association of persons with the primary aim of providing services for community benefit;
- b) A community group that relies predominantly on volunteer labour, community fundraising, membership fees and donations; and
- c) A community group that does not receive state or federal government operational grants and does not rely on a fee for service business model.

**General Exclusions**

This policy excludes the following groups and facilities:

- a) Groups who do not meet the definition of a community group as defined in this policy, Section 3.2;
- b) Facilities where community groups undertake only commercial activities;
- c) Community assets that are managed by community groups under an exclusive use agreement, for example sporting clubs;
- d) Political groups and
- e) Community groups where religious worship is the primary purpose.

**Exception**

Council will consider negotiating a subsidised community tenure arrangement with a not-for-profit community organisation that does not meet the definition of an eligible Community Group at Section 3.2, should the community group request non-exclusive use of Council land, facilities or premises to lead and develop a community asset for community benefit including free public access.

The terms and conditions of the tenure agreement will be in accordance with the relevant Type Four or Type Five Community Tenure level of Council subsidy with approval by Resolution of the Council.

**3.3 TYPE FOUR COMMUNITY TENURE – COMMUNITY MANAGEMENT OF COUNCIL HALLS****a) Management Group**

- The eligible management group must be a not-for-profit incorporated legal body that can insure and protect members, conduct activities or improve facilities for community benefit.
- The primary focus of the management group is to ensure the fair, equitable and ongoing usage of the hall by the management group, community groups, clubs, associations, societies, the general public and Council.

Community Management of Halls and Other Council Land and Facilities Policy
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- The management group will manage the day-to-day operation of the hall in accordance with the terms and conditions of the Community Management of Council Halls Agreement and will be responsible for operating expenses.
- The management group will aim to manage bookings and activities in such a way as to ensure full utilisation of the hall.
- Full and adequate books of accounts and booking records will be established and kept by the management group and provided to Council on request.
- The management group will provide Council with a copy of their annual general meeting (AGM) minutes.
- The management group will provide Council with usage information by the first working day of each month, or as requested. The information required will be agreed to between Council and the management group.
- Where the management group is also a user group of the hall, the management group agrees to adopt a usage plan detailing how the facility will be available to user groups 80% of the time.

**b) Council Assistance**

- Council recognises the community benefits from the efforts of volunteer management groups managing Council-owned halls to increase the community's use of the halls. The primary beneficiaries are community members and rate payers, and not the management group's members. Therefore, Council provides a significant level of assistance to support the tenure arrangement.
- The management group and Council share maintenance responsibilities and Council is responsible for major maintenance. Council does not charge the management group rates and utilities for the hall and may cover other costs depending on the layout of the facility e.g., public toilet cleaning and grounds maintenance.
- This level of subsidy is fair and reasonable as the group is managing the hall on behalf of the community for community benefit, yet halls have some revenue raising capacity which the management group can use to cover operating expenses such as power and cleaning.

**c) Community Management of Council Halls Agreement**

- A non-exclusive Community Management of Council Halls Agreement (Agreement) grants the management group the right to operate, use and manage the hall in accordance with the Management Agreement and the usage plan.
- The Agreement will commence on the date it is executed and continues in perpetuity until Council or the management group provides written notice to the other party, three months prior to the intended end date of the agreement, or in the case that the management group ceases to operate.
- The management group can request a management agreement for a specified period. This request will be assessed on a case by case basis.
- The management group and a Council representative will review the management agreement on an as needs / as requested basis.

**Community Management of Halls and Other Council Land and Facilities Policy****d) Management and Use of Council Halls**

- The management group will take all reasonable steps to advertise and encourage shared use of the hall by community groups, clubs, associations, societies and the general public to increase community utilisation of the hall.
- The management group, if required, may utilise a small area of the hall for administration purposes and as an office for the management group.
- Where appropriate the management group will determine appropriate fees to be charged for use of the hall and are to be set at a level to ensure full and equitable access to and availability of the facility for the whole community.
- The management group may, at its discretion, reduce or waive any fees they have set for hiring of the hall.
- The management group will have discretionary power to make certain decisions relevant to user groups or other groups or individuals who may seek to utilise the hall, and the extent of this discretionary power is outlined in the management agreement.
- Fees derived by the management group in the operation and management of the hall shall be used to cover the operating expenses for the hall.

**3.4 TYPE FIVE COMMUNITY TENURE: COMMUNITY MANAGEMENT OF COUNCIL LAND OR FACILITIES****a) Management Group**

- The management group must be a not-for-profit incorporated legal body that can insure and protect members, conduct activities or improve facilities for community benefit.
- The management group is fully responsible for the facility or improvements to the parcel of Council land it has initiated and developed.
- The management group will take all reasonable steps to advertise and encourage free public use of the community asset it has developed on Council land.
- The management group will manage the activities or improvements on the Council land in accordance with the terms and conditions of the Community Management of Council Land and Facilities Agreement and will be responsible for all associated costs.

**b) Council Assistance**

- Council recognises the community benefits from the management group establishing and managing a facility/asset on behalf of the community for free community use and enjoyment, such as walking trails, basketball court or environmental park. The primary beneficiaries are community members and not the management group's members.
- Therefore, Council's contribution is the provision of land at no cost, most often reserve land for which Council is Trustee, for the project.

Community Management of Halls and Other Council Land and Facilities Policy

- Council does not charge rates and utilities for the property.
- This level of subsidy is fair and reasonable as it is a facility/asset for community benefit and free public access, but the project was initiated and led by the group and the group may have access to grant funds for establishment and ongoing maintenance/upgrades.

**c) Community Management of Council Land/Facilities Agreement**

- A Community Management of Council Land/Facilities Agreement (Agreement) grants the management group the right to operate, use and manage the land and improvements on the land for free public access and use in accordance with the Agreement.
- The Agreement will commence on the date it is executed and continues in perpetuity until Council or the management group provides written notice to the other party, three months prior to the intended end date of the agreement, or in the case that the management group ceases to operate.
- The management group can request a management agreement for a specified period of time. This request will be assessed on a case by case basis.
- The management group and a Council representative will review the management agreement on an as needs / as requested basis.

**4. COMMUNITY GROUP AND COUNCIL RESPONSIBILITIES**

A consolidated summary of the respective responsibilities of Council and community groups with exclusive use tenures is presented in the Table on the following pages.

No.	Item	Type 4 Community Tenure: Community Management of Halls		Type 5 Community Tenure: Non-Exclusive Use and Management of Council Land / Facilities	
		Management Group	Council	Management Group	Council
1	Rent	No rent charged to groups with no commercial operations.			
2	Legal Costs/Admin Fee for preparation and maintenance of Agreement	No charge provided the standard documents are used			
3	Operating expenses including cleaning, gas, telephone, administration	✓	✗	✓	✗
4	Insurance – Public Liability	✓	✗	✓	✗
5	Insurance - contents/chattels	✓	✗	✓	✗
6	Insurance - general building at management group's discretion	✓	✗	✓	✗
7	Waste disposal	✓	✗	✓	✗

Community Management of Halls and Other Council Land and Facilities Policy

8	Workplace Health and Safety	✓	✘	✓	✘
9	Electrical equipment testing and tagging	✘	✓	✓	✘
10	Fire equipment maintenance and compliance	✘	✓	✓	✘
11	Furniture and equipment – purchase, repair and replacement	✓	✘	✓	✘
12	Cost to repair facility damage including vandalism and graffiti removal	✓	✘	✓	✘
13	Water and Electricity consumption costs (sole or shared connections)	✓	✘	✓	✘
14	Septic tank maintenance (sole or shared connections)	✓	✘	✓	✘
15	Minor maintenance and refurbishments + grounds maintenance	✓	✘	✓	✘
16	Major maintenance, refurbishments and renewals	✘	✓	✓	✘
17	RCD testing and tagging	✘	✓	✓	✘
18	Building fire and safety compliance	✘	✓	✓	✘
19	General property rates and utility charges	<b>Not Charged</b>			
20	Promotion of facility for community utilisation	✓	✓ at Council's discretion	✓	✘
21	Administrative records for community utilisation	✓	✘	NA	NA
22	User/hire agreements and fee collection	✓	✘	NA	NA

**Explanatory Notes:**

- 1 Council does not charge for legal costs or other costs associated with the preparation and maintenance of agreements provided the standard documents are utilised. This applies to all groups with community tenure, including those with commercial operations.
  - 2 Management groups are not charged rent.
  - 3-12 These items are the responsibility of all management groups with tenure to occupy and use Council land or facilities, irrespective of the type of community tenure.
  - 13-20 These items involve responsibilities that may be shared between Council and the management group depending on factors outlined in the specific item.
- 
- 4 The management group must at its own cost maintain public liability insurance having a minimum limit of twenty million dollars.
  - 5 Each management group is responsible for insuring chattels and contents, at its discretion and own expense. Council is not responsible for insuring the furniture or equipment or other unspecified contents contained within facilities and accepts no liability for equipment owned by the management group.



## Community Management of Halls and Other Council Land and Facilities Policy

- 6 Management groups with facility tenure are responsible for general building insurance, including Management groups managing land and facilities on behalf of the community such as community halls. However, each Community group can decide to effect general building insurance at its discretion and own expense.
- 7 Waste disposal is the responsibility of all management groups including organising and paying for their own waste disposal.
- 8 All management groups with a type of community tenure are responsible for complying with the relevant workplace health and safety requirements.
- 9-10 Council is responsible for the testing and tagging of electrical equipment and for fire equipment maintenance and compliance for Type 4 Community Tenure arrangements as the Management Group is managing the hall on behalf of the community at the request of Council.
- 11 All management groups are responsible for the purchase, repair and replacement of their own equipment and furniture.
- 12 It is the responsibility of all management groups to repair any asset damage including costs associated with, or arising from, anti-social behaviour.
- 3 In principle, it is the responsibility of each management group to pay for the Group's **electricity and water consumption costs** to ensure these resources are managed in a responsible and sustainable manner. In practice, the assignment of these respective responsibilities depends on whether the facility (hall, clubhouse, building) or parcel of land (sports field, walking trails) has a separate water connection and a separate electricity connection for each management group with facility tenure and whether public amenities/spaces are connected.

The most common arrangement is one management group with tenure for one facility/parcel of land with a **sole water connection and a sole electricity connection**. The management group with facility tenure is therefore responsible for paying all water and electricity costs.

Under the Community Partnerships Program, financial assistance is available to eligible, not for profit community organisations for water consumption fees, by application to the Program.

Less common is a facility with **shared connections for water and/or electricity** such as a multi-purpose facility or hall. This generally involves more than one community group/management group with facility tenure and public amenities may or may not be connected. In this case, the costs will be shared on a pro-rata basis with Council contributing the water and/or electricity costs for the public amenities such as toilets or sports fields. If the administration of a pro-rata payment system is not feasible when public amenities are connected, Council will pay all water and electricity costs for the facility.

- 14 It is the responsibility of each management group to contribute to the maintenance of the facility's septic system on a pro-rata basis. Where the facility has one septic tank and public amenities are attached, the septic system maintenance costs will be met by Council.
- 15-16 **Minor Maintenance** is defined as a sensible and practical repair on a like-for-like basis for the continuance of operations, preservation, protection, repair to and upkeep, normally lasting no longer than one day. It can also include tangible changes to improve service delivery within the asset.

**Major Maintenance** is defined as maintenance which is either infrequent in nature or which is scheduled on a non-routine basis and may require setting aside funds over time or issuing additional debt to fund it.

**Management groups with Type 4 Community Tenure** for the non-exclusive use of the community hall are responsible for all minor maintenance of the facility. Council is responsible for major maintenance of the facility. This is fair and reasonable as the Management group does not have exclusive use and is managing the community hall for community use, often at the request of Council.

Community Management of Halls and Other Council Land and Facilities Policy

However, Council reserves the right to not undertake major maintenance on facilities under a **Type 4 Community Tenure agreement**. Should this occur the Management group will be issued with a Notice to Terminate the Agreement. Such notice will be in writing and be served not less than three (3) months prior to the intended date of termination.

It is fair and reasonable that groups with a **Type 5 Community Tenure** are responsible for all maintenance as the land and facilities were initiated, led, and developed by the community group and not by Council and the group often has access to grant funds for establishment, upgrades and renewals. Council will consider a request for maintenance assistance on a case-by-case basis.

- 17 For similar reasons outlined at Item 16, Management groups with a Type 5 Community Tenure are responsible for Residual Current Device (RCD) testing obligations within the Facility. Council is responsible for Residual Current Device (RCD) testing obligations for Community groups with Type 4 Community Tenures.
  
- 18 For similar reasons outlined at Item 16, Management groups with Type 5 Community Tenures are responsible for meeting building fire safety compliance. Council is responsible for building fire safety compliance including providing facility evacuation plans for facilities occupied by Community groups with Type 4 Community Tenures.
  
- 19 Management groups with Type 4 & Type 5 Community Tenures are managing a community hall or another community asset or facility on behalf of the community and not for the sole benefit of group members, so are not charged rates and services.
  
- 20 Management Groups responsible for community halls are required to promote the community hall to increase community utilisation. Council may assist at its discretion and in consultation with the Management Group for the respective hall. Management groups managing other community assets will promote and encourage community access at its own discretion and cost.
  
- 21 Management Groups are required to keep administrative records for public utilisation including accounts, monthly usage statistics and other records reflecting the management of the facility. Management groups with a Type 5 Community Tenure to manage other types of community assets for public utilisation should keep relevant records as required.
  
- 22 Management Groups with a Type 4 Community Tenure to manage community halls are responsible for ensuring user/hall hire agreements are in place with all user groups and that fees are collected and accounted for appropriately.

**5. REPORTING**

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No additional reporting is required.

**6. DEFINITIONS**

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*Management group* – means an incorporated not for profit community group. Refer definition of an eligible community group at Section 3.2 of the Policy.

*Management Agreement* – means a tenure instrument used to execute the non-exclusive use and operation arrangements of council halls, land and other facilities.

*User group* – means community groups, clubs, associations, societies formed for a particular purpose or activity.

**7. RELATED DOCUMENTS AND REFERENCES**

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*Community Group Exclusive Use of Council Land and Facilities Policy (MSC)*  
*Community Partnership Program Policy (MSC)*

Community Management of Halls and Other Council Land and Facilities Policy
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*Standard Requirements for Public Liability Insurance for Approval Holders (MSC)*

**8. REVIEW**

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



### Community Tenure Guidelines

Policy Type	Governance Procedure	Version:	2.2
Responsible Officer	Manager Development and Governance	Date Approved:	21/08/2024
Review Officer:	Director Corporate & Community Services Governance	Review Due:	24/12/2027
Author:	Manager Development and Governance	Commencement:	21/08/2024

**1. PURPOSE**

This guideline sets out the approval and administration of community tenure arrangements for the community’s use of Council land and facilities in a fair, consistent, and transparent manner which is affordable to both community groups and ratepayers.

Council makes affordable land and facilities available to approved community groups to conduct community, cultural, sporting, environmental and recreational activities which contribute significantly to the liveability of the Shire’s towns and districts, making them places where people want to live, work, invest and visit.

Community groups exist in many sizes and legal forms and conduct different types of activities for community benefit, and there are different types of Council facilities and open space areas used by groups. Therefore, different community tenure arrangements with varying levels of Council subsidy for the community’s use of Council land and facilities are warranted.

**2. SCOPE**

This guideline:

- a) Directly relates to the *Community Group Exclusive Use of Council Land and Facilities Policy* and the *Community Management of Halls and other Council Land and Facilities Policy* and should be read in conjunction with these policies.
- b) Sets out the approval and administration processes for five (5) types of community tenure administered by Council:
  - Type 1 - Exclusive use by funded services and not-for-profit commercial operators (not-for-profit commercial operations)
  - Type 2 - Exclusive use by eligible community groups (subsidised community tenure)
  - Type 3 – Exclusive use within a shared/multiuse facility (subsidised community tenure)
  - Type 4 – Community management of halls on behalf of the community (subsidised community tenure)
  - Type 5 – Community management of other council land/facilities on behalf of the community (subsidised community tenure)

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- c) Outlines for each type of community tenure, the level of Council subsidy, tenure instruments, responsibilities of the community group.

**3. PROCEDURE STATEMENT**

The procedural statement includes:

- 3.1 Overview of community tenure arrangements
- 3.2 Types of community tenure and levels of council subsidy
- 3.3 Types of community tenure and community group responsibilities
- 3.4 Types of community tenure and tenure instruments

**3.1 Table 1. Overview of Community Tenure Arrangements**

Type of Community Tenure	Tenure Group	Level of Council Subsidy	Tenure Instrument
<b>Type 1:</b> Not-for-profit commercial Operations	Funded services and not-for-profit commercial operators as per definition in policy	Nil <i>However, no fee for the preparation, management or renewal of a commercial lease is charged provided the standard documents are used.</i>	Trustee or Freehold Commercial Lease
<b>Type 2:</b> Exclusive use by eligible community groups	Eligible community group as per definition in policy	High	Trustee or Freehold Community Lease; or Community Group Exclusive Use Management Agreement
<b>Type 3:</b> Exclusive use within a shared/multiuse facility	Eligible community group as per definition in policy	Very High	Community Group User Agreement
<b>Type 4:</b> Community management of halls on behalf of the community	Eligible management group as per definition in policy	Highest	Community Management of Council Halls Agreement
<b>Type 5:</b> Community management of other council land/facilities on behalf of the community with free public access	Eligible management group as per definition in policy	Very High	Community Management of Council Land/Facilities Agreement

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**3.2 Table 2. Types of Community Tenure and Levels of Council Subsidy**

Type of Community Tenure	Level of Council Subsidy
<p><b>Type 1 Community Tenure: Commercial</b></p> <ul style="list-style-type: none"> <li>• State or Federal government funded community services</li> <li>• Not-for-profit organisations with commercial operations where the profits are not retained by the business or individual members but are used for community benefit</li> <li>• Organisation may request exclusive use of council land/facilities for the delivery of services and activities for community benefit</li> </ul>	<p><i>Nil – No Council subsidy applies, although no fee for the preparation, management or renewal of a commercial lease is charged provided the standard documents are used.</i></p> <ul style="list-style-type: none"> <li>• Delivery of community services such as youth and family support, early childhood education and disability respite is not a local government responsibility so Council does not subsidise state or federal government funded community services.</li> <li>• It is fair and reasonable that grant funds for community services should cover all operational costs including premises.</li> <li>• Council does not subsidise activities or operations that compete with local businesses including commercial operations by not-for-profit organisations e.g., Gaming, restaurant, licenced premises, event facilities, childcare services.</li> <li>• It is expected revenue from the commercial operations are used to cover operating costs including all costs for premises and facilities.</li> <li>• Commercial lease terms and conditions will be negotiated, and approval is by Resolution of the Council.</li> </ul>
<p><b>Type 2 Community Tenure: Exclusive Use:</b></p> <ul style="list-style-type: none"> <li>• Eligible community group has exclusive occupation and use of the land/facility e.g., Sporting Club, Men’s Shed</li> <li>• Land/Facility is used by group members and is not used for any other purpose or by any other groups or the public without permission of the community group</li> <li>• This is the most common type of community tenure</li> <li>• It allows for the clearest assignment of respective responsibilities</li> </ul>	<p><i>High level of Council subsidy</i></p> <ul style="list-style-type: none"> <li>• No rent is charged for exclusive use of the land and facilities.</li> <li>• No fee is charged for the preparation, management and renewal of tenure instruments.</li> <li>• Generous rate rebates and remissions apply to eligible groups (if eligible for Type 2 exclusive use community tenure, then generally also eligible for rate rebates). Group needs to apply under the <i>Rate Rebate and Remissions Policy</i>.</li> <li>• Group members are the primary beneficiaries therefore it is fair and reasonable they should be responsible for the facility and any associated land such as sports fields.</li> <li>• Group is responsible for all planned and reactive maintenance and operating expenses.</li> </ul>

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Type of Community Tenure	Level of Council Subsidy
<p><b>Type 3 Community Tenure: Exclusive Use Within a Multi-use Facility:</b></p> <ul style="list-style-type: none"> <li>• Eligible community Group has exclusive use of a space within a multi-use facility. Spaces do not comprise a full standalone facility e.g., Netball Club at Davies Park, Craft Group at Geraghty Park</li> <li>• Space is mainly used by group members, but some facilities are shared e.g., public toilets</li> </ul>	<p><i>Very high level of Council subsidy Higher level than Types 1, 2 &amp; 5 but lower than Type 4</i></p> <ul style="list-style-type: none"> <li>• No rent is charged for the group’s exclusive use areas.</li> <li>• No fee is charged for the preparation, management and renewal of tenure instruments.</li> <li>• Group members are the primary beneficiaries therefore it’s fair and reasonable they should be responsible for their exclusive use areas.</li> <li>• Where possible, group contributes to costs for shared use spaces, but Council may be responsible for the shared use spaces when it’s not feasible to apportion costs and/or shared spaces are also used by the public e.g., car park, public toilets.</li> </ul>
<p><b>Type 4 Community Tenure: Community Management of Halls:</b></p> <ul style="list-style-type: none"> <li>• Community management group is managing a Council hall on behalf of the community for use by community members e.g., Mutchilba, Koah, Mt Molloy and Geraghty Park halls</li> <li>• Generally, the group has been asked by Council to take on the role</li> </ul>	<p><i>Highest level of Council subsidy</i></p> <ul style="list-style-type: none"> <li>• No rent is charged even if the management group uses the hall for only for its members up to 20% of the time.</li> <li>• No fee is charged for the preparation, management and renewal of tenure instruments.</li> <li>• Council is responsible for major maintenance.</li> <li>• Council does not charge the group rates and utilities for the hall and may cover other costs depending on the layout of the facility e.g., Public toilet cleaning.</li> <li>• This is fair and reasonable as volunteer group members are managing the hall on behalf of the community for community benefit and working to increase utilisation, yet halls have some revenue raising capacity.</li> </ul>
<p><b>Type 5 Community Tenure: Community Management of Council Land/Facilities on Behalf of the Community:</b></p> <ul style="list-style-type: none"> <li>• Community management group has developed a facility/asset on behalf of the community for community use e.g., Abattoir Swamp, Babblers Hill, Granite Ck Esplanade half basketball court</li> <li>• Generally, group has initiated the project on Council land/facility</li> </ul>	<p><i>Very high level of Council subsidy, similar to Type 3 but Council does no maintenance.</i></p> <ul style="list-style-type: none"> <li>• The group is fully responsible for the facility/asset it has developed including all maintenance.</li> <li>• Council’s contribution is the provision of free land, most often reserve land for which Council is Trustee for the project.</li> <li>• No rates and utilities are charged.</li> <li>• This level of subsidy is fair and reasonable as it is a facility/asset for community benefit and public access, but the project was initiated and led by the group and the group may have access to grant funds for establishment and ongoing maintenance / upgrades.</li> </ul>

**3.3 Types of Community Tenure and Responsibilities of Community Groups**

		Type of Community Tenure										
		Type 1: Exclusive Use by Funded Service or NFP Commercial Operator		Type 2: Exclusive Use by Community Group		Type 3: Exclusive Use within a Multi-Purpose Facility		Type 4: Community Management of Halls		Type 5: Community Management of Council Land / Facilities for Public Use		
No.	Responsibility	Funded Service or NFP Commercial Operator	Council	Community Group	Council	Community Group	Council	Community Group	Management Group	Council	Management Group	Council
1	Costs for the preparation, management & renewal of tenure agreements											
2	Rent	✓										
3	Operating expenses including cleaning, gas, telephone, administration	✓	x	✓	x	✓	x	✓	x	✓	x	x
4	Insurance – Public Liability	✓	x	✓	x	✓	x	✓	x	✓	x	x
5	Insurance - contents/chattels	✓	x	✓	x	✓	x	✓	x	✓	x	x
6	Insurance - general building at Group's discretion	✓	x	✓	x	✓	x	✓	x	✓	x	x
7	Waste disposal	✓	x	✓	x	✓	x	✓	x	✓	x	x
8	Workplace Health and Safety	✓	x	✓	x	✓	x	✓	x	✓	x	x
9	Electrical equipment testing and tagging	✓	x	✓	x	✓	x	✓	x	✓	x	x

No charge provided the standard tenure instruments are used

No rent charged to groups not operating commercial operations



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No.	Item	Type 1: Exclusive Use by Funded Service or NFP Commercial Operator		Type 2: Exclusive Use by Community Group		Type 3: Exclusive Use within a Multi-Purpose Facility		Type 4: Community Management of Halls		Type 5: Community Management of Council Land / Facilities for Public Use	
		NFP Commercial Operator	Council	Community Group	Council	Group	Council	Management Group	Management Group	Council	
10	Fire equipment maintenance and compliance	✓	x	✓	x	✓	x	x	✓	✓	x
11	Furniture and equipment – purchase, repair and replacement	✓	x	✓	x	✓	x	✓	✓	✓	x
12	Cost to repair facility damage including vandalism and graffiti removal	✓	x	✓	x	✓	x	✓	✓	✓	x
13	Water and Electricity consumption costs (sole or shared connections)	✓	x	✓	x	✓	If required	✓	✓	✓	x
14	Septic tank maintenance (sole or shared connections)	✓	x	✓	x	✓	If required	✓	✓	✓	x
15	Minor maintenance and refurbishments + grounds maintenance	✓	x	✓	x	✓	x	✓	✓	✓	x
16	Major maintenance, refurbishments & renewals	✓	x	✓	x	x	✓	x	✓	✓	x
17	RCD testing and tagging	✓	x	✓	x	✓	✓	x	✓	✓	x

No.	Item	Type 1: Exclusive Use by Funded Service or NFP Commercial Operator		Type 2: Exclusive Use by Community Group		Type 3: Exclusive Use within a Multi-Purpose Facility		Type 4: Community Management of Halls		Type 5: Community Management of Council Land / Facilities for Public Use	
		NFP Commercial Operator	Council	Community Group	Council	Management Group	Council	Management Group	Management Group	Council	
18	Building fire and safety compliance	✓	✗	✓	✗	✗	✓	✗	✓	✓	✗
19	General property rates and utility charges	✓	NA	✓	NA	✗	NA	✗	✗	✗	NA
20	State Emergency Management Levy	✓	NA	✓	NA	✗	NA	✗	✗	✗	NA
21	Promotion of facility for community utilisation	NA	NA	✓	✗	✓	✗	✓	✓	✓	✗
22	Administrative records for community utilisation	NA	NA	✗	✗	✗	✗	✓	✓	✗	✗
23	User/hire agreements and fee collection	NA	NA	✗	✗	✗	✗	✓	✓	✗	✗

Community Tenure Guidelines
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**Responsibilities of Community Groups - Explanatory Notes:**

- 1 Council does not charge for legal or other costs associated with the preparation, management and renewal of agreements provided the standard documents are utilised.
  - 2 Not-for-profit commercial lessees are charged market rent.
  - 3-12 These items are the responsibility of all community groups with tenure to occupy and use Council land or facilities, irrespective of the type of community tenure.
  - 13 -20 These items involve responsibilities that may be shared between Council and the community group depending on factors outlined in the specific item.
- 
- 4 The community group must at its own cost maintain public liability insurance having a minimum limit of twenty million dollars.
  - 5 Each community group is responsible for insuring chattels and contents, at its discretion and own expense. Council is not responsible for insuring the furniture or equipment or other unspecified contents contained within facilities and accepts no liability for equipment owned by the community group.
  - 6 Community groups with facility tenure are responsible for general building insurance, including community groups managing land and facilities on behalf of the community such as community halls. However, each community group can decide to effect general building insurance at its discretion and own expense.
  - 7 Waste disposal is the responsibility of all community groups including organising and paying for their own waste disposal.
  - 8 All community groups with a type of community tenure are responsible for complying with the relevant workplace health and safety requirements.
  - 9 & 10 Council is responsible for the testing and tagging of electrical equipment and for fire equipment maintenance and compliance in community halls under community management or Type 4 Community Tenure arrangements. Groups with Type 1, 2, 3 and 5 Community Tenure arrangements are responsible for this maintenance within their respective areas. For further clarity, in relation to multi-use facilities (Type 3 Community Tenure), Council is responsible for the maintenance of these items within the common areas and public use areas and the group is responsible for their maintenance within the Licensed Area for which it has exclusive use.
  - 11 All community groups are responsible for the purchase, repair and replacement of their own equipment and furniture.
  - 12 It is the responsibility of all community groups to repair any asset damage including costs associated with, or arising from, anti-social behaviour for the land, facilities and premises for which it has exclusive use.
  - 13 In principle, it is the responsibility of each community group to pay for the Group's **electricity and water consumption costs** to ensure these resources are managed in a responsible and sustainable manner. In practice, the assignment of these respective responsibilities depends on whether the facility (hall, clubhouse, building) or parcel of land (sports field, walking trails) has a separate water connection and a separate electricity connection for each Community group with facility tenure and

Community Tenure Guidelines

whether public amenities/spaces are connected.

The most common arrangement is one community group with tenure for one facility/parcel of land with a **sole water connection and a sole electricity connection**. The Community group with exclusive use tenure of this type of facility is therefore responsible for paying all water and electricity costs.

Under the Community Partnerships Program, financial assistance is available to eligible, not for profit community organisations for water consumption fees, by application to the Program.

Less common is a facility with **shared connections for water and/or electricity** such as a multi-purpose facility or hall. This generally involves more than one community group/management group with facility tenure and public amenities may or may not be connected. In this case, the costs will be shared on a pro-rata basis with Council contributing the water and/or electricity costs for the public amenities such as toilets or sports fields. If the administration of a pro-rata payment system is not feasible when public amenities are connected, Council will pay all water and electricity costs for the facility.

Payment of costs for water and power for community assets for free public access managed under a Type 5 community tenure agreement will be negotiated on a case by case basis where it is not feasible for the management group to cover all costs.

- 14 Where there is a shared connection, it is the responsibility of each community group to contribute to the maintenance of the facility’s septic system on a pro-rata basis. Where the facility has one septic tank and public amenities are attached, the septic system maintenance costs will be met by Council.

**15 &16 Minor Maintenance** is defined as a sensible and practical repair on a like-for-like basis for the continuance of operations, preservation, protection, repair to and upkeep, normally lasting no longer than one day. It can also include tangible changes to improve service delivery within the asset.

**Major Maintenance** is defined as maintenance which is either infrequent in nature or which is scheduled on a non-routine basis and may require setting aside funds over time or issuing additional debt to fund it.

**Community Groups with Type 1, Type 2 or Type 5 Community Tenure** are responsible for *all* maintenance including grounds maintenance, building and facilities maintenance including repairs due to fair wear and tear and structural renewals. This is appropriate for commercial lessees and fair and reasonable for Type 2 Community Tenure as it is the Group’s members that have exclusive occupation and use of the facilities and grounds. Regarding Type 5 Community Tenure, it is fair and reasonable the group is responsible for all maintenance as the land and facilities were initiated, led and developed by the community group and not by Council and the group often has access to grant funds for establishment, upgrades and renewals. Council will consider a request for maintenance assistance on a case-by-case basis.

**Community Groups with Type 3 Community Tenure** for the exclusive use of a space within a shared Council facility (Licenced Area) are responsible for minor maintenance within the Group’s exclusive use area, for example, within a room at the Geraghty Park complex. Council is responsible for major maintenance including structural renewals of the building. This is fair and reasonable as the group generally has use of a relatively small space and shares the main facility with other groups and/or the public.

**Management Groups with Type 4 Community Tenure** for the non-exclusive use of the community hall are responsible for all minor maintenance of the facility. Council is responsible for major maintenance of the facility. This is fair and reasonable as the Community group does not have exclusive use and is managing the community hall for community use, often at the request of Council.

Community Tenure Guidelines
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However, Council reserves the right to not undertake major maintenance on facilities under a **Type 3 or Type 4 Community Tenure agreement**. Should this occur the Community group will be issued with a Notice to Terminate the Agreement. Such notice will be in writing and be served not less than three (3) months prior to the intended date of termination.

- 17** For similar reasons outlined at Item 16 Major Maintenance, community groups with Type 1, Type 2 or Type 5 Community Tenures are responsible for Residual Current Device (RCD) testing obligations within the Facility.. Council is responsible for Residual Current Device (RCD) testing obligations for community groups with Type 3 and Type 4 Community Tenures.
- 18** For similar reasons outlined at Item 16 Major Maintenance, community groups with Type 1, Type 2 and Type 5 Community Tenures are responsible for meeting building fire safety compliance. Council is responsible for building fire safety compliance including providing facility evacuation plans for facilities occupied by community groups with Type 3 and Type 4 Community Tenures.
- 19** It is appropriate that commercial lessees (Type 1 Community Tenure) pay rates and service charges. Community groups with Type 2 Exclusive Use Community Tenure charged general property rates and service charges are responsible for payment of the rates and charges. However, significant rate rebates and remissions are offered to eligible community groups on application under Council's *Rate, Rebate and Remission Policy*.  
It is not practicable to charge community groups with Type 3 Community Tenure where they are sharing a small space in a multi-use facility and the facility may also have amenities or spaces used by the public.  
Management groups with Type 4 & Type 5 Community Tenures are managing a community hall or another community asset or facility on behalf of the community and not for the sole benefit of group members, so are not charged rates and services.
- 20** Community groups charged rates and utilities are expected to pay the State Emergency Management Levy. Council is required to collect this levy and pass it onto the State Government and no Council rebate applies.
- 21** Management Groups responsible for community halls are required to promote the community hall to increase community utilisation and Council may assist at its discretion and in consultation with the Management Group. Other groups with community tenure can encourage and promote use and membership at their own discretion and cost.
- 22** Management Groups managing a Council owned hall (Type 4 Community Tenure) are required to keep administrative records for public utilisation including accounts, monthly usage statistics and other records reflecting the management of the facility. Groups with other types of community tenure keep relevant records at their discretion.
- 23** Management Groups with a Type 4 Community Tenure to manage community halls are responsible for ensuring user/hall hire agreements are in place with all user groups and that fees are collected and accounted for appropriately.

Community Tenure Guidelines

**3.4 Types of Community Tenure, Eligible Groups and Tenure Instruments**

Type of Community Tenure	Type of Tenure Group	Tenure Instrument	Comment
<p><b>Type 1:</b> <b>Commercial</b></p>	<ul style="list-style-type: none"> <li>• Funded Community Services</li> <li>• Not for Profit organisations with commercial operations</li> </ul>	<p>Commercial Lease</p>	<p>Site is surveyed and commercial lease is registered on title.</p>
<p><b>Type 2:</b> <b>Exclusive Use of Council Land/Facilities</b></p>	<p>Eligible community groups meeting the definition in the <i>Community Group Exclusive Use of Council Land and Facilities Policy</i></p>	<p>Community Lease</p>	<p>The site can be clearly identified by survey or is the whole of a Lot, and the intention is to grant exclusive possession of the site.</p> <p>The issuing of a lease registered on title is the preferred option where feasible as it allows for the clearest assignment of respective responsibilities and is the most secure form of tenure.</p> <p>The lease is for a fixed term, with a maximum term of 10 years. If Reserve land, the permitted use must be consistent with the gazetted purpose, Land Management Plan, and zoning regulations.</p>
		<p>Community Group Exclusive Management Agreement</p>	<p>The issuing of a management agreement should only be considered where a lease cannot be achieved; such as, where the site cannot be surveyed and therefore there is no Lot on Plan number.</p> <p>A management agreement is a contractual agreement, and is not registered on title. Therefore, security of tenure is inferior compared to a lease. The management agreement is for a maximum term of 10 years.</p> <p>If Reserve land, the permitted use must be consistent with the gazetted purpose, Land Management Plan, and zoning regulations.</p>
<p><b>Type 3:</b> <b>Exclusive Use Within a Multi-use Facility</b></p>	<p>Eligible community groups meeting the definition in the <i>Community Group Exclusive Use of Council Land and Facilities Policy</i></p>	<p>Community Group User Agreement</p>	<p>Used where Community Group has exclusive use of a space within a multi-use facility or community precinct.</p>

Community Tenure Guidelines
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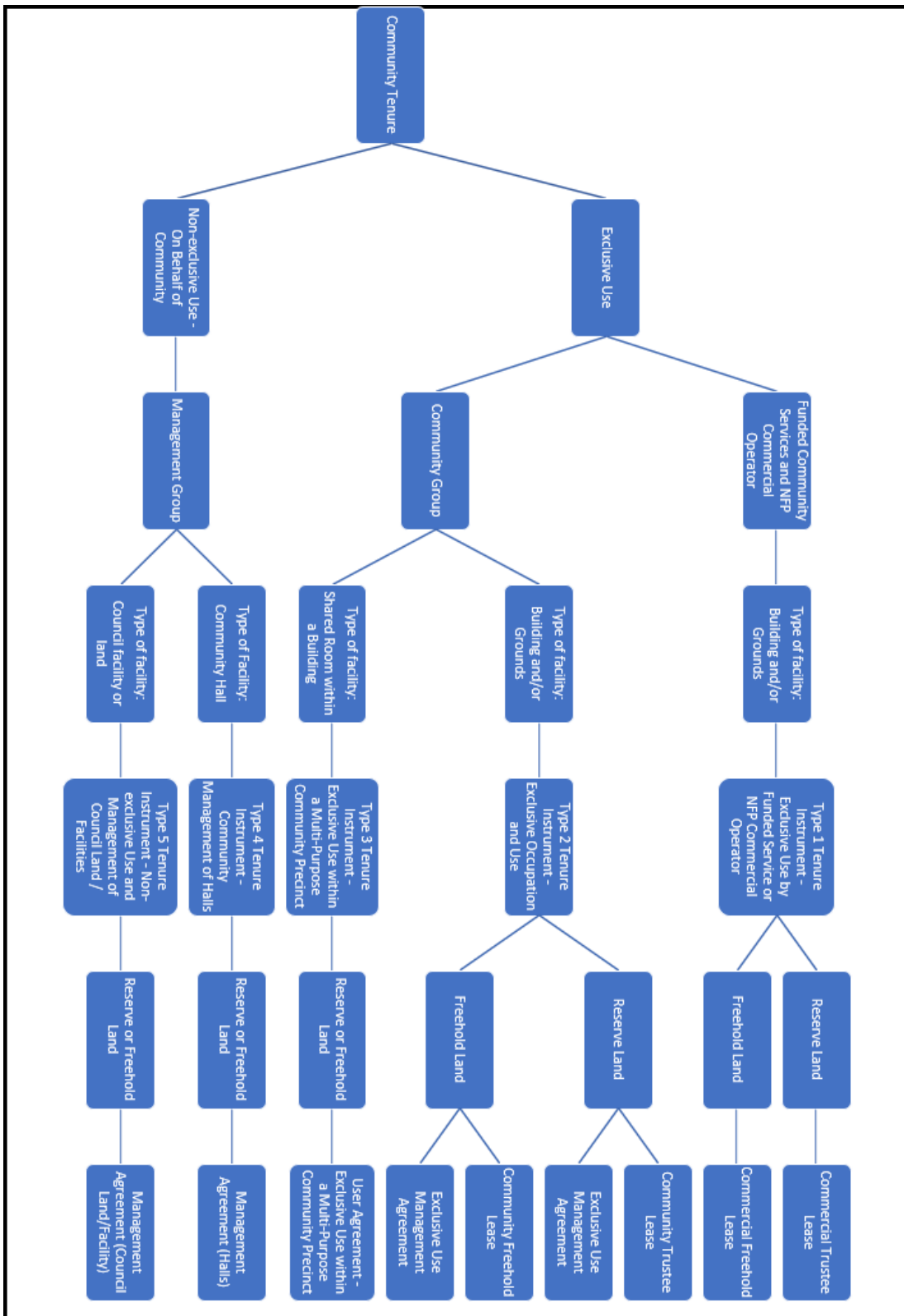
Type of Community Tenure	Type of Eligible Group	Tenure Instrument	Comment
<b>Type 4: Community Management of Halls</b>	Eligible management groups meeting the definition in the <i>Community Management of Halls and Other Council Land and Facilities Policy</i>	Community Management of Council Halls Agreement	Used where a Community Group is managing the whole of a Council hall on behalf of the community for use by community members.
<b>Type 5: Community Management of Council Land/Facilities on Behalf of the Community</b>	Eligible management groups meeting the definition in the <i>Community Management of Halls and Other Council Land and Facilities Policy</i>	Community Management of Council Land and Facilities Agreement	Used where a Community Group is managing a Council asset on behalf of the community for use by community members.

**Workflow Chart – Types of Tenure Instruments**

The Workflow Chart on the following page shows the type of tenure instrument to be issued for each type of tenure arrangement.

Community Tenure Guidelines

Workflow Chart – Types of Tenure Instruments





Community Tenure Guidelines

**4. REPORTING**

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- "No additional reporting is required".

**5. DEFINITIONS**

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**Community group** – means a group approved for exclusive occupation and use of Council land or facilities and a formal tenure instrument has been executed between Council and the Group. Refer definition of an eligible community group at Section 3.2.1 of the *Community Group Exclusive Use of Council Land and Facilities Policy*.

**Community Lease** – means a tenure instrument used to execute the exclusive use and occupation of council land and facilities by a community group where the reserve or freehold land has been surveyed and the Land Lot and Plan is used to register the lease on title.

**Community Management Agreement or Licence or User Agreement** – a tenure instrument used to execute the exclusive use and occupation of council land and facilities by a community group where the land has not been surveyed and there is no Land Lot and Plan for the exclusive use area.

**Lessor** – means Council as the owner or trustee of the land.

**Multi-Purpose Facility** – means a Council owned facility that has multiple user groups, each with an allocated space for exclusive use and there may be public use of amenities or a section of the facility, for example a sporting field, car park or public toilets.

**6. RELATED DOCUMENTS AND REFERENCES**

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- Community Group Exclusive Use of Council Land and Facilities Policy (MSC)*
- Community Management of Halls and Other Council Land and Facilities Policy (MSC)*
- Community Partnerships Program Policy (MSC)*
- Rate Rebate and Remission Policy (MSC)*
- Standard Requirements for Public Liability Insurance for Approval Holders (MSC)*

**7. REVIEW**

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



**8.6 DELEGATIONS UPDATE AUGUST 2024**

**Date Prepared:** 26 July 2024

**Author:** Supervisor Governance & Compliance

**Attachments:**

1. Instrument of Delegation - Council to CEO - Environmental Protection Act 1994 (Qld) [↓](#)
2. Register of Delegations - Council to CEO - Environmental Protection Act 1994 (Qld) [↓](#)

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**EXECUTIVE SUMMARY**

As part of the delegations update service provided by King & Co via Local Government Association Queensland, Council is advised of amendments to legislation that require amendments to existing delegations or new delegations to be made by Council.

The Register of Delegations relevant to the *Environmental Protection Act 1994* (Qld) have undergone a review on 10 July 2024 with a reprint and changes effective as at 1 July 2024. To adopt the changes, the relevant Instrument of Delegation and Register of Delegations is provided for Council for endorsement.

**RECOMMENDATION**

That:

1. Council delegates to the Chief Executive Officer the powers appearing in the attached document titled "Instrument of Delegation – Council to CEO - *Environmental Protection Act 1994* (Qld)", with such powers to be exercised subject to any limitations and conditions; and
2. Any prior delegations of power relating to the same matters are revoked.

**BACKGROUND****General**

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

Powers may be delegated to the CEO via a resolution of Council or conferred directly to the CEO under a provision of an Act or Regulation. Such delegation avoids the necessity for excessive referral of administrative matters to Council for formal resolution.

Section 260 of the LGA provides that the Chief Executive Officer must establish a register of delegations to record all delegations and that the public may inspect the register of delegations, and the Register must hold the particulars prescribed under section 305 of the *Local Government Regulation 2012* (Qld).

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

The attached Instrument of Delegation display the list of powers that have been identified as requiring delegation to the CEO. The attachment “Register of Delegations – Council to CEO – Environmental Protection Act 1994 (Qld)” table shows the proposed changes in tracked mode.

### **RISK IMPLICATIONS**

#### **Legal and Compliance**

Legal risk arises from unlawful exercise of statutory power. The currency of Council’s Register of Delegations ensures the integrity of Council’s lawful exercise of statutory power and associated sub-delegations to support the administrative functions of Council.

### **LINK TO CORPORATE PLAN**

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

### **IMPLEMENTATION/COMMUNICATION**

Immediate update of Register of Delegations and associated Instrument of Delegation.

**INSTRUMENT OF DELEGATION****Mareeba Shire Council**  
***Environmental Protection Act 1994***

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

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

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

Schedule 1

**Environmental Protection Act 1994**

DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION
Chief Executive Officer	Power, as an affected person, to make written comments to the chief executive about a TOR notice.	Sections 42 and 43 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power to make a written submission about a submitted EIS.	Section 54 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to give an applicant a notice about an application that is not a properly made application.	Section 128 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power to agree a further period within which the applicant must give notice under section 128	Section 129 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to give a notice or other document relating to an application made by joint applicants, to the principal applicant nominated in the application.	Section 130(3)(a) <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to make a requirement under Chapter 5 relating to an application made by joint applicants, to the principal applicant nominated in the application.	Section 130(3)(b) <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to refuse to allow a change to an application if the change would result in the application not being a properly made application and the applicant does not take action to make the remade application properly made.	Section 132 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to give written agreement that a change to an application is a minor change.	Section 133 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to determine satisfaction that the requirements under the application stage have been complied with.	Section 136(b)(i) <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to make a written information request to the applicant to give further information needed to assess the application.	Section 140 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to agree to extend the applicant’s information request response period.	Sections 145 and 147 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to determine not to make an information request.	Section 148(b)(i) <i>Environmental Protection Act 1994</i>

Instrument of Delegation  
*Environmental Protection Act 1994*

Current as at 1 July 2024

Chief Executive Officer	Power, as an administering authority, to, by written notice to the applicant, extend the decision period and further extend the decision period with the written agreement of the applicant.	Section 168 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to approve a standard application subject to the standard conditions for the relevant activity or authority.	Section 170 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to approve a variation application subject to the standard conditions for the relevant activity or authority or subject to conditions which are different to the standard conditions for the activity or authority.	Section 171 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to refuse a site-specific application or approve a site-specific application subject to conditions.	Section 172 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority after making a decision under division 2, subdivision 2, to give written notice of the decision.	Section 181 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to make a final decision on an application for an environmental authority.	Section 194A <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to issue an environmental authority.	Section 195 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to include a copy of an environmental authority in the relevant register.	Section 197 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to give an information notice to the applicant for an environmental authority.	Section 198(2) <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to give an information notice about the decision to any submitter for the application.	Section 198(4) <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to impose a condition on an environmental authority or draft environmental authority to which section 115 applies.	Section 203 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to amend an environmental authority to correct a clerical or formal error by giving written notice to the holder but only if the amendment does not adversely affect the interests of the holder or anyone else.	Section 211 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to amend an existing environmental authority issued subject to conditions to replace the existing standard conditions with new standard conditions issued by the chief executive and to give written notice of the amendment to the environmental authority holder.	Section 213 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to make an amendment to an environmental authority:-	Section 215 <i>Environmental Protection Act 1994</i>

Instrument of Delegation  
*Environmental Protection Act 1994*

Current as at 1 July 2024

	(a) which is necessary or desirable because of a matter mentioned in section 215(2) and where the procedure required by Chapter 5, Part 6, Division 2 is followed; or (b) if the holder has agreed in writing to the amendment.	
Chief Executive Officer	Power, as an administering authority, to make particular amendments to an environmental authority in accordance with the procedure required by Chapter 5, Part 6, Division 2	Sections 216 and 219 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to refuse an amendment application to which section 227A(1) applies, to require the environmental authority holder to make a site specific application and to give written notice of the refusal to the applicant.	Section 227A <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority where an amendment application is not a properly made amendment application, to give the applicant a notice stating all the matter contained in the subsection.	Section 227AAB(2) <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority where a notice has been issued under subsection 227AAB(2), to agree to a further period to take the action mentioned in subsection 227AAB(2)(c).	Section 227AAC(2) <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority after receiving an amendment application, to decide whether the proposed amendments is a minor or major amendment.	Section 228(1) <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to set the submission period for the application by written notice.	Section 234 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to give written agreement to the continued assessment of a changed application to amend an environmental authority.	Section 237 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to request further information needed to assess a changed amendment application which is not a minor change and to which the information stage applies.	Section 238(3) <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to decide that the notification stage be repeated in respect of a changed amendment application which would be likely to attract a submission objecting to the change.	Section 238(7) <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to:- (a) decide to approve or refuse an amendment application; (b) if the amendment is approved, to make other amendments to the conditions of the environmental authority; (c) give notice of the decision to the applicant; and include a copy of any amended environmental authority in the register	Sections 240 & 242 <i>Environmental Protection Act 1994</i>

Instrument of Delegation  
*Environmental Protection Act 1994*

Current as at 1 July 2024



Chief Executive Officer	Power, as an administering authority, to decide to approve an application to amalgamate environmental authorities or refuse an amalgamation application to which section 247(1)(b) applies and impose conditions on the amalgamated environmental authority.	Section 247 <i>Environmental Protection Act 1994.</i>
Chief Executive Officer	Power, as an administering authority that decides to approve an amalgamation application, to amalgamate the existing authorities, issue it to the applicant and include a copy of it in the relevant register.	Section 248 <i>Environmental Protection Act 1994.</i>
Chief Executive Officer	Power, as an administering authority, to:- (a) de-amalgamate an environmental authority; (b) issue the de-amalgamated environmental authorities; (c) impose conditions on each de-amalgamated environmental authority to the extent necessary for the de-amalgamation; and (d) include each environmental authority in the relevant register.	Section 250C <i>Environmental Protection Act 1994.</i>
Chief Executive Officer	Power, as an administering authority, to approve or refuse an application by the holder of an environmental authority to transfer all or part of the environmental authority to another entity.	Section 254 <i>Environmental Protection Act 1994.</i>
Chief Executive Officer	Power, as an administering authority, to decide whether a final rehabilitation report includes enough information to decide that the requirements in section 264(b)(i) and 264(b)(ii) have been met.	Section 264 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to make a written request to an applicant to give further information needed to assess an application to surrender an environmental authority.	Section 265 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to approve or refuse a surrender application.	Section 266 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, after deciding a surrender application to take the steps listed in subsections 275(a) or 275(b) as applicable.	Section 275 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to:- (a) cancel, suspend or extend the suspension of an environmental authority if an event mentioned in section 278(2) has occurred; (b) follow the procedures in Chapter 5, Part 11, Division 2; (c) give notice of the decision; and (d) record the action in the relevant register.	Sections 278, 279, 280, 281, 282, 283 and 284 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority in the circumstances set out in subsection 284AA(1), to cancel an	Section 284AA(2) <i>Environmental Protection Act 1994</i>

Instrument of Delegation  
*Environmental Protection Act 1994*

Current as at 1 July 2024

	environmental authority if the procedure in Chapter 5, Part 11, Division 2 is followed.	
Chief Executive Officer	Power, as an administering authority, to:- (a) approve or refuse an application made by the holder of an environmental authority to suspend or extend the suspension of the environmental authority; (b) record the decision in the appropriate register; and (c) if the decision is to refuse, give the holder an information notice about the decision	Sections 284C and 284F <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as the administering authority, to impose a condition on an environmental authority requiring the holder to give financial assurances as security for compliance with the environmental authority and for costs or expenses mentioned in section 316C.	Section 308 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to decide the amount and form of financial assurance required under a condition of an environmental authority.	Section 310 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to give notice of the decision under section 310.	Section 311 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority that receives an application under section 312, to approve or refuse the application and give the applicant notice of the decision.	Section 314 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to require the holder of an environmental authority for which financial assurance has been given to change the amount of the financial assurance, including giving written notice to the holder.	Section 315 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority in the circumstances referred to in 316C, to make a claim on or realise a financial assurance.	Section 316D <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority in the circumstances set out in subsection 316E(1) and (2) give written notice to the entity who gave the EPA assurance or the entity who paid the surety.	Section 316E <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to decide whether to make a claim on, or realise, the EPA assurance, or to ask for payment of the costs and expenses mentioned in subsection 316D(2)(b) and give an information notice about the decision	Section 316G <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to:- (a) grant or refuse the temporary authority; and (b) if the decision is refuse, give an information notice for the decision.	Section 316GD <i>Environmental Protection Act 1994</i>

Chief Executive Officer	Power, as an administering authority, to:- (a) impose conditions on the authority; and (b) notify the applicant of the proposed conditions.	Section 316GE <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to give the temporary authority to the applicant.	Section 316GF <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as the administering authority, to give an annual notice.	Section 316I(2) <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as the administering authority, to recover from the holder of an environmental authority as a debt, outstanding annual fees.	Section 316I(4) <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to change the anniversary day for an environmental authority for which an annual fee is prescribed, in the circumstances provided for by section 316L(1)(a) and 316L(1)(b).	Sections 316L and 316M <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to give the holder:- (a) if the decision is the change the day – written notice of the decision; or (b) if the decision is not to change the day – an information notice for the decision.	Section 316N <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority to, in the circumstances specified in section 316P(1)(a) and 316P(1)(b):- (a) require the holder of the environmental authority to make a site-specific application for a new environmental authority under Chapter 5 Part 2 or make an amendment application for the authority under Chapter 5 Part 7; (b) give written notice of the proposed requirement prior to making it.	Section 316P <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to ask any entity for advice, comment or information about an application made under Chapter 5.	Section 316Q <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power to make submissions about a proposed ERA standard.	Section 318A <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as a person, to take measures as far as is reasonably practicable to rehabilitate or restore the environment to its condition before harm.	Section 319C(2) <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as person aware of an event, or who ought reasonably have been aware of an event, described in section 320A, to give written notice of the event, its nature and the circumstances in which it happened to the administering authority, any occupier of the affected land or any registered owner of the affected land, or by public notice.	Section 320C <i>Environmental Protection Act 1994</i>

Instrument of Delegation  
*Environmental Protection Act 1994*

Current as at 1 July 2024

Chief Executive Officer	Power, as employer aware of an event, or who ought reasonably have been aware of an event, described in section 320A, to give written notice of the event, its nature and the circumstances in which it happened to the administering authority, any occupier of the affected land or any registered owner of the affected land, or by public notice.	Section 320D <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as a person mentioned in section 320A(2)(a), to within 24 hours after becoming aware or the time when they ought reasonably to have become aware of an event or change mentioned in section 320A(2)(b)(i) or (ii) give the administering authority written notice of the matters stated in subsection (2).	Section 320DA(1) <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as a person mentioned in section 320A(2)(a), to within 20 business days after becoming aware or the time when they ought reasonably to have become aware of an event or change mentioned in section 320A(2)(b)(iii) give the administering authority written notice of the activity.	Section 320DA(3) <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as a local government mentioned in section 320A(3)(c), to within 20 business days after becoming aware or the time when Council ought reasonably to have become aware that the activity has been, or is being, carried out on land in its area, give the administering authority written notice.	Section 320DB(1) <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as a local government mentioned in sections 320A(3)(a) or 320A(3)(b), to within 24 hours after becoming aware or the time when Council ought reasonably to have become aware of the matter mentioned in section 320A(3)(a) or (b), give the administering authority written notice.	Section 320DB(2) <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to require a person to conduct or commission an environmental audit and give an environmental report about the audit.	Sections 322 and 323 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to require a person to conduct or commission an environmental investigation.	Section 326B <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to ask for further information and extend the time for making a request under subsection (2).	Section 326F <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to accept the report or refuse to accept the report and to give notice of the decision.	Section 326G <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority which has accepted an environmental report under section 326G, to do 1 or more of the things listed in subsection (1).	Section 326H <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority which has refused to accept an environmental report under section 326G(4)(b), to, by written notice, require the recipient to conduct or	Section 326I <i>Environmental Protection Act 1994</i>

	commission another environmental investigation and submit a report on the investigation.	
Chief Executive Officer	Power, as an administering authority, to require a person or public authority to apply to the administering authority for the issue of a transitional environmental program.	Section 332 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power to apply for the issue of a transitional environmental program to the administering authority for approval.	Section 333 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to by written notice require the person or public authority that submitted the draft transitional environmental authority to give further information.	Section 334(1) <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power to give the administering authority the requested information and ask the administering authority to extend the information response period.	Sections 334(3) and (4) <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power to make a submission in relation to an application for the issue of a transitional environmental program.	Section 335 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power to give public notice of the application for the issue of a transitional environmental program.	Section 335(2) <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to invite parties to a conference to help it determine whether or not to approve a draft transitional environmental program.	Section 336 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to seek advice, comment or information about an application for the issue of a transitional environmental program.	Section 336A <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to extend the period for decision about an application for the issue of a transitional environmental program and approve a transitional environmental program.	Section 337 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to:- (a) approve a transitional environmental program with or without conditions; or (b) refuse to approve a transitional environmental program.	Section 339(1) and (2) <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to:- (a) where the administering authority approves the application issue the transitional environmental program; and (b) where the administering authority refuses the application or imposes conditions – give an information notice.	Section 340 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to approve an application for a transitional environmental program if there has been substantial compliance with public notice requirements.	Section 342 <i>Environmental Protection Act 1994</i>

Chief Executive Officer	Power, as an administering authority when issuing a transitional environmental program, to include a note in the environmental authority.	Section 343A <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to consider and approve or refuse an application to amend a transitional environmental program.	Section 344 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to amend a transitional environmental program to correct a clerical or formal error, and to give written notice of the amendment.	Section 344AA <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to amend a transitional environmental program, or a condition imposed on a transitional environmental program, at any time.	Section 344AB(1) <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as the holder of a transitional environmental program, to agree in writing to the amendment.	Section 344AB(1)(b) <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to within the relevant period amend the transitional environmental program to give effect to the amendment, issue the amended transitional environmental program to the holder and include a copy of the amended transitional environmental program in the relevant register.	Section 344AC(2) <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to give the holder of the transitional environmental program a proposed amendment notice.	Section 344AE(1) <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as the holder of a transitional environmental program, to make written representations to show why the proposed amendment should not be made.	Section 344AE(1)(d) <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to consider any written representation made by the holder of the transitional environmental program.	Section 344AF <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to make the amendment decision.	Section 344AG(1) <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to give the holder written notice of the decision not to make the proposed amendment.	Section 344AG(4) <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to give the holder of the transitional environmental program an information notice.	Section 344AH <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to cancel a transitional environmental program, give notice of the decision or record details of the decision in a register.	Section 344E <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to withdraw the notice or remove the record.	Section 344F <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to give the holder of the environmental authority a copy of the authority that does not include the note.	Section 344G <i>Environmental Protection Act 1994</i>

Instrument of Delegation  
*Environmental Protection Act 1994*

Current as at 1 July 2024

Chief Executive Officer	Power, as an administering authority, to give written notice of the matters listed in section 352(1)..	Section 352 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to apply to the Court for an order that section 353(1) does not apply.	Section 355 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority who has made an application to the Court under section 355, to apply to the Court for an order pending decision on the application	Section 357(2) <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as administering authority, to – <ul style="list-style-type: none"> <li>• grant an application for a temporary emissions licence, with or without conditions, as submitted or on different terms than have been requested in the application; or</li> <li>• refuse to grant the application for a temporary emissions licence; and</li> </ul> where necessary, give an information notice	Sections 357C, 357D, 357E and 357F <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as administering authority, to amend, cancel or suspend a temporary emissions licence.	Section 357J <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as holder of a temporary emissions licence, to give written agreement to the amendment of the licence.	Section 357J(b) <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to issue an environmental enforcement order.	Section 362 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as a recipient of an environmental enforcement order, to give written notice to the buyer of the existence of the order.	Section 369C(2) <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as a recipient of an environmental enforcement order, to provide written notice of the disposal to the administering authority.	Section 369C(6) <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, in the circumstances listed in subsection (1), to give written notice of ceasing to carry out the activity to the administering authority.	Section 369D(2) <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an owner and/or occupier of land in the circumstances listed in subsection (1), to give consent to the entry.	Section 369E(2)(a) <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, in the circumstances listed in subsection (1), to give written notice of the entry to the owner and occupier of the land.	Section 369E(2)(b) <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, in the circumstances listed in subsections (1) and (2), to recover as a debt from another person who caused or permitted the contamination incident to happen, the amount of loss or expense incurred by the recipient in complying with the order.	Section 369H(2) <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to issue a cost recovery notice.	Section 369J(1) <i>Environmental Protection Act 1994</i>

Instrument of Delegation  
*Environmental Protection Act 1994*

Current as at 1 July 2024

Chief Executive Officer	Power, as an administering authority, to recover the amount stated in the cost recovery notice from the recipient as a debt.	Section 369J(4) <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to decide a person has a relevant connection with a company.	Section 363N(2) <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to issue an environmental enforcement order to a related person of the company.	Section 363P(1) <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to issue an environmental enforcement order under division 2 to a related person of a high risk company.	Section 369Q(1) <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as the land's owner, to:- (a) make a written submission to the administering authority in response to a show cause notice issued pursuant to section 375; (b) make the declaration mentioned in section 375(2)(e); and (c) include a copy of any investigation report mentioned in section 375(4).	Section 376 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as the owner of land, to make an inclusion request and respond to any request for further information from the administering authority.	Sections 379B and 379C <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, to give the administering authority:- (a) a contaminated land investigation document accompanied by a declaration and a statement; and (b) a statement as owner of the land agreeing to the draft plan.	Section 390 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as a prescribed responsible person, to make a written submission in response to a show cause notice issued pursuant to section 391.	Section 392(1) <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as a prescribed responsible person, to comply with a notice issued by the administering authority pursuant to this section.	Section 394(5) <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as a prescribed responsible person, to:- (a) obtain the consent of the owner or occupier to enter the land; (b) give the owner or occupier written notice of the intention to enter the land; (c) agree with the owner or occupier about reasonable compensation because of the loss or damage; and (d) appear in any proceeding before a court of competent jurisdiction (including instructing a	Section 395 <i>Environmental Protection Act 1994</i>



	legal representative to appear) where agreement about compensation cannot be reached.	
Chief Executive Officer	Power, as a prescribed responsible person, to comply with a requirement of the administering authority given pursuant to this section.	Section 397 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power to apply to amend a site management plan and to comply with Chapter 7, Part 8, Division 3, Subdivisions 2 to 4 as they relate to the application.	Section 402 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as owner or occupier of land, to consent to the amendment of a site management plan for the land by the administering authority.	Section 403 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as the person who released the contaminant, the relevant local government or the owner of the land, to prepare a draft amendment of a site management plan if requested to do so by the administering authority and to comply with Chapter 7, Part 8, Division 3, Subdivisions 2 to 5 as they relate to the draft amendment.	Section 404 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as owner of land, to give a lessee or proposed lessee notice that particulars of the land have been recorded in the contaminated land register.	Section 407 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an owner of land in a circumstance listed in subsection (1), to give the notice required by subsection (2).	Section 408 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to require a person to provide information for the enforcement or administration of this Act.	Section 451 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as owner or occupier of land, to consent to an authorised person's entry onto the land.	Section 452 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as owner or occupier of land, to consent to an authorised person's entry onto the land.	Section 454 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to issue a notice that an authorised person will enter land.	Section 454(3)(b) and (4) <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as the occupier of access land, to consent to an authorised person's entry onto the land.	Section 455 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as a corporation, to comply with a written notice requiring Council to nominate an executive officer or employee who is authorised to answer a question under section 465(3).	Section 465(3) <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power as a person to whom an emergency direction is given to comply with the direction and to take the steps required by subsection (b).	Section 478 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to waive payment of costs of investigation or remediation work.	Section 489 <i>Environmental Protection Act 1994</i>

Instrument of Delegation  
*Environmental Protection Act 1994*

Current as at 1 July 2024

Chief Executive Officer	Power, as an administering authority, to make an application to the court for an order against a defendant for costs.	Section 501(1)(c) <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to carry out work or take other action reasonably necessary where a person has failed to comply with an order made under section 502.	Section 502A(2) <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to make an application to the Court to remedy or restrain an offence against this Act.	Section 505 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as a person who has made an application pursuant to section 505, to seek an order of the Court pending determination of the application.	Section 506 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as the administering authority, to: (a) accept or reject an enforceable undertaking; (b) given written notice of the decision and the reasons for the decision (c) publish a copy of any undertaking on Council's website; and (d) take all reasonable steps to have any proceedings in relation to the contravention discontinued.	Section 507 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as the administering authority, to agree in writing to the withdrawal or variation of an enforceable undertaking and to publish notice of the withdrawal or variation on Council's website.	Section 509 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as the administering authority, to amend an enforceable undertaking by written agreement.	Section 510 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as the administering authority, to make an amendment to an enforceable undertaking to correct a clerical or formal error and give written notice of the amendment.	Section 511 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as the administering authority, to:- (a) amend or suspend an enforceable undertaking where satisfied one of the circumstances in subsections 512(1)(a) to (d) apply; and (b) comply with the requirements of subsection 512(2) to (7).	Section 512 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as the administering authority, to apply to the Magistrates Court for an order if a person contravenes an enforceable undertaking.	Section 513(2) <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power to exercise all the powers of the chief executive that have been delegated to Council. (Sub-section (2) permits sub delegation of these powers to a qualified entity).	Section 516 <i>Environmental Protection Act 1994</i>

Chief Executive Officer	Power, where the chief executive has delegated the powers as an administering authority to Council, to exercise those delegated powers.	Section 518(1)(a)(ii) <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as a dissatisfied person, to apply for a review of an original decision.	Section 521(1) <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as a dissatisfied person, to appeal to the Land Court against a review decision of an original decision mentioned in schedule 2, part 1.	Section 524 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as a party to an appeal, to ask the Land Court to conduct or provide mediation for the appeal, participate in the mediation and attempt to settle the appeal at mediation.	Section 526 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as a dissatisfied person, to appeal to the Planning and Environment Court against a review decision of an original decision, other than a review decision to which Chapter 11, Part 3, Division 3, Subdivision 1 of this Act applies or a review decision that relates to an original decision mentioned in Schedule 2, Part 3.	Section 531 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an applicant for internal review of an original decision mentioned in schedule 2, part 1 or 2, to apply for a stay of the decision.	Section 539A(1) <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, keep the registers listed in section 540(1) and keep them available for inspection.	Section 540, 541 and 542 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to prepare and submit a report to the chief executive.	Section 546 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to consult with the chief executive about guidelines the chief executive proposes for administering authorities.	Section 548(3) <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power to consult with the chief executive about guidelines the chief executive proposes.	Section 549(2) <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, in the circumstance referred to in subsection 574BA(1), to recover the administering authorities reasonable costs and expenses in performing the function.	Section 574BA <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as the owner or occupier of the land, to claim compensation for any compensatable effect in a proceeding brought in a court of competent jurisdiction.	Section 579(4) <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to change or cancel a condition of an environmental authority given continuing effect under section 619(2)(d) or 619(4)(d) of this Act.	Section 620 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, in relation to an activity being carried out under section 619(1) of this Act, to give the person carrying out the activity a development approval and a registration certificate.	Section 621 <i>Environmental Protection Act 1994</i>

Chief Executive Officer	Power, as an administering authority, to give the registered operator for a level 1 approval for a level 1 chapter 4 activity taken to be a registration certificate under section 619, a notice stating that section 316 applies to the registration certificate.	Section 623 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to amend a condition about financial assurance imposed under Chapter 13 Part 6	Section 634 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to consider or continue to consider, a draft transitional program submitted under section 332 or 333 before 4 April 2011 and decide whether to approve it under the unamended Act.	Section 671(2) <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to approve or refuse an application made by the holder of a transitional authority, to convert the conditions of the transitional authority to the standard conditions for the authority or relevant activity.	Section 697 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to approve an application to convert a surrendered registration certificate to an environmental authority that has been suspended under Chapter 5, Part 11A of this Act.	Section 698B <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to amend an environmental authority to which a requirement applies to impose a condition about the financial assurance and to give written notice of the amendment to the authority holder.	Section 699 <i>Environmental Protection Act 1994</i>
Chief Executive Officer	Power, as an administering authority, to continue to keep a register of the environmental protection orders, direction notices and clean-up notices that were issued under the unamended Act before the commencement of the current Act.	Section 812(1) <i>Environmental Protection Act 1994</i>

## Schedule 2

**Limitations to the Exercise of Powers**

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.

**REGISTER OF DELEGATIONS  
COUNCIL TO CEO**

*Environmental Protection Act 1994*

Document Reviewed:	10 July 2024
Reprint:	1 July 2024
Amended/Substituted/Renumbered:	215, 216 and 219, 320C, 320D, 320DA(1), 320DA(3), 320DB(1), 320DB(2), 516
Inserted:	319C(2), 344AA, 344AB(1), 344AB(1)(b), 344AC(2), 344AE(1), 344AE(1)(d), 344AF, 344AG(1), 344AG(4), 344AH, 362, 369C(2), 369C(6), 369D(2), 369E(2)(a), 369E(2)(b), 369H(2), 369J(1), 369J(4), 363N(2), 363P(1), 369Q(1), 812(1)
Omitted/Expired:	358, 363AB, 363AC, 363AD, 363AI, 363AI(7)
Note:	

**REGISTER OF DELEGATIONS  
COUNCIL TO CEO**

*Environmental Protection Act 1994*

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION
	Chief Executive Officer	Power, as an affected person, to make written comments to the chief executive about a TOR notice.	Sections 42 and 43 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power to make a written submission about a submitted EIS.	Section 54 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to give an applicant a notice about an application that is not a properly made application.	Section 128 <i>Environmental Protection Act 1994</i>

**REGISTER OF DELEGATIONS  
COUNCIL TO CEO**

*Environmental Protection Act 1994*

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION
	Chief Executive Officer	Power to agree a further period within which the applicant must give notice under section 128	Section 129 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to give a notice or other document relating to an application made by joint applicants, to the principal applicant nominated in the application.	Section 130(3)(a) <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to make a requirement under Chapter 5 relating to an application made by joint applicants, to the principal applicant nominated in the application.	Section 130(3)(b) <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to refuse to allow a change to an application if the change would result in the application not being a properly made application and the applicant does not take action to make the remade application properly made.	Section 132 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to give written agreement that a change to an application is a minor change.	Section 133 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to determine satisfaction that the requirements under the application stage have been complied with.	Section 136(b)(i) <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to make a written information request to the applicant to give further information needed to assess the application.	Section 140 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to agree to extend the applicant's information request response period.	Sections 145 and 147 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to determine not to make an information request.	Section 148(b)(i) <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to, by written notice to the applicant, extend the decision period and further extend the decision period with the written agreement of the applicant.	Section 168 <i>Environmental Protection Act 1994</i>



**REGISTER OF DELEGATIONS  
COUNCIL TO CEO**

*Environmental Protection Act 1994*

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION
	Chief Executive Officer	Power, as an administering authority, to approve a standard application subject to the standard conditions for the relevant activity or authority.	Section 170 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to approve a variation application subject to the standard conditions for the relevant activity or authority or subject to conditions which are different to the standard conditions for the activity or authority.	Section 171 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to refuse a site- specific application or approve a site-specific application subject to conditions.	Section 172 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority after making a decision under division 2, subdivision 2, to give written notice of the decision.	Section 181 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to make a final decision on an application for an environmental authority.	Section 194A <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to issue an environmental authority.	Section 195 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to include a copy of an environmental authority in the relevant register.	Section 197 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to give an information notice to the applicant for an environmental authority.	Section 198(2) <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to give an information notice about the decision to any submitter for the application.	Section 198(4) <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to impose a condition on an environmental authority or draft environmental authority to which section 115 applies.	Section 203 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to amend an environmental authority to correct a clerical or formal error by giving written notice to the holder but only if the amendment does not adversely affect the interests of the holder or anyone else.	Section 211 <i>Environmental Protection Act 1994</i>

**REGISTER OF DELEGATIONS  
COUNCIL TO CEO**

*Environmental Protection Act 1994*

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION
	Chief Executive Officer	Power, as an administering authority, to amend an existing environmental authority issued subject to conditions to replace the existing standard conditions with new standard conditions issued by the chief executive and to give written notice of the amendment to the environmental authority holder.	Section 213 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to make an amendment to an environmental authority:- (a) which is necessary or desirable because of a matter mentioned in section 215(2) and where the procedure required by Chapter 5, Part 6, Division 2 is followed; or (b) if the holder has agreed in writing to the amendment.	Section 215 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to make particular amendments to an environmental authority in accordance with the procedure required by Chapter 5, Part 6, Division 2.	Sections 216 and 219 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to refuse an amendment application to which section 227A(1) applies, to require the environmental authority holder to make a site specific application and to give written notice of the refusal to the applicant.	Section 227A <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority where an amendment application is not a properly made amendment application, to give the applicant a notice stating all the matter contained in the subsection.	Section 227AAB(2) <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority where a notice has been issued under subsection 227AAB(2), to agree to a further period to take the action mentioned in subsection 227AAB(2)(c).	Section 227AAC(2) <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority after receiving an amendment application, to decide whether the proposed amendments is a minor or major amendment.	Section 228(1) <i>Environmental Protection Act 1994</i>

**REGISTER OF DELEGATIONS  
COUNCIL TO CEO**

*Environmental Protection Act 1994*

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION
	Chief Executive Officer	Power, as an administering authority, to set the submission period for the application by written notice.	Section 234 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to give written agreement to the continued assessment of a changed application to amend an environmental authority.	Section 237 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to request further information needed to assess a changed amendment application which is not a minor change and to which the information stage applies.	Section 238(3) <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to decide that the notification stage be repeated in respect of a changed amendment application which would be likely to attract a submission objecting to the change.	Section 238(7) <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to:- (a) decide to approve or refuse an amendment application; (b) if the amendment is approved, to make other amendments to the conditions of the environmental authority; (c) give notice of the decision to the applicant; and (d) include a copy of any amended environmental authority in the register	Sections 240 & 242 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to decide to approve an application to amalgamate environmental authorities or refuse an amalgamation application to which section 247(1)(b) applies and impose conditions on the amalgamated environmental authority.	Section 247 <i>Environmental Protection Act 1994</i> .
	Chief Executive Officer	Power, as an administering authority that decides to approve an amalgamation application, to amalgamate the existing authorities, issue it to the applicant and include a copy of it in the relevant register.	Section 248 <i>Environmental Protection Act 1994</i> .

**REGISTER OF DELEGATIONS  
COUNCIL TO CEO**

*Environmental Protection Act 1994*

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION
	Chief Executive Officer	Power, as an administering authority, to:- (a) de-amalgamate an environmental authority; (b) issue the de-amalgamated environmental authorities; (c) impose conditions on each de-amalgamated environmental authority to the extent necessary for the de-amalgamation; and (d) include each environmental authority in the relevant register.	Section 250C <i>Environmental Protection Act 1994</i> .
	Chief Executive Officer	Power, as an administering authority, to approve or refuse an application by the holder of an environmental authority to transfer all or part of the environmental authority to another entity.	Section 254 <i>Environmental Protection Act 1994</i> .
	Chief Executive Officer	Power, as an administering authority, to decide whether a final rehabilitation report includes enough information to decide that the requirements in section 264(b)(i) and 264(b)(ii) have been met.	Section 264 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to make a written request to an applicant to give further information needed to assess an application to surrender an environmental authority.	Section 265 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to approve or refuse a surrender application.	Section 266 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, after deciding a surrender application to take the steps listed in subsections 275(a) or 275(b) as applicable.	Section 275 <i>Environmental Protection Act 1994</i>

## REGISTER OF DELEGATIONS COUNCIL TO CEO

*Environmental Protection Act 1994*

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION
	Chief Executive Officer	Power, as an administering authority, to:- (a) cancel, suspend or extend the suspension of an environmental authority if an event mentioned in section 278(2) has occurred; (b) follow the procedures in Chapter 5, Part 11, Division 2; (c) give notice of the decision; and (d) record the action in the relevant register.	Sections 278, 279, 280, 281, 282, 283 and 284 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority in the circumstances set out in subsection 284AA(1), to cancel an environmental authority if the procedure in Chapter 5, Part 11, Division 2 is followed.	Section 284AA(2) <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to:- (a) approve or refuse an application made by the holder of an environmental authority to suspend or extend the suspension of the environmental authority; (b) record the decision in the appropriate register; and (c) if the decision is to refuse, give the holder an information notice about the decision	Sections 284C and 284F <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as the administering authority, to impose a condition on an environmental authority requiring the holder to give financial assurances as security for compliance with the environmental authority and for costs or expenses mentioned in section 316C.	Section 308 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to decide the amount and form of financial assurance required under a condition of an environmental authority.	Section 310 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to give notice of the decision under section 310.	Section 311 <i>Environmental Protection Act 1994</i>

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COUNCIL TO CEO**

*Environmental Protection Act 1994*

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION
	Chief Executive Officer	(a) Power, as an administering authority that receives an application under section 312, to approve or refuse the application and give the applicant notice of the decision.	Section 314 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to require the holder of an environmental authority for which financial assurance has been given to change the amount of the financial assurance, including giving written notice to the holder.	Section 315 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority in the circumstances referred to in 316C, to make a claim on or realise a financial assurance.	Section 316D <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority in the circumstances set out in subsection 316E(1) and (2) give written notice to the entity who gave the EPA assurance or the entity who paid the surety.	Section 316E <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to decide whether to make a claim on, or realise, the EPA assurance, or to ask for payment of the costs and expenses mentioned in subsection 316D(2)(b) and give an information notice about the decision	Section 316G <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to:- (a) grant or refuse the temporary authority; and (b) if the decision is refuse, give an information notice for the decision.	Section 316GD <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to:- (a) impose conditions on the authority; and (b) notify the applicant of the proposed conditions.	Section 316GE <i>Environmental Protection Act 1994</i>

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COUNCIL TO CEO**

*Environmental Protection Act 1994*

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION
	Chief Executive Officer	Power, as an administering authority, to give the temporary authority to the applicant.	Section 316GF <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as the administering authority, to give an annual notice.	Section 316I(2) <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as the administering authority, to recover from the holder of an environmental authority as a debt, outstanding annual fees.	Section 316I(4) <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to change the anniversary day for an environmental authority for which an annual fee is prescribed, in the circumstances provided for by section 316L(1)(a) and 316L(1)(b).	Sections 316L and 316M <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to give the holder:- (a) if the decision is the change the day – written notice of the decision; or if the decision is not to change the day – an information notice for the decision.	Section 316N <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority to, in the circumstances specified in section 316P(1)(a) and 316P(1)(b):- (b) require the holder of the environmental authority to make a site-specific application for a new environmental authority under Chapter 5 Part 2 or make an amendment application for the authority under Chapter 5 Part 7; give written notice of the proposed requirement prior to making it.	Section 316P <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to ask any entity for advice, comment or information about an application made under Chapter 5.	Section 316Q <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power to make submissions about a proposed ERA standard.	Section 318A <i>Environmental Protection Act 1994</i>

## REGISTER OF DELEGATIONS COUNCIL TO CEO

*Environmental Protection Act 1994*

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION
	Chief Executive Officer	Power, as a person, to take measures as far as is reasonably practicable to rehabilitate or restore the environment to its condition before the harm.	Section 319C(2) <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as person aware of an event, or who ought reasonably have been aware of an event, described in section 320A, to give written notice of the event, its nature and the circumstances in which it happened to the administering authority, any occupier of the affected land or any registered owner of the affected land, or by public notice.	Section 320C <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as employer aware of an event, or who ought reasonably have been aware of an event, described in section 320A, to give written notice of the event, its nature and the circumstances in which it happened to the administering authority, any occupier of the affected land or any registered owner of the affected land, or by public notice.	Section 320D <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as a person mentioned in section 320A(2)(a), to within 24 hours after becoming aware or the time when they ought reasonably to have become aware of an event or change mentioned in section 320A(2)(b)(i) or (ii) give the administering authority written notice of the matters stated in subsection (2).	Section 320DA(1) <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as a person mentioned in section 320A(2)(a), to within 20 business days after becoming aware or the time when they ought reasonably to have become aware of an event or change mentioned in section 320A(2)(b)(iii) give the administering authority written notice of the activity.	Section 320DA(3) <i>Environmental Protection Act 1994</i>



## REGISTER OF DELEGATIONS COUNCIL TO CEO

*Environmental Protection Act 1994*

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION
	Chief Executive Officer	Power, as a local government mentioned in section 320A(3)(c), to within 20 business days after becoming aware or the time when Council ought reasonably to have become aware that the activity has been, or is being, carried out on land in its area, give the administering authority written notice.	Section 320DB(1) <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as a local government mentioned in sections 320A(3)(a) or 320A(3)(b), to within 24 hours after becoming aware or the time when Council ought reasonably to have become aware of the matter mentioned in section 320A(3)(a) or (b), give the administering authority written notice.	Section 320DB(2) <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to require a person to conduct or commission an environmental audit and give an environmental report about the audit.	Sections 322 and 323 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to require a person to conduct or commission an environmental investigation.	Section 326B <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to ask for further information and extend the time for making a request under subsection (2).	Section 326F <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to accept the report or refuse to accept the report and to give notice of the decision.	Section 326G <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority which has accepted an environmental report under section 326G, to do 1 or more of the things listed in subsection (1).	Section 326H <i>Environmental Protection Act 1994</i>

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COUNCIL TO CEO**

*Environmental Protection Act 1994*

<b>NO.</b>	<b>DELEGATE</b>	<b>DESCRIPTION OF POWER DELEGATED</b>	<b>LEGISLATION</b>
	Chief Executive Officer	Power, as an administering authority which has refused to accept an environmental report under section 326G(4)(b), to, by written notice, require the recipient to conduct or commission another environmental investigation and submit a report on the investigation.	Section 326I <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to require a person or public authority to apply to the administering authority for the issue of a transitional environmental program.	Section 332 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power to apply for the issue of a transitional environmental program to the administering authority for approval.	Section 333 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to by written notice require the person or public authority that submitted the draft transitional environmental authority to give further information.	Section 334(1) <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power to give the administering authority the requested information and ask the administering authority to extend the information response period.	Sections 334(3) and (4) <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power to make a submission in relation to an application for the issue of a transitional environmental program.	Section 335 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power to give public notice of the application for the issue of a transitional environmental program.	Section 335(2) <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to invite parties to a conference to help it determine whether or not to approve a draft transitional environmental program.	Section 336 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to seek advice, comment or information about an application for the issue of a transitional environmental program.	Section 336A <i>Environmental Protection Act 1994</i>

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COUNCIL TO CEO**

*Environmental Protection Act 1994*

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION
	Chief Executive Officer	Power, as an administering authority, to extend the period for decision about an application for the issue of a transitional environmental program and approve a transitional environmental program.	Section 337 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to: - (a) approve a transitional environmental program with or without conditions; or (b) refuse to approve a transitional environmental program.	Section 339(1) and (2) <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to: - (a) where the administering authority approves the application issue the transitional environmental program; and (b) where the administering authority refuses the application or imposes conditions – give an information notice.	Section 340 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to approve an application for a transitional environmental program if there has been substantial compliance with public notice requirements.	Section 342 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority when issuing a transitional environmental program, to include a note in the environmental authority.	Section 343A <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to consider and approve or refuse an application to amend a transitional environmental program.	Section 344 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to amend a transitional environmental program to correct a clerical or formal error, and to give written notice of the amendment.	Section 344AA <i>Environmental Protection Act 1994</i>

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COUNCIL TO CEO**

*Environmental Protection Act 1994*

<b>NO.</b>	<b>DELEGATE</b>	<b>DESCRIPTION OF POWER DELEGATED</b>	<b>LEGISLATION</b>
	Chief Executive Officer	Power, as an administering authority, to amend a transitional environmental program, or a condition imposed on a transitional environmental program, at any time.	Section 344AB(1) <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as the holder of a transitional environmental program, to agree in writing to the amendment.	Section 344AB(1)(b) <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to within the relevant period amend the transitional environmental program to give effect to the amendment, issue the amended transitional environmental program to the holder and include a copy of the amended transitional environmental program in the relevant register.	Section 344AC(2) <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to give the holder of the transitional environmental program a proposed amendment notice.	Section 344AE(1) <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as the holder of a transitional environmental program, to make written representations to show why the proposed amendment should not be made.	Section 344AE(1)(d) <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to consider any written representation made by the holder of the transitional environmental program.	Section 344AF <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to make the amendment decision.	Section 344AG(1) <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to give the holder written notice of the decision not to make the proposed amendment.	Section 344AG(4) <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to give the holder of the transitional environmental program an information notice.	Section 344AH <i>Environmental Protection Act 1994</i>

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COUNCIL TO CEO**

*Environmental Protection Act 1994*

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION
	Chief Executive Officer	Power, as an administering authority, to cancel a transitional environmental program, give notice of the decision or record details of the decision in a register.	Section 344E <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to withdraw the notice or remove the record.	Section 344F <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to give the holder of the environmental authority a copy of the authority that does not include the note.	Section 344G <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to give written notice of the matters listed in section 352(1).	Section 352 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to apply to the Court for an order that section 353(1) does not apply.	Section 355 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority who has made an application to the Court under section 355, to apply to the Court for an order pending decision on the application	Section 357(2) <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as administering authority, to – <ul style="list-style-type: none"> <li>• grant an application for a temporary emissions licence, with or without conditions, as submitted or on different terms than have been requested in the application; or</li> <li>• refuse to grant the application for a temporary emissions licence; and</li> <li>• where necessary, give an information notice</li> </ul>	Sections 357C, 357D, 357E and 357F <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as administering authority, to amend, cancel or suspend a temporary emissions licence.	Section 357J <i>Environmental Protection Act 1994</i>

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*Environmental Protection Act 1994*

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION
	Chief Executive Officer	Power, as holder of a temporary emissions licence, to give written agreement to the amendment of the licence.	Section 357J(b) <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to issue an environmental enforcement order.	Section 362 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as a recipient of an environmental enforcement order, to give written notice to the buyer of the existence of the order.	Section 369C(2) <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as a recipient of an environmental enforcement order, to provide written notice of the disposal to the administering authority.	Section 369C(6) <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, in the circumstances listed in subsection (1), to give written notice of ceasing to carry out the activity to the administering authority.	Section 369D(2) <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an owner and/or occupier of land in the circumstances listed in subsection (1), to give consent to the entry.	Section 369E(2)(a) <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, in the circumstances listed in subsection (1), to give written notice of the entry to the owner and occupier of the land.	Section 369E(2)(b) <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, in the circumstances listed in subsections (1) and (2), to recover as a debt from another person who caused or permitted the contamination incident to happen, the amount of loss or expense incurred by the recipient in complying with the order.	Section 369H(2) <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to issue a cost recovery notice.	Section 369J(1) <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to recover the amount stated in the cost recovery notice from the recipient as a debt.	Section 369J(4) <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to decide a person has a relevant connection with a company.	Section 363N(2) <i>Environmental Protection Act 1994</i>

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*Environmental Protection Act 1994*

<b>NO.</b>	<b>DELEGATE</b>	<b>DESCRIPTION OF POWER DELEGATED</b>	<b>LEGISLATION</b>
	Chief Executive Officer	Power, as an administering authority, to issue an environmental enforcement order to a related person of the company.	Section 363P(1) <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to issue an environmental enforcement order under division 2 to a related person of a high risk company.	Section 369Q(1) <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as the land's owner, to:- (a) make a written submission to the administering authority in response to a show cause notice issued pursuant to section 375; (b) make the declaration mentioned in section 375(2)(e); and (c) include a copy of any investigation report mentioned in section 375(4).	Section 376 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as the owner of land, to make an inclusion request and respond to any request for further information from the administering authority.	Sections 379B and 379C <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, to give the administering authority:- (a) a contaminated land investigation document accompanied by a declaration and a statement; and (b) a statement as owner of the land agreeing to the draft plan.	Section 390 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as a prescribed responsible person, to make a written submission in response to a show cause notice issued pursuant to section 391.	Section 392(1) <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as a prescribed responsible person, to comply with a notice issued by the administering authority pursuant to this section.	Section 394(5) <i>Environmental Protection Act 1994</i>

## REGISTER OF DELEGATIONS COUNCIL TO CEO

*Environmental Protection Act 1994*

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION
	Chief Executive Officer	Power, as a prescribed responsible person, to:- (a) obtain the consent of the owner or occupier to enter the land; (b) give the owner or occupier written notice of the intention to enter the land; (c) agree with the owner or occupier about reasonable compensation because of the loss or damage; and (d) appear in any proceeding before a court of competent jurisdiction (including instructing a legal representative to appear) where agreement about compensation cannot be reached.	Section 395 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as a prescribed responsible person, to comply with a requirement of the administering authority given pursuant to this section.	Section 397 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power to apply to amend a site management plan and to comply with Chapter 7, Part 8, Division 3, Subdivisions 2 to 4 as they relate to the application.	Section 402 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as owner or occupier of land, to consent to the amendment of a site management plan for the land by the administering authority.	Section 403 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as the person who released the contaminant, the relevant local government or the owner of the land, to prepare a draft amendment of a site management plan if requested to do so by the administering authority and to comply with Chapter 7, Part 8, Division 3, Subdivisions 2 to 5 as they relate to the draft amendment.	Section 404 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as owner of land, to give a lessee or proposed lessee notice that particulars of the land have been recorded in the contaminated land register.	Section 407 <i>Environmental Protection Act 1994</i>



## REGISTER OF DELEGATIONS COUNCIL TO CEO

*Environmental Protection Act 1994*

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION
	Chief Executive Officer	Power, as an owner of land in a circumstance listed in subsection (1), to give the notice required by subsection (2).	Section 408 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to require a person to provide information for the enforcement or administration of this Act.	Section 451 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as owner or occupier of land, to consent to an authorised person's entry onto the land.	Section 452 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as owner or occupier of land, to consent to an authorised person's entry onto the land.	Section 454 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to issue a notice that an authorised person will enter land.	Section 454(3)(b) and (4) <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as the occupier of access land, to consent to an authorised person's entry onto the land.	Section 455 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as a corporation, to comply with a written notice requiring Council to nominate an executive officer or employee who is authorised to answer a question under section 465(3).	Section 465(3) <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power as a person to whom an emergency direction is given to comply with the direction and to take the steps required by subsection (b).	Section 478 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to waive payment of costs of investigation or remediation work.	Section 489 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to make an application to the court for an order against a defendant for costs.	Section 501(1)(c) <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to carry out work or take other action reasonably necessary where a person has failed to comply with an order made under section 502.	Section 502A(2) <i>Environmental Protection Act 1994</i>

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*Environmental Protection Act 1994*

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION
	Chief Executive Officer	Power, as an administering authority, to make an application to the Court to remedy or restrain an offence against this Act.	Section 505 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as a person who has made an application pursuant to section 505, to seek an order of the Court pending determination of the application.	Section 506 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as the administering authority, to: (a) accept or reject an enforceable undertaking; (b) given written notice of the decision and the reasons for the decision (c) publish a copy of any undertaking on Council’s website; and (d) take all reasonable steps to have any proceedings in relation to the contravention discontinued.	Section 507 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as the administering authority, to agree in writing to the withdrawal or variation of an enforceable undertaking and to publish notice of the withdrawal or variation on Council’s website.	Section 509 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as the administering authority, to amend an enforceable undertaking by written agreement.	Section 510 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as the administering authority, to make an amendment to an enforceable undertaking to correct a clerical or formal error and give written notice of the amendment.	Section 511 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as the administering authority, to:- (a) amend or suspend an enforceable undertaking where satisfied one of the circumstances in subsections 512(1)(a) to (d) apply; and (b) comply with the requirements of subsection 512(2) to (7).	Section 512 <i>Environmental Protection Act 1994</i>

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*Environmental Protection Act 1994*

<b>NO.</b>	<b>DELEGATE</b>	<b>DESCRIPTION OF POWER DELEGATED</b>	<b>LEGISLATION</b>
	Chief Executive Officer	Power, as the administering authority, to apply to the Magistrates Court for an order if a person contravenes an enforceable undertaking.	Section 513(2) <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power to exercise all the powers of the chief executive that have been delegated to Council. (Sub-section (3) permits sub delegation of these powers to a qualified entity).	Section 516 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, where the chief executive has delegated the powers as an administering authority to Council, to exercise those delegated powers.	Section 518(1)(a)(ii) <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power to exercise all the powers of an administering authority when a dissatisfied person applies to Council for review of an original decision.	Section 521 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as a dissatisfied person, to apply for a review of an original decision.	Section 521(1) <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as a dissatisfied person, to appeal to the Land Court against a review decision of an original decision mentioned in schedule 2, part 1.	Section 524 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as a party to an appeal, to ask the Land Court to conduct or provide mediation for the appeal, participate in the mediation and attempt to settle the appeal at mediation.	Section 526 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as a dissatisfied person, to appeal to the Planning and Environment Court against a review decision of an original decision, other than a review decision to which Chapter 11, Part 3, Division 3, Subdivision 1 of this Act applies or a review decision that relates to an original decision mentioned in Schedule 2, Part 3.	Section 531 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an applicant for internal review of an original decision mentioned in schedule 2, part 1 or 2, to apply for a stay of the decision.	Section 539A(1) <i>Environmental Protection Act 1994</i>

## REGISTER OF DELEGATIONS COUNCIL TO CEO

*Environmental Protection Act 1994*

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION
	Chief Executive Officer	Power, as an administering authority, keep the registers listed in section 540(1) and keep them available for inspection.	Section 540, 541 and 542 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to prepare and submit a report to the chief executive.	Section 546 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to consult with the chief executive about guidelines the chief executive proposes for administering authorities.	Section 548(3) <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power to consult with the chief executive about guidelines the chief executive proposes.	Section 549(2) <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, in the circumstance referred to in subsection 574BA(1), to recover the administering authorities reasonable costs and expenses in performing the function.	Section 574BA <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as the owner or occupier of the land, to claim compensation for any compensatable effect in a proceeding brought in a court of competent jurisdiction.	Section 579(4) <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to change or cancel a condition of an environmental authority given continuing effect under section 619(2)(d) or 619(4)(d) of this Act.	Section 620 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, in relation to an activity being carried out under section 619(1) of this Act, to give the person carrying out the activity a development approval and a registration certificate.	Section 621 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to give the registered operator for a level 1 approval for a level 1 chapter 4 activity taken to be a registration certificate under section 619, a notice stating that section 316 applies to the registration certificate.	Section 623 <i>Environmental Protection Act 1994</i>

**REGISTER OF DELEGATIONS  
COUNCIL TO CEO**

*Environmental Protection Act 1994*

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION
	Chief Executive Officer	Power, as an administering authority, to amend a condition about financial assurance imposed under Chapter 13 Part 6	Section 634 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to consider or continue to consider, a draft transitional program submitted under section 332 or 333 before 4 April 2011 and decide whether to approve it under the unamended Act.	Section 671(2) <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to approve or refuse an application made by the holder of a transitional authority, to convert the conditions of the transitional authority to the standard conditions for the authority or relevant activity.	Section 697 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to approve an application to convert a surrendered registration certificate to an environmental authority that has been suspended under Chapter 5, Part 11A of this Act.	Section 698B <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to amend an environmental authority to which a requirement applies to impose a condition about the financial assurance and to give written notice of the amendment to the authority holder.	Section 699 <i>Environmental Protection Act 1994</i>
	Chief Executive Officer	Power, as an administering authority, to continue to keep a register of the environmental protection orders, direction notices and clean-up notices that were issued under the unamended Act before the commencement of the current Act.	Section 812(1) <i>Environmental Protection Act 1994</i>



**8.7 LICENCE AGREEMENT - CHILLAGOE POST OFFICE - 19-25 QUEEN STREET CHILLAGOE - GRANT OF FURTHER TERM**

**Date Prepared:** 9 August 2024  
**Author:** Supervisor Governance & Compliance  
**Attachments:** Nil

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**EXECUTIVE SUMMARY**

This report seeks Council consent for the approval of a further Licence Agreement for the Chillagoe Post Office, located at Chillagoe Hub on 19-25 Queen Street, Chillagoe, to the current Licensee, Tanya Whiting.

The Licence Agreement allows for the continued operation of the Chillagoe Post Office.

**RECOMMENDATION**

That Council:

1. Decide that section 236(1)(c)(iii) of the *Local Government Regulation 2012* (Qld) applies to the proposed Licence Agreement renewal – that being part of 19-25 Queen Street Chillagoe – other than by tender or auction.
2. Approve a renewal term of three (3) years, for the Licence Agreement over part of 19-25 Queen Street Chillagoe, known as the Chillagoe Hub, as issued to the current Licensee, Tanya Whiting.

**BACKGROUND**Current Agreement

Tanya Whiting (“the Licensee”) currently holds a Licence Agreement (“agreement”) for an area of the Chillagoe Hub at 19-25 Queen Street Chillagoe, expiring 31 August 2024. The agreement has been in place since 1 September 2021.

The licenced area is occupied by the Chillagoe Post Office. The Licensee has operated the Post Office since 2019, when they took over operation and received approval from Council to assign the former agreement.

Proposed New Agreement

Prior to the expiry of the Licence Agreement, the Licensee has expressed their intention to enter into a new agreement with Council for a further term.

It is proposed that the new agreement be on the following terms:

1. Rental amount of \$7,200.19 (incl GST) = current rent of \$6,964.62 (incl GST) increased by June 2024 CPI;
2. Term of 1 September 2024 to 31 August 2027;

3. The Licensee has exclusive use of the Post Office area, and shared use of the storeroom (excluding a specified area within the storeroom that is reserved for Chillagoe Library use) and the staff room area, including the toilet and associated facilities;
4. Otherwise, the same terms as the current Licence Agreement in place.

#### Compliance with *Local Government Regulation 2012*

Council officers have conducted a review of sections 224, 227 and 236 of the *Local Government Regulation 2012* (Qld) (LGR) to ensure that appropriate authority exists in context for the lawful approval of a tenure instrument (renewal) other than by tender or auction in accordance with requirements under the LGR.

#### **RISK IMPLICATIONS**

Nil

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

Nil

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

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

Nil

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

Nil

#### **LINK TO CORPORATE PLAN**

**Financial Sustainability:** A council that continuously operates in a cost-effective manner while managing council's assets and reserves to ensure a sustainable future.

**Community:** An informed and engaged community which supports and encourages effective partnerships to enhance the liveability of the Shire.

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

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

#### **IMPLEMENTATION/COMMUNICATION**

Communicate Council Resolution with Licensee to enter into new tenure agreement.



**8.8 FINANCIAL STATEMENTS PERIOD ENDING 31 JULY 2024**

**Date Prepared:** 29 July 2024

**Author:** Manager Finance

**Attachments:** 1. [Budgeted Income Statement July 2024](#) ↓

**EXECUTIVE SUMMARY**

The purpose of this report is to provide Council with an overview of financial matters for the period 1 July 2024 to 31 July 2024.

**RECOMMENDATION**

That Council;

1. receives the Financial Report for the period ending 31 July 2024; and
2. endorses the emergency purchase order.

**BACKGROUND**

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

It should be noted that whilst financial year end processes are still in progress, this will impact the July figures as reported below.

The 2023/24 Financial Statements will be presented to the Audit Committee and Queensland Audit Office for the annual audit on 19 August 2024.

For the period ending 31 July 2024, the actual results are in line with the year-to-date budget. There are no issues or concerns to discuss or highlight at this stage.

The budgeted figures reflect the 2024/25 Budget as adopted by Council at the 17 July 2024 meeting.

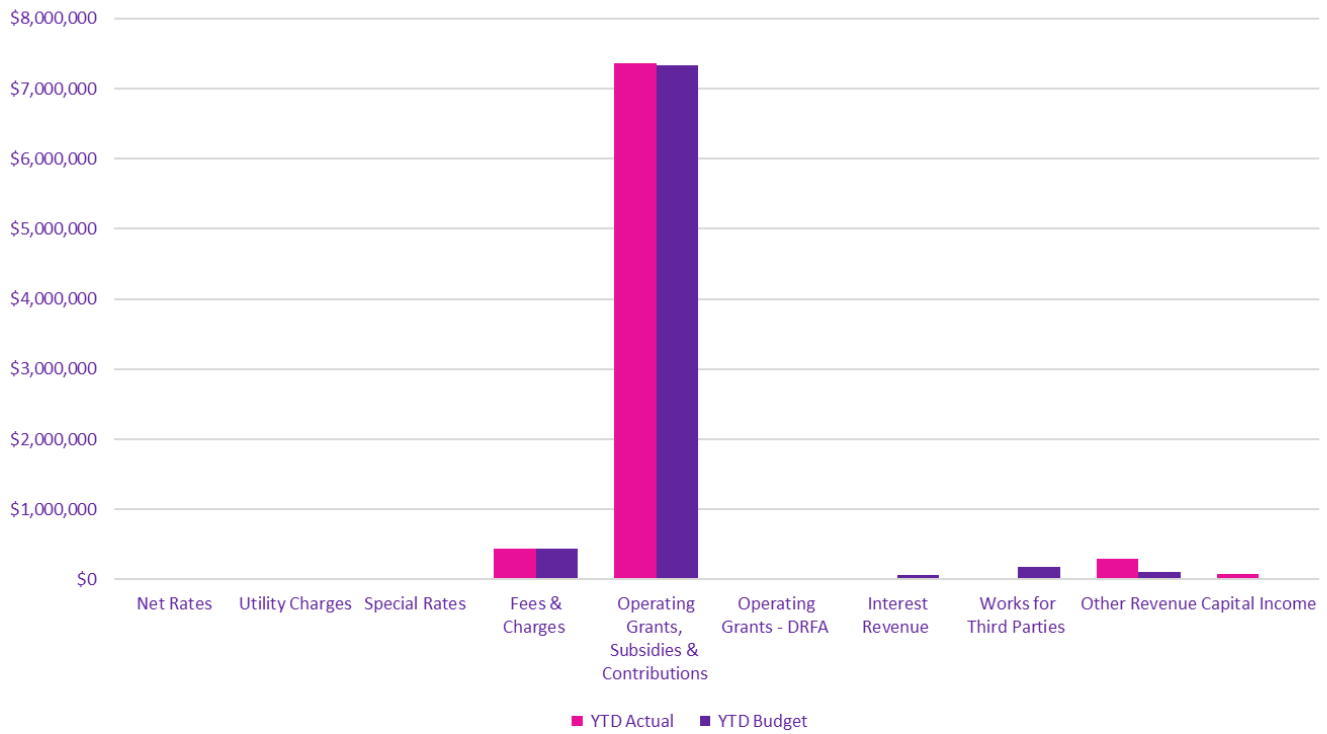
<i>July 2024 – Snapshot</i>	Actuals YTD	Budget YTD
Total Operating Income	\$ 8,143,641	8,105,712
Total Operating Expenditure	\$ 5,057,531	5,678,997
Operating Surplus/(Deficit)	\$ 3,086,110	2,426,714
Total Capital Income	\$ 77,607	-
<b>Net Result - Surplus/(Deficit)</b>	<b>\$ 3,163,717</b>	<b>2,426,714</b>

Income Analysis

Total income (inclusive of capital income of \$77,607) for the period ending 31 July 2024 is \$8,221,248 compared to the YTD budget of \$8,105,712.

The graph below shows actual income against budget for the period ending 31 July 2024.

**Actual Income V Budget Income**



	Actual YTD	Budget YTD	Note
Net Rates	-	-	<b>1</b>
Utility Charges	-	-	<b>1</b>
Special Rates and Charges	-	-	<b>1</b>
Fees & Charges	441,634	438,367	
Operating Grants, Subsidies & Contributions	7,366,654	7,332,750	
Operating Grants, Subsidies - DRFA	-	-	
Interest Received	20,674	56,500	
Works for Third Parties	20,089	172,500	<b>2</b>
Other Revenue	294,591	105,594	<b>3</b>
Capital Income	77,607	-	<b>4</b>

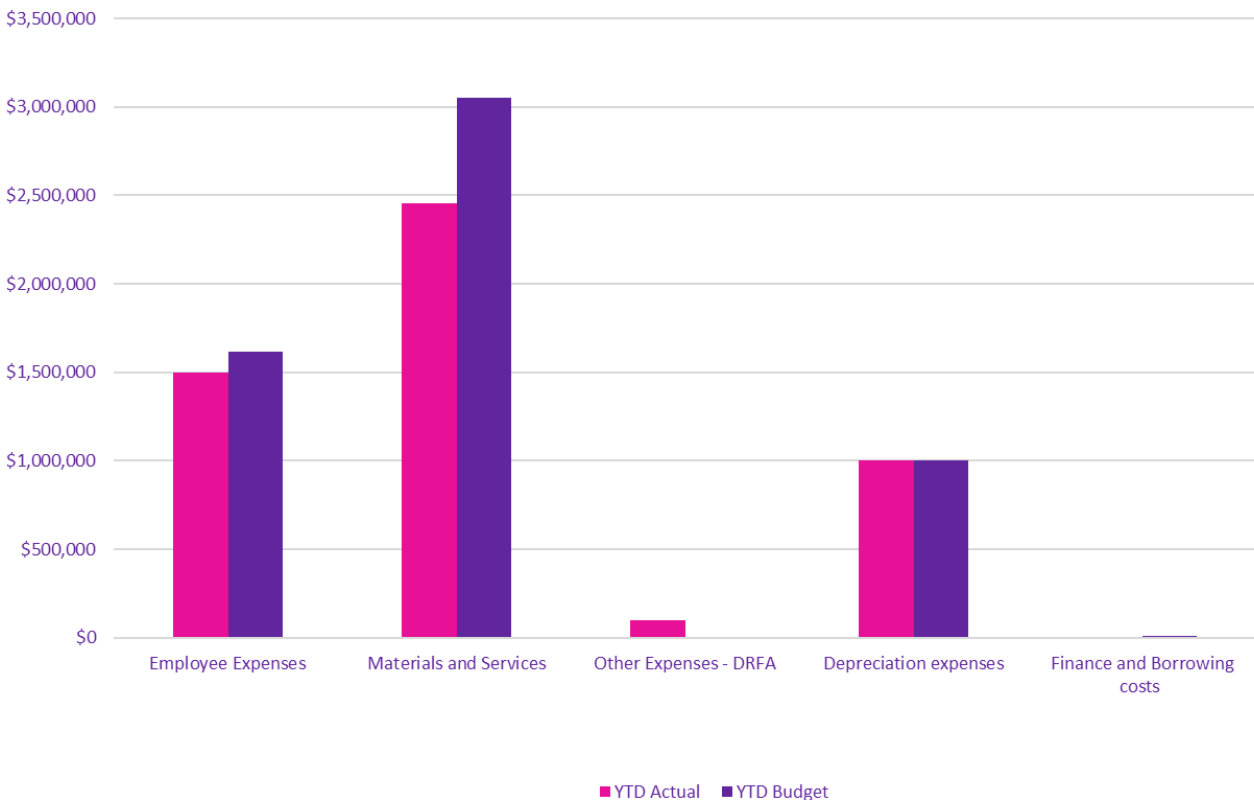
**Notes:**

1. Rates and Charges are raised and levied in August and February each year. The budget apportionment aligns with these levy periods.
2. RMPC income is generated up to one (1) month following actual expenditure. The annual profit from RMPC is not anticipated to exceed the budget.
3. Annual invoices have been raised for some rent and leases. The annual rental is not anticipated to exceed the budget.
4. Capital income represents Developer Contributions received for the month of July.

Expenditure Analysis

Total expenses for the period ending 31 July 2024 is \$5,057,531 compared to the YTD budget of \$5,678,997. The graph below shows actual expenditure against budget for the period ending 31 July 2024.

**Actual Expenditure V Budget Expenditure**



	Actual YTD	Budget YTD	Note
--	------------	------------	------

Employee expenses	1,496,153	1,615,040	
Materials & Services	2,456,524	3,054,393	
Other Expenses - DRFA	98,671	-	
Depreciation expenses	1,002,759	1,002,759	
Finance & Borrowing costs	3,424	6,804	

Notes:

There are no significant issues to report.

Vandalism Expenses

So far this year, a total of \$2,522 has been spent on repairs and maintenance due to vandalism. These costs include employee expenses and materials and services.

Capital Expenditure

Total capital expenditure of \$8,198,199 (including commitments) has been spent for the period ending 31 July 2024 against the 2024/25 annual capital budget of \$24,588,960.

The 2023/24 capital projects that did not commence or finish will be considered in the carryover of 2025/25 budget, which will be provided to Council at the September meeting.

Loan Borrowings

Council's loan balance is \$6,482,690 as at 31 July 2024.

Rates and Charges

The total rates and charges payable as at 31 July 2024 are \$1,811,411 which is broken down as follows:

Status	31 July 2024		31 July 2023	
	No. of properties	Amount	No. of properties	Amount
Valueless land	-	-	4	78,466
Payment Arrangement	4	5,587	3	6,225
Collection House	277	1,073,682	230	872,919
Exhausted – awaiting sale of land	7	73,957	6	46,416
Sale of Land	4	49,689	*59	1,008,458
Other (includes supplementary rates notices)	157	608,496	113	293,785
<b>TOTAL</b>	<b>449</b>	<b>1,811,411</b>	<b>415</b>	<b>2,306,269</b>

\* This includes the 57 Kuranda Resort properties which were up for Sale of Land.

The Rate Notices for the period ending 31 December 2024 are being prepared with an anticipated issue date of 12 August 2024 and a due date of 13 September 2024.

Collection House collected \$171,175 for the month of July 2024.

Council officers held the auction for sale of land for overdue rates on Thursday, 25 July. Of the eight (8) properties that were up for sale of land, four (4) paid their outstanding rates, charges, interest and legal fees ahead of the auction. The remaining four (4) proceeded to auction and have all been sold. Outstanding rates on these properties will be paid once the properties settle.

Sundry Debtors

The total outstanding for Sundry Debtors as at 31 July 2024 is \$358,219 which is made up of the following:

Current	30 days	60 days	90 + days
\$325,456	\$25,369	\$754	\$6,640
90.86%	7.08%	0.21%	1.85%

Procurement

There was one emergency purchase order for the month of July 2024:

<b>Order Number</b>	PWK12510	<b>Quotation Process</b>	EMERGENC	<b>Order Date</b>	24/07/2024
<b>Supplier Name</b>	MC Group Qld Pty Ltd				
<b>Order Amount</b>	\$369,096.10				
<b>Reason</b>	Emergent Works - Supply & Delivery of Type 4.3 Road Base BDR - Wrotham to Boundary				

**RISK IMPLICATIONS**

Nil

**Legal/Compliance/Policy Implications**

Section 204 of the *Local Government Regulation 2012* requires the financial report to be presented to local government if the local government holds its ordinary meetings more frequently (than once per month) - to a meeting in each month.

**FINANCIAL AND RESOURCE IMPLICATIONS**

Nil

**LINK TO CORPORATE PLAN**

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

**IMPLEMENTATION/COMMUNICATION**

Nil

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**Budgeted Income Statement by Fund 2024/25 Budget**

<b>Consolidated</b>			
	<b>Actual YTD</b>	<b>Budget YTD</b>	<b>2024/25 Budget</b>
<b>Revenue</b>			
Rates and utility charges	-	-	43,846,904
Less Discounts and Pensioner Remissions	-	-	(2,398,846)
<b>Net Rates and Utility Charges</b>	<b>-</b>	<b>-</b>	<b>41,448,058</b>
Fees and Charges	441,634	438,367	2,075,409
Operating Grants and Subsidies	7,366,654	7,328,250	9,272,056
Operating Grants and Subsidies - DRFA	-	-	-
Operating Contributions	-	4,500	54,000
Interest Revenue	20,674	56,500	678,000
Works for Third Parties	20,089	172,500	2,070,000
Other Revenue	294,591	105,594	1,267,130
<b>Total Operating Revenue</b>	<b>8,143,641</b>	<b>8,105,712</b>	<b>56,864,653</b>
<b>Expenditure</b>			
Employee Expenses	1,496,153	1,615,040	19,959,729
Materials and Services	2,456,523	3,054,394	18,908,537
Other Expenses - DRFA	98,671	-	-
Depreciation expense	1,002,759	1,002,759	12,033,115
Finance and Borrowing costs	3,424	6,804	338,828
<b>Total Operating Expenses</b>	<b>5,057,531</b>	<b>5,678,997</b>	<b>51,240,209</b>
<b>Operating Surplus/(Deficit)</b>	<b>3,086,110</b>	<b>2,426,715</b>	<b>5,624,444</b>
<b>Capital Income</b>			
Capital Contributions	77,607	-	-
Capital Grants and Subsidies	-	-	9,422,669
Interest on Contributions/Reserves	-	-	-
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	-	-	180,000
<b>Total Capital Income</b>	<b>77,607</b>	<b>-</b>	<b>9,602,669</b>
<b>Net Result</b>	<b>3,163,717</b>	<b>2,426,715</b>	<b>15,227,113</b>

**Budgeted Income Statement by Fund 2024/25 Budget**

<b>General</b>			
	<b>Actual YTD</b>	<b>Budget YTD</b>	<b>2024/25 Budget</b>
<b>Revenue</b>			
Rates and utility charges	-	-	23,705,538
Less Discounts and Pensioner Remissions	-	-	(2,398,846)
<b>Net Rates and Utility Charges</b>	<b>-</b>	<b>-</b>	<b>21,306,692</b>
Fees and Charges	381,472	369,280	1,246,360
Operating Grants and Subsidies	7,366,654	7,321,000	9,185,056
Operating Grants and Subsidies - DRFA	-	-	-
Operating Contributions	-	-	-
Interest Revenue	20,674	39,000	468,000
Works for Third Parties	20,089	172,500	2,070,000
Other Revenue	255,904	86,678	1,040,130
<b>Total Operating Revenue</b>	<b>8,044,792</b>	<b>7,988,458</b>	<b>35,316,238</b>
<b>Expenditure</b>			
Employee Expenses	1,388,076	1,437,864	17,795,080
Materials and Services	1,947,903	1,828,659	8,336,168
Other Expenses - DRFA	98,671	-	-
Depreciation expense	709,788	709,788	8,517,457
Finance and Borrowing costs	3,424	6,804	139,691
<b>Total Operating Expenses</b>	<b>4,147,863</b>	<b>3,983,115</b>	<b>34,788,396</b>
<b>Operating Surplus/(Deficit)</b>	<b>3,896,930</b>	<b>4,005,342</b>	<b>527,842</b>
<b>Capital Income</b>			
Capital Contributions	21,323	-	-
Capital Grants and Subsidies	-	-	4,477,504
Interest on Contributions/Reserves	-	-	-
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	-	-	180,000
<b>Total Capital Income</b>	<b>21,323</b>	<b>-</b>	<b>4,657,504</b>
<b>Net Result</b>	<b>3,918,252</b>	<b>4,005,342</b>	<b>5,185,346</b>



**Budgeted Income Statement by Fund 2024/25 Budget**

<b>Waste</b>			
	<b>Actual YTD</b>	<b>Budget YTD</b>	<b>2024/25 Budget</b>
<b>Revenue</b>			
Rates and utility charges	-	-	4,797,668
Less Discounts and Pensioner Remissions	-	-	-
<b>Net Rates and Utility Charges</b>	<b>-</b>	<b>-</b>	<b>4,797,668</b>
Fees and Charges	43,967	56,962	683,549
Operating Grants and Subsidies	-	-	-
Operating Contributions	-	4,500	54,000
Interest Revenue	-	5,000	60,000
Works for Third Parties	-	-	-
Other Revenue	19,115	16,417	197,000
<b>Total Operating Revenue</b>	<b>63,082</b>	<b>82,879</b>	<b>5,792,217</b>
<b>Expenditure</b>			
Employee Expenses	317	15,249	183,095
Materials and Services	113,436	445,128	5,065,787
Depreciation expense	19,205	19,205	230,456
Finance and Borrowing costs	-	-	100,000
<b>Total Operating Expenses</b>	<b>132,958</b>	<b>479,581</b>	<b>5,579,338</b>
<b>Operating Surplus/(Deficit)</b>	<b>(69,876)</b>	<b>(396,702)</b>	<b>212,879</b>
<b>Capital Income</b>			
Capital Contributions	56,284	-	-
Capital Grants and Subsidies	-	-	-
Interest on Contributions/Reserves	-	-	-
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	-	-	-
<b>Total Capital Income</b>	<b>56,284</b>	<b>-</b>	<b>-</b>
<b>Net Result</b>	<b>(13,592)</b>	<b>(396,702)</b>	<b>212,879</b>

**Budgeted Income Statement by Fund 2024/25 Budget**

<b>Wastewater</b>			
	<b>Actual YTD</b>	<b>Budget YTD</b>	<b>2024/25 Budget</b>
<b>Revenue</b>			
Rates and utility charges	-	-	6,452,227
Less Discounts and Pensioner Remissions	-	-	-
<b>Net Rates and Utility Charges</b>	<b>-</b>	<b>-</b>	<b>6,452,227</b>
Fees and Charges	9,464	5,917	71,000
Operating Grants and Subsidies	-	-	-
Operating Contributions	-	-	-
Interest Revenue	-	8,333	100,000
Works for Third Parties	-	-	-
Other Revenue	-	-	-
<b>Total Operating Revenue</b>	<b>9,464</b>	<b>14,250</b>	<b>6,623,227</b>
<b>Expenditure</b>			
Employee Expenses	28,943	57,314	697,878
Materials and Services	49,949	241,000	2,011,082
Depreciation expense	144,492	144,492	1,733,901
Finance and Borrowing costs	-	-	99,137
<b>Total Operating Expenses</b>	<b>223,383</b>	<b>442,806</b>	<b>4,541,998</b>
<b>Operating Surplus/(Deficit)</b>	<b>(213,919)</b>	<b>(428,556)</b>	<b>2,081,229</b>
<b>Capital Income</b>			
Capital Contributions	-	-	-
Capital Grants and Subsidies	-	-	2,700,500
Interest on Contributions/Reserves	-	-	-
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	-	-	-
<b>Total Capital Income</b>	<b>-</b>	<b>-</b>	<b>2,700,500</b>
<b>Net Result</b>	<b>(213,919)</b>	<b>(428,556)</b>	<b>4,781,729</b>

**Budgeted Income Statement by Fund 2024/25 Budget**

<b>Water</b>			
	<b>Actual YTD</b>	<b>Budget YTD</b>	<b>2024/25 Budget</b>
<b>Revenue</b>			
Rates and utility charges	-	-	8,759,687
Less Discounts and Pensioner Remissions	-	-	-
<b>Net Rates and Utility Charges</b>	<b>-</b>	<b>-</b>	<b>8,759,687</b>
Fees and Charges	6,731	6,208	74,500
Operating Grants and Subsidies	-	7,250	87,000
Operating Contributions	-	-	-
Interest Revenue	-	4,167	50,000
Works for Third Parties	-	-	-
Other Revenue	19,571	2,500	30,000
<b>Total Operating Revenue</b>	<b>26,303</b>	<b>20,125</b>	<b>9,001,187</b>
<b>Expenditure</b>			
Employee Expenses	78,701	104,613	1,283,676
Materials and Services	304,020	499,016	3,448,400
Depreciation expense	123,983	123,983	1,487,794
Finance and Borrowing costs	-	-	-
<b>Total Operating Expenses</b>	<b>506,703</b>	<b>727,611</b>	<b>6,219,870</b>
<b>Operating Surplus/(Deficit)</b>	<b>(480,401)</b>	<b>(707,486)</b>	<b>2,781,317</b>
<b>Capital Income</b>			
Capital Contributions	-	-	-
Capital Grants and Subsidies	-	-	2,244,665
Interest on Contributions/Reserves	-	-	-
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	-	-	-
<b>Total Capital Income</b>	<b>-</b>	<b>-</b>	<b>2,244,665</b>
<b>Net Result</b>	<b>(480,401)</b>	<b>(707,486)</b>	<b>5,025,982</b>

**Budgeted Income Statement by Fund 2024/25 Budget**

<b>Benefited Area</b>			
	<b>Actual YTD</b>	<b>Budget YTD</b>	<b>2024/25 Budget</b>
<b>Revenue</b>			
Rates and utility charges	-	-	131,784
Less Discounts and Pensioner Remissions	-	-	-
<b>Net Rates and Utility Charges</b>	<b>-</b>	<b>-</b>	<b>131,784</b>
Fees and Charges	-	-	-
Operating Grants and Subsidies	-	-	-
Operating Contributions	-	-	-
Interest Revenue	-	-	-
Works for Third Parties	-	-	-
Other Revenue	-	-	-
<b>Total Operating Revenue</b>	<b>-</b>	<b>-</b>	<b>131,784</b>
<b>Expenditure</b>			
Employee Expenses	116	-	-
Materials and Services	41,215	40,592	47,100
Depreciation expense	5,292	5,292	63,507
Finance and Borrowing costs	-	-	-
<b>Total Operating Expenses</b>	<b>46,623</b>	<b>45,884</b>	<b>110,607</b>
<b>Operating Surplus/(Deficit)</b>	<b>(46,623)</b>	<b>(45,884)</b>	<b>21,177</b>
<b>Capital Income</b>			
Capital Contributions	-	-	-
Capital Grants and Subsidies	-	-	-
Interest on Contributions/Reserves	-	-	-
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	-	-	-
<b>Total Capital Income</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Net Result</b>	<b>(46,623)</b>	<b>(45,884)</b>	<b>21,177</b>

**8.9 CAIRNS ITALIAN FESTIVAL**

**Date Prepared:** 25 July 2024

**Author:** Manager Customer and Community Services

**Attachments:** Nil

**EXECUTIVE SUMMARY**

The purpose of this report is to seek Council's endorsement of assistance to the 2024 Cairns Italian Festival under the Community Partnerships Program.

**RECOMMENDATION**

That Council endorses a one-off cash donation of \$2,000 to the 2024 Cairns Italian Festival towards the cost of delivering the Mareeba Salami and Sausage Competition.

**BACKGROUND**

The Mareeba Salami and Sausage Competition has been on the Cairns Italian Festival schedule of events since 2022.

Last year's event was extremely successful and sold-out weeks in advance with people from right across North Queensland attending, providing an economic boost to towns and communities involved.

The event was held on 4 August 2024 at the Mareeba International Club, as part of the Cairns Italian Festival.

The Cairns Italian Festival is held over 10 days and includes food and wine festival day, degustation dinners, a Gala Ball, Mareeba Sausage and Salami Festival, Theatre Restaurant and a FNQ soccer battle.

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

Nil

**FINANCIAL AND RESOURCE IMPLICATIONS*****Operating***

The \$2,000 one-off cash donation is to be allocated from the 2024/2025 Community Partnership Program budget.

**LINK TO CORPORATE PLAN**

**Community:** An informed and engaged community which supports and encourages effective partnerships to enhance the liveability of the Shire.

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

**IMPLEMENTATION/COMMUNICATION**

Notify the Cairns Italian Festival of outcome of request for assistance.

## 9 INFRASTRUCTURE SERVICES

### 9.1 INFRASTRUCTURE SERVICES, CAPITAL WORKS MONTHLY REPORT - JULY 2024

**Date Prepared:** 26 July 2024

**Author:** Manager Assets and Projects

**Attachments:**

1. [Capital Works Highlights - July 2024](#) ↓
2. [Capital Works Summary - July 2024](#) ↓

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#### EXECUTIVE SUMMARY

The purpose of this report is to provide an update on capital works projects undertaken by the Infrastructure Services Department during the month of July 2024.

#### RECOMMENDATION

That Council receives the Infrastructure Services Capital Works Monthly Report for the month of July 2024.

#### BACKGROUND

Council's Capital Works program is focussed on renewal and upgrade of Council infrastructure to achieve Council's corporate vision of "A growing, confident and sustainable Shire". The program is funded through a combination of Council's own funding and external grants and subsidies.

#### RISK IMPLICATIONS

##### Financial

The capital works program is tracking within budget.

##### Infrastructure and Assets

Projects included in the current capital works program were identified through Council's Project Prioritisation Tool (PPT) which uses a risk-based, multi-criteria approach to rank projects in order of priority. The PPT is aligned with Council's Long-Term Financial Plan and Asset Management sub-plans, which focus of renewal of existing assets.

#### FINANCIAL AND RESOURCE IMPLICATIONS

##### *Capital*

All capital works are listed in and funded by the 2023/24 Capital Works Program.

#### LINK TO CORPORATE PLAN

**Transport and Council Infrastructure:** The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

#### IMPLEMENTATION/COMMUNICATION

# Infrastructure Services Capital Works Report

## Project Highlights – July 2024



**Project Name: Anzac Park, Kuranda Park Upgrade**

**Program: Parks and Open Spaces**

**Background**

The Anzac Park Kuranda Upgrade was identified as the key priority project in the Kuranda Infrastructure Masterplan 2022-2031, which was adopted by Council in May 2022. The Kuranda Infrastructure Agreement (KIA) Review Stakeholder Reference Group prioritized the Anzac Park Upgrade feature as their highest priority project for the Masterplan for safety and accessibility.

**Scope of Work**

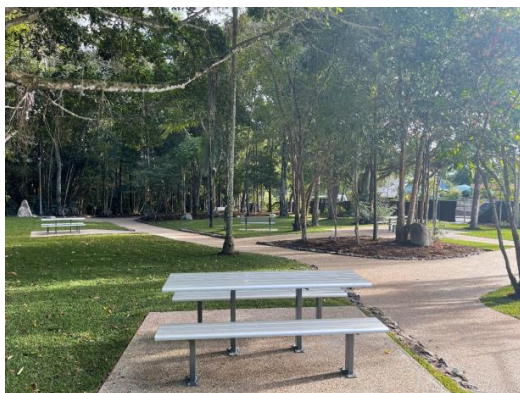
The scope of works as agreed during community engagement includes the removal of the water feature, the updating of existing seating, pathways and signage and landscaping.

**Progress Update**

Practical completion of the project was reached on 26 July and the park was re-opened to the public. A small section of asphalt is being programmed in August for tree root protection. Council officers are now planning to engage with Kuranda Envirocare to name and signpost significant trees within the park.



*Anzac Park Kuranda Fountain Repurposed as a Rock Garden Feature*



*Anzac Park Kuranda Upgrade Footpaths and Picnic Settings*



# Infrastructure Services Capital Works Report

## Project Highlights – July 2024



*Anzac Park Kuranda Refreshed Garden Beds and New Turf*





## Infrastructure Services Capital Works Report Project Highlights – July 2024



**Project Name:** Mareeba Cemetery New Mausoleum

**Program:** Cemeteries

### Background

The mausoleum wall is frequently chosen for burials rather than a headstone on beam and an additional mausoleum is required.

### Scope of Work

Construct new mausoleum wall with capacity for 60 internments.

### Progress Update

Practical completion was reached in July 2024.



*Mareeba Cemetery New Mausoleum Foundation and Internal Structure Construction*



*Mareeba Cemetery New Mausoleum Structural Completion and Practical Completion*

## Infrastructure Services Capital Works Report Project Highlights – July 2024



### Project Name: Mareeba Water Plant Filtration System Upgrade

#### Program: Water

#### Background

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

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

#### Scope of Works

The scope of works includes:

- Construction of a new filtration system consisting of 6 dual media filters with inlet valve/penstock and magnetic flowmeter
- Construction of small new building to house backwashing system
- Construction of a new backwashing system consisting of backwash pumps, air scour blowers, float switches, backwash control valves, filter to waste capability, connection to existing wastewater handling system and associated pipework and valves
- All necessary valve actuators, motors, drives and instrumentation for automated control of the filters and connection to existing electrical and SCADA control systems
- Modification of existing pipework to connect to new filters
- Earthworks and building approvals
- Commissioning and Testing
- Removal of redundant equipment

#### Progress Update

Works have progressed well with the contractor doing the electrical and mechanical fit out along with the installation of the filtration under drains and filtration equipment to each of the six filter cells.



*Installation of inlet troughs and electrical and mechanical equipment under way*

## Infrastructure Services Capital Works Report Project Highlights – July 2024



### **Project Name: Mareeba Water Plant Booster Pump Station Project**

#### **Program: Water**

#### **Background**

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

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

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

#### **Scope of Works**

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

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

#### **Progress Update**

Works commenced and have progressed well with the contractor undertaking numerous site works.

Project achieved practical completion Monday 29 July with the successful wet commissioning of the new booster pump set.

**Infrastructure Services Capital Works Report  
Project Highlights – July 2024**



*Site works generally have now been completed.*



## Infrastructure Services Capital Works Report Project Highlights – July 2024



**Project Name: Mareeba Water Plant Raw Water Pump Station Project**

**Program: Water**

### Background

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

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

### Scope of Works

The scope of this project is to construct a new Booster Pump Station (BPS) at the Mareeba WTP which includes:

- Modifications to the existing roof opening, hatch replacement, provision of handrails and stairway.
- Demolition works above ground and in the pump well (confined space entry).
- Maintaining RAW water supply for the duration of the works.
- Switchboard manufacture and underground cabling works (electrical and SCADA).
- Staged pump replacement in a confined space dry well (2 No. pumps).
- Pipework modifications, new fittings, and custom S.S. pipework fabrication within a confined
- Staged pump commissioning and overall project commissioning.

### Progress Update

The internal infrastructure has been removed which allowed for installation of the new mechanical and electrical equipment, along with the installation and commissioning of Pump 1 of 2 new pumps.



*Installation of new valving and installation of new infrastructure.*

## Infrastructure Services Capital Works Report Project Highlights – July 2024



**Project Name: Springmount Road Culvert and Curve Widening (Ch 11.35 – 12.7)**

**Program: Rural Roads**

### Background

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

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

The project is jointly funded (50/50) by the Queensland Government under the Transport Infrastructure Development Scheme (TIDS) and by Council.

### Scope of Works

The scope of works includes the widening and bitumen sealing of three narrow sections of pavement and extension of five (5) culverts between Chainage 11.35 and Chainage 12.70.

### Progress Update

The project was completed in early July with the application of line marking and the installation of road furniture.



*Culvert D – Before*



*Culvert D - After*



*Ch 11280 - Before*



*Ch 11280 - After*



# Infrastructure Services Capital Works Report Project Highlights – July 2024



Ch 12020 - Before



Ch 12020 - After



Culvert B - Before



Culvert B - After



Ch 12450 - Before



Ch 12450 - After



## Infrastructure Services Capital Works Report Project Highlights – July 2024



**Project Name: Myola Road – Mill/Fill and Seal**

**Program: Urban Streets**

### Background

In the 2023/2024 Capital Works Program, Road to Recovery (R2R) funding was made available to undertake pavement milling with asphalt patching followed by a C170 bitumen seal to waterproof a three (3) kilometre section of Myola Road to extend the pavement’s functional life.

### Progress Update

Part of the section requiring treatment is adjacent to the Kuranda District State College and works were programmed to commence at the start of the June school holidays and will continue until school returns. Works will recommence early August at the southern end of Myola Road when the contractor has completed other prior commitments.



*Milling of failed section near Jarawee Road intersection*



*Milled section prepped for asphalt*



*Completed section*



*Asphalt density testing*

## Infrastructure Services Capital Works Report Project Highlights – July 2024



**Project Name: Springmount Road – Rehabilitate and Widen Collins Weir Intersection and Channel Crossing (Ch 6.7 – 7.55)**

**Program: Rural Roads**

### Background

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

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

The project is jointly funded (50/50) by the Queensland Government under the Transport Infrastructure Development Scheme (TIDS) and by Council.

### Scope of Works

The scope of works includes the relocation of fibre optic cable and a power pole, rehabilitation and widening of the Collins Weir/Springmount Road intersection, the widening to two (2) traffic lanes of the channel crossing and the widening of the existing bitumen seal towards Middle Creek Road.

### Progress Update

In July, all earthworks, culvert extensions and the channel overflow crossing were completed. Several sections of failed subgrade were removed and replaced with rock, bitim and road base.

It is estimated that the project will reach practical completion by the end of August with the bitumen seal booked for 16 August and the intersection asphaltting planned for 18 August.



*Widening existing channel overflow crossing*



*Collins weir Road intersection earthworks*



# Infrastructure Services Capital Works Report Project Highlights – July 2024



*Treating failed subgrade section*



*Importing subbase layer*

## Infrastructure Services Capital Works Report Project Highlights – July 2024



**Project Name: Ootann Road Section 1 and 2 Widen and Seal**

**Program: Rural Roads**

### Background

On 16 November 2023, Mareeba Shire Council received confirmation from the Australian Government that funding from the Investment Road and Rail Program would be made available to undertake widening and sealing works on Ootann Road. The funding will cover 80% of the design and construction costs with the Transport Infrastructure Development Scheme (TIDS) contributing 10% and Mareeba Shire Council the remaining 10%.

### Scope of Works

The scope of works includes the widening, sealing and drainage upgrade of two (2) unsealed sections of Ootann Road. Section 1 is from Ch 79.69 to Ch 81.99 and Section 2 is from Ch 75.72 to Ch 77.68.

### Progress Update

Works commenced on site in early July and to date all clearing and grubbing work has been completed. Culvert extensions in Section 1 have been completed and are ongoing in Section 2. Cut to fill operations in both sections are well progressed with subgrade level being reached in a number of locations.



*Cut to fill operations*



*Culvert extension*



*Section 2*



*Earthworks to subgrade level*



## Infrastructure Services Capital Works Report Project Highlights – July 2024



**Project Name: 2024/25 Gravel Resheet Program**

**Program: Rural and Urban Roads**

### Background

Council has an extensive road network which includes 1,639km of unsealed roads. An annual allocation has been provided to undertake re-sheeting of gravel roads throughout the Shire.

The works are funded by depreciation and are carried out generally in conjunction with road maintenance unsealed road grading activities to reduce the cost of mobilisation of plant or as short term fill-in works between more high level projects. Unspent budget funds are rolled over into the next financial year.

### Progress Update

During July, sections of Hurricane Road and Karma Waters Road were resheeted using gravel from existing roadside pits.



*Hurricane Road*



*Hurricane Road*



*Karma Waters Road*



*Karma Waters Road*

Project Code	Project Description	Project Stage	Project Comment
<b>Program: 01 Rural and Urban Roads Reseal Program (Renewal)</b>			
P0001020	23/24 Reseal & Asphalt Program	Completed	Waiting on final invoice for line marking prior to project close out.
P0002042	MBA James St Mill & Fill	Not Commenced	Subgrade investigations to commence in August.
P0003731	24/25 Bitumen & Asphalt Reseal Program	Not Commenced	Program submitted & FNQROC preparing contract documents for ffg Bitumen Pty Ltd.
P0003732	24/25 Gravel Resheet Program	Not Commenced	Gravel resheet & maintenance grade of Hurricane/Karma Waters Roads will be completed 3rd week of August 2024.
P00835	DRFA Gully Betterment	Construction	Works continue on the Gully Betterment Program, crossings in the Western Area underway, on track for completion prior to end of calendar year.
<b>Program: 02 Gravel Resheet</b>			
P0001022	23/24 Gravel Resheet Program	Completed	Gravel resheet & maintenance grade of Hurricane/Karma Waters Roads will be completed 3rd week of August 2024.
<b>Program: 03 Urban Streets</b>			
P0001023	Recovery Way (WTS) Rehab Ch 0.176-0.272	Not Commenced	Quotations to be called.
P0001024	Myola Rd Ch 0.2-3.06	Construction	Milling & asphalt filling works commenced 24 August 2024 and will be completed 2nd week of August 2024 (weather permitting). The bitumen sealing will be carried out early September 2024. Line marking to follow.
P00795	TIDS 23-27 Herberton/Constance Inter	Design	Electrical/Lighting Design finalised end of June, minor modification to civil design to incorporate public feedback and electrical design underway. Undertaking design review to ensure no clashes with Constance St sewer main upgrade.
P00797	TIDS 22/23 24/25 Rankin/Walsh St R'bout	Design	Design underway, anticipate 70% designs by end of August 2024.
<b>Program: 04 Rural Roads</b>			
P0000948	TIDS 23/24 Springmount Rd Ch 11.35-12.7	Completed	Project completed July 2024.
P0000949	TIDS 23-25 Springmount Rd Ch 6.7-7.55	Construction	Culvert extensions complete. Earthworks & drainage complete. Commenced base gravel layer 1 August 2024. The estimated chip seal date is 14 August 2024 and asphaltting of intersection is 16 August 2024 (weather permitting). Line marking & road furniture installation to follow.
P0002040	KDA Barron Falls/Masons Rd/Falls Lookout	Planning	Initial site visits completed. Survey and soil investigations scheduled for Sept/Oct 2024.
P0002041	KDA Barron Falls Rd Thongon-Mason Roads	Planning	Initial site visits completed. Survey and soil investigations scheduled for Sept/Oct 2024.
P0002048	KDA Kuranda Heights Rd Intersection	Planning	Initial site visits completed. Survey and soil investigations scheduled for Sept/Oct 2024.

Project Code	Project Description	Project Stage	Project Comment
P0002050	MBA McIver Rd Rehab & Widen	Planning	Design to be completed prior to end of 2024.
P0002060	KDA Oak Forest Rd Rehab & Widen	Planning	Initial site visits completed. Survey and soil investigations scheduled for Sept/Oct 2024.
P0002066	DIM Leafgold Weir Rd Widen Curves	Planning	Initial site visits completed. Survey and soil investigations scheduled for Aug/Sept 2024.
P0003753	MBA Byrnes St Safety Upgrades	Design	Landscape Architect engaged to produce renders for public engagement prior to commencement. Sites include Byrnes St Centre Medians from Granite Ck to Lloyd St Roundabout, Median Island at BP Service Station, Southern Entry Centre Median at Mareeba Connection Rd Intersection.
P00801	TIDS Ootann Rd Section 1&2 Widen & Seal	Construction	Clear & grub completed for both sections. Culvert extensions in Section 1 completed. Earthworks & drainage ongoing for Section 2.
<b>Program: 05 Bridges</b>			
P0001558	MBA Tinaroo Creek Rd Ada Creek Causeway	Not Commenced	Planning to commence from September 2024. Construction to be programmed in 2025
P0001564	KDA Oak Forest Rd, Barron River Bridge	Procurement	Design complete and preparing for procurement.
P00713	Bicentennial Lakes F/bridge Safety Upgr	Procurement	Handrail will be installed in August 2024.
P00839	Bullaburrah Ck Rd C'way Relieving Slab	Not Commenced	Not commenced.
P00841	Bolton Rd Inspect/Design/Repl Girders	Procurement	Draft Report received, girder replacement to be programmed.
P00843	Barron River Cwy Henry H Dr Repl Slabs	Not Commenced	Not commenced.
<b>Program: 06 Drainage</b>			
P0001021	23/24 Minor Culvert & C/ways Program	Close Out	Completed July 2024.
P0001598	24/25 Renew Minor Culverts & Drainage	Not Commenced	Not commenced.
P0003689	MBA CBD Drainage Upgrade Stage 1	On Hold	Projects to be selected once CBD Masterplan priorities are identified.
P0003690	MBA Ray Rd Culvert Upgrade	Planning	Awaiting outcome of drainage study.
P0003695	Irvinebank Jessie St/Rubina Tce Upgrade	Not Commenced	Not commenced.
P00844	MBA Amaroo Drainage Upgrades	Design	Design finalised, to be handed over to construction.
P00938	Tilse Street Upgrade Drainage	Completed	Developer has reached practical completion. QA documentation and financial close out underway.
<b>Program: 07 Traffic Facilities</b>			
P0000947	Mareeba Aerodrome Safety & Repairs	Procurement	Awaiting fire-fighting system upgrade quotation from Contractors. Line marking and Lighting amendments awarded, works programmed for October 2024.

Project Code	Project Description	Project Stage	Project Comment
P0000951	Anzac Ave LATM Upgrades	Construction	Speed activated signage and line marking works to be completed.
<b>Program: 08 Parking</b>			
P00846	MBA Heritage Centre Carpark Extension	Design	Draft design completed. Engagement to commence prior to procurement and construction.
<b>Program: 09 Footpaths</b>			
P0001026	23/24 Footpath Renewal Program	Construction	RFQ's being prepared for; 1. Lloyd St - Byrnes St to Dunlop St 2. Atherton St - TMR driveway to Constance St
P0001027	23/24 Footpath Upgrade Program	Planning	Proposed to be used to leverage for Walking Local Government Grants program for Constance St footpath connections.
P0001665	Mt Molloy Footpath & Furniture Refurb	Planning	Design to commenced in September 2024.
P0001666	KDA Barron Falls Rd Replace Footpath	Not Commenced	Not Commenced.
P0001742	MBA WNP Constance-Lloyd St Footpath	Design	STIP grant funding application pending.
<b>Program: 10 Parks and Gardens</b>			
P0001029	Kda Com Precinct Parks Upgrade	Planning	Draft master plan to be prepared.
P0001803	Julatten Geraghty Pk Refurb Playground	Not Commenced	Not commenced.
P0001805	MBA Bicentennial Lakes Northern	Not Commenced	Grant announced. Awaiting Australian Government funding agreement.
P0001843	KDA Hunter Park Fallon Rd Bollards	Construction	TRACQS currently installing bollards.
P0001871	MBA Centenary Park Upgrade Fencing	Planning	Planning stage.
P0003670	MBA Amaroo Park Shade	Not Commenced	Not commenced.
P00805	Chillagoe Parks Improvement	Construction	Half basketball court complete. Awaiting contractor to replace Pat Kinnear Hall playground sand edge. Tentatively booked for mid August 2024.
P00807	KDA Centenary Park Playground Upgrade	Construction	Footpath improvements to be programmed as part of Coondoo Street Upgrade Project.
P00809	MBA Bicentennial Lakes (Southern) D&C	Construction	Assessing options to address ongoing damage to gardens on the slide embankment at the new playground. Replacement of arched footbridges with accessible footbridges has commenced.
P00860	KDA Anzac Park Landscaping	Construction	Landscaping complete. Picnic tables and chairs installed. One remaining concrete pad and picnic table to be installed.
P00861	KDA Coondoo Street Refurb	Planning	Deed of Agreement with Queensland Government being developed. Works to commence once agreement is signed.



Project Code	Project Description	Project Stage	Project Comment
:P00862	KDA CBD Planter Boxes & Gardens	Planning	Deed of Agreement with Queensland Government being developed. Works to commence once agreement is signed.
<b>Program: 11 Water</b>			
:P0001036	23/24 AC Water Main Replace Program	Completed	Project substantially complete with some minor works remaining.
:P0001037	23/24 Water Telemetry/SCADA Upgrades	Completed	User training scheduled for August 2024.
:P0001038	23/24 Retic Valve/Hyd Replace Program	Construction	New valves to be installed Lerra and Byrnes St.
:P0002670	FY24/25 - WTP Minor Infrastructure	Procurement	Quotes for the works being sourced prior to awarding of the works.
:P0002671	FY24/25 - Water Main Replacement	Construction	Project tender now awarded and pre-start meeting scheduled for 5th September 2024.
:P0002672	FY24/25 - KDA WTP Turbidity Meters	Procurement	Equipment has been ordered with long delivery lead times.
:P0002674	FY24/25 - DIM WTP Turbidity Meters	Procurement	Equipment has been ordered with long delivery lead times.
:P0002675	FY24/25 - Replace Chlorine Analysers	Procurement	Equipment has been ordered with long delivery lead times.
:P0002677	FY24/25 - Telemetry/SCADA Upgrades	Planning	Works will be done in conjunction with operational staff and suitably qualified contractors once a scope of works is finalised.
:P0002680	FY24/25 - Hydrants & Valve Renewal	Planning	A program of works has been developed and will be undertaken throughout the 2024-25 FY.
:P0002682	FY24/25 - Irvinebank Ibis Dam PS	Planning	Quotes to be sourced from suppliers for the acquisition and installation.
:P0002683	FY24/25 - DIM WTP Pump Replacement	Planning	An assessment on the pumps will be undertaken during the November 2024 servicing works schedule.
:P0002684	FY24/25 - Smart Meters Replacement	Construction	Works has commenced and will be ongoing throughout 24-25 FY.
:P0002761	FY26/27 - MBA WTP Reservoir Upgrade	Design	Project design is underway to meet grant funding requirements with actual construction project works subject to further grant funding.
:P0002762	FY24/25 - MBA WTP Refurbish Clarifiers	Procurement	Out to Tender.
:P0002764	MtM Replace Hunter Ck Weir	Planning	Dam specialist from GHD has undertaken an initial inspection which identified a need to progress to formal assessment and reporting on the weir.
:P0002921	MBA Booster Pump Station Relocation	Planning	This project will commence once the new water booster station at the Mareeba WTP formally comes online during September 2024.
:P0003667	FY24/25 Irvinebank Ibis Dam Valves	Planning	The procurement process will commence shortly and it is anticipated that the new valves will be installed prior to the wet season.
:P0003668	CHI Renew Water Line	On Hold	On hold pending confirmation of costs for the water main replacement project for 2024-2025.
:P0003734	MBA WTP Fuel Pod For Generator	Procurement	Procurement underway.

Project Code	Project Description	Project Stage	Project Comment
P00730	Mba WTP Study for Upgrade of WW System	Construction	Works are likely to be completed by end of September. Other key projects at the Mareeba WTP need to be commissioned before this project can be finalised.
P00733	BOR6 MWTP Filtration Upgrade	Construction	Project is progressing with the mechanical and electrical fit out.
P00824	MBA Clear Water Booster Pump Station	Construction	Project has reached practical completion following a successful wet commissioning.
P00874	MBA WTP Raw Water Pumps & Electrics	Construction	Project is progressing well with one new pump running and commissioned. Contractor now removing last old pump and installing new pipe work and pumping equipment.
P00876	BOR6 22/23 Water Forward Design Program	Completed	Qld State Govt agreed to use funds for the design of a 10ML water reservoir, design completed June 2024.
P00878	MBA Decommission Basalt St Elevated Tank	Planning	This work will be done in conjunction with the final commissioning of the booster pump station.
P00879	MBA Decommission Granite Ck Pump Station	Planning	Project will commence after the new water booster station project has had its final commissioning in September 2024.
<b>Program: 12 Wastewater</b>			
P0001040	Mba WWTP Purchase Forklift	Procurement	Forklift ordered and staff have started forklift driver training.
P0001041	Mba WWTP Inlet Works Replacements	Construction	LM Engineering engaged to complete the works.
P0001043	Atherton St Pump Station Refurb	On Hold	Construction subject to grant funding.
P0001046	23/24 WW Telemetry/SCADA Upgrades	Construction	User training scheduled for August 2024.
P0001047	23/24 WW CCTV & Relining Program	Completed	Project completed with reduced scope in June 2024. Balance of works subject to comprehensive condition review.
P0001049	23/24 WW Manhole Rehab/Replace Prog	Completed	Project works are completed and the project can be closed out once commitments are cleared.
P0001050	Kennedy Hwy PS Control Board Upgrade	Construction	Works scheduled for October 2024.
P0001053	23/24 WWPS Refurbishment Program	Construction	Works scheduled for September and October 2024.
P0002474	FY24/25 - MBA Sewer CCTV & Reline Prog	Planning	Planning.
P0002475	FY24/25 - WW Pump Station Ancillary	Not Commenced	Site assessments were done in 2023-2024 FY and an RFQ will be developed and issued during September / October 2024.
P0002476	FY24/25 - WW Reticulation Pumps Renewal	Not Commenced	Pumps will be assessed during routine maintenance and servicing scheduled for November 2024 and May 2025.
P0002477	FY24/25 - Telemetry/SCADA Upgrades	Not Commenced	Program of works will be undertaken throughout the 24-25 FY.
P0002479	FY24/25 - Pump Station Generators x 2	Planning	Arranging RFQ for the supply and delivery of generators.
P0002480	FY24/25 - Manhole Rehab & Replace	Procurement	Project currently out to tender, once the tender closes and assessment will be made with a workshop brief to Councillors prior to awarding.

Project Code	Project Description	Project Stage	Project Comment
P0002481	FY24/25 - MBA Constance St Rising Main	Planning	Project is currently in grant funding application preparation stage.
P0002482	FY24/25 - KDA WWTP Renew Control Panels	Construction	RFQ was issued and Circuitree Electrical Solutions undertaking electrical works with NQ Wastetrans doing the excavation works.
P0003715	KDA WWTP Renew 6x4m Shed	Procurement	Quotes being sourced prior to awarding of works.
P0003722	KDA WWTP Renew 6x6m Shed	Procurement	Quotes being sourced prior to awarding of works.
P00889	22/23 MBA Sewer CCTV & Relining	Construction	Sewer reticulation smoke detection and CCTV imaging works currently underway with an expected completion timeframe of end of August 2024.
P00894	Minor WW Pump Station Refurbishments	On Hold	Subject to grant funding.
<b>Program: 13 Waste</b>			
P0002216	KDA TS New Ablution Block	Procurement	Project went to RFQ 24 July closing 23 August 2024 as Design & Construct.
P0002220	MBA TS Leachate Pump Annual Program	Not Commenced	Pumps will be assessed for replacement during routine servicing in November 2024 and May 2025.
P0002221	MBA TS Leachate PS Pump	Not Commenced	Not commenced.
<b>Program: 15 Fleet</b>			
P0001067	Fleet Replace #401 Mini Excavator	On Hold	On hold.
P0001071	Fleet Replace #1231 Toyota WW	Procurement	Vehicle has been ordered.
P0003738	Replace Asset 741 Street Sweeper	Not Commenced	Project is in planning phase.
P0003739	Replace Asset 620 Job Truck	Planning	Project is in planning phase.
P0003740	Replace Asset 1255 Toyota Hilux	Planning	Project is in planning phase.
P0003741	Replace Asset 1274 Toyota Hilux	Planning	Project is in planning phase.
P0003742	Replace Asset 4052 Kubota Mower	Planning	Project is in planning phase.
P0003743	Replace Asset 5005 MF Tractor/Loader	Planning	Project is in planning phase.
P0003752	Replace Asset 3010 Toyota Landcruiser	Planning	Project is in planning phase.
<b>Program: 16 Depots and Council Offices</b>			
P0001064	Mba Depot Admin Building Refurb	Construction	Kitchen and toilet refurb works continuing. Estimated completion mid-August 2024. Chubb security install works commenced.
P0001597	CHI Depot Office Renewal	Planning	Planning stage.
P0003737	MBA Kowa St External Staff Training Room	Procurement	Procurement stage commenced.

Project Code	Project Description	Project Stage	Project Comment
P0003765	MBA Kowa St Depot Fuel Bowser	Planning	Procurement commenced. RFQs close 19 August 2024.
P00759	Kowa St MSC Depot Emergency Generator	Planning	Proposal to be finalised in preparation for suitable grants.

**Program: 17 Community Buildings**

P0001059	Mba/Dim Aquatic Condition Assessment	Planning	RFQ development has begun, intent to release to market Late August 2024, with delivery of project prior to end of year.
P0001632	Annual Toilet Refurbishment Program	Not Commenced	Planning stage.
P0001637	KDA Library Paint & Roof Improvements	Not Commenced	Not commenced.
P0001639	Annual Minor Building Refurbishment	Not Commenced	Not commenced.
P0001646	KDA Recreation Centre Improvements	Not Commenced	Not commenced.
P0001664	Annual Facilities LED Lighting	Not Commenced	Not commenced.
P0002909	DIM Memorial Hall Park Lighting Upgrade	Planning	Planning stage commenced.
P0003718	MBA Davies Park Field 2 Lighting Upgrade	Design	Design stage commenced. Construction subject to Grant Funding.
P0003729	MBA Aquatic Centre Pool Expansion Joints	Not Commenced	Preliminary investigations to be commenced September 2024.
P0003756	MBA Davies Park Field 1 Lighting Upgrade	Design	Design stage nearing completion.
P00749	Aquatic Facility Upgrades & Splash Park	Construction	Awaiting Ergon acceptance of work requests in order to facilitate connection works for the capacity increase to 240amos.
P00793	MBA Women's Restroom Refurb	Planning	Investigations for options to be commenced September 2024.
P00819	22/23 Shire Toilet Facility Repl Program	Construction	Arnold Park Toilet Repairs/Refurbishment following significant vandalism incident. Doors installed, painting will be completed by end of August 2024.
P00909	KDA Aquatic Cnt 25m Pool Aquaris Upgrade	Procurement	Delays due to contractor availability, works remain required.
P00941	23/24 Park/Sporting LED Lights Arnold Pk	Design	Reviewing Electrical Engineering Report before going out to Quote.
P00942	22/23 DIM Town Hall A/C/Solar/Lighting	Construction	Waiting on Main Switch Board supply. Tentatively booked for mid to late August 2024.

**Program: 18 Non-Infrastructure Items**

P0000946	Mba Cemetery New Mausoleum Wall	Completed	Practical completion reached. Awaiting last of invoicing from contractor.
P0001085	Mba Cemetery Expansion Planning	Planning	Investigations into concept options identified, to commence September 2024.
P0003684	MBA New Cemetery Lawn Plaque on Beam	Not Commenced	Not commenced.



<i>Project Code</i>	<i>Project Description</i>	<i>Project Stage</i>	<i>Project Comment</i>
P0003716	MBA Smartnet GPS Base Replacement	Planning	Documents being prepared for RFQ's via Vendor Panels.
P0003717	KDA Heights Cemetery Lawn Plaque on Beam	Not Commenced	Not commenced.
P00446	Kuranda New Cemetery	Construction	Cemetery completed and available for internments. Gabion wall design and procurement commenced.
P00932	MBA MIP Expansion	Design	Quotations for Detailed Design of next stage to be invited from early August 2024.



**9.2 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES OPERATIONS REPORT - JULY 2024**

**Date Prepared:** 26 July 2024  
**Author:** Manager Technical Services  
**Attachments:** Nil

**EXECUTIVE SUMMARY**

The purpose of this report is to outline Council's Fleet, Design, Soils Lab, Survey, Quality, GIS, Facilities and Investigation Services activities undertaken by Infrastructure Services during the month of July 2024.

**RECOMMENDATION**

That Council receives the Infrastructure Services, Technical Services Operations Report for July 2024.

**BACKGROUND**

**Technical Services**

Design, quality, and investigations:

Investigation activities undertaken in July included:

Activity	Current Requests	Closed Requests
Road Infrastructure Review	66	9
Drainage Investigations	36	2
NHVR Permit Applications	0	24
Traffic Count Surveys	0	5
Parks Investigations	4	0
Miscellaneous e.g. Planning; Local Laws	25	18
Before You Dig Requests	0	179

Soil Laboratory:

Council's Soil Laboratory provides NATA-accredited soil and material testing for internal and external services. The extended wet season has continued to limit the quantity of testing in July, however 296 tests were completed with the majority being for external clients.

GIS

Ongoing improvements to GIS data associated with water, sewerage, roads, underground stormwater, and kerbs asset data sets continues, as information is received from other areas of Council.

Operational Works and Subdivisions

To ensure ongoing compliance with development conditions, both during construction and on-maintenance, Council undertakes routine inspection and monitoring of sites. The following developments remain current:

Locality	Subdivisions Name	Status
Kuranda	Jum Rum Rainforest Estate Stage 1, Fallon Road	On-maintenance
Kuranda	Christensen Road, Myola Heights – Stage 2a	On-maintenance
Mareeba	Emerald End Road and Country Road – Stage 3	On-maintenance
Mareeba	Emerald End Road and Country Road – Stage 4	Under construction
Mareeba	The Rise – Catherine Atherton Drive – Stage 3	On-maintenance
Mareeba	Amaroo Stage 13a	On-maintenance
Mareeba	Amaroo Stage 12 – Drainage Infrastructure	On-maintenance
Mareeba	Prestige Gardens Stage 1-4	On-maintenance
Mareeba	Prestige Gardens Stage 5-6	Under construction
Mareeba	7 Haren Street	On-maintenance
Mareeba	Mareeba Roadhouse and Accommodation Park, Williams Close	On-maintenance - Monitoring
Kuranda	112 Barnwell Road widening	Monitoring

#### Disaster Recovery Funding Arrangements (DRFA)

The DRFA is jointly funded by the Commonwealth and Queensland governments to help alleviate the costs of relief and recovery activities undertaken in disaster-affected communities by delivering recovery activities to return affected eligible assets back to pre-event condition. The status of declared disaster events currently being managed are provided below:

Program	Status
2022 DRFA	Far North Queensland Low Pressure Trough, that occurred 1 – 7 February 2022. The Gamboola Crossing bridge remains the only current project, with approximately 60% of the structure now completed. Work remains on track for completion prior to end of year.
2022 Betterment	Contract has commenced with works planned for completion by end of 2024 dry season.
2023 DRFA	Northern and Central Queensland Monsoon and Flooding Event, 20 December 2022 – 30 April 2023. Contracts for the reconstruction of essential infrastructure were awarded April 2024, and all works have commenced. Contracts remain on track for completion prior to end of year.
2023 Cyclone	Declared event December 2023 - 'Tropical Cyclone Jasper, associated rainfall and flooding, 13 – 28 December 2023'. Emergency response activities continue, with the QRA providing an extension to the Emergent Period. Damage assessments are continuing. Landslip Remediation Projects: Hilltop Close and Barron Falls Road near completion. Julatten, Mt Lewis Road, Bridge and Jarawee Road, Kuranda, Landslip: Council resolved to award following review by QRA. Pre-starts for the works have been completed. Emerald End Road and Carmen Road crossings: Award of Tenders to occur August 2024, with works to be completed by end of year.



**Facilities**

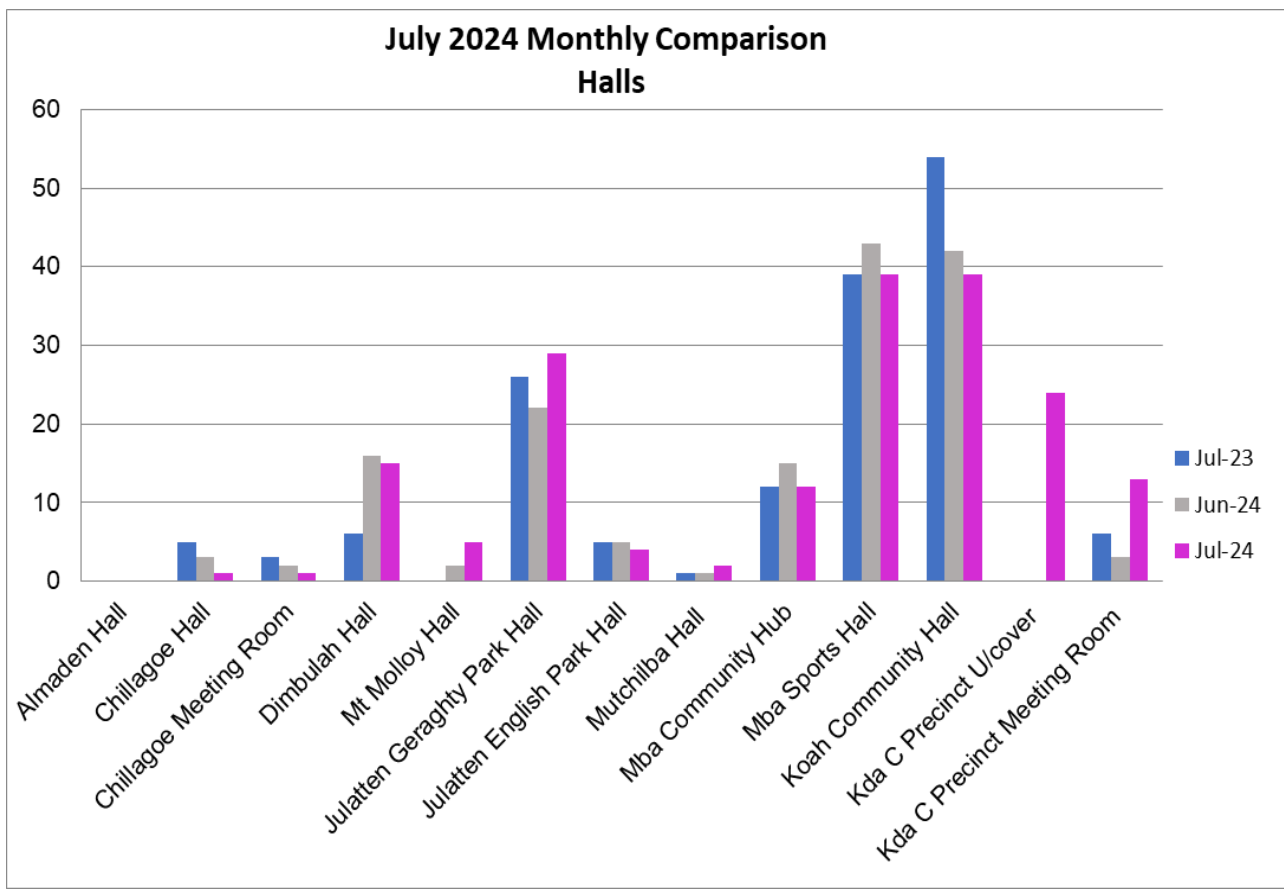
Asset Inspections:

Facility asset condition and defect inspections continue, and a review of internal facility processes/practices is underway to seek efficiency improvements. Inspections are currently targeted towards assisting in the development the Facilities Asset Management sub plan.

Facility maintenance programs, arising from the defect listing, are progressing well with works underway at numerous facilities.

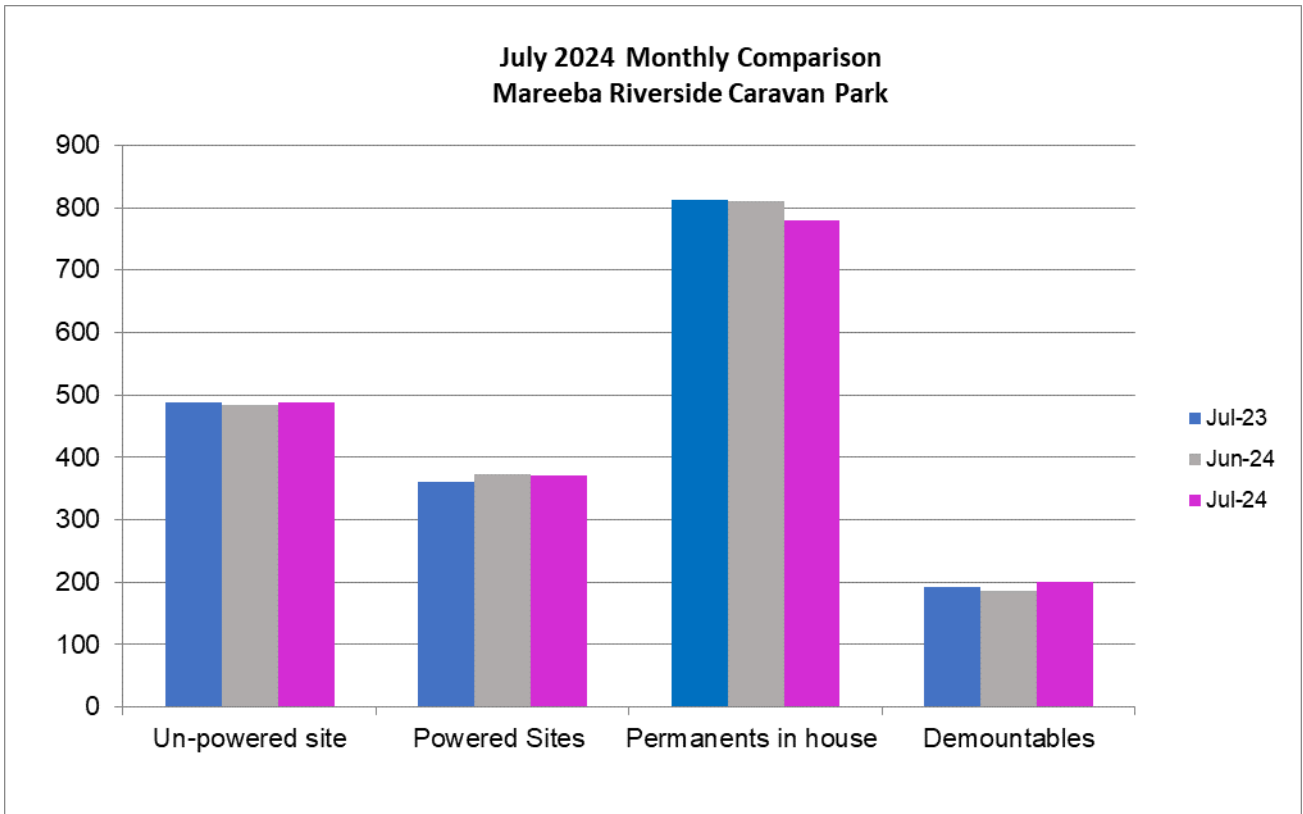
Community Halls:

Maintaining safe and efficient access to Council’s Community Halls is recognised as an important aspect for the community's ongoing wellbeing. Generally, utilisation for the month improved against previous month and year numbers.

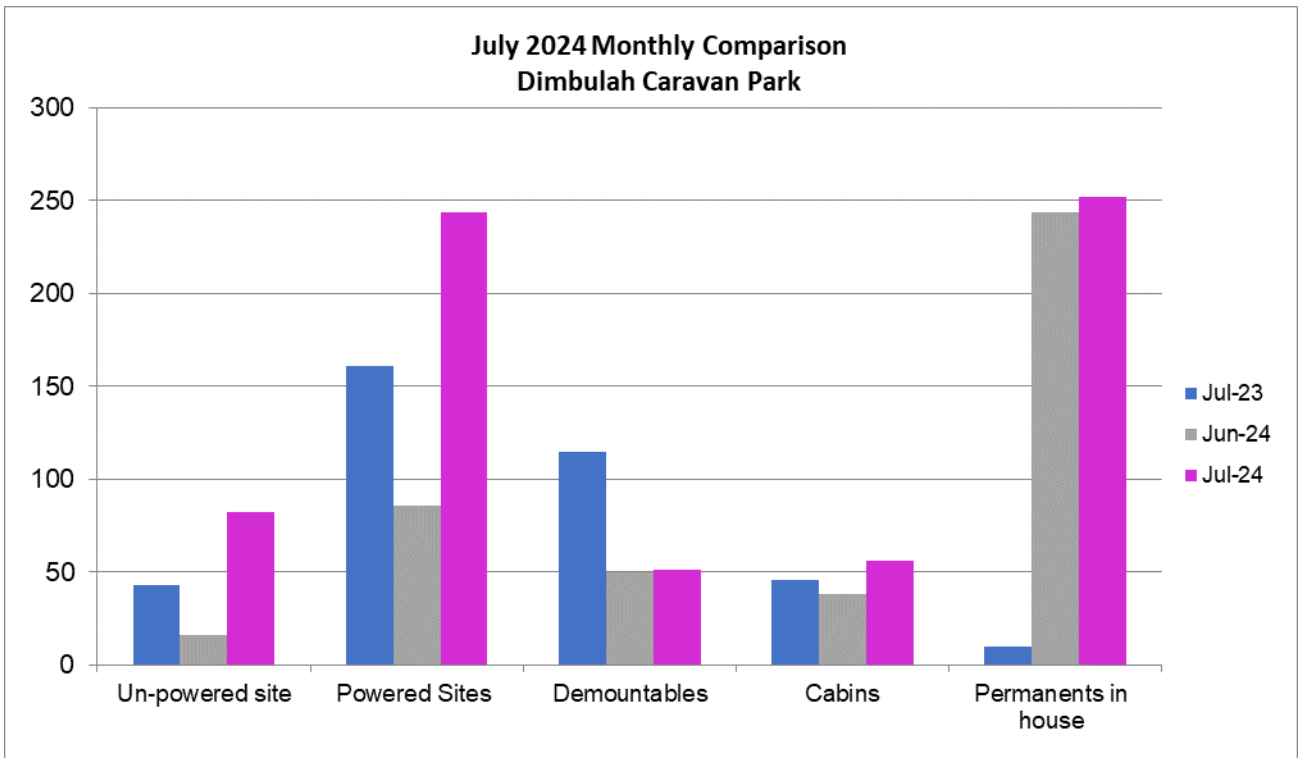


Caravan Parks:

Mareeba Riverside Caravan Park tenant numbers remain stable.

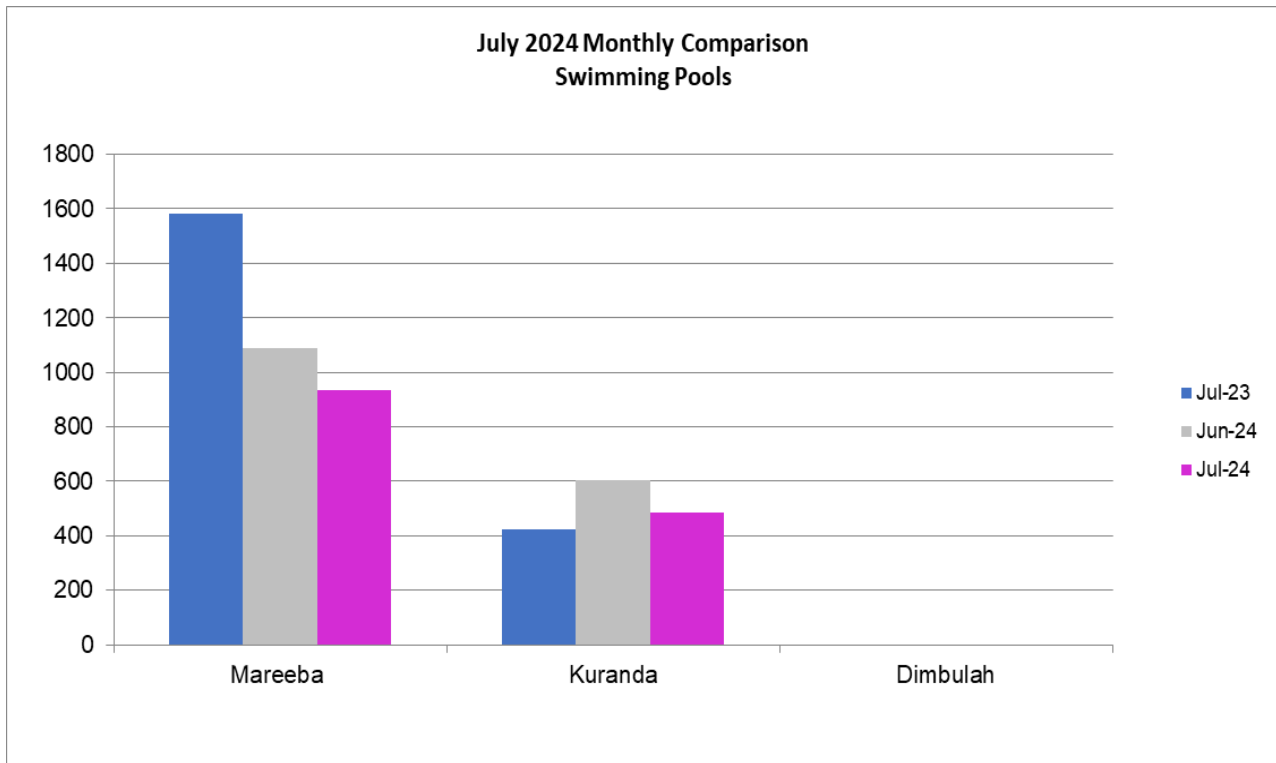


Dimbulah Caravan Park user numbers (total) have improved against previous months numbers, in all categories.



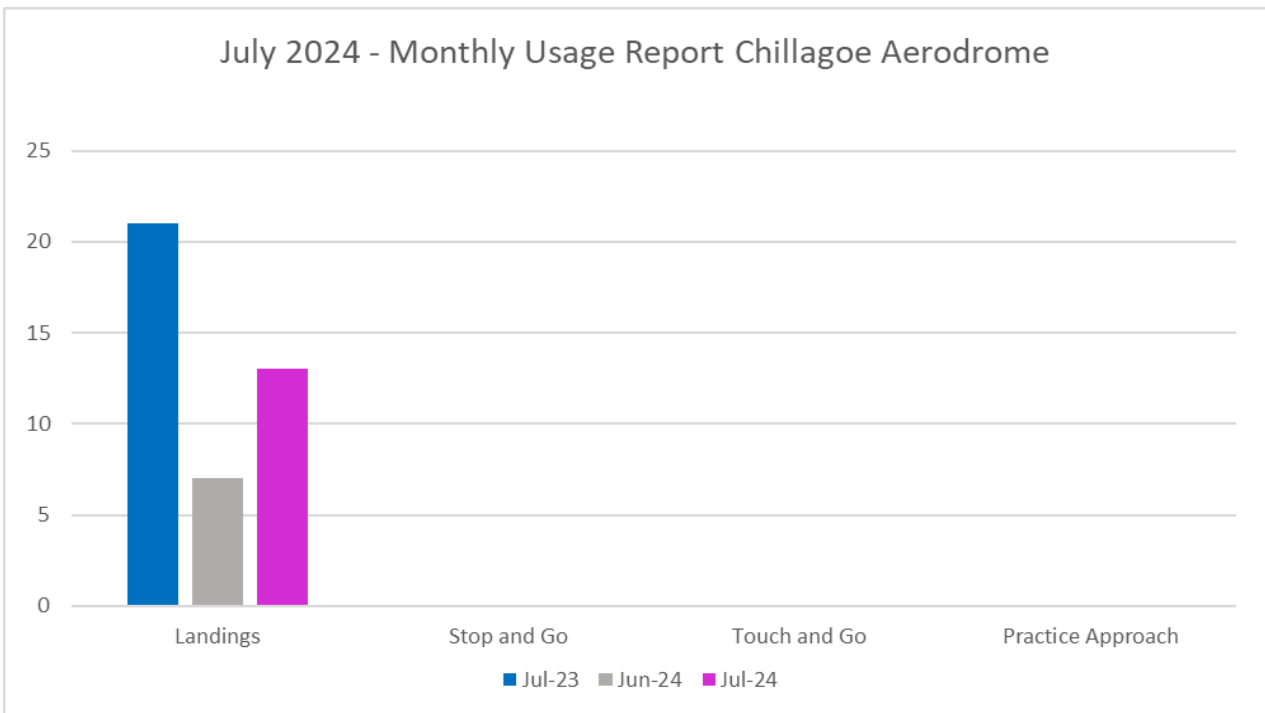
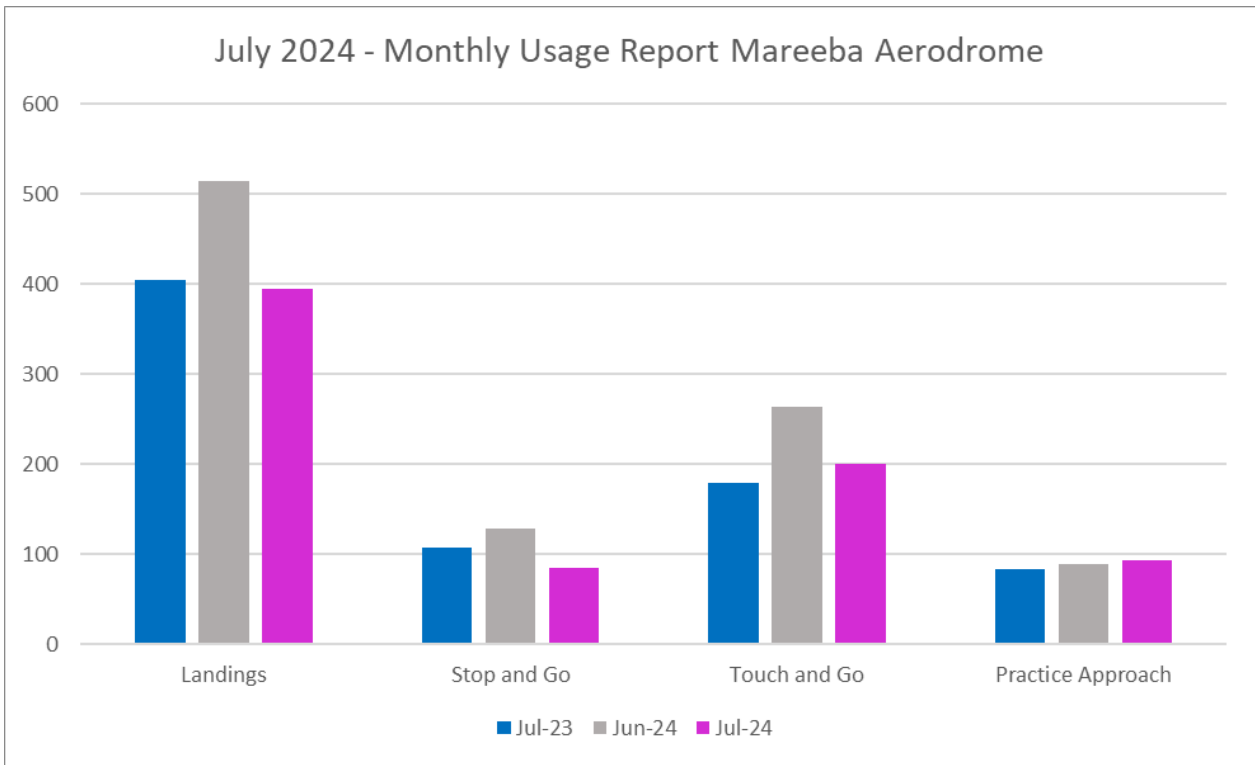
Aquatic Centres

Attendance numbers remain lower than previous month, which may be indicative of the winter slowdown.



Aerodromes:

The data recorded below is current for the month of July, however there is usually a lag of some data for each current month from the service provider, which continues to be updated into the next month.



**FINANCIAL AND RESOURCE IMPLICATIONS**

***Operating***

Additional cost associated with graffiti and vandalism is expected and will be accommodated within existing budget allocations.

**LINK TO CORPORATE PLAN**

**Financial Sustainability:** A council that continuously operates in a cost-effective manner while managing council’s assets and reserves to ensure a sustainable future.

**Transport and Council Infrastructure:** The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

**Community:** An informed and engaged community which supports and encourages effective partnerships to enhance the liveability of the Shire.

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



**9.3 INFRASTRUCTURE SERVICES, WATER AND WASTE OPERATIONS REPORT - JULY 2024**

**Date Prepared:** 26 July 2024  
**Author:** Manager Water and Waste  
**Attachments:** Nil

**EXECUTIVE SUMMARY**

The purpose of this report is to summarise Council’s Water and Waste activities undertaken by the Infrastructure Services Department during the month of July 2024.

**RECOMMENDATION**

That Council receives the Infrastructure Services, Water and Waste Operations Report for July 2024.

**BACKGROUND**

**Water and Wastewater Treatment:**

All treatment plants are generally performing satisfactorily. Interim measures to address damage to Kuranda Water Treatment Plant intake infrastructure which resulted from Cyclone Jasper and ongoing rain is continuing.

Connections have been updated with information provided by the Rates Section to correspond with annual KPI reporting.

Water Treatment	Mareeba	Kuranda	Chillagoe	Dimbulah	Mt Molloy*
Water Plant average daily production (kL)	8423	752	251	414	125
Number of Connections	4,141	1053	127	246	111
Average daily water consumption per connection (L)	2034	714	1975	1681	1129

\* Mt Molloy is an untreated, non-potable water supply

Wastewater Treatment	Mareeba	Kuranda
Wastewater Plant average daily treatment (kL)	2285	211
Number of Connections	3,519	356
Average daily inflow per connection (L)	649	592

**Mareeba Water Treatment Plant Upgrades:**

Three (3) critical infrastructure projects at the Mareeba Water Treatment Plant (MWTP) have commenced as part of Council’s 10-year Water Strategy:

- MWTP Filtration System Upgrade
- MWTP Raw Water Pump Upgrade
- MWTP Booster Pump Station Upgrade

These projects will increase capacity of the plant and ensure that Council is able to supply safe water to residents and businesses in Mareeba now and into the future. Completion of the upgrades is programmed for late 2024.

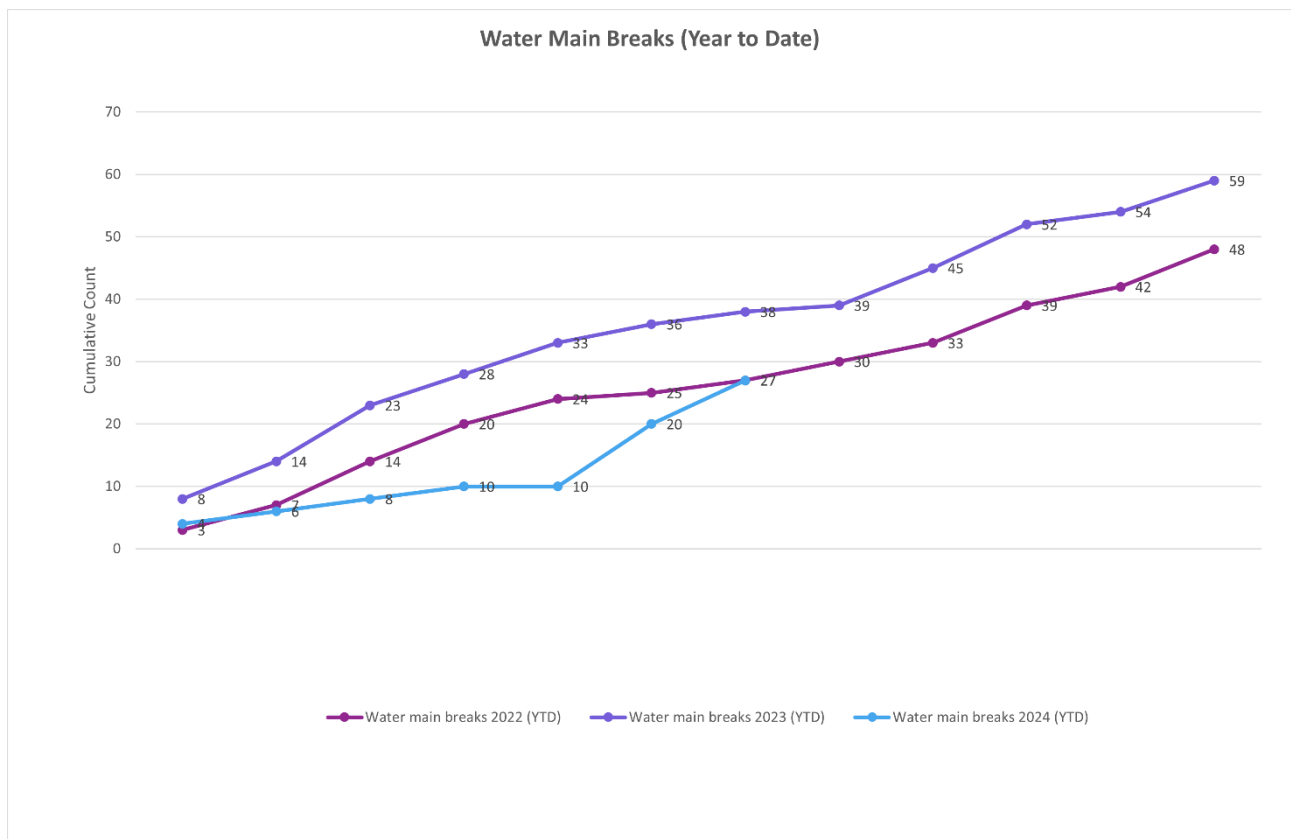
While these works occur at the Mareeba Water Treatment Plant there may be disruptions from time-to-time. As a result, the community has been asked to conserve water and reduce consumption during the upgrades. It may be necessary to introduce water restrictions to enable certainty of water supply to residents.

**Water and Wastewater Reticulation:**

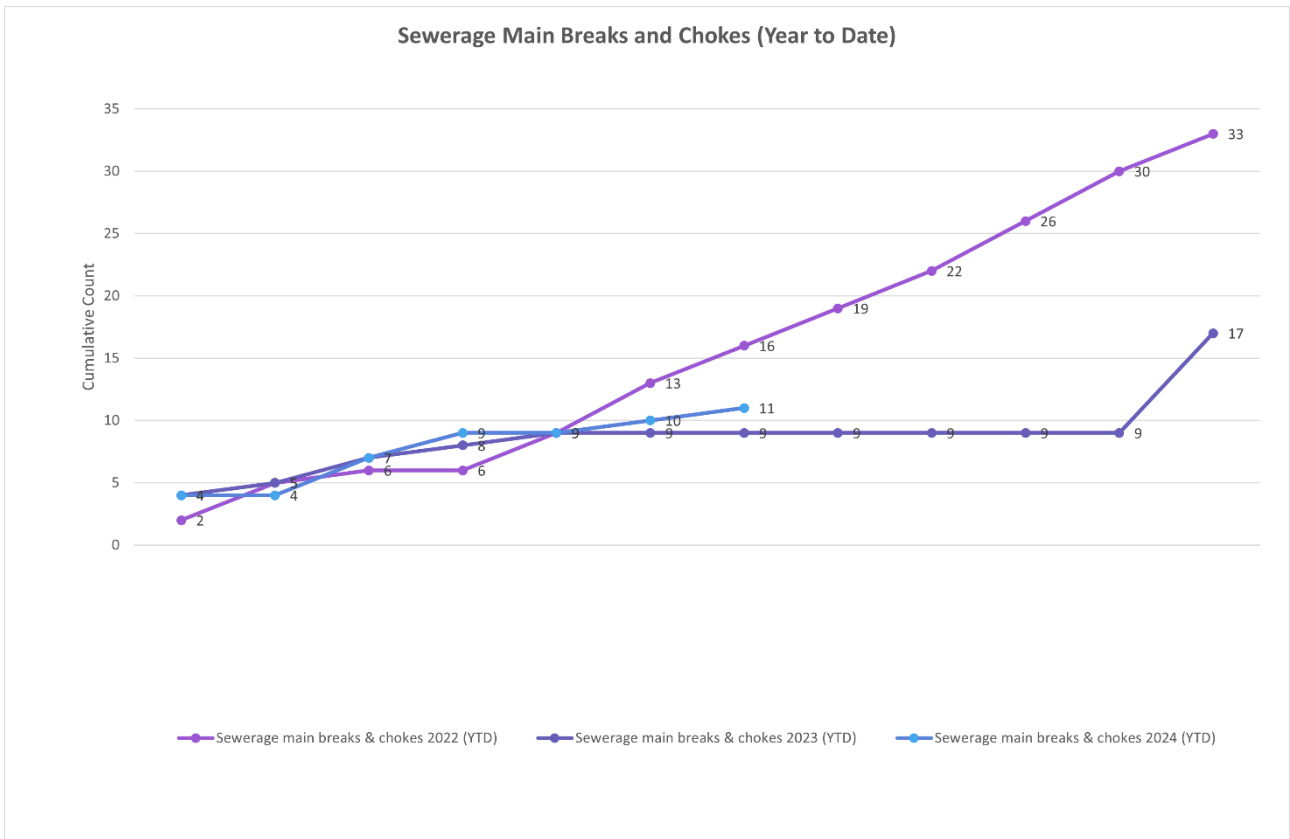
Council's water reticulation crew attended to seven (7) water main breaks, and one (1) sewer main breaks/chokes this month, and average response times were within targets set out in Council's customer service standard for water services.

The temporary solution to address the blockage of the Lloyd Street sewer in Mareeba continues to operate to mitigate wastewater discharges to the Barron River which ceased in February. Planning for a long-term solution is underway. The various regulators are satisfied with Council's response to the incident which is now closed out and they have advised that no regulatory action against Council will be taken.

Monthly statistics are shown on the water reticulation main breaks and sewerage main breaks and chokes:



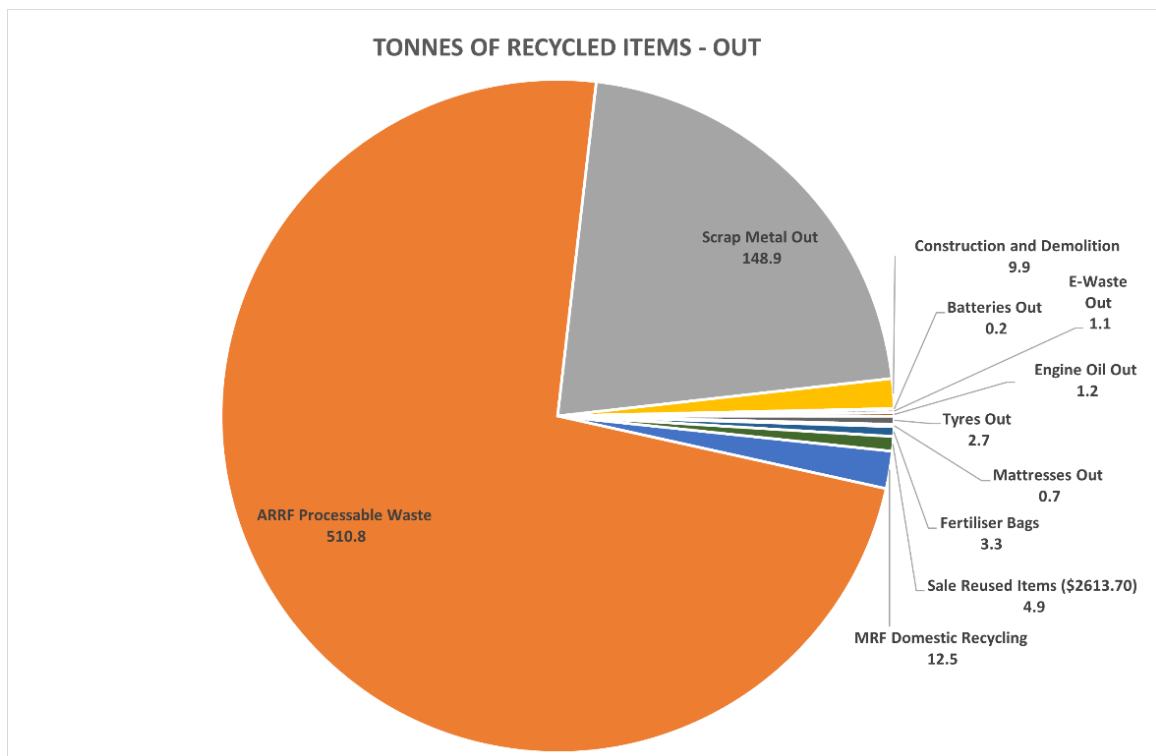




**Waste Operations:**

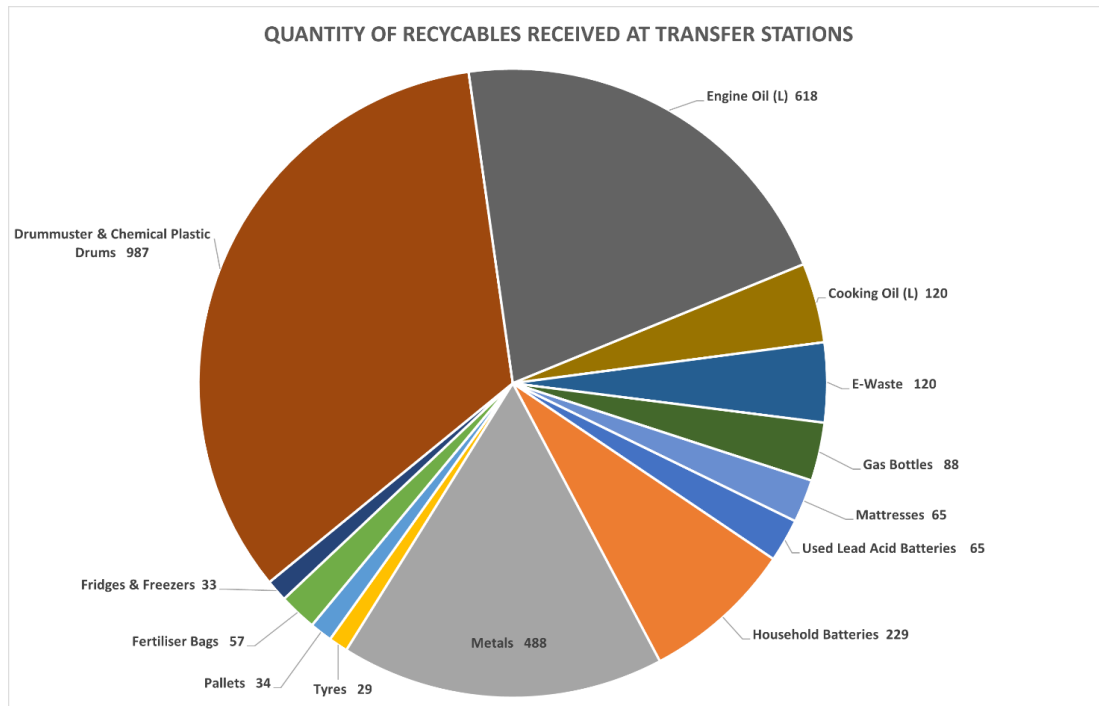
Waste material collected in Kerbside trucks is transported to the Advanced Resource Recovery Facility (ARRF) in Cairns for processing. Residual waste and waste collected at Transfer Stations is transported to Springmount Waste Facility, and recyclable material is transported to the Material Recovery Facility (MRF) in Cairns for processing.

During July, 510.8 tonnes of waste was processed through the ARRF, 194.5 tonnes of waste was sent to Springmount Waste Facility and 12.5 tonnes of domestic items were recycled at the MRF.



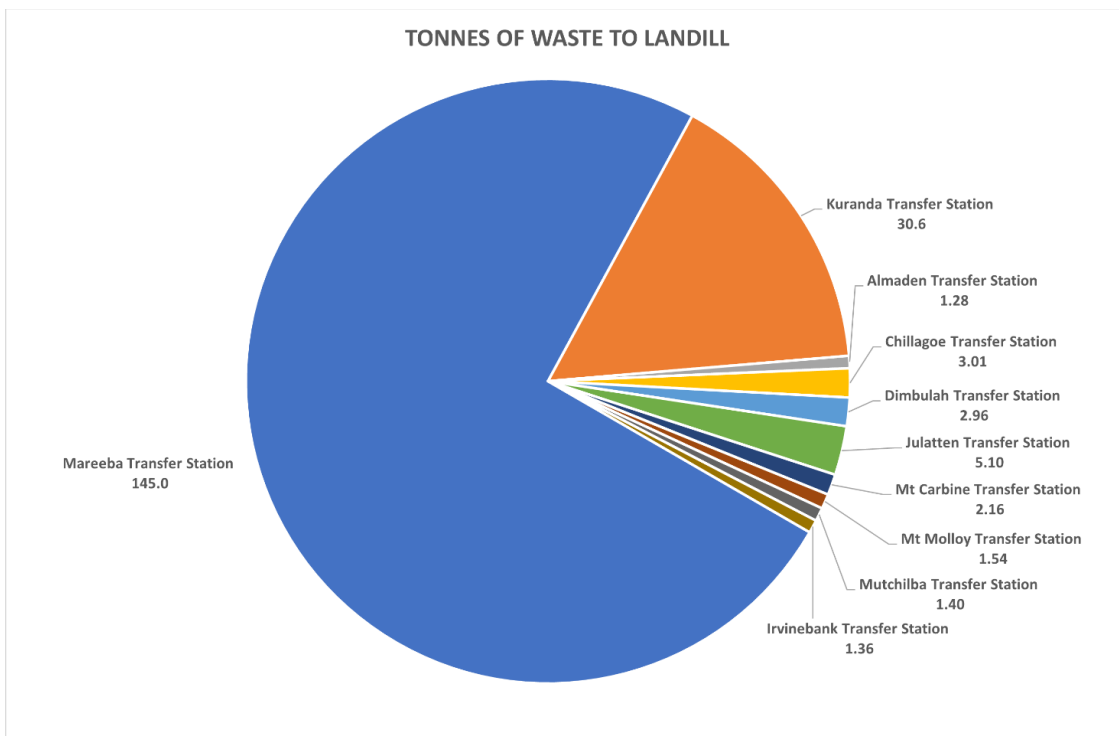
Recycling

Residents continue to recycle at the Transfer Stations. During July the highest count of recyclable items received were 987 DrumMuster chemical drums, 488 items of scrap metal and 229 household batteries.



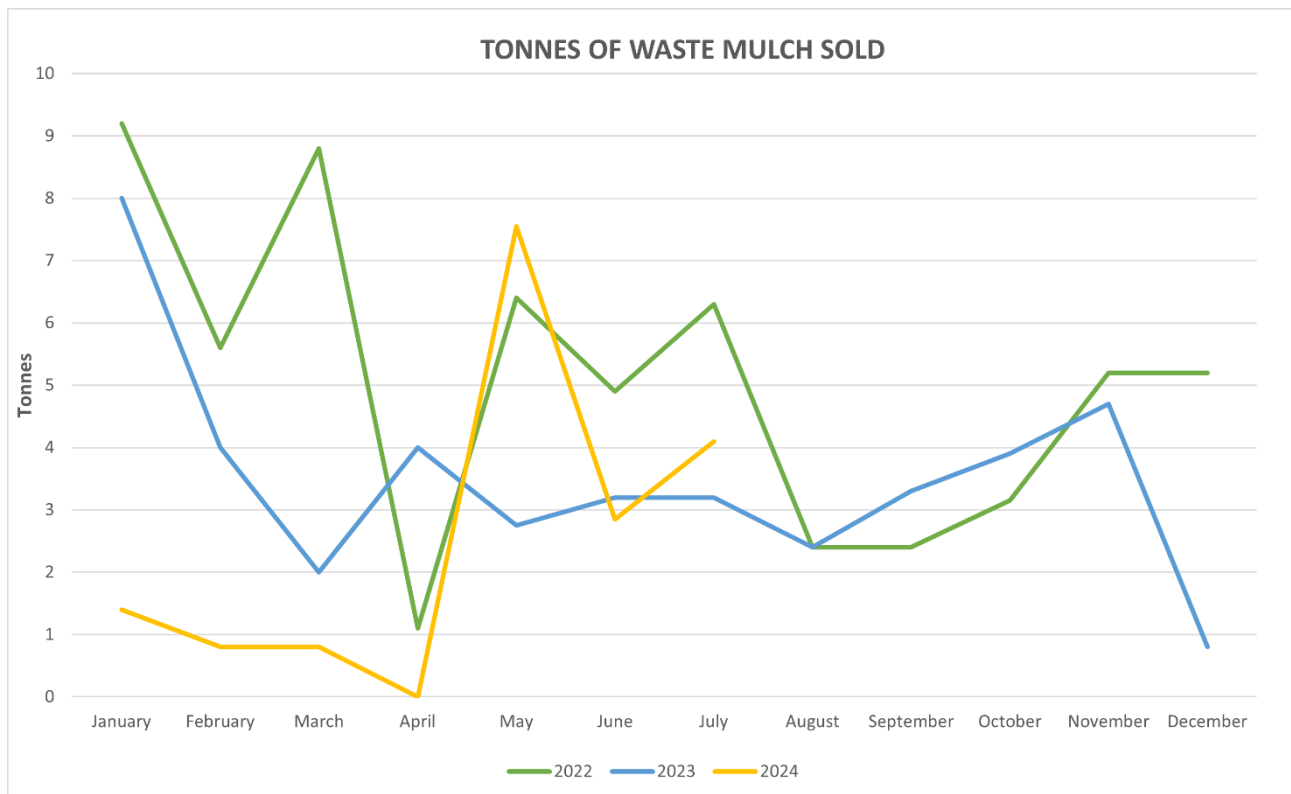
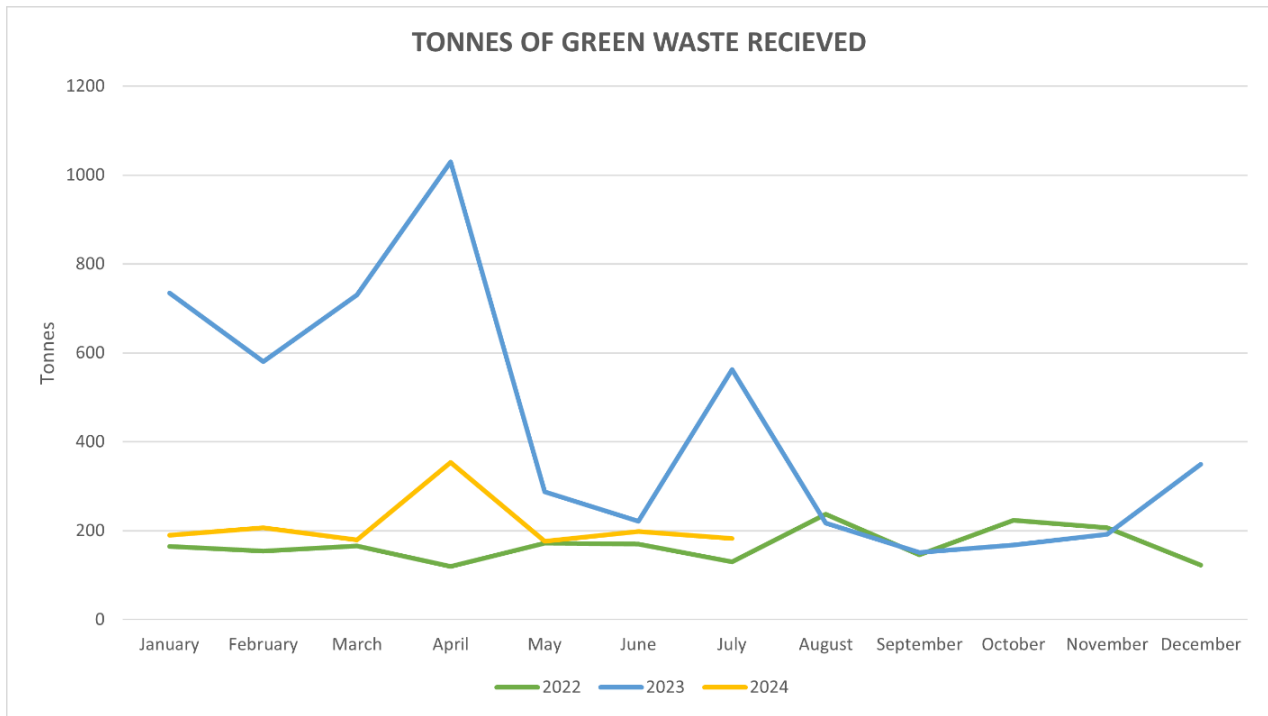
Transfer Station Waste

Transfer Station dry waste is transported off site to the Springmount Waste Facility. During July a total of 194.5 tonnes of waste was sent to landfill. Mareeba Transfer Station contributed to 145 tonnes to landfill, and Kuranda 30.6 tonnes.



**Green Waste**

During July, Council received a total of 182.6 tonnes of green waste. Kuranda recorded 10.8 tonnes of green waste from locations registered as being potentially contaminated with Electric Ants. 4.1 tonnes of mulch was sold during July.



**RISK IMPLICATIONS**

**Environmental**

Council holds an Environmental Authority issued under the *Environmental Protection Act 1994* to operate landfill facilities.

**LEGAL/COMPLIANCE/POLICY IMPLICATIONS**

Nil

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

Nil

***Operating***

Nil

**LINK TO CORPORATE PLAN**

**Financial Sustainability:** A council that continuously operates in a cost-effective manner while managing council's assets and reserves to ensure a sustainable future.

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

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

**IMPLEMENTATION/COMMUNICATION**

Nil

**9.4 EXPRESSION OF INTEREST WASTE OPTIONS**

**Date Prepared:** 4 July 2024  
**Author:** Manager Water and Waste  
**Attachments:** Nil

**EXECUTIVE SUMMARY**

This report seeks approval from Council to invite Expressions of Interests from industry on a range of options for Council's future Waste Management operations in accordance with the requirements set out in *Section 228 (3)* of the *Local Government Regulation 2012*. In addition, given the complexity and cost implications of this project, it is recommended that a probity auditor be appointed to oversee this process.

**RECOMMENDATION**

That Council

1. seeks Expressions of Interests from industry to provide Council with options for Council's future Waste Management operations in accordance with the requirements set out in *Section 228 (3)* of the *Local Government Regulation 2012*, before considering whether to invite written tenders from short-listed respondents under *Section 228(6)* and *Section 228 (7)*.
2. Endorses the appointment of Charles Kendall Australia as the independent Probity Auditor for this project.

**BACKGROUND**

As 2026 approaches, several contractual arrangements for Council's Waste Management operations will reach their maturity.

One key contract that expires in 2026 is Contract 1396 – Domestic Waste Processing, which currently sees Council's domestic waste transported and processed through Veolia's Advanced Resource Recovery Facility (ARRF), also known as Bedminster, located on Ray Jones Drive, Cairns.

Other major waste contracts due to expire in 2026 and 2027 include:

- Contract T-MS2017-15 – FNQROC Regional Removal and Beneficial Reuse of Biosolids
- Contract T-MS2017-20 – Waste and Recycling Contract
- Contract T-MS2021-08 – Waste Management Services (transfer station operations)
- Contract T-MS2024-01 – Green Waste Services

Council intends to investigate available options to provide sustainable waste services for the community into the future. This includes the possible opportunity for the reopening of the Mareeba landfill.

It is proposed that Expressions of Interest (EOI) be invited from the open market to deliver some or all of these services. Based on the EOIs Council may invite written tenders from short-listed

respondents. The EOI process enables Council to evaluate the best solution/s for providing cost effective waste services for the community.

This project is very complex with numerous components and possible options and permutations as well as having the potential for conflicts of interests to arise, it is believed that an independent probity auditor be appointed to oversee the process. This will give Council and the community the assurance that good governance principles have been applied throughout the process.

Officers obtained quotes from three providers, namely McCullough Robertson, Ochre Legal and Charles Kendall Australia. While all three could competently fulfill the function Charles Kendall Australia proved the most cost-effective option. They have been probity auditors for a number of LGA's in Qld and have come highly recommended. They have recently acted as probity auditor for the City of the Gold Coast for their waste contract.

## **RISK IMPLICATIONS**

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

The Expression of Interest would be conducted in accordance with the requirements for Tender process set out in *Section 228 (3)* of the *Local Government Regulation 2012*.

### **FINANCIAL AND RESOURCE IMPLICATIONS**

#### ***Operating***

Yes.

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

Yes.

### **LINK TO CORPORATE PLAN**

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

### **IMPLEMENTATION/COMMUNICATION**

The incumbent waste contractors will be notified of the intention to issue the EOI.

**9.5 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - JULY 2024**

**Date Prepared:** 8 August 2024

**Author:** Manager Works

**Attachments:** Nil

**EXECUTIVE SUMMARY**

The purpose of this report is to summarise Council's Transport Infrastructure, Parks and Open Spaces, TMR Routine Maintenance Performance Contract (RMPC) and Land Protection operational activities undertaken by Infrastructure Services during the month of July 2024.

**RECOMMENDATION**

That Council receives the Infrastructure Services, Works Progress Report for the month of July 2024.

**BACKGROUND**

A summary of works completed in July 2024 is provided below.

**Transport Infrastructure**

General Maintenance

The major maintenance activities carried out in July are listed below;

Activity	Location
Unsealed Road Grading	Hodzic Road, Springfield Road, Lappa-Mt Garnet Road, Fossilbrook Road, Bulleringa Road, Mt Cardwell Road, Emuford-Woepen Road, Karma Waters Road, Vallely Road, Bilwon Road, Amber Road, Hurricane Road, Hume Road, Grigg Road, Coyle Road, Cowan Road, McGrath Road, Rogers Road, Bullock Road, Smelter Road, Georgetown Road, Eastern Street, Pont Street, Dow Road, Rush Road, Weir Road, Zillmanton Road, Frew Street, Pioneer Road, Tower Street
Tree Clearing/Vegetation Management	Kuranda, Speewah, Mareeba, Julatten, Chillagoe
Bitumen Patching	Koah Road, Bilwon Road, Oak Forest Road, Tinaroo Creek Road, Chewko Road, James Street, Kimalo Road, Basalt Street, Highland Drive, Myola Road, Euluma Creek Road, Springmount Road, Tyrconnell Road, Chettle Road, Herberton Street, Dillon Street, Emerald End Road, Henry Hannam Drive, Barron Falls Road
Illegal Waste Disposal	Henry Hannam Drive, Chewko Road, Ray Road, Bilwon Road, Carbonate Creek Road, Dillon Street, Roiko Road

Tropical Cyclone Jasper, Associated Rainfall and Flooding

Mareeba Shire Council received advice from the Queensland Reconstruction Authority (QRA) that Disaster Recovery Funding Arrangements (DRFA) has been activated for Tropical Cyclone Jasper, Associated Rainfall and Flooding event.

With ongoing rain and access difficulties the Queensland Reconstruction Authority issued an extension of time to the Emergent and Immediate Restoration submissions for Council controlled roads of a further 90 days to 30 June 2024.

Water levels at crossings in the north-western area of the shire have dropped sufficiently to allow access to crews and contractors to undertake emergent works. Advice from the Queensland Reconstruction Authority is that the emergent period for these roads commences once accessible.

Works Group has now completed all emergent works across the shire.

Overall, 271 roads within the shire recorded expenses for emergent work to temporarily repair damage and maintain access.

Customer Requests

During July, the Works Group received 117 Customer Requests (CRs) with 171 resolved (resolved requests include those received prior to July 2024). The table below shows the number of requests lodged per Works Section for the month.

Month	Roads	Parks and Gardens	Pest Management
July	76	34	7

At the time of reporting, the Works Group had 89 open requests.

TMR Routine Maintenance Performance Contract (RMPC)

**32A - Kennedy Highway (Cairns – Mareeba)**

- Boom slash Edmund Kennedy Bridge approaches
- Rest Area servicing - Edmund Kennedy Bridge

**34A - Mulligan Highway (Mareeba - Mt Molloy)**

- Edge repair/widening
- Cleaning of pipe inlets/outlet
- Callout to clean up oil spill - requested by QPS
- 18 sign replacements
- Tree trim overhanging limbs adjacent to the railway line on the Mareeba northern approaches

**34B – Mulligan Highway (Mt Molloy – Lakeland)**

- Roadside Litter Collection - Rifle Creek and Mt Carbine Truck Stop
- Rest Area servicing at Riffle Creek
- Sign replacements
- Edge repair/widening
- Pothole patching
- Abandoned vehicle removal



**653 – Mossman-Mt Molloy Road**

- Rest Area Servicing at Hunter Creek
- Roadside litter collection - Hunter Creek, Environ Park and Lyons Park
- Cut up and remove large overhanging tree
- Remove illegal dumping/ roadside litter - tent, tyres and general litter
- Rural slashing Mt Molloy-Mossman - Full cut both sides where possible - including traffic control
- Repair MSC 8 Hour Parking Sign
- Pothole patching

**6632 – Herberton-Petford Road**

- Tree trimming

**664 – Mareeba-Dimbulah Road**

- Edge repair/widening
- Sign replacement
- Slashing shoulders to clear vision in preparation of increased traffic for rodeo weekend
- Traffic control for bush fire between Springs and Carmen Roads

**89B – Burke Developmental Road (BDR)**

- Eureka Creek Rest Area Servicing and ground maintenance
- Sign replacement
- Medium formation grade - Chillagoe to Nolan Creek
- Medium formation grade – Nolan’s Creek to Trimble’s Crossing
- Medium formation grade - Almaden to Crystalbrook turn off
- Emergent Works – Ferguson’s to Louisa Creek
- Emergent Works - Install depth markers at the Lynd River Crossing
- Emergent Works - Road repairs along gavel road from Ferguson’s Crossing to MSC Boundary
- Emergent Works - Patch Trimble’s Crossing

**Parks and Open Spaces**

Description	Comment
Mowing	Mareeba, Dimbulah, Kuranda, Mt Molloy/Julatten, and Chillagoe now all on scheduled mowing roughly every 18 – 20 days for unirrigated areas and fortnightly in irrigated zones.
Playing fields mowing	Davies Park once per 10 days at 50mm, Borzi Park once per fortnight at 50mm, Firth Park once 10 days at 40mm.
General maintenance	Mulching of gardens continues and tree trimming for mower clearance and street traffic clearance.
Playgrounds	Minor repairs at Kowrowa/Mantaka playground and replacement swing bumpers pads at Centenary Park.
Projects	Reconfigure irrigation at Amaroo entrance for LAE footpath works.
Burials	Mareeba eight (8) burials – one (1) ashes in columbarium wall, five (5) in ground internments, two (2) mausoleum wall internments.

Description	Comment
LOA	LOA Prisoners continue to be on site at the Mareeba Cemetery for three (3) days per week.
Tree maintenance	Trimming of trees in parks and for street sweeping operations. Contractors trimming vegetation in Kuranda.
Fire management	<p>Mareeba, Mt Molloy, Mt Carbine, Irvinebank, Watsonville and Chillagoe graded and mulched fire breaks are completed.</p> <p>Two (2) hazard reduction burns have been completed in Mareeba at Adil Road/Hickling Avenue area and the council stockpile site at Zenel Road including a small section near Gallo Drive.</p> <p>One (1) burn was carried out by the Mt Carbine Rural Fire Brigade between the Mulligan Highway and Mt Spurgeon Road and Brooklyn Village.</p> <p>The Watsonville Rural Fire Brigade and the Department of Resources completed a burn at Watsonville and a further burn was completed in Chillagoe by Chillagoe volunteers.</p>
Irrigation	Irrigation repairs carried out at - Amaroo, P&OS Nursery, Firth Park, Skyrail Bus Interchange gardens, Kuranda Library, Geraghty Park, Railway Park
Slashing	Mareeba Rail Trail, Shaban Park, Eales Park, Mooraridgi Park, DTMR Bypass Land and Moody Street Road Reserve
Events	Mareeba Rodeo Street Parade, Christmas in July at Davies Park, the Chillagoe Street Parade and the 2024 Irvinebank Festival

**Land Protection**

**Parthenium Weed:** Inspections carried out on 13 sites. All landholders are complying with their biosecurity obligation. Officers continue to monitor one (1) site every two (2) weeks with the other 12 every three (3) weeks.

**Bellyache Bush, Siam Weed and Rubbervine:** Weed cleanup work has continued on Emu Creek, Petford. The area was weed surveyed and any of the target species were hand or mechanically removed along the creek system.

**Siam Weed:** A report of a possible Siam Weed outbreak on a property in Julatten was received by Land Protection Officers in July. The site was surveyed, and a large infestation of Siam Weed was found on a powerline and communications tower access road. Officers foliar sprayed all Siam Weed and Ergon Energy’s environmental officer was notified to have workers and contractors treat infestations in future and wash down vehicles before leaving the site.

**Amazon Frogbit:** Foliar spraying of frogbit in the Mareeba Bicentennial Lakes and a survey carried out in Chinaman Creek, Mareeba revealed recent flooding had not flushed out the frogbit with young frogbit detected at the top of the original infestation. Foliar spraying of Chinaman Creek will be undertaken later in the season.

**Feral pigs:** Two (2) traps are currently on loan to landholders in Mt Molloy and Speewah. Six (6) feral pigs were caught and destroyed in Mt Molloy and one (1) was destroyed in Speewah.

**Wild dogs:** Four (4) properties carried out 1080 baiting the Tate and Walsh Rivers area totalling approximately 300,000ha.

## **FINANCIAL AND RESOURCE IMPLICATIONS**

### ***Operating***

All operational works are funded by the section specific 2024/25 maintenance budgets.

## **LINK TO CORPORATE PLAN**

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

## **IMPLEMENTATION/COMMUNICATION**

Nil



**9.6 T-MSC2024-19 SUPPLY & DELIVERY OF TYPE 4.3 ROAD BASE**

**Date Prepared:** 8 August 2024

**Author:** Manager Works

**Attachments:** Nil

**EXECUTIVE SUMMARY**

The purpose of this report is to provide Council with an assessment of the tenders received for T-MSC2024-19 Supply & Delivery of Type 4.3 Road Base.

**RECOMMENDATION**

That Council awards Tender T-MSC2024-19 Supply & Delivery of Type 4.3 Road Base to MC Group QLD Pty Ltd the amount of \$393,140.00 (incl. GST).

**BACKGROUND**

Council has been engaged to undertake DRFA REPA Works for the 2022 Disaster Event on the Burke Developmental Road (BDR) for the Department of Transport and Main Roads.

The road base is to be supplied and delivered to three (3) sections of the BDR namely;

- Carpentaria Boundary to the Lynd River Crossing (Ch 303.38 - 383.71) 3,800 tonnes
- Lynd River Crossing to Trimble’s Crossing (Ch 383.71 - 440.105) 1,500 tonnes
- Trimble’s Crossing to Nolan’s Creek (Ch 440.105 – 502.35) 200 tonnes

**Tenders Received**

Two (2) submissions were received. A summary of the tender prices at opening is provided below.

				MC Group Qld Pty Ltd VPR727473		The Trustee for Kidner Unit Trust VPR728514	
Item	Description	Chainage	Qty /tonne	Rate	Amount	Rate	Amount
1.	Supply and Delivery of Type 4.3 Road Base to marked sites	Ch: 303.38 - Ch: 383.71	3800t	\$77.55	\$294,690.00	\$79.30	\$300,200.00
2.	Supply and Delivery of Type 4.3 Road Base to marked sites	Ch: 383.71 - Ch: 440.105	1500t	\$59.40	\$89,100.00	\$57.10	\$85,650.00
3.	Supply and Delivery of Type 4.3 Road Base to marked sites	Ch: 440.105 - Ch: 502.35	200t	\$46.75	\$9,350.00	\$60.60	\$12,120.00
<b>TOTAL (GST Inclusive):</b>				<b>\$393,140.00</b>		<b>\$397,970.00</b>	

**Tender Assessment**

Tenders were assessed in accordance with the evaluation criteria stated in the tender documentation and as provided below;

Criteria	Weighting
Tendered Price	80%
Relevant Experience	10%
Local Content	10%
<b>Total</b>	<b>100%</b>

Each tender was evaluated and scored against the criteria, with the criteria scores then weighted to provide a total weighted score for each submission. Additionally, each tender has been assessed for conformance, compliance and discrepancies, against the requested response schedules.

A summary of the Tender assessment, incorporating the evaluation against conformance, price and non-priced base criteria, resulted in the ranking of submissions displayed below.

Tenderer	Rank
MC Group Qld Pty Ltd	1
Kidner Contracting	2

**RISK IMPLICATIONS**

Nil

**FINANCIAL AND RESOURCE IMPLICATIONS**

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

Yes.

**LINK TO CORPORATE PLAN**

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

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

**IMPLEMENTATION/COMMUNICATION**

Tenderers will be notified of the outcome of this report.

**9.7 T-MSC2024-15 EMERALD END ROAD CULVERT CONSTRUCTION**

**Date Prepared:** 29 July 2024  
**Author:** Manager Technical Services  
**Attachments:** Nil

**EXECUTIVE SUMMARY**

The purpose of this report is to provide Council with an assessment of the tenders received for T-MSC2024-15 Emerald End Road Culvert Construction to be funded under Disaster Relief Funding Arrangements (DRFA).

**RECOMMENDATION**

That the Council awards Tender T-MSC2024-15 Emerald End Road Culvert Construction to Terranovus Civil for the amount of \$1,413,418.28 (excl. GST), subject to Queensland Reconstruction Authority approval.

**BACKGROUND**

Queensland Reconstruction Authority (QRA) declared the 'Tropical Cyclone Jasper, associated rainfall and flooding, 13 – 28 December 2023' (the Event) a natural disaster event, triggering Disaster Recovery Funding Arrangements (DRFA) which provides local governments with assistance to reinstate essential infrastructure.

Located approximately 1.3km along Emerald End Road, the large corrugated steel culverts suffered catastrophic failure during the event which required Council to establish a bypass track to ensure ongoing access to the residential community located beyond.

Council engaged consultants to undertake site investigations necessary for the development of a detailed reinstatement methodology, which was subsequently submitted to the QRA for assessment against 'compliance' and 'value for money' criteria.

With completion of the tender process, Council officers intend to seek reconfirmation of both the scope and value of works from QRA to ensure compliance with funding requirements.

The tendered scope of works includes:

- Installation of replacement culvert structure, being a 3 barrel – 3m x 3m RCBC.
- Reinstatement Emerald End Road crossing of Cobra Creek with a two-lane bitumen road pavement.
- Remove temporary bypass.

Council invited tenders from suitably qualified contractors for the reinstatement of Culverts to Emerald End Road, through 'Vendor Panel' 17 June 2024, with tenders closing at 11:00am Tuesday, 9 July 2024.

### Tenders Received

Nine (9) submissions were received, however two (2) were from suppliers promoting their products and were not considered.

A summary of the tender prices at opening is provided in *Table 1* below;

*Table 1: Tendered Price at opening*

<b>Tenderer</b>	<b>Tendered Price (excluding GST)</b>
Civform	\$1,488,166.51
Civilmart Toowoomba*	-
Coplo Constructions Pty Ltd	\$1,492,759.00
Geofabrics Australasia*	-
Inbuilt Services Pty Ltd	\$1,528,137.53
Lohman Contracting Pty Ltd	\$2,360,717.86
MJC Civil Pty Ltd	\$1,781,230.90
Nq Estimating & Civil Services Pty Ltd	\$2,893,064.00
Terranovus Civil	\$1,426,846.53

\* Submitted information on materials only

During the Tender Assessment process, Council officers sought clarification (where required) from shortlisted tenderers, which in some instances resulted in changes to the submitted tender values, as provided in *Table 1a* below;

*Table 1a: Amended Pricing Submitted by Tenderers*

<b>Tenderer</b>	<b>Revised Price (excluding GST)</b>
Civform	\$1,468,422.51
Coplo Constructions Pty Ltd	\$1,482,380.22
MJC Civil Pty Ltd	\$1,751,988.90
Terranovus Civil	\$1,413,418.28



**Tender Assessment**

Tenders were assessed in accordance with the evaluation criteria stated in the tender documentation and as provided in *Table 2* below;

*Table 2: Evaluation Criteria*

Criteria	Weighting
Tendered Price	40%
Relevant Experience	15%
Key Personnel Skills and Experience	10%
Demonstrated Understanding	25%
Local Content	10%
<b>Total</b>	<b>100%</b>

Each tender assessed, was evaluated and scored against the criteria, with the criteria scores then weighted to provide a total weighted score for each submission. Additionally, each assessed tender was considered for conformance, compliance and discrepancies, against the requested response schedules.

All tenderers assessed were considered as capable of completing the works to a satisfactory standard and in accordance with QRA specifications.

A summary of the Tender assessment, incorporating the evaluation against conformance, price and non-priced base criteria, resulted in the ranking of submissions displayed in *Table 3* below.

*Table 3: Tender Evaluation Summary*

Tenderer	Score (100%)	Rank
Civform	65.0	2
Coplo Constructions Pty Ltd	52.0	4
MJC Civil Pty Ltd	59.0	3
Terranovus Civil	91.5	1

**RISK IMPLICATIONS**

**Financial**

The project scopes and costs are subject to DRFA eligibility and Council must meet these requirements. Any ineligible costs must be met by Council, so QRA approval is recommended prior to awarding tenders.

**Environmental**

The designs prepared were required to consider the potential impacts to the environment.

**Infrastructure and Assets**

The reinstated civil infrastructure will meet pre-existing condition and current engineering standards and therefore should not impact the long-term cost to Council.

**Legal and Compliance**

Tenders were sought in accordance with Council's Procurement Policy.

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

Nil. All eligible costs are able to be sought for reimbursement through DRFA.

***Operating***

Nil. The replacement civil infrastructure will meet pre-existing condition and current engineering standards, and therefore should not increase the operational costs associated with maintaining the network.

**LINK TO CORPORATE PLAN**

**Transport and Council Infrastructure:** The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

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

**IMPLEMENTATION/COMMUNICATION**

Application will be made to the QRA for project funding and tenderers kept informed of the approval status as required.

**9.8 T-MSC2024-16 CARMEN ROAD CULVERT CONSTRUCTION**

**Date Prepared:** 12 August 2024  
**Author:** Manager Technical Services  
**Attachments:** Nil

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**EXECUTIVE SUMMARY**

The purpose of this report is to provide Council with an assessment of the tenders received for T-MSC2024-16 Carmen Road Culvert Construction to be funded under Disaster Relief Funding Arrangements (DRFA).

**RECOMMENDATION**

That the Council awards Tender T-MSC2024-16 Carmen Road Culvert Construction to Terranovus Civil for the amount of \$725,251.30 (excl. GST), subject to Queensland Reconstruction Authority approval.

**BACKGROUND**

Queensland Reconstruction Authority (QRA) declared the 'Tropical Cyclone Jasper, associated rainfall and flooding, 13 – 28 December 2023' (the Event) a natural disaster event, triggering Disaster Recovery Funding Arrangements (DRFA) which provides local governments with assistance to reinstate essential infrastructure.

Located approximately 350m along Carman Road, the existing culverts suffered catastrophic failure during the event which required Council to establish a temporary access track to ensure access to the residential properties beyond was not impacted.

Council engaged consultants to undertake site investigations necessary for the development of a detailed reinstatement methodology, which was subsequently submitted to the QRA for assessment against 'compliance' and 'value for money' criteria.

With completion of the tender process, Council officers intend to seek reconfirmation of both the scope and value of works from QRA to ensure compliance with funding requirements

The tendered scope of works includes:

- Reinstatement replacement culvert/causeway structure, being a 3 cell – 900mm x 900mm RCBC.

Council invited tenders from suitably qualified contractors for the reinstatement of Culverts to Carmen Road, through 'Vendor Panel' 17 June 2024, with tenders closing at 11:00am Tuesday, 9 July 2024.

**Tender Evaluation**

**Tenders Received**

Six (6) submissions were received, however one (1) was from a supplier promoting their products and was not considered.

A summary of the tender prices at opening is provided in *Table 1* below;

*Table 1: Tendered Price at opening*

<b>Tenderer</b>	<b>Tendered Price (excluding GST)</b>
Civilmart Toowoomba*	-
Jr Pipelines Pty Ltd	\$816,940.75
Lohman Contracting Pty Ltd	\$959,082.00
MJC Civil Pty Ltd	\$596,446.80
Nq Estimating & Civil Services Pty Ltd	\$999,484.00
Terranovus Civil	\$719,454.73

\* Submitted information on materials only

During the Tender Assessment process, Council officers sought clarification (where required) from shortlisted tenderers which in some instances resulted in changes to the submitted tender values, as provided in *Table 1a* below;

*Table 1a: Amended Pricing Submitted by Tenderers*

<b>Tenderer</b>	<b>Revised Price (excluding GST)</b>
Jr Pipelines Pty Ltd	\$ 839,890.85
Lohman Contracting Pty Ltd	\$1,027,725.72
MJC Civil Pty Ltd	\$ 641,740.80
Terranovus Civil	\$ 725,251.30

**Tender Assessment**

Tenders were assessed in accordance with the evaluation criteria stated in the tender documentation and as provided in *Table 2* below;

*Table 2: Evaluation Criteria*

Criteria	Weighting
Tendered Price	40%
Relevant Experience	15%
Key Personnel Skills and Experience	10%
Demonstrated Understanding	25%
Local Content	10%
<b>Total</b>	<b>100%</b>

Each tender assessed, was evaluated and scored against the criteria, with the criteria scores then weighted to provide a total weighted score for each submission. Additionally, each assessed tender was considered for conformance, compliance and discrepancies, against the requested response schedules.

All tenderers assessed were considered as capable of completing the works to a satisfactory standard and in accordance with QRA specifications.

A summary of the Tender assessment, incorporating the evaluation against conformance, price and non-priced base criteria, resulted in the ranking of submissions displayed in *Table 3* below.

*Table 3: Tender Evaluation Summary*

Tenderer	Score (100%)	Rank
Jr Pipelines Pty Ltd	77.5	2
Lohman Contracting Pty Ltd	76.0	3
MJC Civil Pty Ltd	68.5	4
Terranovus Civil	81.5	1

**RISK IMPLICATIONS**

**Financial**

The project scopes and costs are subject to DRFA eligibility and Council must meet these requirements. Any ineligible costs must be met by Council, so QRA approval is recommended prior to awarding tenders.

**Environmental**

The designs prepared were required to consider the potential impacts to the environment.

**Infrastructure and Assets**

The reinstated civil infrastructure will meet pre-existing condition and current engineering standards and therefore should not impact the long-term cost to Council.

**Legal and Compliance**

Tenders were sought in accordance with Council's Procurement Policy.

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

Nil. All eligible costs are able to be sought for reimbursement through DRFA.

***Operating***

Nil. The replacement civil infrastructure will meet pre-existing condition and current engineering standards, and therefore should not increase the operational costs associated with maintaining the network.

**LINK TO CORPORATE PLAN**

**Financial Sustainability:** A council that continuously looks for savings and opportunities while managing council's assets and reserves to ensure a sustainable future in a cost-effective manner.

**Community:** An engaged community which supports and encourages effective partnerships to enhance the liveability of the shire and the wellbeing of residents in communities which are resilient and prepared for unforeseen events.

**Transport and Council Infrastructure:** The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

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

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

**IMPLEMENTATION/COMMUNICATION**

Application will be made to the QRA for project funding and tenderers kept informed of the approval status as required.

**9.9 REEF GUARDIAN COUNCIL ACTION PLAN 2024-2028**

**Date Prepared:** 12 August 2024

**Author:** Technical Officer (QA/Env)

**Attachments:** 1. [Mareeba Shire Council Reef Guardian Action Plan 2024-2028](#) ↓

**EXECUTIVE SUMMARY**

This purpose of this report is to present the Mareeba Shire Council Reef Guardian Action Plan 2024-2028.

**RECOMMENDATION**

That Council adopts the Mareeba Shire Council Reef Guardian Action Plan 2024-2028.

**BACKGROUND**

The Reef Guardian Council program (RGC program) is a collaborative stewardship arrangement between local governments in the Great Barrier Reef catchment and the Great Barrier Reef Marine Park Authority, which recognises that local and regional approaches are central to protecting and managing the Reef and the communities it supports.

Through their statutory responsibilities, local government delivers many actions that support the outcomes of the Reef 2050 Long Term Sustainability Plan. Councils work with industry to facilitate economic development and provide significant guidance and support to the community in achieving their aspirations in a coordinated way.

Council's Reef Guardian Action Plan identifies the statutory and non-statutory actions to manage the threats to the Great Barrier Reef and support the community in understanding and appreciating the Reef's values.

**LEGAL/COMPLIANCE/POLICY IMPLICATIONS**

Nil

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

Nil

***Operating***

Nil

**LINK TO CORPORATE PLAN**

**Community:** An engaged community which supports and encourages effective partnerships to enhance the liveability of the shire and the wellbeing of residents in communities which are resilient and prepared for unforeseen events.

**Transport and Council Infrastructure:** The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

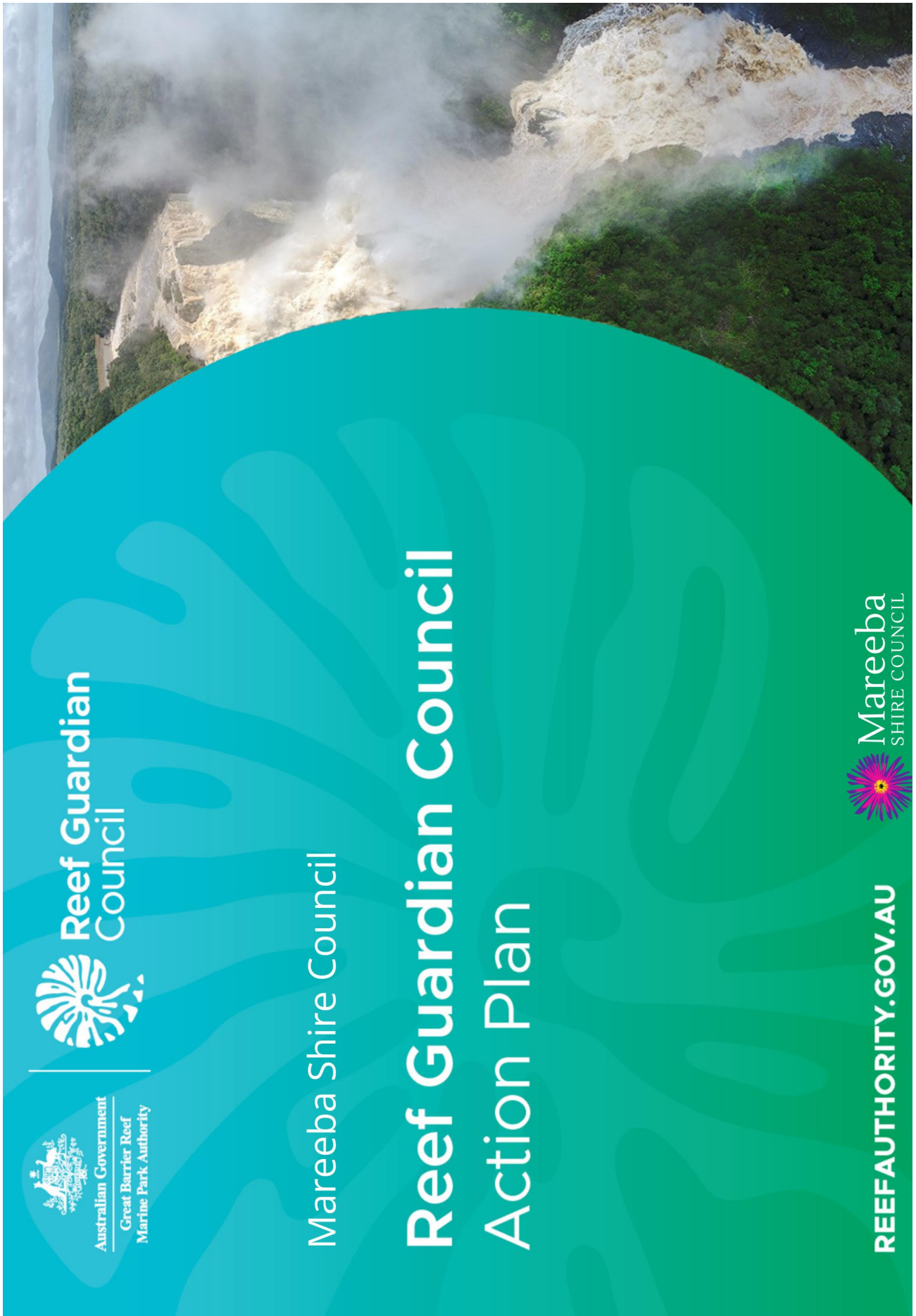
**Economy and Environment:** A resilient economy that promotes and supports the shire's natural assets and local industry and encourages investment while preserving and future proofing for generations to come.

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

**IMPLEMENTATION/COMMUNICATION**

Nil





Reef Guardian Council

Mareeba Shire Council

# Reef Guardian Council Action Plan



Mareeba SHIRE COUNCIL

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**Reef Guardian Council program**

The Reef Guardian Council program is a partnership between local government and the Reef Authority which recognises that local and regional approaches are central to protecting and managing the Reef and the communities it supports.

Local governments are key management partners as many of the threats to the Reef and heritage values arise outside of the Marine Park boundaries and the Reef Authority’s jurisdiction.

Councils are directly involved in a myriad of both statutory and non-statutory activities that minimise impacts, improve values and support the resilience of the Reef, contributing to the Reef 2050 Long-Term Sustainability Plan and the objectives of the *Great Barrier Reef Marine Park Act 1975*.

The Reef Guardian Council program recognises this and celebrates and supports the important role of local government in the protection and management of the Reef catchment region.

**Action plans**

This Action Plan records the diversity of council actions and projects that help address the key threats to the Reef. It aligns with Queensland and Australian Government objectives to improve the long-term outlook for the Reef. It may also be used to record potential future priority projects or actions that may benefit the Reef but may only be possible through funding or capacity building.

Examples of actions are provided in Table 1 of the Reef Guardian Council program Terms of Reference, however the program empowers councils to drive change and deliver innovative solutions to help the Reef by identifying other actions beyond those provided.

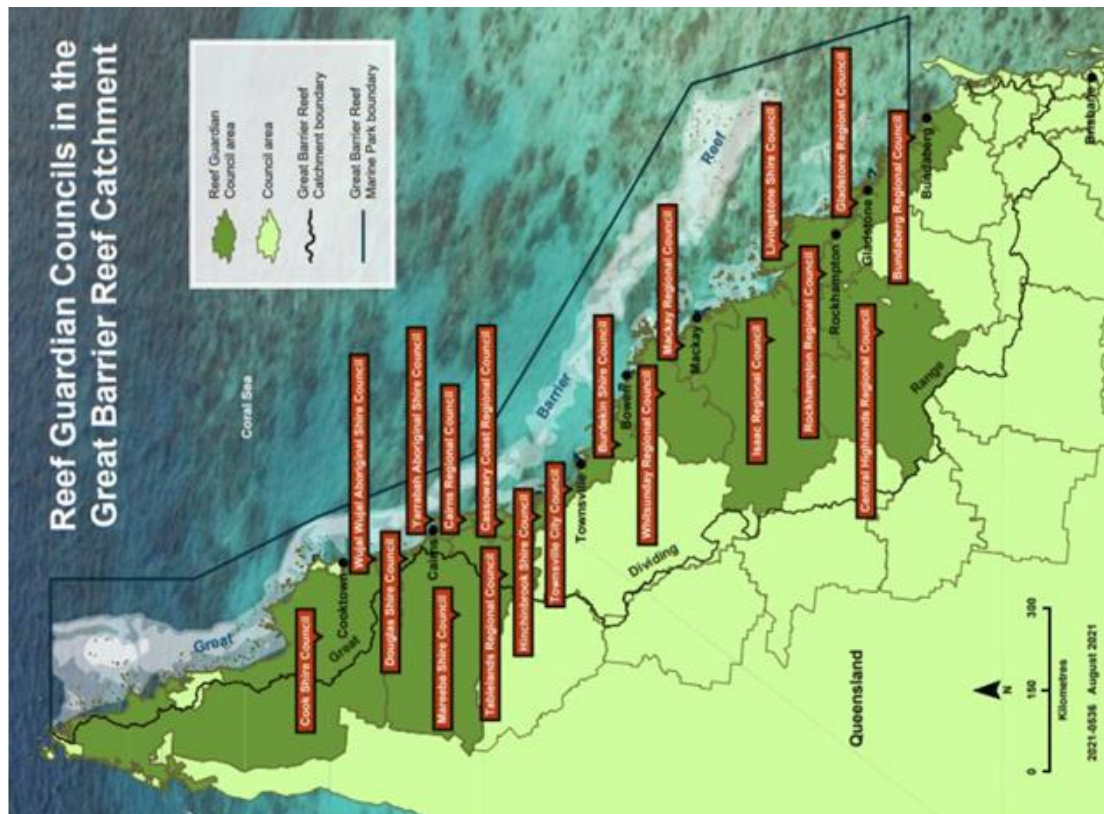
**Endorsement**

The council recognises the importance of the Reef Guardian Council partnership and values the contributions made by elected members, staff and

Period of Action Plan: .....

Endorsed: ..... / ..... / .....

**Council signatory**



# Climate change

## (Reef 2050 Work Area 1: Limit the impacts of climate change)

Action	Description	Project Status	Partnerships	Financial/Resource Commitment	Responsible department/position
	<p>Mareeba Shire spans the wet tropics and monsoonal north natural resource regions. It is recognised that climate change in these regions is projected to result in an increase in average temperatures in all seasons, more hot days, and warm spells, changing rainfall, increased intensity of extreme rainfall events and fewer but more intense cyclone events. It is noted that the natural variability in the climate system on an annual or decadal basis will mask the observation of the climate change trend. Council has implemented the following actions to assist with working towards climate change and reducing its carbon footprint.</p>				
Climate Change Resilience Policy	Managing climate change risks to council services, infrastructure, and operations, and supporting the community.	Ongoing	Nil	Operational	Infrastructure Services Corporate & Community Services
Climate resilience	MSC is on the climate resilience technical committee, and regularly meets to discuss initiatives, training, ideas, and funding opportunities.	Commenced	FNQROC and 11 other FNQ Councils	Operational	Infrastructure Services
Sustainability	MSC has a sustainability team, from these internal meetings, ideas are put together to engage with the local community and businesses.	Commenced	Nil	Council budget	Infrastructure Services Corporate & Community Services
Container Recycling Solutions expanded	February 2024, saw the installation of new 'Containers for Change' public street bins in Kuranda for the recycling of eligible containers. Mareeba and Dimbulah are proposed to be rolled out in 2024/25. There will also be the installation of waste transfer station bulk bins. The initial rollout has been suggested for Mareeba and	Ongoing	COEX and Cairns Recycling	Operational	Infrastructure Services



	Kuranda, followed by Julatten and potentially other transfer stations across the shire.	Ongoing	Partially funded through Queensland Government (Works for Queensland)	Council Budget	Infrastructure Services
On-site solar	Council now has 11 of its facilities generating solar power, this has generated 1,369,174 kwh of power for these facilities over the last three years.	Ongoing	Partially funded through Queensland Government (Works for Queensland)	Council Budget	Infrastructure Services
Addition to Solar System	Dimbulah memorial hall, new solar system 39.6kwh with a 302kws inverter.	Current	Nil	Council Budget	Infrastructure Services
Solar powered street signs	Installation of solar-powered speed activated messaging signs on Anzac Avenue, Mareeba as part of the Local Area Traffic Management Project (LATM)	Commenced	Council Budget and engagement through Anzac Avenue LATM Working Group	Capital	Infrastructure Services
Davies Park Football Field Lighting Upgrade	Replacement of existing inefficient lighting to sporting field with new LED lighting which will save on energy costs and provide better quality and more reliable lighting for sporting groups	2024/25	Council Budget and Queensland Government (Minor Infrastructure Program)	Capital/Grant funding	Infrastructure Services
Monitoring of Council's GHG Emissions	Council continues to update and monitor the GHG emissions inventory.	Ongoing	Nil	Operational	Infrastructure Services
Fire Management	Implementation of fire management plans including cool burns to reduce risk of wildfire through organic load management.	Ongoing	Council and QFRS	Operational	Infrastructure Services
Drinking water planning	Council will continue to strategically plan and implement upgrades for drinking water schemes including water security, treatment, and reticulation for climate resilience.	Ongoing	FNQROC Australian and State Governments	Capital/Operational	Infrastructure Services
Parks and Open Spaces Strategy	MSC has developed this strategy for the parks and open spaces in the Shire which features actions to provide aesthetic appeal, connection to nature, green corridors, climate change resilience and improve environmentally healthy outcomes for the community.	Ongoing	Council Budget and Gant Funding	Capital/Operational	Infrastructure Services

**Future project opportunities**

Project Name	Description	Financial / Resource Requirements
Energy efficient lighting to Sports Fields, Parks, and Community Buildings	To expand on the already installed solar systems installed, this includes LED and/or solar lighting upgrades facilities and parks to reduce the reliance on electricity.	Grant funding/Capital
Mareeba Water Treatment Plant upgrades	Upgrade wastewater supernatant recycle pump station, and PAC systems and the construction of a new oxidization tank. Construct new Clearwater Reservoir at Mareeba Water Treatment Plant to increase drinking water storage capacity.	Grant funding/Capital
Kuranda Water Treatment Plant upgrades	Barron River embankment reinstatement and upgrade of the raw water intake infrastructure to improve resilience of water supply for Kuranda.	Grant funding/Capital
Recycling	20ft container required at Kuranda landfill to store the E-waste.	Grant funding/Capital

## Coastal development (including head water catchments)

(Reef 2050 Work Area 2: Reduce the impacts from land-based activities and Work Area 5: Protect, rehabilitate and restore)

Action	Description	Project Status	Partnerships	Financial/Resource Commitment	Responsible department/position
Council continues to actively support the catchment of the Barron River, with an emphasis on community engagement.					
Cleaner road run-off.	Assisting with the information for the cleaner road run-off project.	2024	LGAQ (cleaner road runoff project)	Nil	Infrastructure Services
Recycling right campaign	Educational videos and facts for the community.	Ongoing	JJ Richards	Council Budget	Corporate & Community Services
Cyclone Jasper Clean up	Removing debris from the inland waterways, including the Barron River catchment area, to assist in preventing pollution to both the inland and coastal waterways as well as the Reef.	2024-2026	Australian and State Government (Disaster Recovery Funding Arrangements DRFA)	DRFA Category D Funding	Infrastructure Services
Bicentennial Lakes	Continue with future upgrades to the Lakes through upgrading the Northern Lakes Precinct to a passive recreation space, including waterway improvements	2024-2026	Australian Government (Growing Regions)		Infrastructure Services
Gully Betterment	Improvement for the resilience of roads to assist with preventing erosion and sediment entering water ways, which includes upgrades to causeways and drainage, and the addition of box culverts. Roads include.	2024-2026	Queensland Government Reconstruction Authority)	Funding	Infrastructure Services

**Future project opportunities**

Project Name	Description	Financial / Resource Requirements
Road network	Minor upgrades to roads, with the aim of reducing the impact of land-based runoff from soil erosion.	Capital/Grant funding
Barron River Esplanade – River Walk, Kuranda	Reinstatement and resilience upgrades to footpaths, seating and signage following Cyclone Jasper	Subject to DRFA Category D Funding (pending)

## Land-based run-off

(Reef 2050 Work Area 2: Reduce the impacts from land-based activities and Work Area 5: Protect, rehabilitate and restore)

Action	Description	Project Status	Partnerships	Financial/Resource Commitment	Responsible department/position
Mareeba Council works with internal and external stakeholders for a cost-effective approach to manage wastewater treatment, water reuse and recycled water schemes.					
Waste Management	Environmentally sustainable and responsible waste and wastewater management. Council will pursue cost effective strategies to minimise waste, realise circular economy opportunities and reduce littering and illegal dumping through the implementation of its Waste Management Services Strategy 2018 - 2027.	Ongoing	FNQROC - Regional Waste Strategic Framework.	Capital Works	Infrastructure Services
Wastewater Management	Upgrades for leachate systems.	Annual program	Nil	Capital Works	Infrastructure Services
	Mareeba Shire Council provides wastewater treatment services to the townships of Mareeba and Kuranda to prevent public health issues and to protect the health of our waterways.	2024-2027	Reef Guardian Council's Program	Capital/Grant funding	Infrastructure Services
	Council is currently upgrading the Barron River Catchment sewerage infrastructure by remediating up to 1000 sewer manholes.				
	Minor wastewater pump station, efficiency improvements through parts renewals.	2024-2025	Nil	Capital Works	Infrastructure Services
	Kuranda WWTP, efficiency improvements through parts renewals.	2024-2025	Nil	Capital Works	Infrastructure Services



Mareeba Wastewater Treatment Plant Upgrades	Upgrades include Telemetry/SCADA	2025-2026	Nil	Capital Works	Infrastructure Services
Water Main Reticulation	A/C Annual water main replacement	2024-2028	Partially funded	Capital Works	Infrastructure Services
Mareeba Aquatic Centre Pool	Expansion joints in the 50m pool require replacement. Preventing chlorinated water leaching into environment through leakage.	2024-2025	Nil	Capital Works	Infrastructure Services
Statutory Compliance	Mareeba Shire Council endeavours to comply with all environmental protection statutory approvals including: <ul style="list-style-type: none"> <li>Environmental Authority issued for the Council activities of Water and Waste Treatment,</li> <li>Protected Flora Permits and Vegetation Management Permits, Wet Tropics Infrastructure Maintenance Permit.</li> </ul>	Ongoing	Nil	Operational	Infrastructure Services

**Future project opportunities**

Project Name	Description	Financial / Resource Requirements
Mareeba Waste Strategy	Possible future projects, Recycled Water Pump Station from Mareeba WWTP to the Landfill and use of organics.	Grant funding
Wastewater Treatment	Constance Street Rising Main (subject to suitable grant funding)	Capital/Grant funding
	MBA Atherton St Pressure Main	Capital/Grant funding
	MBA Prestige Gardens Pressure Main	Capital/Grant funding

## Impacts from water-based activities

### (Reef 2050 Work Area 3: Reduce the impacts from water-based activities)

Action	Description	Project Status	Partnerships	Financial/Resource Commitment	Responsible department/position
Aquatic weed management	Removal and monitoring of Amazon Frogbit.	Ongoing	MSC Land protection, FNQROC and Djabaguy Aboriginal Corporations	Operational	Infrastructure Services
Council continues to work with Biosecurity Queensland, FNQROC, the local Indigenous People, local businesses, and the wider community to monitor the Shire's waterways for invasive aquatic weeds.					

### Future project opportunities

Project Name	Description	Financial / Resource Requirements
Aquatic weed management	Aquatic weeds are on the increase, especially Amazon Frogbit, MSC will need extra resources to assist in the removal and monitoring of Amazon Frogbit and other Aquatic weeds.	Grant funding.

## Conserve historic and cultural heritage (Reef 2050 Work Area 5: Protect, rehabilitate, and restore and Enabler A: Collaboration and partnerships)

Action	Description	Project Status	Partnerships	Financial/Resource Commitment	Responsible department/position
Pest Management Advisory Committee (PMAC)	<p>The health of the inland waterways has environmental, economic, cultural, and recreational values to the local community and support aquatic and ecological biodiversity. It is important that a collaborative approach between key stakeholders and community organisations are implemented for the long-term protection for the waterways.</p> <p>PMAC is a consultative committee to Council with the aim of sharing information and ideas between MSC and representatives of local business, landholders, and other agencies regarding pest management.</p>	Ongoing	State and Local Government Agencies, Aboriginal Corporations, Independent Agencies	Operational	Infrastructure Services
FNQROC - Natural Asset Management Advisory Committee (NAMAC)	<p>The FNQROC NAMAC, is a collaboration of FNQ Councils, FNQROC, Biosecurity QLD, NRM teams, land care groups, and various other topic specialists including local Indigenous groups, to discuss, weed and pest management in the local and surrounding areas.</p>	Ongoing	Various external agencies.	Operational	Infrastructure Services
Pest management	Implementation of the Mareeba Shire Community Biosecurity Plan.	Ongoing	NRM bodies, Indigenous corporations, landholders, state government, FNQROC, and neighbouring Council's	Operational	Infrastructure Services

Environmental Awareness Training	Integrating the consideration of environmental protection into Council activities through raising awareness with employees.	On- going	Nil	Operational	Infrastructure Services
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**Future project opportunities**

Project Name	Description	Financial / Resource Requirements
Pest management	Management of weeds	Grant funding

## 10 OFFICE OF THE CEO

### 10.1 PROPOSED CHRISTMAS SHUTDOWN 2024/25 AND CHANGE IN JANUARY 2025 COUNCIL MEETING DATE

**Date Prepared:** 18 July 2024  
**Author:** Executive Support Officer  
**Attachments:** Nil

#### EXECUTIVE SUMMARY

This report is presented to Council to recommend closing Council service centres for the annual Christmas/New Year shutdown period for 2024/25.

#### RECOMMENDATION

That Council approves:

1. The 2024/25 Christmas/New Year closure from midday on Friday 20 December 2024 and reopen Monday 6 January 2025; and
2. The change in date for the January Council Meeting to Wednesday 22 January 2025.

#### BACKGROUND

Council service centres are open to the public throughout the whole of the year, excluding public holidays. The two (2) service centres are Mareeba (65 Rankin Street) and Kuranda (18-22 Arara Street).

For the 2024/25 Christmas/New Year period, gazetted public holidays fall on Wednesday 25 December 2024, Thursday 26 December 2024 and Wednesday 1 January 2025.

It is recommended that closure of the administration centres be effective from midday on Friday 20 December 2024 and reopen Monday 6 January 2025. In accordance with the Enterprise Bargaining Agreement, staff are to utilise leave entitlements for any absences during this period. As in previous years, appropriate arrangements will be put in place to have skeleton staff available to work through the closure period or be on stand-by in the event of any emergencies.

The reason for the proposed change in date for the January 2025 Council meeting is to accommodate the fact that Council will be closed from midday 20 December 2024 until 6 January 2025 and as such, would then result in limited Agenda items being presented to Council if the meeting schedule remains unchanged. It is more appropriate to vary the schedule in this instance ensuring meaningful reports can be presented to Council.

#### RISK IMPLICATIONS

Nil

**LEGAL/COMPLIANCE/POLICY IMPLICATIONS**

Nil

**FINANCIAL AND RESOURCE IMPLICATIONS**

***Capital***

Nil

***Operating***

Nil

**LINK TO CORPORATE PLAN**

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

**IMPLEMENTATION/COMMUNICATION**

Communications will be provided both internally and externally advising of the closure period for Christmas/New Year.

**KEY COMMUNICATION MESSAGES – INTERNAL USE ONLY**

Nil

**10.2 PETITION TO REMOVE BOLLARDS ON CEOLA DRIVE**

**Date Prepared:** 25 July 2024

**Author:** Chief Executive Officer

**Attachments:** 1. [Petition to Remove Bollards on Ceola Drive for Council Meeting](#) [↓](#)

**EXECUTIVE SUMMARY**

This report introduces a petition from a resident on Ceola Drive which was received by Council on 24 July 2024, which requests Council consider the removal of the concrete bollards on Ceola Drive Mareeba.

**RECOMMENDATION**

That Council receives the petition and a report be tabled at a future Council 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; or
2. The petition be received and referred to a committee or officer for consideration and a report to Council; or
3. The petition not be received because it is deemed invalid.

The petition generally meets the requirements as per the Standing orders as the Petition has over 10 signatures.

The petition reads as follows:

*"Ceola Drive area, a nice residential area has become marred by recent installations of concrete bollards - a personal affront to those of us who call this place our home. Not only are these bollards creating an unsightly industrial eyesore in a neighbourhood, but they're also posing safety risks and access issues that cannot be ignored.*

*They block property access, hinder street parking and limit delivery access. The placement of rubbish bins on the road's edge has become a potential hazard for drivers, esp on windy days. Water runoff management implications that already been witnessed with a brief recent rain, lack of water flow from road and inability to efficiently clean gutters and road edge for flood seasons. Moreover, we are witnessing disturbing behaviour due to these bollards. Several individuals are now choosing to utilise the opposite side of the road (un-bollard), evening reduced use, even some children seen walking on top of these dangerous bollards after school - a potential accident in the making.*

*Traffic are also driving into the centre of the road at many times crossing the middle line to move away from bollards, this may have slowed some trucks entering street however not assist safety Moreover, the incursion that these concrete blocks have posed has understandably provoked*

*concerns about the impact on our property values, Real estate valuer recently agreed as street aesthetics and access are hindered. This unsightly addition and limiting access to our homes will likely reduce the value.*

*We believe in keeping Mareeba QLD as safe, accessible, and aesthetically pleasing as possible, so that not only we, but future generations as well, can continue to enjoy. We request the relevant authorities to acknowledge our concerns and take swift action to remove these concrete bollards. We propose a properly aesthetic built pathway on nature strip if path is required. Nature strip that is already clear, flat and accessible. To have this path in planning for next funding round, respecting needs of all community.*

*MS Council advised us to wait until completion before submitting request of removal, We would like to bring our concern now before accident does occurs, hoping they will listen to their peoples concerns.*

*Stand with us to preserve our community's quality, safety and aesthetic appeal. Please, sign this petition today."*

#### **RISK IMPLICATIONS**

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

Nil

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

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

Nil

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

Nil

#### **LINK TO CORPORATE PLAN**

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

#### **IMPLEMENTATION/COMMUNICATION**

The Head Petitioner will be notified of Council's decision.





24/7/2024

24 Ceola Dr Mareeba, QLD 4880

Dear Mayor Mrs. Toppin, Council Members, and Whom It May Concern,

I am writing to submit this petition in response to the ongoing construction and use of grant money for the establishment of a safe pathway for cyclists and pedestrians of all kinds, including motorized vehicles.

Our community is eager to see the a quality, professional solution crucial to ensuring the safety and well-being of all residents and visitors. The delays in the completion of this pathway are not only concerning in terms of safety but also in terms of the financial resources involved.

We urge you to consider our petition details and requests as a proactive effort to contribute to a long-term, quality improvement in our community rather than a short-term, temporary fix. Band-Aids are always messy.

We kindly request that you accept this petition for presentation at the meeting scheduled for the 17th of August.

The petition has garnered 87 signatures, including those who are regular visitors namely Stephen Fletcher, Terry Walmsley, who are involved with Young adults group and assisting with trailer use with garden at times, Jill St Claire, who was a very recent community member living at Savannah and walked this rod regularly.

Of course there are some who may not be eligible to be counted as their concerned individuals from various locations.

As per the policy requirements, the petition includes 10 signatures with postcodes and names, and it has been organized by Michelle Lisa Haines of 24 Ceola Dr, [michelle.l.haines@outlook.com](mailto:michelle.l.haines@outlook.com) 042930760 Mareeba.

Michelle is mindful and has viewed the multiple Facebook complaints (nothing positiveness supportive of the structure) over the past few weeks, and felt it important to actually do something rather than complaining on a public forum that will have no weight. This is the first time ever I have done this sort of thing and hope this will be seen as respectful to see a change.

We appreciate your attention to this matter and look forward to the opportunity to discuss it further.

Sincerely,

Michelle Haines

# REQUEST THE REMOVAL OF UNSAFE AND UNSIGHTLY CONCRETE Bollards in Ceola Dr area Mareeba



Started 10 July 2024

## Why this petition matters



Started by [Michelle Haines](#)

[Media Inquiries](#)

Ceola Drive area, a nice residential area has become marred by recent installations of concrete bollards - a personal affront to those of us who call this place our home. Not only are these bollards creating an unsightly industrial eyesore in a neighborhood, but they're also posing safety risks and

**176** Signatures **200** Next goal

Support now

## Sign this petition

michelle haines mareeba, Australia

I'm signing because... (optional)

Display my name and comment on this petition

[Sign this petition](#)



Coola Drive area, a nice residential area has become marred by recent installations of concrete bollards - a personal affront to those of us who call this place our home. Not only are these bollards creating an unsightly industrial eyesore in a neighborhood, but they're also posing safety risks and access issues that cannot be ignored.

They block property access, hinder street parking and limit delivery access. The placement of rubbish bins on the road's edge has become a potential hazard for drivers, esp on windy days. Water runoff management implications that already been witnessed with a brief recent rain, lack of water flow from road and inability to efficiently clean gutters and road edge for flood seasons. Moreover, we are witnessing disturbing behavior due to these bollards. Several individuals are now choosing to utilise the opposite side of the road (un bollard), evening reduced use, even some children seen walking on top of these dangerous bollards after school - a potential accident in the making.

Traffic are also driving into the center of the road at many times crossing the middle line to move away from bollards, this may have slowed some trucks entering street however not assist safety. Moreover, the incursion that these concrete blocks have posed has understandably provoked concerns about the impact on our property values. Real estate valuer recently agreed as street aesthetics and access are hindered. This unsightly addition and limiting access to our homes will likely reduce the value.

We believe in keeping Mareeba QLD as safe, accessible, and aesthetically pleasing as possible, so that not only we, but future generations as well, can continue to enjoy. We request the relevant authorities to acknowledge our concerns and take swift action to remove these concrete bollards. We propose a properly aesthetic built pathway on nature strip if path is required. Nature strip that is already clear, flat and accessible. To have this path in planning for next funding round, respecting needs of all community.

MS Council advised us to wait until completion before submitting request of removal. We would like to bring our concern now before accident does occur, hoping they will listen to their peoples concerns.

## Reasons for signing



**No No** · 4 days ago

It's not useful for residents.

♡ 0 · Report

---



**christa youngman** · 2 weeks ago

Dangerous and ugly

♡ 0 · Report

---



**Michelle Ford** · 2 weeks ago

In addition to what is written in the petition, access by car to Sunbird park is now hindered due to the inability to park.

♡ 0 · Report

---



**aquino di maggio** · 2 weeks ago

They hold water and they are unsafe.

♡ 0 · Report

---



**Julie Weston** · 2 weeks ago

The bollards are a safety hazard, drainage problem, unsightly and impede property owner access. Cheap and nasty alternative to a proper footpath that the ratepayers deserve.

♡ 0 · Report

---

impede property owner access. Cheap and nasty alternative to a proper footpath that the ratepayers deserve.

♡ 0 · Report

 **Cheryl Hawes** · 2 weeks ago

This is a hazard.

♡ 0 · Report

 **sophie jeffrey** · 2 weeks ago

This is just dangerous and not preventing any accidents at all, if anything, increasing the risks. Especially to children trying to get on and off the school bus.

♡ 0 · Report

 **Beth Hatchman** · 2 weeks ago

It feels unsafe when driving down the road as the edge of the road is now a concrete bollard-

Normal

Roads have a space before the curb.

♡ 0 · Report

 **tom sielaff** · 2 weeks ago

flood water builds up and has no where to go , narrowed lane too dangerous

♡ 0 · Report

---

Name	City	State	Postal Code	Country	Signed On
Daniel Haines	Mareeba			Australia	9/07/2024
Krystal OBrien	Mareeba		4880	Australia	9/07/2024
Emily Haines	Mareeba		4880	Australia	10/07/2024
Denise Smith	Kuranda		4881	Australia	10/07/2024
Mladen Bosnic	Brisbane			4101 Australia	10/07/2024
Rhys Pozzebon	Mareeba		4880	Australia	10/07/2024
Daryl Ritchings	Mareeba		4889	Australia	10/07/2024
ROBYN HOLMES	Brisbane			4000 Australia	10/07/2024
Simone Crafford	MAREEBA		4880	Australia	10/07/2024
Allyson Welham	Mareeba		4880	Australia	10/07/2024
Annelise Van Waveren	Mareeba			4880 Australia	10/07/2024
Sandra Wilson	Brisbane			4103 Australia	10/07/2024
Lara Borgert	Mareeba		4880	Australia	10/07/2024
Stephen Fletcher	Malanda			4885 Australia	10/07/2024
Shelley Walmsley	Brisbane			4065 Australia	10/07/2024
Emma Nicholls	Mareeba		4006	Australia	10/07/2024
Tracy Cockrell	Mareeba		4880	Australia	10/07/2024
Gioia Dalla Lana	Mareeba			4880 Australia	10/07/2024
Kevin Conoplia	"Tolga, Qld.4882"			4882 Australia	10/07/2024
Melissa Fletcher	Cairns	Queensland		4870 Australia	10/07/2024
tom sielaff	Brisbane			4000 Australia	10/07/2024
Tony Crome	Mareeba		4880	Australia	10/07/2024
Samantha Leighton	Mareeba			4880 Australia	10/07/2024
Ben Leighton	Mareeba		4880	Australia	10/07/2024
Clare-Marie Woodington	Wewak			4870 Australia	10/07/2024
Stephanie Haughton	Mareeba			4883 Australia	10/07/2024
Lynda Hopkins	Mareeba		4880	Australia	10/07/2024
David Horton	Mareeba		4880	Australia	10/07/2024
JILL ST CLARE	Cairns		4870	Australia	10/07/2024
Dearna Murat	Sydney		2066	Australia	10/07/2024
Sherry Murat	Cairns	Queensland		3147 Australia	10/07/2024
Jake Peno	Mareeba		4880	Australia	10/07/2024
Lincoln Haines	Brisbane			4509 Australia	10/07/2024
Cathy Young	Brisbane			4103 Australia	10/07/2024
Giovanna Prizmic		Gold Coast		4221 Australia	10/07/2024
Vivienne Kennett	Brisbane			4000 Australia	10/07/2024
Kristy Posma	Cairns		4869	Australia	10/07/2024
Catherine Bishop	Brisbane			4171 Australia	10/07/2024
Roy Stockton	Mareeba		4880	Australia	11/07/2024
David Walmsley	Mareeba		4880	Australia	11/07/2024
Maria Milne	Mareeba		4880	Australia	11/07/2024
Edward Ranford	Mareeba		4880	Australia	11/07/2024
Shane Kelly	Mareeba		4880	Australia	11/07/2024
Viola Heath	Mareeba		4880	Australia	11/07/2024
Ian Haughton	Mareeba		4880	Australia	11/07/2024
Kieran Ortner	Dimbulah			4872 Australia	11/07/2024
Beth Hatchman	Mareeba		4880	Australia	11/07/2024

Sandie Smith		4880	Australia	11/07/2024
Georgia Reid	Cairns	4878	Australia	11/07/2024
Maree De Lai	Mareeba	4880	Australia	11/07/2024
Stephanie Shaban			4880 Australia	11/07/2024
Sinead Baldwin	Mareeba	4880	Australia	11/07/2024
Chris Thomas	MAREEBA	4880	Australia	11/07/2024
Christie Turner	Mareeba	4880	Australia	11/07/2024
Andrew Roccella	Cairns	4870	Australia	11/07/2024
Liz Campbell	Brisbane		4103 Australia	11/07/2024
Jessica Hetherington	Brisbane		4169 Australia	11/07/2024
sophie jeffrey	Brisbane		4121 Australia	11/07/2024
Kirsten Koliijn	Brisbane		4000 Australia	11/07/2024
David D'Alton	Paddys Green		4880 Australia	11/07/2024
Deanna Acha	Mackay	4740	Australia	11/07/2024
Vicki Tye	Mareeba	4880	Australia	11/07/2024
Anthony Finocchiaro	Brisbane		4101 Australia	11/07/2024
Virpal Kaur	Mareeba	4880	Australia	11/07/2024
vicki norman	Mareeba qld		4880 Australia	11/07/2024
Jenni Ward	Mareeba	4880	Australia	11/07/2024
Cris Carey	Mareeba Western		Australia 4880	Australia
Julie Smee	Mareeba	4880	Australia	11/07/2024
Dana Fabbro	Mareeba	4880	Australia	11/07/2024
Rebecca Drury	Mareeba	4880	Australia	11/07/2024
Andrew Voigt	Mareeba	4880	Australia	11/07/2024
Miranda Eade	Mareeba	4880	Australia	11/07/2024
Gary Harrison	Cairns	4870	Australia	11/07/2024
Bonnie Thistle	Mareeba	4880	Australia	11/07/2024
Timothy Newell	Sydney	2000	Australia	11/07/2024
Cheryl Hawes	Mareeba	4880	Australia	11/07/2024
Lina Shaban	Mareeba	4880	Australia	11/07/2024
Carmel Musumeci	Mareeba	4880	Australia	11/07/2024
Melissa Fitzsimmons	Mareeba		4880 Australia	11/07/2024
Bonnie Hunt	Mareeba	4880	Australia	11/07/2024
Ayleen Marinelli	Mareeba		4880 Australia	11/07/2024
Lynette Payne	Mareeba	4880	Australia	11/07/2024
Kayla Taylor	Mareeba	4880	Australia	11/07/2024
Leon Martens	Brisbane		4107 Australia	12/07/2024
Susan Rayner	Mareeba	4880	Australia	12/07/2024
Julie Weston	Mareeba	4880	Australia	12/07/2024
Greg Byers	Mareeba	4880	Australia	12/07/2024
Monty A Markwood		3678	Australia	12/07/2024
Rachel Barker	Mareeba	4880	Australia	12/07/2024
Phill Hogan	Sydney	2000	Australia	12/07/2024
aquino di maggio	Mareeba		4880 Australia	12/07/2024
Neil Dickinson	Mareeba	4880	Australia	12/07/2024
Jay-D HOFFMAN	Mareeba	4880	Australia	12/07/2024
Alex Franco	Mareeba	4880	Australia	12/07/2024
Tracy Bull		4509	Australia	12/07/2024
Michael Ryan	Brisbane		4103 Australia	12/07/2024
Mark Robinson	Dimbulah		4872 Australia	12/07/2024
Tammie Jean	Mareeba	4880	Australia	12/07/2024

Russell Adil	Mareeba	4880	Australia	12/07/2024
Peter Brady	Mareeba	4880	Australia	12/07/2024
Megan Sweeper	Bentley park		4869 Australia	12/07/2024
Feline Elie Segolin	Mareeba		4880 Australia	12/07/2024
Thiago Segolin	Mareeba	4880	Australia	12/07/2024
Danny Caldwell	Mareeba	4880	Australia	12/07/2024
Michelle Ford	Mareeba	4880	Australia	12/07/2024
Stephan Forest	Mareeba	4880	Australia	12/07/2024
K M	Mareeba	4880	Australia	12/07/2024
Wayne Weston	Mareeba	4880	Australia	12/07/2024
Ivan Zuvelek	Brisbane		4013 Australia	12/07/2024
Josiah Edd	Brisbane		4208 Australia	12/07/2024
christa youngman	Mareeba		4880 Australia	12/07/2024
Neil McInnes	Walkamin		4872 Australia	12/07/2024
Rebecca Woodrow-Jones	Mareeba		4880 Australia	12/07/2024
Jo Keil	Mareeba Queensland	4880	Australia	12/07/2024
Sam IP	Cairns	4868	Australia	12/07/2024
Johnathan Burns	MAREEBA	4880	Australia	12/07/2024
Brenda Madrid	Mareeba	4880	Australia	12/07/2024
Sue Clegg	Bakers Creek		4740 Australia	12/07/2024
Darryl Kasch	Sydney	2251	Australia	12/07/2024
Nicolette Brown	Perth	6027	Australia	12/07/2024
Tiffany Matthews	mareeba		4880 Australia	12/07/2024
Adriana McNab	Cairns	4878	Australia	12/07/2024
Jeremy Shaw	Mareeba	4880	Australia	12/07/2024
Rachael Morgan	Townsville		4814 Australia	12/07/2024
Alison Woodley	Brisbane		4007 Australia	12/07/2024
Kathy Roccella	Mareeba	4880	Australia	12/07/2024
Megan Miller	Dimbulah		4872 Australia	12/07/2024
Stephanie Nguyen	Mareeba		4880 Australia	12/07/2024
Long Le	Sydney	2766	Australia	12/07/2024
Natasha Wainwright	Mareeba		4880 Australia	12/07/2024
Ricky Chalmers	Brisbane		4067 Australia	12/07/2024
Libby Cook	Sydney	2000	Australia	12/07/2024
Tania Dickinson	Townsville		4814 Australia	12/07/2024
Shane Battle	Mareeba	4880	Australia	12/07/2024
Debbie Watkinson	Mareeba		4872 Australia	12/07/2024
Liam Bartalis	Mareeba	4880	Australia	12/07/2024
Bryce Morgan	Mareeba	4880	Australia	12/07/2024
Mike Sheppard	Brisbane		4005 Australia	12/07/2024
Lecia Cali	Mareeba	4880	Australia	13/07/2024
Serina Bambino	Cairns	4870	Australia	13/07/2024
Maria Carr	Brisbane		4880 Australia	13/07/2024
Tamicah Eddison	Mareeba	4880	Australia	13/07/2024
Jane Dyer	Townsville		4817 Australia	13/07/2024
Antonio Dimaggo	Mareeba	4880	Australia	13/07/2024
Ellie Paterson	Mareeba	4880	Australia	14/07/2024
Christie Atwell	Cairns	4870	Australia	14/07/2024
Sandy Erlank	Brisbane		4005 Australia	14/07/2024
Kate Harris	Mareeba	4880	Australia	14/07/2024
Danielle Cade	mareeba	4880	Australia	14/07/2024
Julie Roccella	Mareeba	4880	Australia	15/07/2024
Glenn Cislowski	Mareeba	4880	Australia	15/07/2024
Patrick Eid	Illawong		2234 Australia	15/07/2024



Andrew McGlashan			3134	Australia	15/07/2024
Sarah Jenner	Mareeba	4880		Australia	15/07/2024
Greg Hoare	Brisbane		4000	Australia	15/07/2024
Khambia Clarkson	Marshalltown		50158	Australia	15/07/2024
Patricia Moebus	Melbourne		3043	Australia	15/07/2024
Elly Neilsen		2088		Australia	16/07/2024
Bri Alexander	Cairns	4878		Australia	16/07/2024
Johanna Bianco	Sydney	2041		Australia	16/07/2024
Julie Jackson	Burleigh		4220	Australia	16/07/2024
Ian Trainor	Mareeba	4880		Australia	16/07/2024
Patricia Moebus		3049		Australia	16/07/2024
Anika Cater	Brisbane		4103	Australia	17/07/2024
Mick Fuller	Mareeba	4880		Australia	17/07/2024
Fiona Fuller	Mareeba	4880		Australia	17/07/2024
allan harris	mareeba	4880		Australia	17/07/2024
George & Carmelita Washington	Mareeba		4880	Australia	17/07/2024
Terry Walmsley	Atherton		4883	Australia	17/07/2024
Monique Williamson	Mareeba		4880	Australia	17/07/2024
Lynn Smith	Perth	6004		Australia	19/07/2024
Betty Bird	Mareeba	4880		Australia	19/07/2024
Peter Haines	Mareeba	4880		Australia	19/07/2024
Azim Duck	Mareeba	4114		Australia	19/07/2024
Nicholas Black	Mareeba	4880		Australia	19/07/2024
No No	Mareeba	4880		Australia	20/07/2024



**10.3 CORPORATE PLAN 2024 - 2028**

**Date Prepared:** 25 July 2024

**Author:** Chief Executive Officer

**Attachments:**

1. **Corporate Plan 2024 - 2028** [↓](#)
2. **Corporate Plan Snapshot 2024 - 2028** [↓](#)
3. **Operational Plan 2024/25 with updated Corporate Plan references** [↓](#)

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**EXECUTIVE SUMMARY**

This report presents the draft Mareeba Shire Council Corporate Plan 2024 - 2028 for formal adoption by Council.

**RECOMMENDATION**

That Council adopt:

1. The Corporate Plan 2024 – 2028;
2. The Corporate Plan 2024 – 2028 Snapshot; and
3. The Operational Plan 2024/25 with Corporate Plan 2024 – 2028 references.

**BACKGROUND**

Section 165 of the *Local Government Regulation 2012* states:

1. *A local government must prepare a 5-year corporate plan for each period of 5 financial years.*
2. *A local government must adopt its 5-year corporate plan in sufficient time to allow a budget and annual operational plan, consistent with the corporate plan, to be adopted for the first financial year that is covered by the plan.*
3. *A local government may, by resolution, amend its 5-year corporate plan at any time.*
4. *A local government must discharge its responsibilities in a way that is consistent with its 5-year corporate plan.*

A five (5) year Corporate Plan 2021 - 2025 was adopted by Council on 16 December 2020.

A review of the Corporate Plan has provided an opportunity to assess the strategic priorities and update where necessary to ensure Council continues to shape the future direction of Mareeba Shire and achieve the vision, "a growing, confident and sustainable Shire."

The following strategic priorities have been identified:

**Financial Sustainability and Governance**

A financially sustainable council that applies strategic decision making and good governance to deliver cost-effective services.

**Community and Culture**

An informed, engaged and resilient community which supports and encourages effective partnerships to deliver better outcomes.

**Transport and Infrastructure**

The provision of quality infrastructure to service our growing community using sound asset management principles.

**Liveability and Environment**

Improve the liveability of the Shire by enhancing amenity and valuing natural assets.

**Economy and Growth**

Promote and encourage investment in local industry to build a resilient economy.

The Operational Plan 2024/25 adopted by Council on 15 May 2024 has been updated to reflect the new Corporate Plan 2024 – 2028 references.

**RISK IMPLICATIONS**

Nil

**LEGAL/COMPLIANCE/POLICY IMPLICATIONS**

It is a requirement of the *Local Government Act 2009* and *Local Government Regulation 2012* that each local government prepare a 5-year Corporate Plan.

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

Nil

***Operating***

Nil

**LINK TO CORPORATE PLAN**

The adoption of the 2024 - 2028 Corporate Plan will allow future reports to Council to be linked to the strategies contained within the Plan.

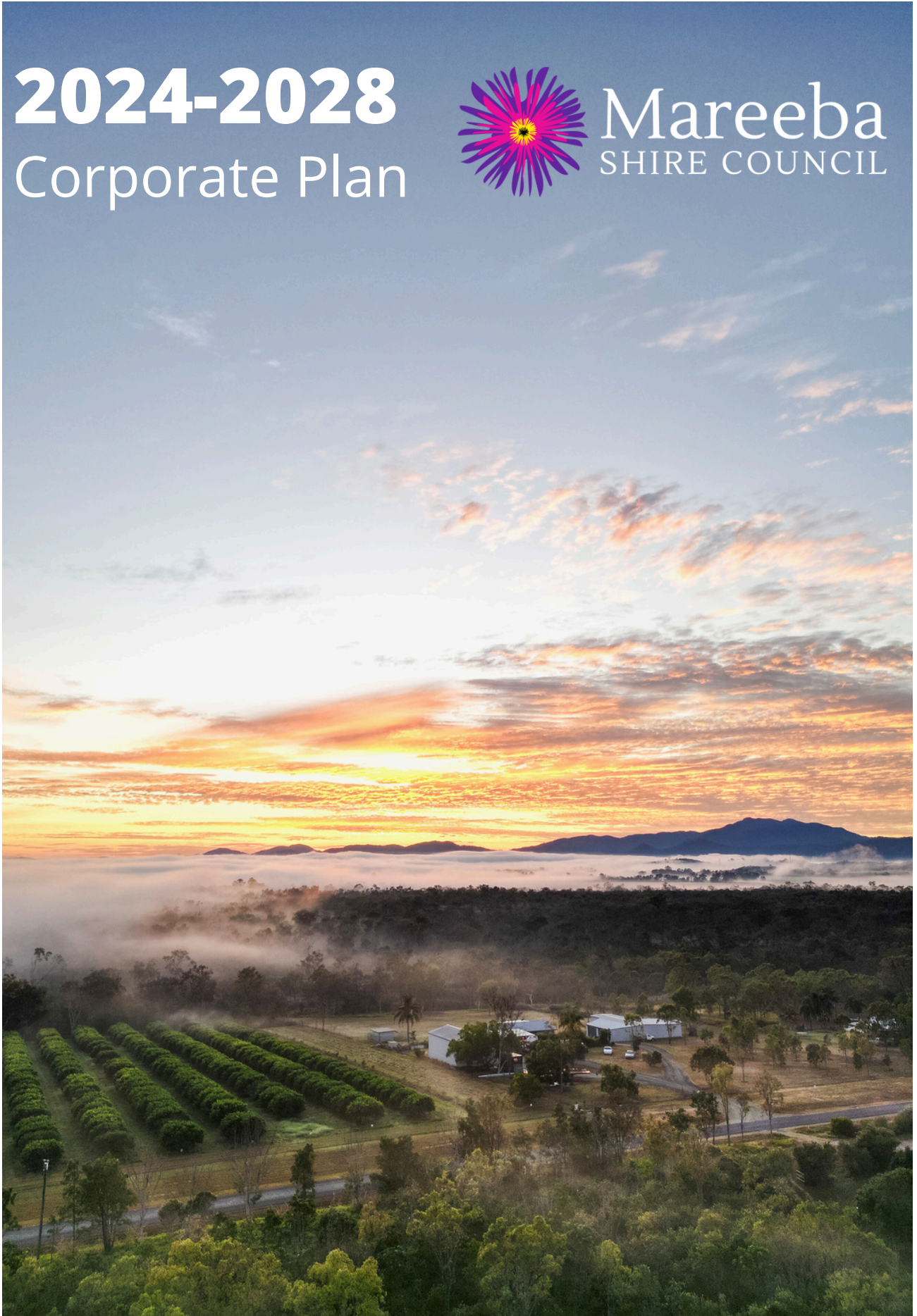
**IMPLEMENTATION/COMMUNICATION**

Once adopted, the Corporate Plan will be placed on the Council's website for public access and the Corporate Plan Community Snapshot via media release.

# 2024-2028 Corporate Plan



Mareeba  
SHIRE COUNCIL





# ABOUT THE CORPORATE PLAN

## Legislative Requirements

It is a mandatory requirement of section 165 of the *Local Government Regulation 2012* for a Council to prepare and adopt a Corporate Plan. The Corporate Plan shall be for a period of five (5) years and will remain in force for the specified period of the plan or until the earlier adoption of a new plan. The local government must ensure each corporate plan is prepared and adopted in enough time, before the start of the first financial year covered by the plan, to allow preparation and adoption of a budget for the financial year consistent with the plan. By Council resolution, the corporate plan may be revised or amended at any time provided the changes comply with the Local Government Finance Standards.

## Performance Indicators

The Plan sets the strategic direction of the Local Government and states the performance indicators for measuring the local government’s progress in achieving its vision for the future of the local government area. The Corporate Plan is supported by Council’s Annual Operational Plan which details the activities and projects planned to achieve our goals. The annual budget provides the funding and resources to meet the objectives of the operational plan. An assessment of Council’s performance in implementing its Corporate and Operational Plans will be monitored with quarterly Operational Plan Reviews and are reported in Council’s Annual Report. Both the Annual Report and quarterly reviews will be publicly accessible and available.



Mayor Angela Toppin AM



Deputy Mayor  
Cr Lenore Wyatt



Cr Amy Braes



Cr Nipper Brown



Cr Ross Cardillo



Cr Kevin Davies



Cr Mary Graham



Honey Creek Falls, Kuranda

# VISION, MISSION, VALUES

## Our Vision

A growing, confident and sustainable Shire.

## Our Mission

To promote the prosperity and liveability of our communities by providing cost-effective services, fostering collaborative partnerships and maintaining accountable governance.

## Our Values

### Sustainable

We operate in an efficient and effective businesslike manner to ensure long-term sustainability by optimising customer service levels whilst managing community expectations.

### United Team

Our people work respectfully and collaboratively to achieve Council's goals with every decision being made based on what is best for the whole organisation.

### Customer Focused

The community are our customers and we are here to serve our community in everything we do.

### Community Partnerships

We build partnerships with the community to deliver better outcomes.

### Ethical Conduct

We operate fairly, with integrity and open, honest, transparent and accountable behaviour and consistent decision-making.

### Striving to be Better

We strive to improve Council's service and enthusiastically pursue innovative ways of providing services simply and effectively.

### Skilled Workforce

We ensure our workforce is equipped with the skills and knowledge needed for today and into the future.



# STRATEGIC PRIORITIES

## Financial Sustainability and Governance

A financially sustainable council that applies strategic decision making and good governance to deliver cost-effective services.

## Community and Culture

An informed, engaged and resilient community which supports and encourages effective partnerships to deliver better outcomes.

## Transport and Infrastructure

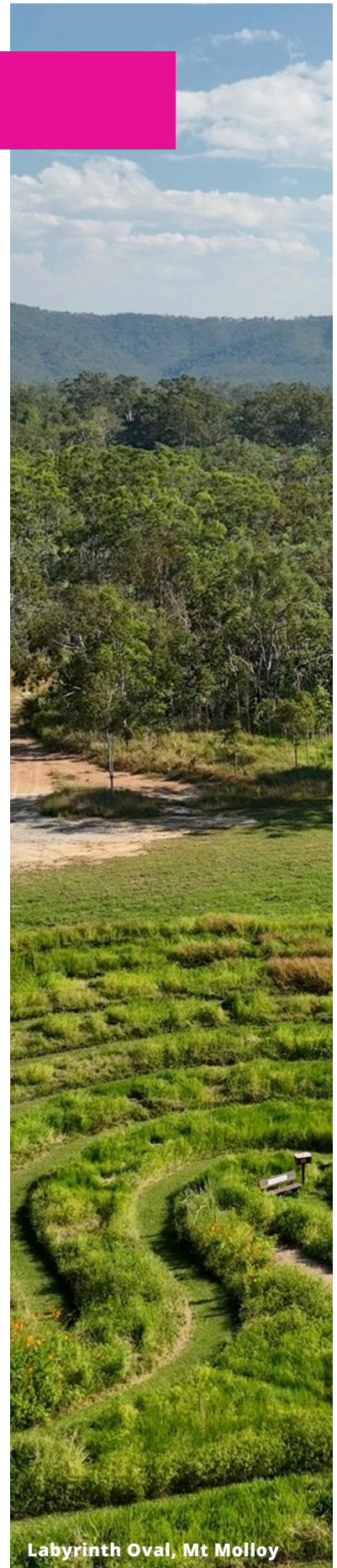
The provision of quality infrastructure to service our growing community using sound asset management principles.

## Liveability and Environment

Improve the liveability of the Shire by enhancing amenity and valuing natural assets.

## Economy and Growth

Promote and encourage investment in local industry to build a resilient economy.



Labyrinth Oval, Mt Molloy



# GOALS AND STRATEGIES

## Financial Sustainability and Governance

A financially sustainable council that applies strategic decision making and good governance to deliver cost-effective services.

### FG1

#### Effective and sustainable financial management

- All decisions should support Council’s strategic direction and Long-Term Financial Plan
- Optimise Council’s revenue, based on realistic and equitable policies and practices, and consider opportunities for non-rate revenue sources

### FG2

#### Effective business management

- Commitment to continuous improvement in all operations to ensure financial sustainability
- Further develop and implement business practices including information and technology solutions, that meet corporate and customer needs

### FG3

#### A skilled and sustainable workforce

- Continue to provide appropriate opportunities to develop, attract and retain staff
- Enhance an organisational culture which reflects shared vision and values
- Continue to promote a ‘safety first’ environment

### FG4

#### Effective governance

- A governance framework that ensures sound organisational management
- Ongoing adherence to the Local Government principles, Act and Regulations
- Ethical, transparent and accountable decision making in the interest of the entire community
- Manage organisational risk in a cost-effective way



Balancing Rock, Chillagoe  
Credit: TTNO

# GOALS AND STRATEGIES

## Community and Culture

An informed, engaged and resilient community which supports and encourages effective partnerships to deliver better outcomes.

### CC1

#### An engaged community

- Inform, engage and partner with the community on matters of shared importance
- Encourage and support community organisations to enhance their sustainability
- Partner with community groups and individuals for mutual benefit

### CC2

#### A vibrant and healthy community

- Continue to value the area of arts, culture and heritage to enrich lifestyles and to enhance community cohesion
- Advocate and promote community initiatives that support a healthy lifestyle
- Support and promote key community events

### CC3

#### A resilient community

- Partner with community stakeholders to build community resilience for emergencies and disasters
- Support the community to be prepared for, mitigate, respond to, and recover from disasters
- Support the Local Disaster Management Group to ensure effective decision-making regarding disaster events



Splash Park, Mareeba





Mareeba Water Treatment Plant

# GOALS AND STRATEGIES

## Transport and Infrastructure

The provision of quality infrastructure to service our growing community using sound asset management principles.

### T11

#### Safe, reliable and resilient infrastructure

- Deliver safe and effective transport networks
- Maintain safe and reliable drinking water supply
- Maintain safe and reliable wastewater service
- Where possible develop infrastructure to mitigate against future severe weather events

### T12

#### Sustainable Infrastructure for the future

- Manage Council infrastructure in accordance with Long Term Asset Management and Long Term Financial Plans
- Integrate infrastructure planning to meet future capacity needs
- Partner with community, private sector and government to optimise Council infrastructure
- Advocate for significant local and regional infrastructure through the State and Federal governments

# GOALS AND STRATEGIES

## Liveability and Environment

improve the liveability of the Shire by enhancing amenity and valuing natural assets.

### .E1

#### Attractive and accessible public facilities

- Manage open spaces, parks and council facilities, to encourage active communities and support quality of life
- Deliver council services which enhance liveability
- Partner with community organisations to enhance the use of existing facilities and promote recreation opportunities
- Enhance connectivity and accessibility within communities

### .E2

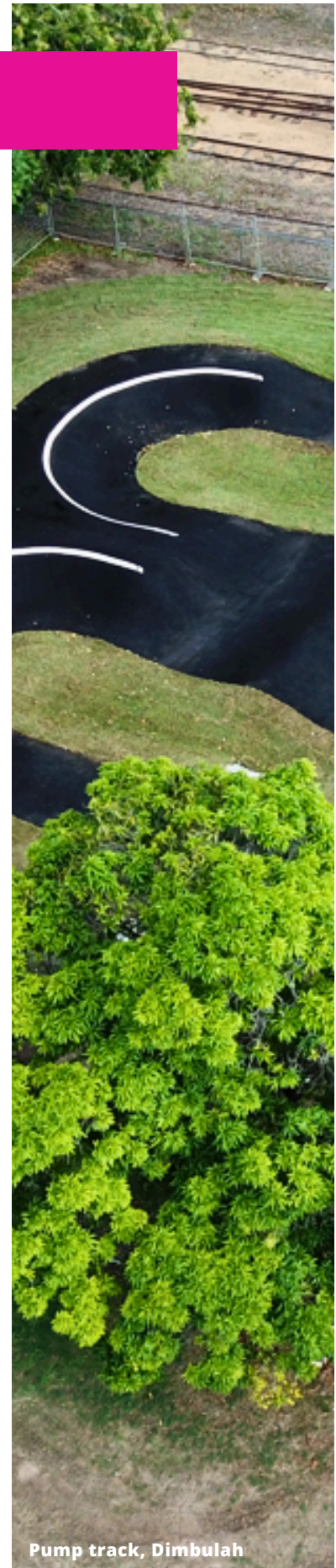
#### Sustainable Planning and protection of environmental assets

- Maintain a planning scheme that balances the various land uses across the Shire while protecting environmental assets
- Promote water quality of our region’s waterways limiting impact on the Great Barrier Reef and Gulf of Carpentaria
- A coordinated approach to land management and the control of biosecurity threats

### .E3

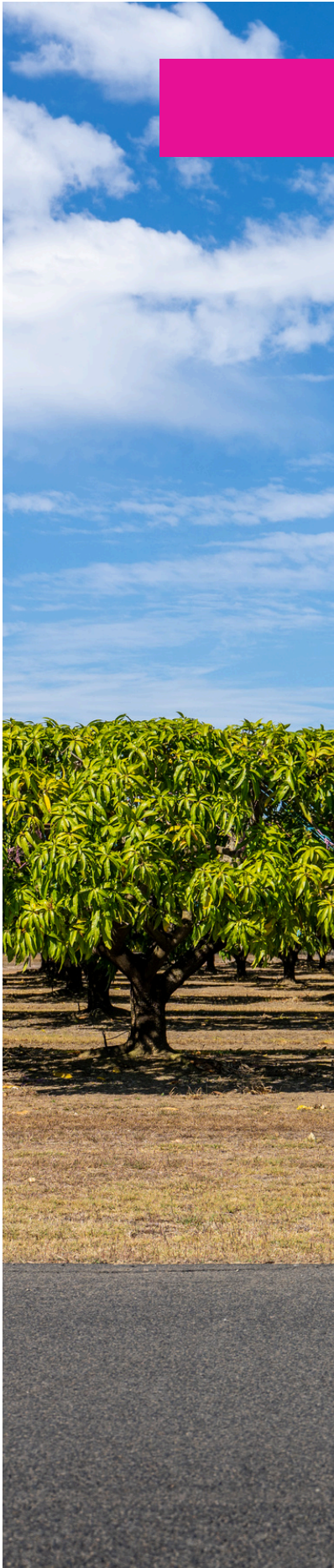
#### Environmentally responsible service delivery

- Continue to investigate and implement cost-effective practices across council operations to minimise impact on the environment
- Provide environmentally responsible and cost-effective waste services to the community
- Provide community education on sustainable waste management practices, including recycling, circular economy principles, and environmental stewardship



Pump track, Dimbulah





# GOALS AND STRATEGIES

## Economy and Growth

Promote and encourage investment in local industry to build a resilient economy.

### EG1

#### Sustainable economic development and growth

- Promote and expand opportunities for businesses to grow and/or establish themselves within the Shire
- Partner with community, private sector and government to harness opportunities for growth and innovation
- Highlight the positive attributes and benefits of Mareeba Shire to attract and retain business and investment

### EG2

#### Effective strategic partnerships

- Advocate Council’s strategic and operational position on key issues affecting the community to other government sectors
- Maintain and develop close and productive working relationships with relevant stakeholders, including the State and Federal governments
- Fostering and developing relationships with industry groups, community organisations, businesses and individuals to promote and develop the Shire



65 Rankin Street, Mareeba, QLD, 4880

1300 308 461

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

# CORPORATE PLAN 2024-2028

## Our Vision

A growing, confident and sustainable Shire.

## Our Mission

To promote the prosperity and liveability of our communities by providing cost-effective services, fostering collaborative partnerships and maintaining accountable governance.

## Our Values

- Sustainable
- United team
- Customer focused
- Community Partnerships
- Ethical Conduct
- Striving to be Better
- Skilled Workforce

## Our Strategic Priorities

### Financial Sustainability and Governance

A financially sustainable council that applies strategic decision making and good governance to deliver cost-effective services.

### Community and Culture

An informed, engaged and resilient community which supports and encourages effective partnerships to deliver better outcomes.

### Transport and Infrastructure

The provision of quality infrastructure to service our growing community using sound asset management principles.

### Liveability and Environment

Improve the liveability of the Shire by enhancing amenity and valuing natural assets.

### Economy and Growth

Promote and encourage investment in local industry to build a resilient economy.





# OPERATIONAL PLAN

## 2024/2025





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**Mareeba Shire Council**  
**OPERATIONAL PLAN 2024/2025**

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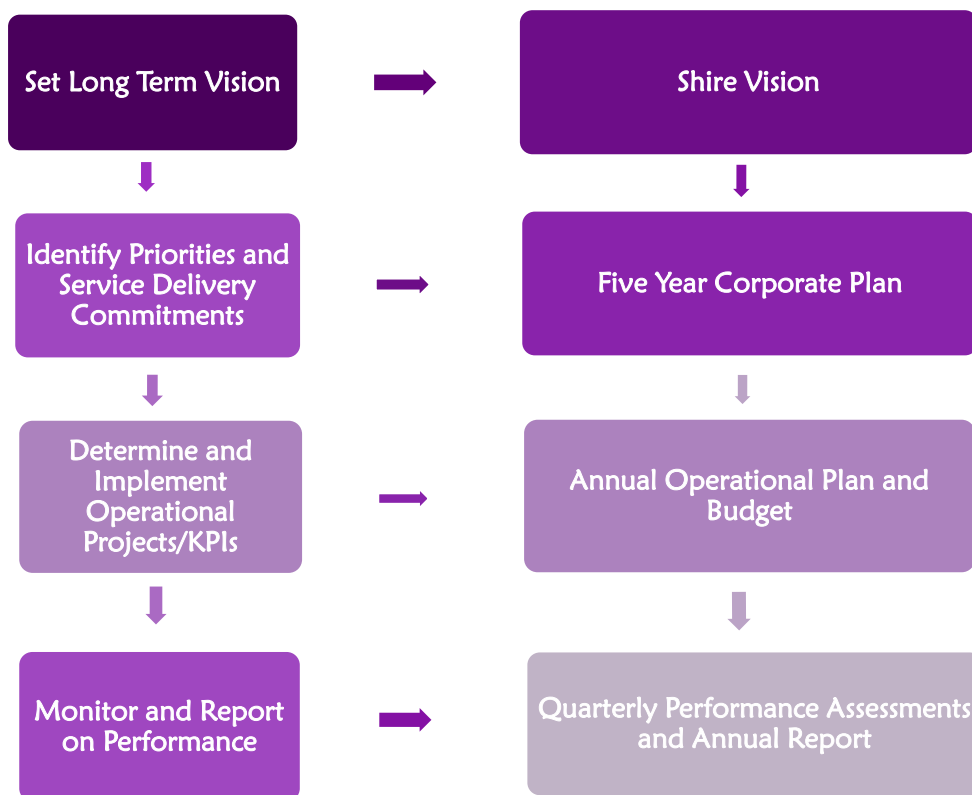
**Mareeba Shire Council**  
**OPERATIONAL PLAN 2024/2025**

**SECTION 1: ABOUT THE OPERATIONAL PLAN**

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The Mareeba Shire Council Operational Plan 2024/25 is a key plan for the shire, as it translates our priorities and services, set out in our five-year Corporate Plan, into measurable actions for the financial year. Progress is regularly reported during the year to Council. A performance report is presented to Council and the community every three months as well as an Annual Report. These reports include information on the delivery of key projects and achievement of performance targets as per the relevant financial year's Operational Plan.

The diagram below represents the strategic planning framework used by Council and illustrates where the Operational Plan fits within that framework:



**Mareeba Shire Council**  
**OPERATIONAL PLAN 2024/2025**

## **SECTION 2: MANAGING OPERATIONAL RISK**

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Identified operational risks will be managed in accordance with the Council's adopted Enterprise Risk Management Policy and Enterprise Risk Management Framework, having regard to the nature of the risks and the likelihood and consequence ratings applied to them as determined by the risk analysis process.

### **RISK MANAGEMENT POLICY OBJECTIVES**

- Align Council's risk management activities with Council's objectives as identified in, Council's corporate and operational plans;
- Promote risk management principles as a strategic tool to ensure better informed decision making throughout Council; and
- Embed a culture of risk management across the Council.
- Minimise or eliminate adverse impacts from Council's services or infrastructure on the community, visitors and the environment;
- Capitalise on opportunities identified for Mareeba Shire Council;
- Safeguard Council's employees, contractors, committees, volunteers, assets, financial sustainability, property, reputation and information;
- Maintain and improve the safety, reliability and quality of service provided by Mareeba Shire Council, within Council's controls and capabilities.

**Mareeba Shire Council**  
**OPERATIONAL PLAN 2024/2025**

**RISK MANAGEMENT PRINCIPLES**

Management and employees must assume responsibility for Enterprise Risk Management (ERM) facilitated by the following guiding principles:

- Adoption of a governance framework - The Enterprise Risk Management Framework and Enterprise Risk Management Process outlines accountabilities and obligations and guides the implementation and ongoing monitoring of risk throughout Council.
- Adds value - Alignment and integration with Council's Corporate and Operational Planning, and budget deliberation processes.
- ERM is an integral part of organisational processes - Management endorsed integration in all business processes.
- ERM informs all decision making - Decision makers are making informed decisions cognisant of relative risks.
- ERM promotes a safer work environment - Risk management integrated with Council's Workplace Health and Safety, promoting safe work practices and a safer work environment.
- Explicitly addresses uncertainty - Taking account of uncertainty, the nature of uncertainty and how it can be addressed.
- Systematic, structured, timely and tailored - Tailored to meet Councils corporate objectives and providing a systematic, structured and timely approach to risk assessment.
- Based on best available information and experience - Utilisation of generally accepted risk mitigation techniques for managing risks.
- Transparent, inclusive and responsive to change - Timely involvement of stakeholders at all levels, ensuring ERM remains relevant and up to date.

**Mareeba Shire Council**  
**OPERATIONAL PLAN 2024/2025**

**SECTION 3: 2024/2025 OPERATIONAL PLAN PROJECTS**

<b>Financial Sustainability and Governance</b>				
<b>“A financially sustainable council that applies strategic decision making and good governance to deliver cost-effective services.”</b>				
<b>Project</b>	<b>Corporate Plan Ref</b>	<b>Corporate Plan Goal</b>	<b>Business Section</b>	<b>Performance Measures</b>
Long-term Financial Plan	<b>FG 1</b>	Effective and sustainable financial management	Finance Development & Governance	<ul style="list-style-type: none"> <li>Ensure Long Term Asset Management Plan and Financial Plan aligns with revised Sub-Asset Management Plans and Local Government Infrastructure Plan</li> </ul>
Comprehensive Asset Revaluations:	<b>FG 1</b>	Effective and sustainable financial management	Finance	<ul style="list-style-type: none"> <li>Comprehensive revaluations</li> </ul>
<ul style="list-style-type: none"> <li>Roads</li> <li>Drainage</li> </ul>	<b>TI 2</b>	Sustainable Infrastructure for the future		
Internal Access to Financial Information	<b>FG 2</b> <b>FG 3</b>	Effective Business Management A Skilled and Sustainable Workforce	Finance	<ul style="list-style-type: none"> <li>More users able to operate financial systems and locate relevant documentation</li> <li>Provide in-house training and support</li> </ul>
Information Systems Strategy implementation	<b>FG 2</b>	Effective business management	Information Systems	<ul style="list-style-type: none"> <li>Continue to provide further system enhancements</li> <li>Transition Technology One to CIAnywhere</li> </ul>

**Mareeba Shire Council**  
**OPERATIONAL PLAN 2024/2025**

<b>Financial Sustainability and Governance</b>				
<b>“A financially sustainable council that applies strategic decision making and good governance to deliver cost-effective services.”</b>				
<b>Project</b>	<b>Corporate Plan Ref</b>	<b>Corporate Plan Goal</b>	<b>Business Section</b>	<b>Performance Measures</b>
Sustainable Workforce	<b>FG 3</b>	A skilled and sustainable workforce	Human Resources	<ul style="list-style-type: none"> <li>• Training and development of to improve efficiencies and ensure workplace safety</li> </ul>
Workforce Management	<b>FG 3</b>	A skilled and sustainable workforce	All	<ul style="list-style-type: none"> <li>• Review Recruitment Process &amp; Employer Branding initiatives</li> </ul>
Cybersecurity Enhancements	<b>FG 4</b>	Effective governance	Information Systems	<ul style="list-style-type: none"> <li>• Continue to monitor security measures as defined by the ACSC Essential 8</li> <li>• Renew incident cyber response partnership</li> <li>• Continue Cyber Awareness and Response Training</li> </ul>
Compliance Monitoring	<b>FG 4</b>	Effective governance	Human Resources	<ul style="list-style-type: none"> <li>• Comply with relevant legislative requirements</li> <li>• Comply with requirements of the LGW Mutual Risk Obligation program</li> </ul>
Accountable Decision Making	<b>FG 4</b>	Effective governance	All	<ul style="list-style-type: none"> <li>• Renew Internal Audit engagement</li> <li>• Achieve External Audit compliance</li> <li>• Prepare and present Annual Report in line with statutory and regulatory requirements</li> <li>• Fulfill Audit Committee objectives</li> </ul>

**Mareeba Shire Council**  
**OPERATIONAL PLAN 2024/2025**

<b>Community and Culture</b>					
<b>“An informed, engaged and resilient community which supports and encourages effective partnerships to deliver better outcomes.”</b>					
<b>Project</b>	<b>Corporate Plan Ref</b>	<b>Corporate Plan Goal</b>	<b>Business Section</b>	<b>Performance Measures</b>	
Arts Connection to Tourism	CC 2	A vibrant and healthy community	Customer & Community	<ul style="list-style-type: none"> <li>Implementation of public mural action plan</li> </ul>	
Enhanced Online Presence	CC 1	An engaged community	All	<ul style="list-style-type: none"> <li>Improved access to online information and services</li> </ul>	
Community Safety	CC 2	A vibrant and healthy community	Customer & Community	<ul style="list-style-type: none"> <li>Advocate for community safety</li> </ul>	
	EG 2	Effective strategic partnerships	Office of the CEO		
Disaster Resilience	CC 3	A resilient community	Customer & Community	<ul style="list-style-type: none"> <li>Promote resilience through Get Ready initiatives</li> </ul>	
			Office of the CEO		



**Mareeba Shire Council**  
**OPERATIONAL PLAN 2024/2025**

<b>Transport and Infrastructure</b>					
<b>“The provision of quality infrastructure to service our growing community using sound asset management principles.”</b>					
<b>Project</b>	<b>Corporate Plan Ref</b>	<b>Corporate Plan Goal</b>	<b>Business Section</b>	<b>Performance Measures</b>	
Review Asset Management Plans across asset classes	<b>TI 1</b>	Safe, reliable and resilient infrastructure	Assets & Projects	<ul style="list-style-type: none"> <li>Undertake data verification</li> </ul>	
	<b>TI 2</b>	Sustainable Infrastructure for the future	Technical Services	<ul style="list-style-type: none"> <li>Undertake condition assessment and defect identification across individual asset classes.</li> </ul>	
	<b>LE 1</b>	Attractive and accessible public facilities	Finance	<ul style="list-style-type: none"> <li>Document and review prioritisation maintenance and operational activities</li> </ul>	
	<b>FG 1</b>	Effective and sustainable financial management		<ul style="list-style-type: none"> <li>Improvement of asset management processes to be reflected in Long Term Asset Management Plan and Long-Term Financial Plan</li> </ul>	
Restoration of assets	<b>TI 1</b>	Safe, reliable and resilient infrastructure	Technical Services Works	<ul style="list-style-type: none"> <li>Rectify Disaster impacted infrastructure assets in accordance with QRA/DRFA guidelines and approvals</li> </ul>	
Secure Water Supply	<b>TI 1</b>	Safe, reliable and resilient infrastructure	Water & Waste	<ul style="list-style-type: none"> <li>Implement water treatment asset renewal projects</li> </ul>	

**Mareeba Shire Council**  
**OPERATIONAL PLAN 2024/2025**

<b>Liveability and Environment</b>					
<b>“Improve the liveability of the Shire by enhancing amenity and valuing natural assets”</b>					
<b>Project</b>	<b>Corporate Plan Ref</b>	<b>Corporate Plan Goal</b>	<b>Business Section</b>	<b>Performance Measures</b>	
Waste Management Services Strategy	<b>LE 3</b>	Environmentally responsible service delivery	Water & Waste Finance	<ul style="list-style-type: none"> <li>Review and update Waste Strategy to align with Regional Waste Plan and Council’s future waste management needs</li> </ul>	
Planning Scheme Review	<b>LE 2</b>	Sustainable Planning and protection of environmental assets	Development & Governance	<ul style="list-style-type: none"> <li>Undertake 10 Year review of MSC Planning Scheme and supporting documents</li> <li>Prepare scope of works and community profile for 10 Year review</li> </ul>	
Reef Guardian Council	<b>LE 2</b>	Sustainable Planning and protection of environmental assets	Technical Services	<ul style="list-style-type: none"> <li>Implement Reef Guardian Action Plan</li> </ul>	
Parks and Open Spaces Strategy	<b>LE 1</b>	Attractive and accessible public facilities	Assets & Projects	<ul style="list-style-type: none"> <li>Complete planned construction for financial year</li> </ul>	

**Mareeba Shire Council**  
**OPERATIONAL PLAN 2024/2025**

<b>Economy and Growth</b> “Promote and encourage investment in local industry to build a resilient economy.”					
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	
Strategic Partnerships	<b>EG 2</b>	Effective strategic partnerships	Office of the CEO	<ul style="list-style-type: none"> <li>Continue active participation in FNQROC</li> <li>Continue to Advocate to State and Federal Governments for key priorities</li> </ul>	
	<b>CC 2</b>	A vibrant and healthy community			
	<b>TI 2</b>	Sustainable Infrastructure for the future			
	<b>LE 1</b>	Attractive and accessible public facilities			
Housing Strategy	<b>EG 1</b>	Sustainable economic development and growth	Development & Governance	<ul style="list-style-type: none"> <li>Implement Local Housing Action Plan (LHAP)</li> </ul>	
Mareeba Industrial Estate	<b>EG 1</b>	Sustainable economic development and growth	Development & Governance Technical Services	<ul style="list-style-type: none"> <li>Adopt Masterplan</li> <li>Implement staged development</li> <li>Continue promotion and marketing through external agent</li> </ul>	
Tom Gilmore Mareeba Aviation Industrial Precinct	<b>EG 1</b>	Sustainable economic development and growth	Tourism & Economic Development	<ul style="list-style-type: none"> <li>Produce Promotional Strategy</li> <li>Promote development</li> </ul>	
	<b>EG 2</b>	Effective strategic partnerships			



**10.4 VISITOR INFORMATION CENTRE BROCHURE DISPLAY FEES 2024/25**

**Date Prepared:** 13 August 2024  
**Author:** Tourism & Economic Development Officer  
**Attachments:** Nil

**EXECUTIVE SUMMARY**

The proposed Visitor Information Centre Tourism Brochure Fees and Charges 2024/25 are presented for Council's consideration and adoption

**RECOMMENDATION**

That Council adopts the recommended Visitor Information Centre Tourism Brochure Display Fees and Charges for 2024/25.

**BACKGROUND**

Mareeba Shire Council operates two Visitor Information Centres (VIC) at Kuranda and Mareeba, with the Mareeba VIC managed under a community management arrangement with the Mareeba Heritage Centre Inc.

It is recommended that the Visitor Information Centre Tourism Brochure Fees and Charges for 2024/25 remain the same as the previous year as follows;

Tourism operators that are members of Tourism Tropical North Queensland (TTNQ), the Regional Tourism Organisation (RTO), will receive a free brochure display in the two Visitor Information Centres in the Mareeba Shire Council areas.

Membership of TTNQ can be obtained in two ways:

1. Free via LTO/LTA Membership with Mareeba Shire Tourism, Savannah Way Ltd, Tourism Atherton Tablelands etc
2. Directly through TTNQ – Ambassador of Tourism member

For those who are not TTNQ members, a brochure display fee of \$62 (as per previous years) is offered to those operators electing not to take out TTNQ membership.

The proposed fees for 2024/25 are presented as follows:

**Visitor Information Centre  
 Tourism Brochure Display Fees**

Name	Unit	2024/2025 GST	2024/2025 Fee (incl. GST if applic.)
Yearly fee	annum	\$5.64	\$62.00
3 quarters		\$4.18	\$46.00
2 quarters		\$2.82	\$31.00
1 quarter		\$1.36	\$15.00

**Tourism Brochure Display Fees – additional**

Name	Unit	2024/2025 GST	2024/2025 Fee (incl. GST if applic.)
Yearly fee	assessment	\$5.64	\$62.00
3 quarters		\$4.18	\$46.00
2 quarters		\$2.82	\$31.00
1 quarter		\$1.36	\$15.00

**Operating**

Proposed fees and charges are included in the 2024/25 budget.

**LINK TO CORPORATE PLAN**

**Financial Sustainability:** A council that continuously operates in a cost-effective manner while managing council's assets and reserves to ensure a sustainable future.

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

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

**IMPLEMENTATION/COMMUNICATION**

The Visitor Information Centres, Local Tourism Organisations (LTO's) and Tourism Tropical North QLD (TTNQ) will be informed of the 2024/25 fees and charges.

Tourism stakeholders will be emailed a copy of the Visitor Information Centre tourism brochure display guidelines for 2024-25.

The updated tourism brochure display guidelines for 2024-25 will be added to the Mareeba Shire Council website.

**11 CONFIDENTIAL REPORTS**

Nil

**12 BUSINESS WITHOUT NOTICE**

**13 NEXT MEETING OF COUNCIL**





**14 FOR INFORMATION**

**14.1 TOURISM & ECONOMIC DEVELOPMENT QUARTERLY REPORT**

**Date Prepared:** 9 July 2024  
**Author:** Tourism & Economic Development Officer  
**Attachments:** 1. [Telstra Connectivity Plan - Mareeba Shire](#) ↓

**EXECUTIVE SUMMARY**

This report provides information relating to Council tourism and economic development activity for the Mareeba Shire region during the fourth quarter of the financial year, April 2024 – June 2024.

**RECOMMENDATION**

That Council receives the Tourism and Economic Development report for the April to June 2024 quarter.

**TOURISM & ECONOMIC DEVELOPMENT**

**1. QLD Small Business Month**

Queensland Small Business Month (QSBM) is held during May each year to celebrate our small businesses and the vital contribution they make to Queensland’s economy and to our local Mareeba Shire community.

Council was successful in obtaining a regional networker grant from the Department of Employment, Small Business and Training to fund three workshops during QSBM to help Mareeba Shire business owners network with their peers and develop their skills. Over 40 small business operators attended the workshops in Kuranda, Mareeba and Chillagoe, which focused on optimising google business listings, harnessing the power of customer reviews and learning how to utilise AI in business.



Queensland **SMALL BUSINESS** Month *Queensland* Good jobs  
Better services  
Great lifestyle

**LOVE YOUR SMALL BUSINESS**

LEARN MORE

[business.qld.gov.au/qsbm](https://business.qld.gov.au/qsbm)

Join Nicky Jurd for the **FREE Quick Wins for Small Business Workshops**

- 23 May 3.30pm-5.30pm Kuranda
- 24 May 9am-11am Mareeba
- 24 May 2pm-4pm Chillagoe

Mareeba SHIRE COUNCIL

Queensland Government

During QSBM, Council also collaborated with the Mareeba Chamber of Commerce, to deliver the ‘Business After Dark’ networking event. Over 30 business owners attended this event to hear from special guest speaker, Queensland Small Business Commissioner, Dominique Lamb, whose office provides a range of services for small businesses focussed on enhancing the operating environment for small businesses in Queensland. A range of small business support services were also in attendance to share their information and offerings with small business owners.



**2. Small Business Friendly Council Conference hosted in Cairns**

The Queensland Small Business Friendly (SBF) Program’s annual conference and inaugural awards ceremony was this year held in Cairns as one of the final events on the Queensland Small Business Month calendar. Mareeba Shire Council exhibited a stall at this conference to share the work and initiatives being undertaken in the Mareeba Shire to work towards a flourishing small business community.

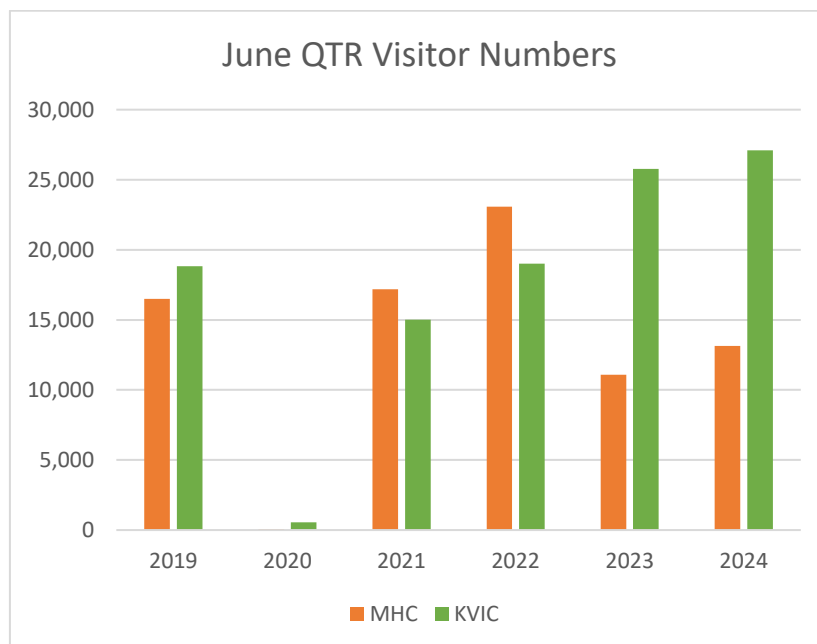


**3. Telstra Connectivity Plan – see Attachment 1**

During this quarter Council collaborated with Telstra to develop a digital connectivity planning document for our local government area. This document is a living document which will evolve to help inform how technology and connectivity can best contribute to our region’s overall success.

**4. Visitor Information Centre (VIC) Update**

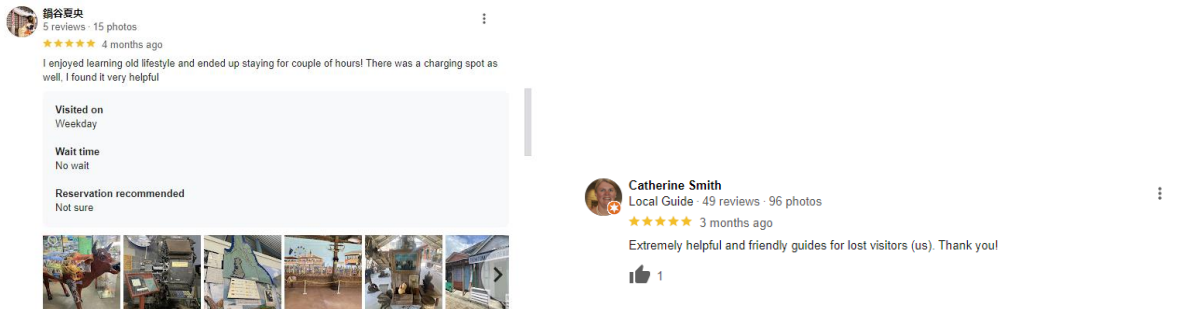
The data is collected by the Kuranda Visitor Information Centre (KVIC) and the Visitor Information Centre at the Mareeba Heritage Centre (MHC). Visitor data is all visitors to the Mareeba Centre which includes the Visitor Information Centre as well as patrons of the Centre's café, museum, and retail shop.





Visitor numbers through the Kuranda Visitor centre for the June quarter 2024 continue to be record highs for the centre.

There were some great reviews received during the quarter for both visitor centres.



More volunteers for both Visitor Information Centres are needed. Volunteers contribute enormously to the success of the visitor centres and without their time, dedication and passion, the centres could not function.

### 5. Shire Destination Marketing - Print

Print promotional material was produced for the following publications:

- Double page editorial in the 2024 edition of the Welcome to Tropical North Queensland magazine



## MAREEBA SHIRE

### explore ancient landscapes

Discover the beauty of this ancient landscape. Under half an hour from Cairns you can experience breathtaking landscapes, ancient rainforests, rugged gorges, savannah grasslands, crisp blue skies and clear nights.

**Kuranda**  
30 minutes from Cairns  
The village is in the midst of World Heritage-listed ancient rainforest, casuarinas and waterfalls, lands with great significance for Indigenous communities for over 10,000 years. Travel by road, train or cableway and immerse yourself in natural therapies, rainforest walks and Australian wildlife. Talk to accredited Wet Tropics guides at the visitor information centre and pick up travel tips and maps. A hub for creatives, Kuranda is a great place to find hand-crafted souvenirs, art, gifts and local designs.

**Mareeba**  
1 hour from Cairns  
Once you arrive in town, check out the Mareeba Heritage Museum and ask the Visitor Information Centre staff for the lowdown on the area's rich history, culture and what to do. Take a hot air balloon ride for panoramic views of the ranges and savannah. Get your blood pumping on an exhilarating climb, then cool off at Emerald Creek Falls, or mountain bike through Davies Creek National Park. Mareeba has also been hosting a world-class Rodeo for more than 70 years and is now home to the hip Savannah in the Round music festival.

**Mt Mulligan - Ngarrabullgan**  
2.5 hours from Cairns

Ten times the size of Uluru, Mt. Mulligan's 18-kilometre tabletop spiritually emerges from the surrounding Savannah, dominating your drive towards it. Mt. Mulligan is on Australia's National Heritage List for its cultural importance to the Djungan people, and at its base are the ghost towns of mining's past, with gold prospectors still working the ridges.

**Chillagoe**  
2.5 hours from Cairns

Drive the 'Wheatsbarrow Way' to Chillagoe, the tip of the dinosaur trail and home to the Chillagoe-Mungana Caves National Park, brimming with natural and cultural heritage. Explore the cavernous limestone underworld cave system, view Aboriginal rock art, and learn the fascinating mining history, dating back more than 130 years.

**Irvinebank & Watsonville - living historical villages**  
2 hours from Cairns

The Herberton-Petford Road will lead you to Irvinebank, nestled in the western slopes of the Great Divide, and the haunting remains of outback mining towns. Walk the streets and imagine the prosperity, now lined with preserved and heritage-listed buildings, and ask about the white swans. Visit the Loudoun House Museum, reputed to be the oldest still standing in North Queensland, with its collection of the area's rich pioneering history.

**Mount Molloy and Julatten**  
30 minutes from Port Douglas

The quaint towns of Mount Molloy and Julatten, just west of Port Douglas, are emerging on the tourist trail but have been a magnet for birdwatchers for decades. The region boasts the richest concentration of birdlife in the country, with nearly half of Australia's 750 bird species found there.



## 5. Mareeba Shire Local Tourism Organisation (LTO)

The third Mareeba Shire Tourism Industry networking event was hosted by Mareeba Shire Tourism at Petite Café in Kuranda in April. There were 46 attendees at this event which was focused on how tourism businesses can utilise storytelling to help promote their operations. Wil Kemp from the Savannahlander shared the success he has had by utilising social media for storytelling, and Scott Kileen gave an update on the work done to date on the Kuranda Experience Framework, a redevelopment of the brand narrative for Kuranda which has been commissioned by Tourism Tropical North Queensland.



Mareeba Shire Tourism was successful in obtaining grant funding as part of the Queensland Day Sponsorship program to undertake a 'Hidden Gems' campaign in the Mareeba Shire to celebrate Queensland Day on the 6<sup>th</sup> of June. The goal of this campaign was to reflect the unique culture, heritage, people and landscapes of the Mareeba Shire. Visiting social media influencers, 'Overland Travellers' were engaged to run Instameets in Kuranda, Chillagoe and Mt Molloy to upskill local operators and encourage them to get involved in the campaign through sharing their own 'hidden gems', while also capturing and sharing content of their travels in the Mareeba Shire. The full [25-minute YouTube video](#) of their Mareeba Shire adventures has been viewed over 12,000 times since its release.



What To Do On Your Way To Cape York - Mareeba, Kuranda & Chillagoe

11K views • 3 weeks ago

**LINK TO CORPORATE PLAN**

**Community:** An informed and engaged community which supports and encourages effective partnerships to enhance the liveability of the shire.

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

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

**IMPLEMENTATION/COMMUNICATION**

Nil

**KEY COMMUNICATION MESSAGES – INTERNAL USE ONLY**

Nil





## Connectivity Planning for Successful Regions

Digital connectivity is fundamental to daily life, for services, business and to enhance people's lives

Mareeba Shire Council - April 24

## Introduction

Every Local Government Authority has a vision for creating a thriving, successful community – a great place to live and work. Connectivity planning is an opportunity to focus on the potential for strategic investment that will support your economic development and community services elevation for the region.

The purpose of the following questions is to record the specifics of your vision and strategic plan, so that together we can discuss how technology and connectivity can best contribute to your region’s overall success. Topics such as digital inclusion, cyber security, and disaster and emergency planning will be important aspects of this discussion.

Our aim is to collaborate with you to produce a Connectivity Plan that you can leverage to communicate your needs in terms of overall benefit and return on investment – for individuals, communities, and businesses.

The end result will be your own plan: it is not intended that it will be restricted to Telstra services and products. However, we will be happy to leverage the widest expertise – from our various Telstra divisions as well as our 360° partnerships – to assist you in understanding the power and potential of technology and connectivity.

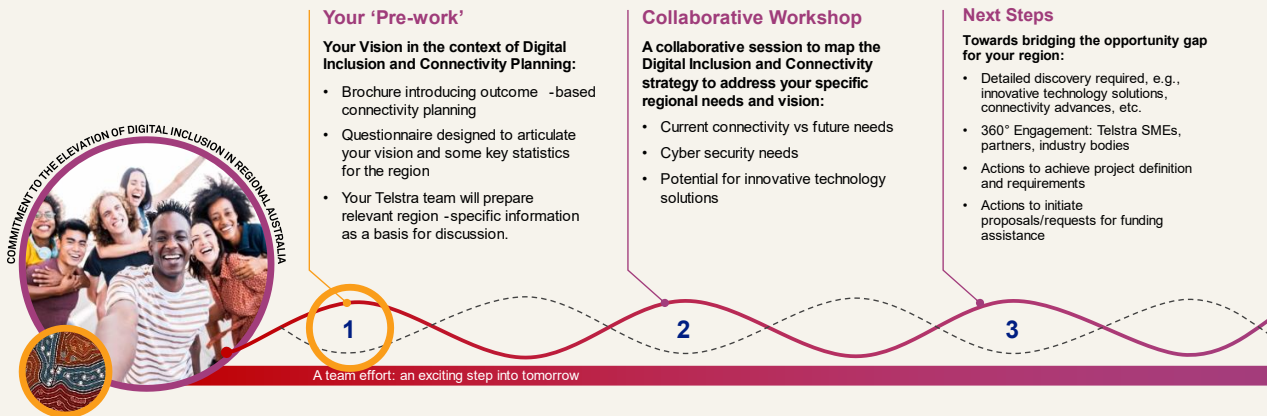
*Together we can improve regional telecommunications, and in turn unlock business, health, safety and education opportunities. The Commonwealth and State Governments have initiated several co-investment programs designed to fund network investments. A well-defined, strategic Connectivity Plan that articulates the priorities for the local council or region will enable you to have more informed conversations about the needs of the region; it will help leverage future co-investment opportunities and secure the right investments.*

*– Vicki Brady, CEO Telstra*





### Connectivity Planning Pre-Work: Your Vision and Current Situation



*Instructions: The blank cells beside each question will expand to accommodate your text. If a question is not relevant to your region, please mark 'N/A' in the response cell. You are also welcome to add documents or other supporting material that could assist your Telstra team to prepare for the workshop.*

Your Vision	
Overall vision for your region:	A growing, confident, and sustainable Shire.
Expected population / demographic change (growth/decline, ageing mix, geographic spread, etc.)	Population projected to be 28,684 persons as at 30 June 2046 Increase of 0.9% per year over 25 years Ageing population Mareeba Shire is geographically, economically and socially diverse and covers a total land area of 53,502km2.
Vision to address specific demographic disadvantage (First Nations, senior citizens, economic disadvantage, isolation)	Provide cost-effective services, foster collaborative partnerships and maintain accountable governance to promote the prosperity and liveability of the Shire.  A resilient economy that promotes and supports the Shire's natural assets and local industry and encourages investment while preserving and future proofing for generations to come.

<p>Plans for urban/community services, support and growth: health, education, social engagement, council and environmental services (waste, water, safety, etc.)</p>	<p><a href="#">Corporate Plan 2021 - 2025.pdf (msc.qld.gov.au)</a>                  Council adopted a new Corporate Plan in 2021. The new plan has a focus of ensuring long term sustainability by developing detailed long-term strategic plans, covering Council’s key activities to provide a platform for future decision making.</p> <p><b>Mareeba Shire Water Strategy</b>                  The Mareeba Shire Water Strategy, initiated in December 2020, serves as a comprehensive roadmap for addressing the critical challenge of ageing water infrastructure within our Shire. This strategic plan outlines Council’s commitment to ensuring the uninterrupted delivery of safe and sustainable water services to our community through renewal and upgrade of water infrastructure to cater for current and future needs.</p> <p><b>Parks and Open Spaces Strategy and Action Plan</b>                  Council’s Parks and Open Spaces Strategy and Action Plan, adopted February 2022, is the culmination of significant engagement, planning, investigations and discussion across a two-year period. The purpose of the strategy is to ensure public spaces are planned and managed for a growing community in a financially sustainable way, using sound asset management principles.</p> <p><a href="#">Waste Management Services Strategy 2018 - 2027.pdf (msc.qld.gov.au)</a>                  To enable a growing, confident and sustainable shire, a Waste Strategy (the Strategy) is required to strategically manage the community's waste, enhance liveability and proactively mitigate against inappropriate waste management.</p>
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<p>Digital Inclusion vision (include vision for online services: i.e., eHealth, eEducation, community education programs, specific support for business and industry, etc.</p>	<p>Improve telecommunications connectivity by reducing mobile phone black spots and increasing internet speed and reliability. Improve digital literacy and inclusion.</p> <p>Telecommunications connectivity has moved into universal access where smart phones are becoming central devices to our lives and the demand for data is doubling each year.</p> <p>It is only fair that all Mareeba Shire residents should have the opportunity to benefit from digital technologies to grow and prosper in their local communities.</p> <p><b>Benefits</b></p> <ul style="list-style-type: none"> <li>• Improve the safety and wellbeing of rural and remote communities.</li> <li>• Connect with family, friends, and the wider world.</li> <li>• manage health through access to digital health care options.</li> <li>• access education and knowledge development services</li> <li>• participate in cultural activities.</li> <li>• organize personal and business finances.</li> <li>• Enhanced economic foundations, business opportunities, employment and home-based businesses for long term sustainability and growth.</li> </ul>
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<p>Emergency and disaster management strategy:</p>	<p><a href="https://www.msc.qld.gov.au/Mareeba%20LDMP.pdf">Mareeba LDMP.pdf (msc.qld.gov.au)</a></p> <p>Natural disasters such as cyclones, flooding, bushfires are a part of life in the Mareeba Shire.</p> <p>Cyclone Jasper and the subsequent flooding event highlighted the need for resilient and robust connectivity in our region during a disaster event.</p> <p>In 2023, the community of Mutchilba located in the Mareeba Shire on the Mareeba Dimbulah Road, experienced a significant bushfire event. Emergency services sent out emergency alerts as houses were in danger and evacuation of residents was required. Unfortunately, many members of the local community failed to receive these alerts due to the lack of Telstra mobile phone coverage in this area. Emergency services did manage to get the fire under control, however the event has highlighted the need for critical upgrades by Telstra for coverage in this region as Telstra is one of the primary communications providers in the Mareeba Shire.</p> <p>The Mutchilba area is at high-risk of natural disasters such as bushfires, severe flooding and cyclones. Improved Telstra telecommunications during a natural disaster is vital to enable connection to emergency services throughout an event, to speed up the recovery after the disaster, as well as enable the return to normal for the community sooner.</p> <p>It is also significant to note that this location is a fast growing, high economic value agriculture precinct. The lack of Telstra mobile phone coverage reduces digital connectivity which impacts a primary producers' business productivity and economic recovery post disaster.</p>
<p>A brief, high-level summary of your key challenges in achieving your vision. <i>(Summary only: the detail will be worked through collaboratively in the next stage.)</i></p>	<p>Funding/Cost                  Accessibility and site access for connectivity assets                  Complexity of technology and large number of connectivity products</p>
<p>What investment opportunities are you currently exploring that might have relevance for a discussion on technology and connectivity needs?</p>	<p>Mareeba Airport                  Mareeba Industrial Park</p>
<p>Please add any other relevant comments:</p>	



<b>Examine the Present</b>	
<b>Demographics</b>	
Population:	23,702 ABS Estimated Resident Population 22,858 Usual Resident Population
Age distribution: approximate proportion (or numbers) of:	
Under 18:	20.5%
18-35:	19.2%
35-65:	39.6%
65+:	20.7%
Geographic spread by approximate %:	
Major Urban (100,000+):	N/A
Other Urban (1,000 – 99,999):	
Bounded Locality (Rural):	Outer Regional Australia 96.8%, Remote Australia 1.2%, Very Remote Australia 2.1%
Rural Balance:	
Number of urban centres (any size):	7 - Mareeba, Kuranda, Chillagoe, Dimbulah, Mt Molloy, Julatten, Irvinebank
Number of dwellings:	10,203
Particular communities: e.g., First Nations communities, specific industry communities (mining etc.):	Males 50% Females 50% Aboriginal & Torres Strait Islander Population 14.3% Born Overseas 16.9% Do not speak English well, speak another language 1.3%
Particular areas of disadvantage: e.g., senior citizens, First Nations, isolated, etc.:	32.9% of population in most socio-economic disadvantaged quintile (SEIFA) 24.5% of population with one or more long-term health conditions 5.6% of population in need of assistance with a profound or severe disability A growing aging population

<p>Digital Inclusion: what are the key issues and areas of disadvantage; and for each, your current strategy to close the gap?</p>	<p>While Mareeba Shire's population and economy are growing (unlike many rural areas) it is facing the significant risk of digital divide. Almost half of the Shire population live in rural and remote areas, and its population has lower incomes and educational levels, higher unemployment and at-risk community and indigenous community members compared to Queensland and Australian averages.</p> <p>The Australian Digital Inclusion Index uses survey data to measure digital inclusion across three dimensions of access, affordability, and digital ability. The Digital Inclusion Index score for the Mareeba Shire is 66, which is well below the national average score of 73.2 (ADII 2022).</p> <p>Independent mobile coverage testing in the Mareeba Shire, including signal strength and network performance of networks, demonstrates extensive mobile black spots and where there is coverage, it is not compatible to capital city locations due to distance to the core and lower network overlap.</p> <p>Reliable access to digital communication is critical for the safety of rural and remote communities during flooding, fires and cyclones.</p> <p>The critical barriers to digital inclusion in the Mareeba Shire are the lack of access to networks, the costs of devices and data, and the low level of digital skills and literacy.</p> <p>Mareeba Shire Council's current strategy to close the gap in the digital divide is to advocate for the following:</p> <p>Improve telecommunications connectivity by reducing mobile phone black spots and increasing internet speed and reliability.</p> <p>Improve digital literacy and inclusion through training and development.</p>
<p>What do you see as your top 3 demographic challenges?</p>	<p>An ageing population Health services and facilities are not keeping pace with our growing and aging population. Housing and community safety</p>

**Economy, Business and Services**

<p>Top 3 industries:</p>	<p>Agriculture Public Administration and Safety Health Care &amp; Social Assistance</p>
<p>Economic output of region: \$ value</p>	<p>GRP \$1.18 billion in the year ending June 2022</p>
<p>Number of registered businesses:</p>	<p>2,209 registered businesses</p>

Major employers and employment trends:	<p>10 businesses (or 0.5%) with a turnover range of \$10 million or more as at 30 June 2023</p> <p>Agriculture industry is the largest employer.</p> <p>An analysis of the jobs held by the resident population in Mareeba (S) in 2021 shows the three most popular occupations were:</p> <ul style="list-style-type: none"> <li>• Labourers (1,474 people or 16.2%)</li> <li>• Managers (1,391 people or 15.3%)</li> <li>• Professionals (1,281 people or 14.1%)</li> </ul> <p>Major Employers:</p> <p>Lotus Glen Prison</p> <p>Steggles Processing and hatchery facility</p> <p>Health, Education, Police, Social Assistance and Local Government</p> <p>Agribusinesses ie Howe Farming, Costa, Skybury, MSF Sugar</p>
Unemployment: x%	<p>Unemployment rate of 4.8%</p> <p>534 unemployed persons in September quarter 2023</p>
Health facilities:	
Hospitals:	One hospital in Mareeba with Medical Centres in Dimbulah and Chillagoe
Medical and Dental Clinics:	
Other Health Services:	3 Medical Clinics (2xMareeba, 1xKuranda), 6 Dental Clinics, 1 Medical Imaging, 2 Pathology, 2 Optometrist, 2 Physiotherapists, along with a number of alternative therapists
	6 aged care services as at 30 June 2023
Education: Number of facilities:	
Primary Schools:	Primary Schools = 2xMareeba, Dimbulah, Chillagoe, 2xKuranda, Mt Molloy, Irvinebank
Secondary Schools:	
Other Learning Facilities:	
Libraries & Mobile Library Services:	Secondary Schools = 2xMareeba, Dimbulah, 2xKuranda
	Early Childhood = 5xMareeba, Dimbulah, Julatten, Kuranda
Festivals and Special Events:	
Regular:	<p>Kuranda Ampitheatre Events</p> <p>Great Wheelbarrow Race</p> <p>Chillagoe Rodeo</p> <p>Christmas in July – Caravan and Motorhome Club of Australia</p> <p>Mareeba Rodeo</p> <p>Chillagoe Festival</p> <p>Irvinebank John Moffat Festival</p> <p>Mareeba Multicultural Festival</p> <p>Savannah in the Round</p>
Expected 'one off':	

<p>Transport (railway, road corridors, hubs (airports, stations):</p>	<p>Mareeba is the largest town outside of Cairns in Far North Queensland, acting as a vital transport and services hub for Northern Australia, including Cape York Peninsula and Gulf of Carpentaria regions.</p> <p>Key transport routes between Cairns, the Gulf of Carpentaria, Cape York Peninsula and the Atherton Tablelands currently converge in Mareeba with much of this traffic moving through the town's CBD via the main street.</p> <p>Key Road Transport Routes include; Peninsula Developmental Road, Kennedy Highway, Burke Developmental Road, Ootann Road, Mulligan Highway, Kuranda Range Crossing. These are vital regional road transport corridors and major freight, commuter, and tourism routes. Reliable Telstra mobile phone connectivity is essential for communications along these routes.</p> <p>Skyrail, Kuranda Scenic Rail and the Savannahlander train all operate in the Mareeba Shire.</p>
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<p>LGA assets, detection and monitoring: (quality, fit for purpose, now and future): e.g., environmental (safety, water, etc.), fleet, IT.</p>	<p>Mareeba Industrial Park is the region’s largest agricultural services and logistics hub. Land is very competitively priced, and the park has attracted national companies in packaging and logistics, making \$20M plus investments.</p> <p>Mareeba Airport Park is a unique location near a major international airport, yet outside controlled airspace, with a safe flying area and new infrastructure. Mareeba Airport is a CASA certified public aerodrome with a Code 3 sealed runway, AFRU, AWIB and PAL.</p> <p>Mareeba Shire Water Infrastructure including water treatment and sewerage plants.</p> <p>Mareeba Shire Waste Transfer Stations</p> <p>Mareeba Shire Council Road network</p> <p>Mareeba Shire Council Vehicle Fleet</p> <p>Mareeba Shire Council IT assets.</p> <p>Visitor Information Centres</p> <p>Natural Asset Management and Biosecurity Control Work</p> <p>Work Place Health and Safety Monitoring</p> <p>Parks and Gardens development and maintenance</p> <p>Facilities hire and upkeep</p>
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Please provide information about your overall disaster management plan:

[Mareeba LDMP.pdf \(msc.qld.gov.au\)](#)

The Mareeba Local Disaster Management Plan (LDMP) provides the framework for multiagency response and recovery operations. It integrates with Queensland's disaster management arrangements and is an important tool in how we can prepare ourselves and how we respond to disasters or serious events.

The objective of the plan is to protect people, property and the environment from the impacts of disaster. The intent is to achieve this through risk reduction measures and response and recovery strategies, and by working towards increased community resilience.

Disaster management in the Mareeba Shire is planned across the following four phases – prevention, preparedness, response and recovery.

The strategies for the four phases are as follows:

**Prevention**

- Investigate and coordinate risk management strategies to reduce the impact of disaster events on the community.

**Preparedness**

- Increase community resilience by increasing knowledge and education.
- Encourage shared responsibility and an all-hazards approach to disaster management—including the resources and arrangements used to support response and recovery.
- Enhance local capability by encouraging participation in training and exercises, contributing to equipment acquisition programs, and building relationships.

**Response**

- Provide effective and efficient coordination of disaster response and recovery in order to safeguard people, property and the environment.
- Provide support to remote communities who may be affected by a disaster.

**Recovery**

- Ensure that the recovery priorities of the Mareeba Shire community are identified and met across the functional areas.
- Ensure that recovery operations help to build community resilience.

**Your Region’s Top 3 Opportunities**

<p>1. Agriculture Industry Growth and Diversification ie Cotton, Agritourism, Food/Fibre Manufacturing</p>	<p>The Mareeba Shire is one of the largest fruit producing regions in Australia, with horticulture making up 48% of the Shire’s agricultural production valued at \$175.22 million for the financial year ended 30th June 2021. The shire’s farmers and support services represent, in most cases, best international practice in farming in a tropical environment. Water supplied from Tinaroo Dam enables a tremendous range of fruit and vegetables to be grown to supply both the domestic and overseas markets. Significant expansions are occurring in some industries (avocado, citrus, and blueberries), new commodities gaining a foothold (table grapes, cotton) and traditional industries evolving with new varieties (mango and lychee).</p> <p>Livestock disposals including cattle and poultry are the second most significant industry, making up 36.58% (\$132.45M) of Mareeba Shire’s agricultural production.</p> <p>As one of the top three fruit and vegetable growing regions in Australia, agriculture is the largest industry in the Mareeba Shire in terms of gross domestic product as well as employment. The agriculture industry faces rapid technological advancements which will require improvements in communications technology, including mobile phone coverage.</p> <p>The underpinning communication infrastructure to utilise these new technologies is crucial for future agricultural industry competitiveness. The technological trends in this sector include automated irrigation, unstaffed aerial vehicles or drones, packing shed mechanisation, and remote sensing. Without the necessary Telstra mobile communication infrastructure, industries such as the agriculture sector will be unable to compete on a level playing field.</p>
<p>2. Renewable Energy</p>	<p>Mareeba Shire has been identified as one of the major renewable energy zones under the Queensland Renewable Energy Zone initiative to develop energy infrastructure to support future investment projects in this industry. The current projects in the region are:</p> <ul style="list-style-type: none"> <li>Mt Emerald 180MW Wind Farm</li> <li>Chewko 75MW Solar Farm</li> <li>CleanGen 60MW Solar Farm</li> <li>Tableland Sugar Mill 24MW</li> </ul>

<p>3. Mining</p>	<p>The Mareeba region is rich in mineral resources including gold, lead, zinc and other base metals, tungsten, copper sulphate, tin, perlite, limestone, marble and slate, and there are a number of mining operations within the Shire.</p>
<p><b>Your Region's Top 3 Challenges</b></p>	
<p>1. Regional connectivity</p>	<p><b>CAIRNS TO MAREEBA ACCESS</b>                  A commitment to move the planning for this route into the detailed Strategic Planning Program phase with investment under the Queensland Transport Roads Implementation Program (QTRIP).                  Funding required for the Kuranda Barron River Bridge solution.</p> <p><b>HEAVY TRANSPORT CAPACITY UPGRADE OF OOTANN ROAD</b>                  A commitment to provide untethered funding to Council for progressive sealing of the entire length of Ootann Road, and recognition of Ootann Road as a Road of Strategic Importance (ROSI).</p> <p><b>BURKE DEVELOPMENTAL ROAD</b>                  A commitment to complete bitumen sealing of the existing unsealed section of the Burke Developmental Road from Almaden to Chillagoe and additional safety and flood-proofing works along the entire route within the next three (3) years.</p> <p><b>MAREEBA BYPASS</b>                  Action to deliver Mareeba Bypass by:</p> <ul style="list-style-type: none"> <li>• Finalising the alignment and design of both the southern and northern sections of the Mareeba Bypass within the next three (3) years; and</li> <li>• Commencing construction of the full Mareeba Bypass within the next five (5) years.</li> </ul> <p><b>TELECOMMUNICATIONS</b>                  Improve telecommunications connectivity by reducing mobile phone black spots and increasing internet speed and reliability.                  Improve digital literacy and inclusion.</p>

<p>2. Water Security</p>	<p><b>WATER SUPPLY</b>                  An investment from State and Federal governments to facilitate building regional water capacity to the Mareeba- Dimbulah Water Supply Scheme.</p> <p><b>URBAN WATER INFRASTRUCTURE</b>                  Like most rural and regional areas, Mareeba Shire's water supply infrastructure is ageing. The Shire's first water treatment plant was constructed in Mareeba during the post-war 1950s era. Ageing underground water main pipes are now starting to break, and these breakages can also damage roads, footpaths and buildings, significantly adding to the cost of reactive repairs.</p>
<p>3. Funding</p>	<p>With financial sustainability being a key issue for many local councils, highlighted again in the most recent Auditor-General's report, funding is a critical issue for Mareeba Shire Council.</p> <p>Councils are the level of government that is funded the least – around three cents in every dollar of taxation revenue compared to 80 cents for the Federal Government and roughly 17 cents for the State Government. Local Government has the most direct impact on communities, but it is the level of government that is doing this work with the smallest share of government taxation revenue.</p> <p>Despite steady population growth, Mareeba Shire Council is not able to fully self-fund infrastructure due to servicing a large geographic area, and the high socio- economic disadvantage in the Shire, resulting in ratepayers' limited capacity to pay higher rates.</p> <p>This limited ability of the community to pay any additional rate income severely restricts Council's ability to deliver necessary capital projects, and Council relies heavily on highly competitive grants to deliver essential infrastructure upgrades and strategic community development activities.</p> <p>The economic capacity of residents in Mareeba Shire is well below the average for Queensland in terms of household income and other socio-economic measures, which means Council lacks the rate base to fund essential capital projects.</p> <p>Council cannot keep delivering critical infrastructure for our community, without adequate funding to do so.</p>



**Mareeba Shire Council  
anticipated connectivity  
and technology needs  
2024-29:**

April 24



**Connectivity and technology needs 2023-29; Follow-up actions**

Current Connectivity (all carrier solutions and technologies available and/or used today):

**Fixed:**

Telstra

- ADSL
- PSTN (legacy copper)
- CAN Radio
- NGWL (4GFW)
- Telstra Satellite Home Internet plan powered by Starlink includes a home phone service, with unlimited calls to standard Australian mobiles and landlines. If you have an existing Telstra home phone service, you can keep your number when you sign up for Telstra Satellite Internet

NBN

- There is a mix of Fixed & Fixed Wireless broadband technologies available in the Mareeba Shire

**Mobile:**

Telstra

- Telstra mobile networks covers 99.6% of the Australian population.
- Mareeba Shire has 3G, 4G & 5G coverage. The use of an external antennae when travelling in the region can improve mobile connectivity.
- 3G - Telstra 3G network closure has been extended to 31<sup>st</sup> August, 2024
- [Our Coverage & Rollout Maps - Telstra](#)

**Alternative networks (IoT / WiFi LoRaW)**

Telstra Internet of things (IOT) Network

- Cat M1 and NBLoT networks.
- Telstra’s IoT networks provide 1 million sq kms more coverage for IoT sensors than handheld mobile phone coverage
- [Internet of Things Coverage Map - Telstra Enterprise](#)

**Satellite:**

- NBN Skymuster
- Telstra Satellite Enterprise Internet powered by Starlink,
- Telstra Satellite Services (TAS and Iterra)
- Starlink directly from Starlink
- Telstra Satellite Home Internet plan powered by Starlink [Telstra Satellite Internet – powered by Starlink](#)

Connectivity upgrades required to meet regional development plans (include fixed technology interchange e.g., 5G Home to 4G Voice, Satellite to FTTP):	<p><b>Fixed:</b></p> <ul style="list-style-type: none"> <li>NBN will be augmenting their Fixed Wireless towers in the future to extend a further 25kms from their towers. This will provide fixed broadband to customers who previous technology option was NBN Skymuster (satellite)</li> </ul>
	<p><b>Mobile:</b></p> <ul style="list-style-type: none"> <li>5G will be available to 95% of Australian population by the end of 2025</li> <li>Mareeba South (114 Mines Rd) forecast completion 31/7/24.</li> <li>Kuranda West Macro base station – Co-investment between Telstra and Federal Government through the Improving Mobile Coverage Round (IMCR) no ETA however dates should be known soon.</li> </ul>
	<p><b>Alternative networks (e.g., IoT / WiFi LoRaW)</b></p>
	<p><b>Satellite:</b></p>
Redundancy planning: network and connectivity (critical sites and evacuation points)	<p><b>Unplanned impacts:</b> Telstra does not currently provide core connectivity services for Mareeba Shire Council. Telstra can supply business grade services as a secondary service to provide redundancy, this can be via Telstra Fibre, NBN fibre, 4G/5G or Starlink Satellite</p>
	<p><b>Disaster Response:</b> Telstra does not currently provide core connectivity services for Mareeba Shire Council. Telstra can supply business grade services as a secondary service to provide redundancy, this can be via Telstra Fibre, NBN fibre, 4G/5G or Starlink Satellite</p>
Mobile site acquisition and co-location opportunities:	<ul style="list-style-type: none"> <li>Mutchilba</li> <li>Mulligan Highway between West Mary and East Mary Roads (Mary Farms)</li> </ul>



Digital Inclusion uplift strategies:

Ability (potential for additional DI programs):

Digital Ability in Mareeba LGA is 55.0 vs state (65.0) and national (64.9).

	ADII Score	Access	Digital Ability	Affordability
State Average	73.0	72.0	65.0	95.0
Mareeba Shire	66	65.6	55.0	93.6
Tablelands	65.9	65.3	53.8	93.8
Cassowary Coast	64.9	64.4	53.4	93.4
Hinchinbrook Shire	63.3	63	50.5	93.9

There is an opportunity to grow Digital Ability through courses run through Mareeba Shire’s network of libraries using resources available today.

- Qld Government have Digital Ability programs including Digital on Toast; STEM library program.
- Telstra has free digital ability programs. Two programs catering for seniors and youth include:
  - Tech Savvy Seniors providing free digital training to help build skills and confidence to use computers, tablets and smartphones. In English and 14 other languages.
  - Telstra Foundation supports Code Club Australia which provides free coding projects for 8-13 year olds and teacher training [Code Club Australia - #getkidscoding | Code Club Australia](#)

Connectivity needs (i.e., “connect the unconnected”, public connectivity, i.e., public WiFi):

Current access score is 65.6 vs state and national score of 72.

Improving connectivity literacy in the region (knowing what technologies are available) will have a positive impact on Connectivity scores. The Regional Tech Hub provides independent advice, information, and resources to those living or working in regional, rural and remote Australia [Home - Regional Tech Hub](#). They have many resources available online including how to chose the right internet technology [Choosing the right internet technology for your property - Regional Tech Hub](#)

Cyber security: current vulnerabilities, assessment and/or upgrades needed:	Solution/capability needs: Telstra can assist council with a cyber assessment and remediation if needed via our Telstra Purple capabilities
	Connectivity needs:
Potential for IoT and Innovative technology solutions to improve services, prosperity and liveability. Include ideas for 'smart' community apps to optimise LGA programs, increase safety, develop industries, encourage tourism, etc.	<ul style="list-style-type: none"> <li>Flood monitoring level sensors.</li> </ul>
Further information / scoping re technology solutions that might contribute to the above requirements (leverage Telstra/Telstra Purple, Telstra Partners)	There are many areas Telstra can assist Council from IOT, to assisting with disaster comms via messaging tool (Whispir)

**Funding needs, assistance required with applications:**

Locations indicated in green are funded projects – either through Telstra Business as Usual (BAU) funding or co-investments.

**Locations Council would like to see mobile towers built.**

Priority	Address	Description	Availability of land or infrastructure	Latitude	Longitude
1	Kennedy Highway between Emerald Creek and Kuranda	1. <b>Regional road</b> transport corridor - The identified mobile blackspot area, Kennedy Highway between Koah and Emerald Creek, is a major freight, commuter and tourism corridor. It connects Cairns with the Atherton Tablelands, Cape York Peninsula and Gulf of Carpentaria and links Mareeba, the largest inland centre in Far North Queensland, to Cairns, the largest centre in Far North Queensland. 2. Primary producer productivity - This location is an agriculture precinct and the lack of mobile phone coverage reduces digital connectivity which impacts primary producers' business productivity. 3. Rural-residential growth - the corridor is growing as a rural-residential satellite suburb between Mareeba and Cairns. 4. Extreme weather shelter - During extreme weather events, generally November to April, impacting flood-prone coastal communities and the high-volume tourism locations of Cairns and Kuranda, the area is inundated with residents and visitors evacuated from or leaving to seeking shelter. 5. Post-event shelter - This is provided at Koah Community Hall, Musumeci Park, Koah Road, Koah for post disaster shelter.	Available	-16.88806 -16.91967	145.55333 145.52981
2	Mareeba Airport (Mareeba Shire Council) Vicary Road, Mareeba	1. Mareeba Airport commercial aviation precinct operations - There is a mobile blackspot at the eastern side of the Mareeba Airport which is hindering operations. The airport is a commercial aviation industrial precinct with a 300% increase in flights in the past three years. 2. Regional commercial aviation growth - It is expanding, with staged construction underway, to be Queensland's second largest commercial aviation precinct. It is well positioned to become a training hub for the Asia-Pacific, providing world-class facilities and importantly, attracting a larger share of the \$322 million local aviation sector which is facing increasing pressure to relocate due to Cairns Airport plans to expand commercial aviation.	Available	-17.07106	145.43259
3	Mareeba Dimbulah Road between Piemonte and Lemonside Roads	1. Primary producer productivity - <b>Musciloba</b> is primarily an agricultural area, that would benefit greatly from mobile phone coverage to boost productivity and innovation. 2. Rural services precinct - the area includes a rural services precinct that includes a school, rural fire brigade, postal and retail services (petrol, café and groceries). 3. <b>Regional road</b> transport corridor - The Mulligan Highway is the freight route for all industrial, commercial and commuter activity through to Cape York, which has increased with the Rio Tinto Am run (South of Embley) project. Significant mining activity is occurring in the region e.g. Chillagoe.	Available	17.13214 -17.13671	145.16561 145.25355
4	Mulligan Highway between West Mary and East Mary Roads	1. Primary producer and tourism productivity - the area known as Mary Farms includes primary producers (horticulture, organic, beef), tourism. It includes Bustard Downs - an organic farm that also provides Farm Stay B&B guesthouses, cottages and camping; mango, lychee and cattle primary producers and Brooklyn Station, an Australian Wildlife Conservancy)	Available	-16.57859 -16.57467	145.18785 145.17711
5	Kuranda (West)	1. Rural-residential growth - this area is growing as a rural-residential satellite suburb between Mareeba and Cairns. Currently listed as a Target Location – MBSP Improving Mobile Coverage Round 6 <a href="https://www.infrastructure.gov.au/sites/default/files/documents/mobile-black-spot-program-improving-mobilecoverage-round-target-locations-october2022">https://www.infrastructure.gov.au/sites/default/files/documents/mobile-black-spot-program-improving-mobilecoverage-round-target-locations-october2022</a>	Available	-16.81105 -16.87090	145.63939 145.54538

Actions and follow-up, accountability and timeframe	Action	By Whom	By When
	Insufficient battery backup at network sites in Mareeba Shire including Speewah, Dimbulah, Mutchilba	Josie Pickering All three sites have been escalated for remediation.  Dimbulah and Mutchilba batteries have since been upgraded.	Open until Speewah batteries have been remediated.
	Exchange yards at Almaden and Kuranda are not being maintained.	Josie Pickering Have forwarded video sent from Cr Wyatt onto Team Leader of the location for action	Completed
	Mutchilba – No mobile coverage. Large agriculture location with over 150 workers on farmers. Coverage drops at Mareeba Dimbulah Rd and Piemonte Rd	We have Mutchilba highlighted as one of our priority sites where we would like to see a Mobile Tower built and will continue to promote Mutchilba with our planners	Completed
	Provide contact details for Telstra Team.	<a href="mailto:Rachel.A.Cliffe@team.telstra.com">Rachel.A.Cliffe@team.telstra.com</a> 0448636560 Regional General Manager <a href="mailto:Josie.M.Ryan@team.telstra.com">Josie.M.Ryan@team.telstra.com</a> 0428790641 Regional Engagement Manager <a href="mailto:Andrew.Dansie@team.telstra.com">Andrew.Dansie@team.telstra.com</a> 0437228045	Completed
	Telstra to contact Speewah Resident Association chairperson Annie Austin 0447439667	Josie has called and had a discussion with Annie as well as Mick Dubb warden at Fire Brigade. Also, Charollette another community member.	Completed
	3G social media tiles for Mareeba Shire to share with the community	Josie Pickering has shared this content with council	Completed
	Kuranda West predicted coverage map	Will share predicted coverage maps when site has reached AAA	Open

**14.2 SUMMARY OF NEW PLANNING APPLICATIONS & DELEGATED DECISIONS FOR THE MONTH OF JULY 2024**

**Date Prepared:** 2 August 2024  
**Author:** Coordinator Planning Services  
**Attachments:** Nil

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Please see below information.

**Summary of new Planning Development Applications and Delegated Decisions for July 2024**

New Development Applications					
Application #	Lodgement Date	Applicant/ Address	Property Description	Application Type	Status
OPW/24/0003	25/07/2024	The Roman Catholic Trust – Saint Stephens College C/- Clark and Prince Architects  McIver Road Mareeba	Lot 3 on RP843505	Operational Works - Roadworks associated to new development at St Stephens Catholic College – (Innovation Centre)	Application Stage
OPW/24/0004	25/07/2024	Sutariya Brother Pty Ltd TTE C/- Clark and Prince Architects  Malone Road Mareeba	Lot 15 on RP846956	Operational Works - Associated to MCU/21/0014 - Service Station and Caretaker's Accommodation	Application Stage

Decision Notices issued under Delegated Authority					
Application #	Date of Decision Notice	Applicant	Address	Property Description	Application Type
OPW/21/0006	31/07/2024	Conmat No 1 Pty Ltd C/- ERSCON Consulting Engineers Pty Ltd	2-4 Quill Street, Mareeba	Lot 22 on SP217220	Development Permit for Operational Works (Bulk Earthworks / Drainage Works and Access & Services Infrastructure)
RAL/24/0007	01/07/2024	Dylan Wearmouth	22 Devil Devil Close Julatten	Lot 38 on RP747819	Development Permit for Reconfiguration of a Lot – Subdivision (1 Into 2 Lots)
RAL/24/0008	01/07/2024	Surdham Pty Ltd C/- Freshwater Planning	303 Koah Road, Koah	Lot 1 on RP748306	Development Permit for Reconfiguration of a Lot – Subdivision (1 into 2 lots)

Negotiated Decision Notices issued under Delegated Authority					
Application #	Date of Decision Notice	Applicant	Address	Property Description	Application Type
Nil					

Change to Existing Development Approval issued					
Application #	Date of Decision	Applicant	Address	Property Description	Application Type
Nil					

July 2024 (Regional Land Use Planning)

Referral Agency Response Decision Notices issued under Delegated Authority					
Application #	Date of Decision	Applicant	Address	Property Description	Application Type
CAR/24/0011	3/07/2024	G V Bockel C/- Emergent Building Approvals	121 Blacks Road Mareeba	Lot 5 on SP280055	Referral agency response for building work assessable against the Mareeba Shire Council Planning Scheme 2016 (Class 10a Shed GFA Dispensation)

Extensions to Relevant Period issued					
Application #	Date of Decision	Applicant	Address	Property Description	Application Type
RAL/18/0025	24/07/2024	N Derakhshan	2-6 Black Mountain Road Kuranda	Lot 1 on RP743970	Reconfiguring a Lot - Subdivision (1 into 4 Lots)
OPW/20/0001	24/07/2024	N Derakhshan	2-6 Black Mountain Road Kuranda	Lot 1 on RP743970	Operational Works (Roadworks, Stormwater, Water Infrastructure, Drainage and Earthworks)

Survey Plans Endorsed					
Application #	Date	Applicant	Address	Property Description	No of Lots
RAL/23/0005	3/07/2024	A M Leighton C/- RPS AAP Consulting	229 Randazzo Road Mareeba	Plan of Lots 77 and 78 on SP347200 (Cancelling Lot 77 on HG470 and Lot 148 on HG569)	2

July 2024 (Regional Land Use Planning)